

Meeting of the

DEVELOPMENT COMMITTEE

Thursday, 10 May 2012 at 7.00 p.m.

A G E N D A

VENUE

M71 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Helal Uddin Councillor Marc Francis	Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Kabir Ahmed, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Anwar Khan, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis) Councillor Ann Jackson, (Designated Deputy representing Councillors Helal Abbas, Helal Uddin, Kosru Uddin, Shiria Khatun and Marc Francis)

[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

DEVELOPMENT COMMITTEE

Thursday, 10 May 2012

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 5th April 2012.

3 - 8

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee. **9 - 10**

The deadline for registering to speak at this meeting is 4pm Tuesday 8th May 2012.

6. DEFERRED ITEMS

11 - 12 **All Wards**

7. PLANNING APPLICATIONS FOR DECISION

13 - 16

7 .1 **136-140 Wapping High Street, London, E1W 3PA
(PA/12/00051 & PA/12/00052)**

17 - 58

**St
Katharine's
& Wapping**

7 .2 **Site at land adjacent to railway viaduct, Gill Street, E14
(PA/10/01826)**

59 - 92

Limehouse

7 .3 **4 Wilkes Street, London E1 1QF (PA/11/02495)**

93 - 104

**Spitalfields
&
Banglatown
Weavers**

7 .4 **254 Hackney Road, London, E2 7SJ (PA/12/00072)**

105 - 114

7 .5 **Brownfield Estate, Infill Sites 1 and 2 located on
Brownfield Street and Infill Site 3 located at the
junction of Lodore Street and Adderley Street
(PA/11/02257)**

115 - 144

**East India &
Lansbury**

7 .6 **Wood Wharf, Preston's Road E14 (PA/12/00430)**

145 - 160

Millwall

8. OTHER PLANNING MATTERS

161 - 162

8 .1 **Legacy Community Scheme Outline Planning
Application (PA/11/03186)**

163 - 192

Bow East

8 .2 **Planning Appeals Report**

193 - 196

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 5 APRIL 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Kosru Uddin

Councillor Craig Aston

Councillor Helal Uddin

Councillor Shiria Khatun (Vice-Chair)

Other Councillors Present:

Councillor Peter Golds

Councillor Gloria Thienel

Officers Present:

Jerry Bell – (Applications Manager, Development and
Renewal)

Fleur Brunton – (Senior Lawyer - Planning Chief Executive's)

Pete Smith – (Development Control Manager, Development &
Renewal)

Alan Ingram – (Democratic Services)

COUNCILLOR HELAL ABBAS (CHAIR) – IN THE CHAIR

At the commencement of the meeting, the Chair indicated that there would be a brief adjournment before consideration of agenda item 8.1 to await the arrival of Councillor Shiria Khatun (Vice-Chair) who had been delayed by traffic conditions.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Md. Maium Miah and Councillor Marc Francis and for lateness from Councillor Shiria Khatun.

2. DECLARATIONS OF INTEREST

Councillor	Item(s)	Type of interest	Reason
Helal Abbas	8.1	Personal	Had received emails concerning the application but had not made any response or commented and had not opened the emails.
Kosru Uddin	8.1	Personal	He was a Board member of London Thames Gateway Development Corporation.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 8th March 2012 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

The Chair added that he had used his discretion to allow Councillor Peter Golds to address the meeting, although his request to do so had been out of time, in view of the large amount of public interest in the application and Councillor Golds' position as a Ward Member.

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

Nil Items.

The Chair adjourned the meeting at 7.05 p.m., as explained earlier, to allow for the arrival of Councillor Shiria Khatun (Vice-Chair). The meeting reconvened at 7.10 p.m., when Councillor Khatun arrived. At this point, Councillor Shiria Khatun confirmed that she had no declarations of interest to make.

8. OTHER PLANNING MATTERS

8.1 Land at Virginia Quay off Newport Avenue, Newport Avenue, London, E14 (PA/11/01426)

Mr Pete Smith, Development Control Manager, introduced the circulated report and **Tabled** update regarding the application for planning permission for land at Virginia Quay off Newport Avenue, London, E14.

Mr Smith confirmed that the application had been heard by the London Thames Gateway Development Corporation (LTGDC) on 9th February 2012 with the Corporation's Officers recommending the application for approval. Members of the Board had resolved to defer the application so that officers could consider possible reasons for refusal and a further report on this basis be prepared. Mr Smith advised that following the meeting on 9th February 2012 the applicants had revised the application and provided further information in support. The amendments and information had been considered by Officers and Mr Smith recommended that the Committee resolve to ratify Officers' view that the reasons for objection formerly put forward should be amended to read as follows:

"1. The proposal constitutes over-development of the site by virtue of impacts associated with excessive density, these being loss of daylight and sunlight as well as increased overshadowing for existing residents and poor levels of public transport accessibility. The proposal is therefore contrary to policies 3.4 and 3.5 of the London Plan (2011), SP10 of the Core Strategy Development Plan (2010), saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance (2007).

2. The proposal provides an unacceptable amount of affordable housing. As such, the proposal does not accord with policies 3.8 and 3.12 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP0 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices."

Additional consultation had resulted in further objections from the public as detailed in the update report.

The Chair then invited registered speakers to address the meeting.

Mr Cliff Prior, speaking in objection to the application, stated that some 800 objections had been received from 80% of households in the area of the proposed development. It was unclear to local residents and Councillors as to why the scheme was again put forward for consideration. LTGDC had arranged another meeting to consider the matter in Easter week, without awaiting the Borough's further comments, and would not release details of legal advice sought by them. The application now contained further information regarding car parking but it was not helpful that concierge staff did not live on the estate. There would be severe problems as a disabled space was needed and all six proposed spaces were actually owned by another block. The PTAL score of 2 meant that the site was hard to access by public transport. The proposal was felt to be a piecemeal, infill development that would take away a prime and very important site from the Borough.

In response to queries from a Member, Mr Prior added that the applicants had put forward a parking pressure survey that was full of errors, especially relating to statements from concierges who had stated that there would be no problems although they were not actually residents on the estate.

Councillor Peter Golds, speaking in objection to the application, indicated that he was representing the overall number of residents of the estate and Jim Fitzpatrick, MP, who had supported the objection at all stages. Councillor Golds expressed the view that the application constituted garden-grabbing and would not add to the Borough or provide enough family housing. He felt that this was speculative land-grabbing aimed only at the developer being able to make money. There was currently an unobstructed view from East India DLR to the O2 but, if the application was granted, this would only be a view of a 12 storey block. It would not be possible to divert the DLR and buses could not give proper access to the site, resulting in people having to negotiate dangerous roadways. He concluded that the Committee should again raise objections to the proposals.

The Chair stated that there were no speakers registered in support of the application.

Mr Jerry Bell, Applications Manager, made a detailed presentation of the proposals and commented that the application was not for determination by the Committee but had been submitted so that Members could give a view on

the revised scheme. The revisions applied only to the internal layout of the building and the mix of the residential units and reasons for not supporting the application should be amended in the light of the latest report (as set out above in these minutes).

The Chair remarked that discussion when the application had been first considered demonstrated Members' strength of feeling.

Members then put questions relating to:

- Possible affordable rents.
- Inadequacy of daylight/sunlight levels.
- Possible additional public transport contributions for the improvement of buses.

Officers' responses included information that:

- The rent level for four bed units should be at or below the Pod research recommended level of £242 per week.
- There had been no physical changes to the building that would improve the daylight/sunlight position.
- It was not felt that there was any possibility of obtaining further contributions for bus improvements given the relatively limited amount of units proposed.

On a unanimous vote the Committee **RESOLVED**

(1) That the officers' views in objecting to the revised proposals for land at Virginia Quay, off Newport Avenue, London, E14, (PA/11/01426) be agreed for the reasons set out in the circulated report.

(2) That, if LTGDC are minded to approve the application, officers seek to secure an affordable rent level of £242 for the 4 bed affordable rent unit, as well as the conditions as set out in the circulated report.

9. APPEALS REPORT

Mr Pete Smith, Development Control Manager, introduced the report which provided details of appeals, decisions and new appeals lodged against the Authority's Planning decisions.

RESOLVED

That details and outcomes of the appeals as set out in the report be noted.

The meeting ended at 7.50 p.m.

Chair, Councillor Helal Abbas
Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

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

Agenda Item 6

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 6.
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

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

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

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

Tick if copy supplied for register

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

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Agenda Item 7

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), 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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Agenda Item 7.1

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Adam Williams		Ref No: PA/12/00051 & PA/12/00052	
		Ward(s): St Katherine's & Wapping	

1. APPLICATION DETAILS

1.1 **Location:** 136-140 Wapping High Street, London, E1W 3PA

Existing Use: Office/data centre

Proposal: Applications for planning permission and conservation area consent for part demolition and erection of three additional floors and new facade treatments; change of use of the existing property from Offices (B1a) to Residential (C3) comprising 51 residential units and a 50sq.m commercial unit (Use Class A1/A2/A3/A4/A5/B1a) at ground floor level; and other operational and associated works in relation to the proposed development.

Drawing Nos / Documents:

- 616-P-01 (Rev A);
- 616-P-02;
- 616-P-110 (Rev A);
- 616-P-111 (Rev B);
- 616-P-112;
- 616-P-113 (Rev A);
- 616-P-114;
- 616-P-115 (Rev A);
- 616-P-116;
- 616-P-117;
- 616-P-120;
- 616-P-121;
- 616-P-122 (Rev B);
- 616-P-123;
- 616-P-124 (Rev A);
- 616-P-131;
- 616-P-132;
- 616-P-133;
- 616-P-134 (Rev A);
- 616-P-136;
- 616-P-137;
- 616-P-138;
- 616-P-139;
- 616-P-140;
- 616-P-141 (Rev A);
- 616-P-142 (Rev A);
- 616-P-143;
- 616-P-144;
- 616-P-145 (Rev A);
- 616-P-146;

- 616-P-147;
- 616-P-149 (Rev A);
- 616-P-150;
- 616-P-151;
- 616-P-152;
- 616-P-153;
- 616-B-50;
- 616-B-51;
- 616-B-52;
- 616-B-53;
- 616-B-55;
- 616-B-56;
- 616-B-57;
- 616-B-58;
- Planning Statement, prepared by Signet Planning, dated 23 December 2011;
- Summary / Impact Report, prepared by Signet Planning, dated 23 December 2011;
- Design and Access Statement, prepared by Galliard Homes Ltd., dated December 2011;
- GLA Affordable Housing Toolkit Assessment (2011/2012 Version), Edition 2 (December 2011) – Main Report and Findings with Appendices, prepared by Scott Bailey;
- 138-140 Wapping High Street Office Market Review, prepared by Savills, dated August 2010;
- Daylight / Sunlight Report, prepared by GVA, dated 19 December 2011;
- Annotated daylight and sunlight model, showing existing and proposed massing;
- Supplementary Information – Daylight Analysis to Gun Wharf, prepared by GVA, dated 18 April 2012;
- Email from Matthew Craske of GVA dated 23 April 2012;
- Daylight Results for 1-50 Gun Wharf, 126-130 Wapping High Street, prepared by GVA, received 23 April 2012;
- BRE/41, dated April 2012;
- Noise Assessment, prepared by Sharps Redmore Partnership, dated 30 March 2011;
- Assessment of Ground Borne Noise Due to the EEL and Mechanical Services Plant Noise, prepared by Sharps Redmore Partnership, dated 18 April 2012;
- Transport Statement (Issue 9), prepared by Cole Easdon Consultants, dated December 2011;
- Technical Note – Draft Delivery and Servicing Management Plan, prepared by Cole Easdon Consultants, dated March 2012;
- Site Waste Management Plan, prepared by Galliard;
- Archaeological Statement, prepared by CGMS Consulting, dated December 2011;
- Flood Risk Assessment (Issue 3), prepared by Cole Easdon Consultants, dated December 2011;
- Biodiversity Statement, prepared by Ecology Solutions Ltd., dated December 2011;
- Energy Strategy Report (Revised), prepared by Mendick Waring Ltd, dated 18 April 2012;
- Heating Profile Calculation for CHP Unit;

- Code for Sustainable Homes Pre-Assessment Estimator Tool, for 136-140 Wapping High Street, London;
- BREEAM 2011 New Construction Pre-Assessment Estimator, for 136-140 Wapping High Street;
- TER 2009 Worksheet (multiple), dated 22 December 2011.

Applicant: Wapping Riverside Ltd

Owners: IBM;
EDF Energy;
Port of London Authority

Historic Building: N/A

Conservation Area: Wapping Wall

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), London Borough of Tower Hamlets Unitary Development Plan (1998), the Managing Development Development Plan Document (Proposed Submission Version January 2012), the Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:
- 2.2 Sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of saved Policy EMP3 of the Unitary Development Plan (1998), Policy DM15(1) of the Managing Development DPD (2012) and Policy EE2 of the Interim Planning Guidance (2007). These policies seek to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in questions is unsuitable for continued employment use or is surplus to requirements.
- 2.3 The proposed delivery of 51 new residential dwellings accords with the objectives of Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2011), which support the delivery of new housing in the Borough in line with the housing targets set out in the London Plan.
- 2.4 The proposed development would provide 35.2% affordable housing by habitable room, in accordance with Policy SP02(3) of the Council's adopted Core Strategy (2010), Policy HSG3 of the Interim Planning Guidance (2007), and Policies 3.8, 3.9 and 3.11 of the London Plan (2011). These policies seek to maximise the delivery of affordable housing in line with the Council's target of 50% affordable housing provision, with a minimum provision of 35%.
- 2.5 The proposed development provides a mix of unit sizes, including a high proportion of 1 and 2 bed market units, as well as a high proportion of family sized (3 bed+) affordable units, which responds well to the identified housing need in the Borough. The proposal therefore accords with Policy SP02(5) of the Council's adopted Core Strategy (2010), saved Policy HSG7 of the Unitary Development Plan (1998), Policy DM3(7) of the Managing Development DPD (Proposed Submission Version January 2012) and Policy 3.8 of the London Plan (2011)
- 2.6 The proposed room sizes and layouts have been assessed against the standards set out in the Mayor of London's Housing Design Guide, Interim Edition (2010), and are considered to be acceptable. As such, the proposal accords with the requirements of Policy HSG13 of the Unitary Development Plan (1998), Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development DPD (Proposed Submission Version January 2012). The policies

require residential development to include adequate internal space in order to function effectively.

- 2.7 The proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) Policy DM24 of the Managing Development DPD (2012), Policy DEV2 of the Interim Planning Guidance (2007), and Policy 7.4 of the London Plan (2011).
- 2.8 The proposal accords with the requirements of Policy SP04(4) of the Council's adopted Core Strategy (2010), saved Policy DEV46 of the Unitary Development Plan (1998), Policy DM12(4) of the Managing Development DPD (Proposed Submission Version January 2012), Policy OSN3 of the Interim Planning Guidance (2007) and Policies 7.28 and 7.29 of the London Plan (2011). These policies seek to resist developments that would adversely impact on the character, setting, views, operation and ecology value of waterways within the Borough.
- 2.9 The proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DEV30 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Proposed Submission Version January 2012), Policy CON2 of the Interim Planning Guidance (2007), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.
- 2.10 The proposed building, by virtue of its height, stepped roof profile, design and materials, would not adversely affect the setting of the adjacent Grade II listed former 19th century warehouse at Gun Wharf, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development DPD (Proposed Submission Version January 2012), Policy CON1 of the Interim Planning Guidance (2007), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development located in the vicinity of Statutory Listed Buildings does not have an adverse impact on the setting of those buildings.
- 2.11 Given the poor condition and appearance of the existing building and the high quality architectural design of the proposed replacement building, it is considered that the partial demolition of the existing building accords with the requirements of saved Policy DEV28 of the Unitary Development Plan (1998). This policy seeks to ensure that the character of the Borough's Conservation Areas is not harmed by inappropriate demolition of building.
- 2.12 The proposal would not result in any significant detrimental impacts on neighbouring residential amenity in terms of daylighting and sunlighting conditions, outlook or noise disturbance, in accordance with Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) Policy DM25 of the Managing Development DPD (2012) and Policy DEV1 of the Interim Planning Guidance (2007). These policies require development to protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

- 2.13 The proposal includes adequate provision of private and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD (Proposed Submission Version January 2012) and Policy HSG7 of the Interim Planning Guidance (2007).
- 2.14 The proposal includes adequate provision of private and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD (Proposed Submission Version January 2012) and Policy HSG7 of the Interim Planning Guidance (2007).
- 2.15 Subject to condition, it is considered that the on-street servicing arrangements for the commercial unit are adequate and would not significantly impact on the capacity or safety of the road network, which accords with the requirements of Policy SP09(3) of the Council's adopted Core Strategy (2010), saved Policy T16 of the Unitary Development Plan (1998), Policy DM20(2) of the Managing Development DPD (2012) and Policy DEV17 of the Interim Planning Guidance (2007).

3. RECOMMENDATION

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

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

- (a). A contribution of £16,487.05 towards Employment & Skills Training
- (b). A contribution of £13,860 towards Idea Stores, Libraries and Archives.
- (c). A contribution of £49,125.00 towards Leisure Facilities.
- (d). A contribution of £185,681.00 towards Education.
- (e). A contribution of £67,830.00 towards Health.
- (f). A contribution of £1,650.00 towards Sustainable Transport.
- (g). A contribution of £88,268.40 towards Public Open Space.
- (h). A contribution of £85,488.00 towards Streetscene and Built Environment.
- (i). A contribution of £10,167.79 towards Monitoring.
- (j). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.
- (k). Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.

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

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

Conditions

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Samples and details and external materials to be submitted for approval.
4. Details of windows and doors to PAS 23/24 certification.
5. Details of privacy screen to terrace of unit 6.01.
6. Development to comply with Lifetime Homes standards.
7. Details of 10% wheelchair accessible units to be submitted.
8. Details of biodiversity enhancements to be submitted.
9. Compliance with Energy Strategy.
10. Details on the CHP system (10kWe) to be submitted.
11. Minimum of 65m² (9.6kWp) of photovoltaic panels to be installed.
12. Submission of Code for Sustainable Homes certificates to demonstrate the development achieves a minimum "Level 4" rating.
13. Submission of BREEAM certificates to demonstrate the development achieves a minimum "Excellent" rating.
14. Developer to consult with LPA if any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works.
15. Full details of noise and vibration mitigation measures for proposed dwellings.
16. Noise Impact Assessment and details of all plant to be submitted.
17. S106 car free agreement.
18. Construction Management Plan to be submitted.
19. Full details of the demolition, design and construction methodology, including full details of cranes, to be submitted.
20. All private forecourt/areas to be drained within the site and not into the Public Highway.
21. Scheme of highway improvement works to be submitted.
22. Details of cycle parking stands to be submitted.
23. Details of the refuse storage and collection arrangements for the commercial unit to be submitted.
24. Delivery and Servicing Management Plan to be submitted.
25. Development to be carried out in accordance with the approved Flood Risk Assessment.
26. Communal roof terrace to be provided prior to occupation and retained for use by all residential units.
27. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. The developer is to contact PLA's Licensing Officer.
4. Thames Water informative regarding minimum water pressure.
6. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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.

- 3.2 That the Committee resolve to **GRANT** conservation area consent subject to:

Conditions

1. Time Limit
2. Demolition and redevelopment works to be under the same contract.

4. PROPOSAL AND LOCATION DETAILS

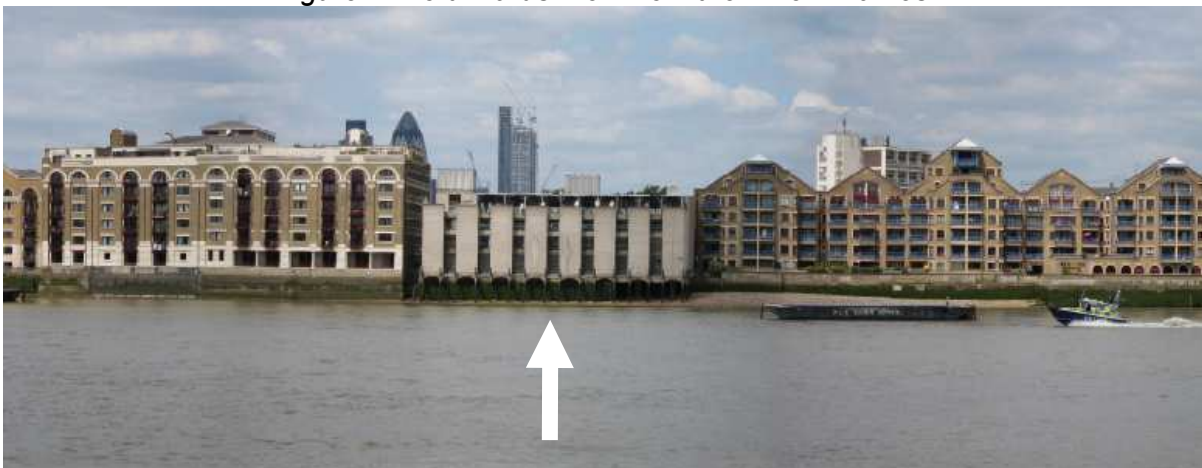
Proposal

- 4.1 The application proposes the conversion and extension of the existing four storey commercial building at 136-140 Wapping High Street from offices (Use Class B1) to residential (Use Class C3). The proposal involves the partial demolition of the existing building, with only the floor slabs and structural columns being retained. It is then proposed to erect a new shell onto the existing building core, together with the erection of three additional storeys. The resultant building would provide a total of 51 residential units together with a 50 square metre commercial unit at ground floor level that incorporates a flexible use for either A1, A2, A3, A4, A5 or B1a use.
- 4.2 The proposed building is of a clean, contemporary design, with the façades of the building faced in brick, whilst the upper storeys of the building at fifth and sixth floor level are of lightweight design and construction, incorporating pre-weathered copper cladding and full-height glazing, and are set back from the below floors. The front elevation of the building includes recessed balconies located at regular intervals, whilst the rear elevation includes part recessed/part projecting balconies that face south across the River Thames.
- 4.3 The proposed scheme delivers 35.2% affordable housing by habitable room and includes separate entrance lobbies, lift cores, bin stores and cycle stores for both the market and affordable units, with all units having access to communal amenity space at roof level. All proposed dwellings are to be built to 'Lifetime Homes' standards and 10% of dwellings are fully wheelchair accessible. It is projected that the development will achieve a 33% reduction in carbon dioxide emissions over the 2010 Building Regulations and residential units have been designed to a Code for Sustainable Homes Level 4 rating, whilst a BREEAM 'Excellent' rating is targeted for commercial element of the scheme.

Site and Surroundings

- 4.4 The application site is a four storey commercial building that was constructed as a warehouse in the 1960's. The façade of the building is faced in grey brick and is of a stark, utilitarian design. The site is bounded by the public highway at Wapping High Street to the north, the adjoining 5-7 storey late 20th century apartment block at 142 Wapping High Street to the east, the River Thames to the south, and the adjacent Grade II listed former warehouse known as at Gun Wharf, at 130 Wapping High Street, which was converted to residential use in the late 1980's to the west. The western half of the application site is situated immediately adjacent the Wapping Overground Station, within which the tunnel entrance and the stairways from the platforms to the street are Grade II listed (see paragraph 4.8 for the English Heritage listing description).

Figure 1: Northwards View from the River Thames



- 4.5 The surrounding area is predominantly residential in character, comprising a mix of 19th century warehouses that have been converted to residential use, together more recent residential developments constructed in the 1980's and 1990's. The site is located a short distance to the east of Wapping Lane, which includes some local shops and restaurants.
- 4.6 The site lies within the Thames Policy Area as designated in the London Plan (2011) and lies within Flood Risk Zone 3. The River Thames and adjacent section of foreshore is designated as a Site of Importance for Nature Conservation (SINC). In addition, the site lies on land designated as being of Archaeological Importance or Potential.
- 4.7 The application site lies within the Wapping Wall Conservation Area, which was designated in January 1983 by the London Docklands Development Corporation (LDDC). Wapping Wall follows the eastern part of the road along the top of the dyke or river wall, after which it is named. Breaching of the wall was a serious problem until the 1580s when it was strengthened by the construction of a continuous line of wharves. The Docklands heritage has provided the framework for the area's regeneration.
- 4.8 The English Heritage listing description for Wapping Station is as follows:

Name: WAPPING UNDERGROUND STATION (BRUNEL'S TUNNEL ENTRANCE AND THE STAIRWAYS FROM PLATFORM TO STREET ONLY)

List Entry Number: 1065802

Location

WAPPING UNDERGROUND STATION (BRUNEL'S TUNNEL ENTRANCE AND THE STAIRWAYS FROM PLATFORM TO STREET ONLY), WAPPING HIGH STREET E1

County: Greater London Authority

District: Tower Hamlets

District Type: London Borough

Grade: II

Date first listed: 27-Sep-1973

Details

1. WAPPING HIGH STREET E1

4431

(South Side)

Wapping Underground Station

(Brunel's tunnel entrance and the stairways from platform to street only)

TQ 3580 23/820

II

2.

Incorporates the entrance to the Thames Tunnel by Sir Marc Isambard Brunel, built 1824-43. The curved stairways ascending from each platform to the street are part of the original station.

- 2.

Listing NGR: TQ3502580172

Relevant Planning History

- 4.9 PA/58/00887

On 9 April 1958 planning permission was **granted** for the reconstruction of Wapping (London Transport) Station.

- 4.10 PA/58/00890
On 23 May 1958 outline planning permission was **granted** for the use of part of sites above for the storage and wharfage of timber and for the erection of four drying kilns together with a boiler house and storage sheds of aggregate floor space not in excess of 5,000 st. ft.
- 4.11 PA/60/01275
On 20 July 1960 planning permission was **granted** for the establishment of a transport depot and the erection of single storey building to be used for garaging vehicles and a building mainly at first floor level, along the street frontage to be used as offices and as a flat for occupation by a caretaker on sites above.
- 4.12 PA/60/00902
On 12 February 1962 planning permission was **granted** for the erection of a building comprising basement, ground, first and second floors and for its use as a warehouse with a car park on the basement floor and with ancillary offices and canteen on the second floor.
- 4.13 PA/65/00641
On 14 September 1965 planning permission was **granted** for the installation of an electricity transformer chamber.
- 4.14 PA/80/01081
On 13 November 1980 planning permission was **granted** for the construction of new entrance screen to front elevation.
- 4.15 WP/89/00267
On 22 January 1990 planning permission was **granted** for the change of use from archive storage and computer suite to B1 use together with associated car parking.
- 4.16 PA/11/00841 & PA/11/00842
On 12 September 2011 applications for planning permission and conservation area consent were **withdrawn** for part demolition and erection of three additional floors and new facade treatments; change of use of the existing property from Offices (B1a) to Residential (C3) comprising 55 residential units and 50sq.m of commercial unit (Use Class A1/A2/A3/A4/A5/B1a) at ground floor level; and other operational and associated works in relation to the proposed development.

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

National Policy Planning Framework (2012)

5.3 Spatial Development Strategy for Greater London (London Plan)

Proposals: Thames Policy Area

Policies:	Policy No.	Title
	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
	3.8	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
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
4.12	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
5.12	Flood risk management
5.13	Sustainable drainage
5.15	Water use and supplies
5.21	Contaminated land
6.3	Assessing 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
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.10	World heritage sites
7.11	London view management framework
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
7.24	Blue Ribbon Network
7.28	Restoration of the Blue Ribbon Network
7.29	The River Thames
8.2	Planning obligations

5.4 Core Strategy Development Plan Document 2025 (adopted September 2010)

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
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP13	Delivering and implementation

5.5 Unitary Development Plan 1998 (as saved September 2007)

Proposals: Area of Archaeological Importance or Potential

Policies:	Policy No.	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV28	Demolition in Conservation Areas
	DEV30	Additional Roof Storeys in Conservation Areas
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV45	Development in Areas of Archaeological Interest
	DEV46	Riverside, Canalside, Docks and Other Water Areas
	DEV48	Water Frontages
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV57	Nature Conservation and Ecology
	DEV56	Waste Recycling
	EMP1	Encouraging New Employment Uses
	EMP3	Surplus Office Floorspace
	EMP8	Encouraging Small Business Growth
	HSG7	Dwelling Mix and Type
	HSG13	Internal Standards for Residential 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
	S7	Considerations for Development of Special Uses
	S10	Requirements for New Shopfronts
	U2	Development in Areas at Risk from Flooding

5.6 Managing Development Development Plan Document (proposed submission version) January 2012 (MD DPD)

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
	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
	DM27	Heritage and the historic environment
	DM29	Achieving a zero-carbon borough and addressing climate

DM30 change
Contaminated land

5.7 Interim Planning Guidance for the purposes of Development Control 2007 (IPG)

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
	DEV12	Management of Demolition and Construction
	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
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision outside of Town Centre
	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
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas

5.9 Supplementary Planning Guidance/ Other Relevant Documents

LBTH

LBTH Planning Obligations Supplementary Planning Document (2012)

LBTH Wapping Wall Conservation Area Character Appraisal and Management Plan (2007)

LBTH Designing Out Crime Supplementary Planning Guidance (2002)

Mayor of London

London Housing Design Guide, Interim Edition (2010)

Thames Estuary Partnership

Thames Strategy East (2008)

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

LBTH Transportation & Highways

- 6.2 Highways require further clarification over the proposed cycle parking arrangements but have no objections to the development proposals in principle.

If planning permission is granted, please include the following:

- A S106 car and permit free agreement is required.
- A Delivery and Servicing Management Plan is required to be secured via condition.
- A Construction Management Plan will also be required to be secured via condition.
- 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. Details to be submitted to and approved by LBTH.
- The development authorised by this permission shall not commence until the Council (as local planning authority and the highway authority) has approved in writing the scheme of highway improvements necessary to serve this development.

Officer Comments: *In response to the above request for clarification of the proposed cycle parking arrangements, the applicant has submitted a revised cycle store plan, reference: '616-P149 (Rev A)'; showing the provision of a mixture of Sheffield style stands and wall mounted stands. This is discussed in paragraphs 8.86 to 8.89 of this report and is considered to be acceptable.*

LBTH Biodiversity Officer

- 6.3 The site currently has no biodiversity value. Bat surveys found no evidence of bats. Therefore there are no potential adverse impacts on biodiversity. The Biodiversity Statement refers to native planting on the roof, and provision of bird and bat boxes as biodiversity enhancements. However, while the plans show a roof garden, I can find no planting plan for this, nor any reference in the plans to bird and bat boxes. The roof garden is quite small and is intended primarily for amenity. Nevertheless it presents an opportunity to enhance biodiversity by including native species and/or plants that provide nectar or berries. The application site is adjacent to the River Thames, so there could also be opportunities to green the river wall in some way. A condition should be imposed that details of biodiversity enhancements should be provided and approved by the Council. The enhancements should then be implemented as approved.

LBTH Energy Efficiency Unit

- 6.4 Following the submission of the updated energy strategy the Sustainable Development Team are satisfied with the anticipated 33% emission reductions on Building Regulations 2010. Whilst the proposed energy strategy falls short of the requirements of Draft Policy DM29 (which seek a 35% reduction) the anticipated savings are in accordance with the 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).

Recommended conditions:

- Compliance with Energy Strategy.
- Details on the CHP system (10kWe).
- Minimum of 65m² (9.6kWp) of photovoltaic panels to be installed.
- Submission of Code for Sustainable Homes certificates to demonstrate the development achieves a minimum "Level 4" rating.
- Submission of BREEAM certificates to demonstrate the development achieves a minimum "Excellent" rating.

LBTH Crime Prevention Officer

- 6.5 Concerns are raised about the vulnerability of the River and Eastern elevations on the lower

floors, particularly that they may be vulnerable to illegal access and there for crime. In addition, the bin store, cycle store and residential store doors need to be to PAS 23/24 certification with suitable locks, with the residential entrances incorporating laminated glass to 6.4mm, mag locks (not electric strikes), no trades buttons, video entry, and the whole scheme should be conditioned to be to SBD standards.

Officer Comments: *It is recommended that details of the above recommended security measures are secured by condition.*

LBTH CLC Strategy

- 6.6 Financial contributions are required towards Idea Stores, Libraries and Archives, Leisure Facilities, Public Open Space, Smarter Travel and Public Realm Improvements, in line with the Planning Obligations SPD.

LBTH Education Development Team

- 6.7 No comments have been received.

LBTH Waste Policy and Development

- 6.8 Residential waste storage arrangements are adequate. However they should only use this storage for the proposed domestic units. Any commercial units will need a separate storage facility.

LBTH Environmental Health (Health and Safety)

- 6.9 The development should comply with the Construction (Design and Management) Regulations 2007 and Workplace Health Safety and Welfare Regulations 1992. The applicant is required notify the enforcing authority, (HSE), of any work on asbestos covered by the Control of Asbestos at Work (amendment) Regulations 1998 and the Asbestos (Licensing)(amendment) Regulations 1998. Premises used as an establishment for special treatment must have a special treatment licence granted under the above Act by the borough council.

LBTH Environmental Health (Contaminated Land)

- 6.10 The Applicant must carry out an investigation to classify any waste soil arising from the ground works, to allow the citing of an appropriately licensed landfill facility for disposal of the waste. Any planning permission should be subject to a condition requiring the development to consult with the local planning authority if any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works.

LBTH Environmental Health (Noise and Vibration)

- 6.11 The site falls within category "B" of PPG 24 which that states that: - Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise. Although the existing development doesn't appear to experience any particular noise and vibration issues, conditions should be imposed to ensure that adequate noise insulation is installed and that structure borne noise will not cause any problems with the new build over the railway tunnel. This should be taken into account in the design to meet the council's rail noise policy limit of 35 dBA. Other conflict of use may occur at the development between residential and its commercial uses and any mechanical and electrical plant noise; servicing and delivery noise should also be taken into account.

Officer Comments: *It is noted that PPG24 has now been replaced by the NPPF, however it remains appropriate to consider protection against noise. It is recommended that a condition be included to secure full details of noise and vibration mitigation measures for the proposed residential dwellings are secured by condition. In addition, it is recommended that a further condition be included to require the submission and approval of a Noise Impact Assessment, including a background noise survey, together with full details of all plant and kitchen extract equipment, prior to occupation of the commercial unit for either A3, A4 or A5 purposes.*

LBTH Environmental Health (Health and Housing)

- 6.12 Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations. Licensing may be required under the Housing Act 2004 Part 2, unless the premises has Building Control approval.

LBTH Environmental Health (Air Quality)

- 6.13 No comments have been received.

LBTH Parking Services

- 6.14 No comments have been received.

Port of London Authority

- 6.15 It would appear from the application that the proposed balconies would not project further out into the river than the line of existing fendering posts and on that basis the PLA has no objection to the proposed development. The applicant is advised to contact the PLA's Licensing Officer concerning the proposed balconies and the retention and refurbishment of the timber posts.

National Air Traffic Services Ltd

- 6.16 No objection.

English Heritage

- 6.17 We reiterate the advice contained within our response to an earlier notification concerning planning application ref PA/11/00841. *'This is a sensitive site located within the Wapping wall Conservation Area and within the setting of Gun Wharves, Wapping Underground Station and King Henry's Wharves, all of which are Grade II listed. In our view, demolition of the existing post war structure presents a considerable opportunity for enhancement of the setting of these heritage assets.'*

We previously noted that 'the site projects into the river making any development quite prominent in views towards Gun Wharves and King Henry's Wharves. We would advise that particular attention is given to the details of general massing due to the impact on these views. Any development on this should also aim to provide a satisfactory visual transition between the long ranges of modern warehouse style developments to the east and the listed warehouse to the west.'

We note that the design has been subject to modification following discussion with Council officers, after the previous application was withdrawn. The modifications have included simplification of the building form and a reduced pallet of materials to reflect the warehouse and warehouse type form prevalent in this area.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

English Heritage Archaeology

- 6.18 The present proposals are not considered to have an affect on any heritage assets of archaeological interest, due to the negligible new ground impacts. Any requirement for an archaeological assessment of this site in respect to the current application could therefore be waived.

Environment Agency

- 6.19 We consider the proposed development acceptable subject to the inclusion of a condition to require the development to be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2011[issue 3] and the following mitigation measures

detailed within the FRA: Finished floor levels of residential properties should be no lower than 5.3 metres Above Ordnance Datum (AOD).

Transport for London (Street Management)

- 6.20 It is considered that the proposal would be unlikely to result in an unacceptable impact to the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) in the vicinity. However, it is considered that the proposed development would impact Wapping London Overground Station, which is operated by London Overground Limited and please see attached comments from them. Therefore, TfL is unable to support the proposal until all issues raised by London Overground has been satisfactorily addressed by the applicant.

London Underground Ltd

- 6.21 No comments have been received.

***Officer Comments:** It should be noted that Wapping Station is a London Overground, not Underground, asset*

London Fire and Emergency Planning Authority

- 6.22 No comments have been received.

Tower Hamlets Primary Care Trust

- 6.23 No comments have been received.

Thames Water Authority

- 6.24 No objection. An informative should be included to advise the developer to take account of this minimum pressure in the design of the proposed development.

London City Airport

- 6.25 Based on the maximum height at 27.25m, London City Airport has no safeguarding objection to the proposed development.

London Overground Infrastructure

- 6.26 Given the proximity of the development to LO railway, LO would like to see the following condition applied to this application:

Prior to the commencement of any development, full details of the demolition, design and construction methodology, including crane base design, crane erection and operation methodologies, and details of foundations and superstructure shall be submitted for approval.

As part of the development, no window openings should be allowed on the facades facing the station. This is to ensure that in the event of an emergency, the effects of any smoke is minimised and to ensure nothing can be thrown onto the railway or station roof.

***Officer Comments:** In order to ensure that the proposed development does not adversely affect the fabric of Wapping Station, it is recommended that a condition be included to secure full details of the demolition, design and construction methodology, including crane details. It is also recommended that full details of the windows facing Wapping Station are secured by condition.*

London Bus Service Ltd

- 6.27 No comments have been received.

7. LOCAL REPRESENTATION

7.1 A total of 334 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.

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

No of individual responses: 41 Objecting: 40 Supporting: 1
No of petitions received: 2 objecting containing 55 signatories
0 supporting containing 0 signatories

7.3 The following issues were raised in objection to the scheme that are addressed in the next section of this report:

7.4 Land Use

1. The removal of the commercial premises to create a more residential property does not encourage businesses to move to this area and provide the economic support the area needs.
2. The loss of the commercial premises will result in a loss of revenue to local businesses/shops.
3. 385 flats were recently approved at 21 Wapping Lane, thus is questionable whether there is a need for further housing in Wapping.
4. The proposed development will create a significant strain on local infrastructure resources (such as medical health, transport, education, community town centre).
5. The existing commercial use should be retained through the improvement or replacement of the existing building – the site has good potential for offices.

Housing

6. The proposal does not meet the minimum 35% affordable housing target.

Design

7. Design of the building is not in keeping with other buildings in the area and ignores the historical character of the Wapping Conservation Area.
8. The proposed development will have a significant detrimental impact on Gun Wharf, a Listed Building and Heritage Asset, with specific regard to design, height, bulk and facing materials.
9. The proposed development will degrade significantly the historical character and heritage nature of the Wapping Wall and Wapping Pierhead Conservation Areas, with specific regard to design, height, bulk and facing materials (notably the significant glass frontage and copper cladding)
10. The use of copper cladding and glazing at 6th floor level is inconsistent with the Conservation Area.
11. The bulk and height of the building is out of proportion with the listed Gun Wharf and station buildings.
12. The building is oppressive and overbearing when seen against the context of Gun Wharf.
13. The building will destroy the character of the area as many of the old buildings are of varying heights that allow light to flow into the streets below.
14. The development is not sensitive enough to the wider area which has a very unique and historically important role to play in London's heritage.
15. The submitted drawings are inaccurate – specifically in relation to the profile of, and separation distance to, Gun Wharf on the 'Existing Street Elevation' and 'Existing

- North East Elevation' drawings.
16. The application does not acknowledge that Gun Wharf, 130 Wapping High Street, is a listed building.
 17. Projecting balconies over the river are not features other buildings in this area.
 18. The developer's argument that a uniform roofline is required in Wapping is false – the Port of London Authority's 1937 photographic record of the River Thames show this has never been part of the building tradition along the river.
 19. The applicant has not followed the Council's advise to reduce the height by one storey since the previous application.
 20. There is no need to demolish and rebuild – the tradition in Wapping is for the conversion of warehouses into apartment buildings. It would be wholly inappropriate to permit the unnecessary demolition of the only example of a modern warehouse in Wapping.
 21. The proposed building will overpower the buildings opposite, as they are built to the same level as the existing building.
 22. The design of the block is out of character with other developments in this area which is currently a mix of low and high rise.
 23. The proposed structure has no aesthetic similarities to other buildings in the local area and could set an unfortunate precedent for other development.
 24. The proposal would create a wall along Wapping High Street, cutting off Wapping from the river.
 25. The proposed demolition and construction works will damage the Grade II listed fabric within Wapping Station.

Amenity

26. The proposal will adversely impact on daylight and sunlight for residents of Gun Place and Gun Wharf.
27. The proposal would result in overlooking to the roof terraces at Gun Wharf.
28. The ground floor access within the alley and the roof terrace to flat 6.03 will result in noise disturbance to flats within Gun Wharf.
29. The proposal would result in loss of privacy and light to flats within Gun Place.
30. The proposal would result in loss of privacy and light to flats within Gun Wharf.
31. The proposal would result in loss of privacy and light to flats within Falconet Court.
32. The proposal would result in loss of privacy and light to flats and balconies within Towerside.
33. The proposal would result in loss of privacy and light to flats within 144 Wapping High Street.
34. The proposal would result in loss of light to flats within 150 Wapping High Street.
35. The proposal will result in massing and enclosing of the east elevation of Towerside, 144 Wapping High Street.
36. The amenity space and play area on the roof will overlook balconies at Towerside and is likely to cause a major noise problem.
37. The eastern balconies and 6th floor terrace will directly overlook flats within 144 Wapping High Street.
38. The submitted Daylight and Sunlight report does not address impacts on two of the four windows to 45 Gun Wharf, and the plan form shown for the flat is completely inaccurate.
39. The demolition and construction works will cause an unacceptable level of disruption to local residents who are at home during the day.
40. The installation of external lighting to the alleyway will cause light nuisance to residents in Gun Wharf.
41. The Daylight and Sunlight report only shows overshadowing at noon in midsummer and is not typical of the loss of light during the rest of the year, which would be significantly worse in December.
42. The additional storeys will block local residents' views of the river.

Highways

43. Lack of car parking within the development will put significant strain on on-street parking in the area.
44. Lack of car parking within the development will result in obstruction to traffic on Wapping High Street, especially to buses.
45. The proposal will cause increased noise, pollution, congestion, and parking problems for local residents and businesses.
46. Concerns are raised over the safety implications of the exit to the cycle store adjacent to Gun Wharf – the site lines are very poor in this location.
47. Access for service vehicles, deliveries, refuse collection and visitors is not clear – from the plans it appears there is no service access at all.
48. There is insufficient space in front of the building to permit deliveries without affecting road traffic and the operation of the bus stop outside Wapping Station.
49. Local busses and Overground trains are frequently overcrowded at peak times, which will be worsened by the addition of 51 new flats.

Other

50. The proposal will adversely affect water pressure levels at Gun Wharf, which are already very low.
51. The loss of sunlight to flats within Towerside, 142 Wapping High Street, by increasing the height of the building by 3 floors will result in a loss of solar gain and reduce energy efficiency of the building.
52. The loss of a river view from neighbouring flats will have a negative impact on the value these properties.

Officer Comments: *The above issues are addressed in the Material Planning Considerations section of this report below.*

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
 - (b). Housing
 - (c). Design
 - (d). Amenity
 - (e). Highways

Land Use

Loss of Use Class B1 Employment Floorspace

- 8.2 The building was originally constructed as a warehouse in the 1960s and was later converted to office use, with the building in its present form providing 3,527 square metres of office and ancillary accommodation arranged over the ground, first, second and third floors. The proposal is for the conversion, remodelling and extension of the existing building with a change of use from offices to residential, whilst including a 50 square metre commercial unit at ground floor level with flexible use.
- 8.3 The proposal would result in the loss of 3,527 square metres of existing Use Class B1 office floorspace at the site, which the Council will normally seek to resist unless it can be shown that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition, or that has been marketed at prevailing values for a prolonged period, or that there is a surplus of B1 employment floor space or unimplemented planning permissions for offices in the surrounding area. It is noted that the

application site is not located within a designated Preferred Office Location or Local Office Location.

- 8.4 The application is accompanied by an Office Market Review, prepared by Savills, which includes information on the marketing activity for the site, an office market assessment for the surrounding area and wider Borough, and an assessment of the financial viability of the offices in their current state and once refurbished. This document states that the application site was let in its entirety to IBM United Kingdom Limited on a 10 year lease from 13 April 2006 and was operated as a disaster recovery data centre. The lease included a mutual break option available from 13 April 2011, which was subsequently exercised by IBM, and the premises have been vacant since June 2011.
- 8.5 The freehold interest in the site was initially marketed for sale in late 2008 and during the one month that the site was marketed approximately 20 interest parties inspected the property, which resulted in seven offers to purchase the site. The vendor did not accept any of the offers as they were not deemed to be financially viable and the site was subsequently withdrawn from the market. The site was marketed for a second time in November 2009, by which time IBM had exercised their option to break the lease, and it is stated that no office investors were interested in purchasing the site at this time as it was felt that the property would not let to another occupier once IBM had vacated the premises. During the second marketing exercise a number of interested parties inspected the site with a view to redeveloping the site for residential use and the site was subsequently purchased by Galliard Homes.
- 8.6 The submitted Office Market Review states that there is a significant level of office floorspace in the development pipeline within the E1 area, whilst also noting certain developments in the E1 area have been put on hold due to the current economic climate and lack of tenant demand, for example the 90,000 sq ft Aldgate East Phase Two development. In addition, the market assessment states that there is an oversupply second-hand office space in the E1 area, totalling approximately 1.6 million sq ft (149,000 square metres). A viability assessment for the refurbishment and re-letting of the site for office use has also been provided, which indicates that the cost of refurbishing the building to 'Grade B' level is approximately £1.8 million, which could generate a headline rent of £15 per sq ft. However, given the lost revenue during the refurbishment period and taking into account typical letting voids, it is stated that the refurbishment of the site for office use would be financially unviable.
- 8.7 Taking into account the above, it is considered that sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of saved Policy EMP3 of the Unitary Development Plan (1998), Policy DM15(1) of the Managing Development DPD (2012) and Policy EE2 of the Interim Planning Guidance (2007). These policies seek to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in questions is unsuitable for continued employment use or is surplus to requirements.

Proposal Residential Use

- 8.8 Government guidance set out in paragraph 51 of the National Planning Policy Framework (2012) supports proposals for change of use of commercial buildings (within Use Class B) to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. In addition, Policy 3.3 of the London Plan (2011) and Policy SP02(1) of the Council's adopted Core Strategy (2010) seek the delivery of new homes in the Borough in line with the housing targets set out in the London Plan.

- 8.9 The proposal would deliver a total of 51 new residential dwellings at the site. In addition, the surrounding area is predominantly residential in character and would therefore provide a suitable environment for future residents. It is noted that the application site is not designated for any specific use in either the Schedule of the Unitary Development Plan (1998), the Site Allocations section of the Managing Development DPD (Proposed Submission Version January 2012), or the Interim Planning Guidance (2007). As such, it is considered that the introduction of residential use at the site is acceptable in principle in land use terms.

Proposed Flexible Use Commercial Unit

- 8.10 The proposal includes the creation of a new 50 square metre commercial unit at ground floor level with a flexible use for either A1 (retail), A2 (financial and professional services), A (restaurant/café), A4 (drinking establishment), A5 (hot food takeaway) or B1a (offices). Schedule 2, Part 3, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) sets out the provisions for flexible uses, allowing for a premises to be used for more than one approved use for period of ten years from the date that planning permission is granted, at which point the use existing at that time becomes the lawful use of the premises.
- 8.11 The proposed commercial unit is located on Wapping High Street, immediately adjacent to Wapping Overground Station, and is considered to be well suited in terms of size and location for an active retail type use. In addition, the re-provision of a small office unit suitable for Small and Medium Enterprises (SME) would be appropriate given the existing use of the site as offices and in accordance with Policy SP06(3) of the adopted Core Strategy (2010), which seeks the provision of a range and mix of employment uses and spaces, including units of 250 square metres or less for SME.
- 8.12 Any potential impacts on the amenity of neighbouring residents arising from the use of the commercial unit for either A3, A4 or A5 purposes is addressed in paragraph 8.75 of this report, and is considered to be acceptable subject to condition. As such, it is considered that the proposed flexible use commercial unit is acceptable in principle in land use terms.

Density of Development

- 8.13 Adopted policies in the London Plan (2011) and the Council's Core Strategy (2010) seek for new developments to optimise the use of land. The application site covers an area of 0.13 hectares (1,300 square metres) and the proposed development would deliver 51 new residential units at the site, which include a total of 157 habitable rooms. As such, the residential density of the scheme is 1,208 habitable rooms per hectare (hr/ha).
- 8.14 The application site benefits from good access to public transport, being situated immediately adjacent to Wapping Overground Station and in close proximity to local bus routes and stops. LBTH Transportation & Highways note that the Public Transport Accessibility Level (PTAL) for the site is 3/4. Given the density of surrounding development, with nearby buildings on the south side of Wapping High Street being predominantly 6 storeys in height with large foot prints, it is considered that the setting of the application site for the purposes of calculating residential density lies between 'Urban' and 'Central', as defined on page 85 of the London Plan (2011).
- 8.15 Table 3.2 in the London Plan (2011) sets out a target residential density range of 200-700 hr/ha for developments within 'Urban' areas and 650-1,100 hr/ha within 'Central' areas for sites with a PTAL of 4-6. As such, in numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan (2011), Core Strategy (2010) and Interim Planning Guidance (2007) is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.

8.16 Policy HSG1 of the Interim Planning Guidance (2007) states that solely exceeding the recommended density range in and of itself is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically, an overdeveloped site would experience shortfalls in one or more of the following areas:

- Access to sunlight and daylight
- Sub-standard dwelling units
- Increased sense of enclosure
- Loss of outlook
- Increased traffic generation
- Detrimental impacts on local social and physical infrastructure
- Visual amenity
- Lack of open space
- Poor housing mix

8.17 These specific factors are considered in detail in later section of this report and have been found to be acceptable.

Housing

8.18 The proposed development will deliver a total of 51 residential units and Table 1 below sets out the proposed housing mix for the scheme, split into market, social rent and intermediate (shared-ownership) tenures:

Table 1: Housing Mix

	Market	Affordable Housing	
		Social Rented	Intermediate
1 Bed	11	0	0
2 Bed	23	6	3
3 Bed	3	0	1
4 Bed	0	4	0
Total	37	10	4
Total Affordable Units		14	
Total Units	51		

8.19 This section of the report considers the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units.

Affordable Housing

8.20 Policies 3.8, 3.9 and 3.11 of the London Plan (2011) state that Boroughs should seek to maximise affordable housing provision. Policy SP02(3) of the Council's adopted Core Strategy (2010) and Policy HSG3 of the Interim Planning Guidance (2007) require a minimum provision of 35% affordable housing on schemes providing 10 or more dwellings. Policy DM3 of the Managing Development DPD (2012) and Policy HSG10 of the Interim Planning Guidance (2007) state that affordable housing provision should be calculated using habitable rooms as the primary measure.

8.21 It is noted that letters of representation have been received in which objection is raised to the proposal on the grounds that the scheme fails to meet the Council's minimum affordable housing provision target of 35%. The scheme as originally submitted provided 13 on-site affordable units, which equated to an affordable provision of 32%. The application is

accompanied by a GLA Affordable Housing Toolkit Assessment, which has been independently assessed by BNP Paribas, who consider the site capable of delivering 35% affordable housing together with full S106 financial contributions.

- 8.22 As a result of negotiations the scheme was subsequently amended by the applicant to provide a total of 14 on-site affordable units (56 habitable rooms), which equates to an affordable housing provision of 35.2% by habitable room. As such, the proposal development accords with Policy SP02(3) of the Council’s adopted Core Strategy (2010), which requires a minimum provision of 35% affordable housing provision on schemes providing 10 or more dwellings.

Social Rent / Intermediate Ratio

- 8.23 Policy 3.11 of the London Plan (2011) states that affordable housing provision should include a mix of tenures with a split of 60% social rented to 40% intermediate. Policy SP02(4) of the Council’s adopted Core Strategy (2010) requires a tenure split of 70% social rented to 30% intermediate given the housing needs identified within the Borough. The tenure split for the proposed development is set out in Table 2 below:

Table 2: Tenure Split

Tenure	Habitable Rooms	Percentage of Total (%)	London Plan Target (%)	Core Strategy Target (%)
Social Rent	42	75%	60%	70%
Intermediate	14	25%	40%	30%
Total	56	100%	100%	100%

- 8.24 It can be seen that the development proposal has sought to achieve the Council’s target tenure split of 70:30. Whilst the proposal exceeds the policy requirement, with a greater provision of social rent units, the provision of a 75:25 split between social rented and intermediate units is both supported and considered to be in line with the Council’s policy objectives and requirements.

- 8.25 It should be noted that the proposal does not include any provision of ‘Affordable Rent’ units, which whilst defined as affordable housing are units where rents can be charged at levels up to 80% of market rates and are considered to be unaffordable to the majority of Tower Hamlets residents. As such, the housing model that the applicant is able to deliver at 136-140 Wapping High Street is for all rental units to be at social target rents. As such, the proposal accords with Policy SP02(4) of the Council’s adopted Core Strategy (2010) and Policy DM3(1) of the Managing Development DPD (Proposed Submission Version January 2012).

Mix of Dwelling Sizes

- 8.26 Policy SP02(5) of the Council’s adopted Core Strategy (2010), saved Policy HSG7 of the Unitary Development Plan (1998) and Policy 3.8 of the London Plan (2011) require developments to offer a range of housing choice. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).

- 8.27 Policy DM3(7) of the Managing Development DPD (Proposed Submission Version January 2012) sets out the Council’s targets for the mix of dwelling sizes by tenure. These targets and the breakdown of the proposed accommodation mix are shown in Table 3 below:

Table 3: Mix of Dwelling Sizes

		Market Sale			Affordable Housing					
					Social Rented			Intermediate		
Unit Size	Total Units	Units	%	LBTH target	Units	%	LBTH target	Units	%	LBTH target
1 Bed	11	11	30%	50%	0	0%	30%	0	0%	25%
2 Bed	32	23	62%	30%	6	60%	25%	3	75%	50%
3 Bed	4	3	8%	20%	0	0%	30%	1	25%	25%
4 Bed	4	0	0%		4	40%	15%	0	0%	0%
Total	51	37	100%	100%	10	100%	100%	4	100%	100%

8.28 The proposed development provides a mix of unit sizes, including a high proportion of 1 and 2 bed market units, as well as a high proportion of family sized (3 bed+) affordable units. Whilst it is noted the proposal does not include any 1 bed affordable units, it is considered that the overall mix, including a high proportion of 4 bed social rent units, is acceptable. The proposal therefore accords with Policy SP02(5) of the Council's adopted Core Strategy (2010), saved Policy HSG7 of the Unitary Development Plan (1998), Policy DM3(7) of the Managing Development DPD (Proposed Submission Version January 2012) and Policy 3.8 if the London Plan (2011).

Residential Space Standards

8.29 Policy HSG13 of the Unitary Development Plan (1998), Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development DPD (Proposed Submission Version January 2012) require all housing developments to have adequate provision of internal space in order to provide an appropriate living environment, meeting the minimum space standards for new development in the London Plan.

8.30 The submitted drawings and details of the units show that the overall standard of accommodation is high with all 51 dwellings exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts have been assessed against the standards set out in the Mayor of London's Housing Design Guide, Interim Edition (2010), and are considered to be acceptable. As such, the proposal accords with the requirements of Policy HSG13 of the Unitary Development Plan (1998), Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development DPD (Proposed Submission Version January 2012).

Wheelchair Housing and Lifetime Homes

8.31 Policy SP02(6) of the Council's adopted Core Strategy (2010) and Policy HSG9 of the Interim Planning Guidance (2007) require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

8.32 Of the 51 proposed units, 5 units are wheelchair accessible, 3 of which are located at ground floor level with a further 2 located at first floor level. The scheme provides level access to all units, with a level threshold from the footway on Wapping High Street into the two residential entrance lobbies, and a platform lift within each entrance lobby to provide wheelchair access to the lifts. In addition, level access is provided to the communal amenity space at roof level by way of a platform lift from within the lift lobby at sixth floor level. All proposed units are to be built to 'Lifetime Homes' standards.

8.33 Details provided at application stage indicate that proposed residential units comply with 'Lifetime Homes' standards and the proposed provision of 10% of wheelchair accessible units accords with the requirements of Policy SP02(6) of the Council's adopted Core Strategy (2010) and Policy HSG9 of the Interim Planning Guidance (2007). It is recommended that a condition is included to ensure that these standards are met during construction.

Design

Scale, Height, Mass, Bulk and Design

- 8.34 The proposed development includes the partial demolition of the existing four storey building, with only the floor slabs and structural columns being retained (see Figure 2 below). It is then proposed to erect a new shell onto the existing building core, together with the erection of three additional storeys. The south-eastern corner of the existing building floorplate would also be 'cut away' to lessen the impact of the development on the neighbouring residential block at 142 Wapping High Street, and as a result the footprint of the proposed building is approximately 50 square metres smaller than that existing.

Figure 2: Shaded Floor Slabs and Columns to be Retained



- 8.35 The proposed building provides four full storeys at ground to third floor level, whilst the south-west corner of the fourth floor has been cut away to lessen any overbearing or daylight and sunlight impacts to the east facing habitable rooms within Gun Wharf. The fifth and sixth floors of the building are of lightweight design and construction and are set back from the floors below to minimise massing. The height of the proposed building is commensurate with that of the neighbouring buildings, with 142 Wapping High Street to the east of the site ranging from 5 to 7 storeys in height, whilst Gun Wharf to the west of the site ranges from 6 to 7 storeys in height. Furthermore, these building heights are consistent with that of other buildings on the south side of Wapping High Street further to the east and west.
- 8.36 The principal elevations of the building (ground to fourth floor) are faced in brick with the front elevation incorporating recessed balconies set at regular intervals. The building incorporates a curved façade along the perimeter of the Wapping Station rotunda, which includes horizontally aligned recessed brick courses that accentuate the curved building line, whilst the windows are set reveals. These design features provide a degree of texture and architectural detailing to the façade and are considered aesthetically in keeping with the surrounding built form. The south (river facing) elevation incorporates a regular pattern of windows and balconies, with private amenity space being maximised through the use of recessed terraces in combination with small projecting balconies.

Figure 3: Proposed Wapping High Street (North) Elevation



- 8.37 The fifth and sixth floors of the building are set back from the lower floors and incorporate full height glazing panels and pre-weathered copper cladding, with these floors being more light-weight in design and appearance and providing a contrast to the more substantial brick façade on the lower floors. As a result, the mass and bulk of the building lessened and would appear notably less overbearing from street level than the neighbouring building to the west at Gun Wharf, which comprises a continuous six storey façade along Wapping High Street.
- 8.38 Taking into account the above, it is considered that the proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policy DEV1 of the Unitary Development Plan (1998) Policy DM24 of the Managing Development DPD (2012), Policy DEV2 of the Interim Planning Guidance (2007), and Policy 7.4 of the London Plan (2011).
- 8.39 Saved Policy DEV48 of the Unitary Development Plan (1998) seeks the provision of riverside walkways as part of new developments that have a river frontage. However, given that the site does not presently include a river walkway and that the proposal would retain the core of the existing building, it is not considered that the omission of such a walkway should constitute reason for refusal in this instance. In addition, it is considered that the proposed development would not adversely affect the operation or ecology value of the River Thames and would enhance the setting and views of the Pool and Limehouse Reach river frontage, which is supported.
- 8.40 As such, it is considered that the proposal accords with the requirements of Policy SP04(4) of the Council's adopted Core Strategy (2010), saved Policy DEV46 of the Unitary Development Plan (1998), Policy DM12(4) of the Managing Development DPD (Proposed Submission Version January 2012), Policy OSN3 of the Interim Planning Guidance (2007) and Policies 7.28 and 7.29 of the London Plan (2011). These policies seek to resist developments that would adversely impact on the character, setting, views, operation and ecology value of waterways within the Borough.

Impact on the Wapping Wall Conservation Area and Adjacent Listed Buildings

- 8.41 Given that the proposal involves substantial demolition of the existing building, which is located within the Wapping Wall Conservation Area, Conservation Area Consent is required for the demolition works. The existing building was erected in the 1960's as a warehouse and is of utilitarian design. The building itself is of no historical significance and is incongruous with the surrounding historic built form, detracting from the setting of the Grade

It listed former 19th century warehouse known as Gun Wharf, which lies immediately to the west of the site. In addition, it is considered that the existing building has a negative impact on character and appearance of the Wapping river frontage (see Figure 1 in paragraph 4.4). As such, it is considered that the partial demolition of the building is acceptable in accordance with the requirements of saved Policy DEV28 of the Unitary Development Plan (1998), which seeks to ensure that the character of the Borough's Conservation Areas is not harmed by inappropriate demolition of building. It is therefore recommended that Conservation Area Consent be granted for the partial demolition of the existing building.

- 8.42 In terms scale and height, it is considered that the proposed building is commensurate with that of the surrounding built form, and by setting back the roof storeys the mass and bulk of the building has been reduced so that the building would not appear overbearing within the context of its surroundings. It is noted that the objections have been received on the grounds that the use of copper cladding is inconsistent with the Conservation Area. However, the copper cladding that is to be used is 'pre-weathered' and thus has a matt finish, which is considered to be in keeping with the industrial historic character of the area. In order to ensure that the facing materials are of satisfactory quality and finished appearance it is recommended that samples and details of finishes are secured by condition.

Figure 4: CGI Northwards View from the River Thames



- 8.43 It is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DEV30 of the Unitary Development Plan (1998), Policy DM27 of the Managing Development DPD (Proposed Submission Version January 2012), Policy CON2 of the Interim Planning Guidance (2007), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.

- 8.44 Given that the application site is located adjacent to a Grade II listed building, the Local Planning Authority is required to pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses. It is considered that the proposed building, by virtue of its height, stepped roof profile, design and materials, would not adversely affect the setting of the adjacent Grade II listed former 19th century warehouse at Gun Wharf, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development DPD (Proposed Submission Version January 2012), Policy CON1 of the Interim Planning Guidance (2007), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development located in the vicinity of Statutory Listed Buildings does not have an adverse impact on the setting of those buildings.

Impact on Wapping Overground Station

- 8.45 The application site sits over part of Wapping Overground Station, within which the tunnel entrance and stairway between the platforms and street are Grade II listed. Accordingly, London Overground (LO) have been consulted on the application, who raised concerns over the potential impact of the development on the fabric of the station. In particular, LO objects to the inclusion of operable windows on the curved elevation of the building facing onto Wapping Station rotunda and roof, as this could allow litter to be thrown on to the roof of the station, including cigarettes, which could burn through the roof lining and result in water leakage into the station.
- 8.46 It is noted that the applicant has been engaged in discussions with LO regarding a solution to this issue, with the most viable option being the use of top-opening windows on the curved façade together with the installation of new fire retardant roofing material to the station roof. However, any works to the station roof would fall outside of the application site and are beyond the remit of this application. It is therefore recommended that full details of the windows are secured by condition.
- 8.47 In terms of the impact of the development on the fabric of the station, including the Grade II listed tunnel entrance and stairway from the platforms to the street, LO have requested that that full details of the demolition, design and construction methodology, particularly concerning foundations and superstructure, are secured by condition.

Safety and Security

- 8.48 The proposal has been assessed by the LBTH Crime Prevention Officer, who has raised concerns over the vulnerability of the River and Eastern elevations on the lower floors, particularly that they may be vulnerable to illegal access and there for crime, and has requested that the bin store, cycle store and residential entrance doors are specified to a PAS 23/24 standard with suitable locks. It is therefore recommended that these additional security measures are secured by condition.

Renewable Energy and Energy Efficiency

- 8.49 Adopted policies set out in the London Plan (2011) and the Council's Core Strategy (2010) seek to reduce carbon emissions by requiring development to incorporate energy efficient design measures and renewable energy technologies. Specifically, Policies 5.2 and 5.7 of the London Plan (2011) seek for development to incorporate renewable energy technologies and achieve a minimum 25% reduction in CO2 levels above the 2010 Building Regulations, in accordance with the 'Be Lean / Be Clean / Be Green' energy hierarchy. Policy SP11 of the Council's adopted Core Strategy (2010) sets a borough-wide carbon emission reduction target of 60% below 1990 level by 2025. Policy DM29 of the Managing Development DPD (Proposed Submission Version January 2012) sets a target of a 35% reduction in carbon emission for residential development above the 2010 Building Regulations.

- 8.50 The proposed development incorporates a Combined Heat and Power (CHP) system and gas boiler, together with the installation of 65 square metres of Solar Photo-voltaic panels at roof level and the inclusion of a range of passive energy efficiency measures. The submitted Energy Statement Report, revised 18 April 2012, projects a 33% reduction in carbon emissions above the 2010 Building Regulations. The proposal has been assessed by the LBTH Energy Efficiency Unit, who note that whilst the proposal fails to meet the 35% target set out in emerging policy in the Managing Development DPD (Proposed Submission Version January 2012), the proposal exceeds the adopted 25% reduction target set out in Policy 5.2 of the London Plan (2011). In addition, it is considered that the submitted Energy Statement Report shows that 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), which is supported in principle.
- 8.51 The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating for all residential units and achieve a BREEAM 'Excellent' rating for the non-residential elements of the scheme, which is supported by Sustainable Development Team. It is recommended that the energy strategy and sustainability assessment ratings are secured through appropriate conditions.

Biodiversity

- 8.52 The southern side of the application faces out onto the River Thames, which is a designated Site of Importance for Nature Conservation (SINC). The proposal has been assessed by the LBTH Biodiversity Officer, who notes that the site currently has no biodiversity value. The application is accompanied by a Biodiversity Statement, which proposes native planting on the roof and the provision of bird and bat boxes as biodiversity enhancements. It is noted that no specific details or plans have been provided regarding the location and amount of proposed planting and bird and bat boxes. As such, it is recommended that full details of the biodiversity enhancements are secured by condition.

Amenity

- 8.53 Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998) Policy DM25 of the Managing Development DPD (2012) and Policy DEV1 of the Interim Planning Guidance (2007) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook and privacy.
- 8.54 It should be noted that whilst a some local residents have objected to the proposal on the grounds that it will result in a loss or partial loss of a river view from their property, which in turn could reduce the value of their homes, matters pertaining to impacts on views and property values are not normally considered to be material planning considerations and it is not considered that there is any special circumstances which would justify treating them as such in this case.

Daylight / Sunlight

- 8.55 Daylight is normally calculated by two methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). 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 be no less than 20% of the former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room, and figures should not exhibit a reduction beyond 20% of their former value.

- 8.56 A number of objections have been received from neighbouring residents within blocks to the east, north and west of the site on the grounds that the proposal would result in a significant deterioration in the daylighting and sunlighting conditions and levels of outlook from habitable rooms within their properties. The application is accompanied by a Daylight/Sunlight Report, prepared by GVA, dated 19 December 2011, which identifies the affected neighbouring blocks and these are addressed in turn below:

1-50 Gun Wharf, 126-130 Wapping High Street

- 8.57 Gun Wharf is a part 6, part 7 storey residential building located immediately to the west of the application site, with the east elevation of Gun Wharf set back some 4.5 metres from the west elevation of the proposed building. The original submitted Daylight/Sunlight Report, dated 19 December 2011, identifies one window as suffering a materials loss in VSC and six habitable rooms that would suffer material losses in NSL. It is noted that a number of objections, including a petition, have been received from residents of Gun Wharf on daylight and sunlight grounds. It is also noted that one letter of objection states that the room layouts for some rooms within Gun Wharf were incorrect in the Daylight/Sunlight Report.
- 8.58 Given the severity of some of the projected losses within Gun Wharf, together an objection relating to the accuracy of the Daylight/Sunlight Report, on 16 April 2012 the Case Officer visited three flats within Gun Wharf in order to verify that the room sizes and layouts used in the Daylight/Sunlight Report were accurate. It was noted that the flats located in the middle of the east elevation benefit from an open plan living/kitchen/dining room, which is served by two east facing windows, whilst the assessment had been carried out on the assumption that kitchen/living rooms and dining rooms/studies were separate rooms served by one window each.
- 8.59 The applicant was notified of the inaccuracies in the report and a revised assessment was carried out for the flats located in the middle of the east elevation of Gun Wharf, utilising the correct open plan layout for the kitchen/living/dining rooms. This information is provided in the Supplementary Information document, prepared by GVA, dated 18 April 2012, and in an email from Matthew Craske of GVA dated 23 April 2012 with attached Daylight Results for 1-50 Gun Wharf, 126-130 Wapping High Street table and associated NSL plan, reference BRE/41, dated April 2012. The revised assessment shows that the daylight impacts on these flats are substantially reduced, with the reductions in VSC and NSL now falling within acceptable thresholds.
- 8.60 It is noted that the proposal would still result in a 27.9% loss in NSL to a bedroom at second floor level (room R2/12). However, given that the flat in question is dual-aspect, with the bedrooms facing east towards the application site and the living/kitchen/dining room facing south across the River Thames, and thus benefiting from excellent levels of daylight and sunlight, and given that the reduction is not significantly greater than the 20% target, at which point a loss of daylight would become noticeable, it is not considered that the proposal would result in a significant deterioration of residential amenity to the occupants of this flat in daylighting terms. It should also be noted that as part of the west elevation of the proposed building is set further back from Gun Wharf than that of the existing building, the proposal would result in some increases in daylight levels to flats within Gun Wharf.

121 Wapping High Street

- 8.61 121 Wapping High Street is a four storey residential building located on the north side of Wapping High Street at the junction with Wapping Dock Road, located to the west of the application site. The submitted Daylight/Sunlight Report shows that VSC levels to windows from first to third floor level would be reduced by between 2.56% to 3.11% whilst NSL would be reduced by between 0% to 7.62%. These reductions are considered to be slight and are thus acceptable.

123 Wapping High Street, Falconet Court

- 8.62 Falconet Court is a four storey residential building located immediately to the north of the application site on the opposite side of Wapping High Street. The proposal would result in VSC losses of no more than 7.78% to any south facing window, which is considered acceptable within this dense urban environment. However, the proposal would result NSL failures to five windows within Falconet Court, with the worst affected windows and rooms being located at first floor level and south facing.
- 8.63 The NSL loss to a bedroom at first floor level (room R2/31) is 27.54%, whilst to a hall (room R5/31), which is not a habitable room, is 29.16%. The worst NSL results within Falconet Court are to kitchens located at first to third floor level, with the NSL for these rooms being reduced by between 25.53% and 45.75%. However, these rooms are each served by one small south facing window and as such significant NSL reductions would be unavoidable for any proposed increase in height at 136-140 Wapping High Street. Whilst the proposal would result in material reductions in the daylighting conditions of some rooms within Falconet Court, it is not considered that this should constitute reason for refusal in this instance given the poor design of the kitchen windows within Falconet Court.

131 Wapping High Street

- 8.64 131 Wapping High Street is two storey residential building with dormers set into the front roof slope that is located to the north-east of the application site, on the opposite side of Wapping High Street. The submitted Daylight/Sunlight report shows that the proposal would result in VSC losses of no more than 11.55% to any south facing window, which is considered acceptable within this dense urban environment. The proposal would result in NSL reductions of 20.88% and 24.66% to two south facing rooms served by dormers at second floor (roof) level. However, given that these are not substantial failures, it is not considered that the proposal would result in a significant deterioration in the daylighting conditions of these rooms.

142 Wapping High Street

- 8.65 142 Wapping High Street is a part 5, part 7 storey residential building that abuts the eastern side of the application site. The submitted Daylight/Sunlight Report shows that impacts on the NSL to rooms within this building would be nominal, ranging from a 2.78% gain to a 1.15% loss. It is noted that two windows within the building would suffer significant reductions in NSL given the proximity of the building to the application site, with these windows serving living/kitchen/dining rooms at third and fourth floor level. However, whilst the impact on these windows is significant (a VSC loss of 47.33% and 62.26% respectively), these rooms are each served by three windows, two of which would retain a VSC of over 27%. As such, it is not considered that the proposal would result in a significant deterioration of the overall daylighting conditions of these habitable rooms.
- 8.66 It is also noted that there are some significant gains in VSC to rooms within 142 Wapping High Street, which has been achieved by the cutting away of the south-east corner of the proposed building, with a 47.55% gain to a living/kitchen/dining room window at ground floor level, which is supported.
- 8.67 The submitted Daylight/Sunlight Report and subsequent information has been independently assessed by Anstey Horne, who conclude that "taken in the round GVA seem able to demonstrate that any impacts on neighbours will generally be quite moderate and that there will be only limited technical transgressions of the BRE guidelines". As such, whilst there are some material losses of daylight to neighbouring properties, for the reasons stated above it is not considered that these losses are significant enough to warrant refusal of the application on amenity grounds.

Proposed Development at 136-140 Wapping High Street

- 8.68 The habitable rooms within the proposed development have been assessed in terms of the size and location of windows and the orientation and layout of rooms, and it is considered that the rooms within the scheme would generally benefit from good sunlighting and daylighting conditions. It is noted that the rooms at first floor level that face onto the Wapping Station rotunda would received reduced levels of daylight due to the height of the rotunda and the proximity of the windows to the rotunda. However, drawing reference 'BRE/39', which is included in the submitted Daylight/Sunlight Report, illustrates that these rooms would nevertheless benefit from adequate NSL levels, with daylight penetrating to an approximate depth of between 40% to 100% of these rooms. In addition, all flats at first floor level that include rooms that face the rotunda are dual-aspect with the primary habitable rooms (living/kitchen/dining rooms) having north and south aspects with the bedrooms facing the rotunda.

Sense of Enclosure / Outlook

- 8.69 The properties that are most likely to be affected in terms of an increased sense of enclosure and loss of outlook are the flats located at the eastern side of Gun Wharf and the western side of 142 Wapping High Street, which bound the west and east sides of the application site respectively. However, it is noted that the proposed building has been designed to minimise any impacts on outlook, specifically through the cutting away of the south-east and south-west corners of the building and by setting the additional roof storeys back from the lower floors. Whilst it is acknowledged that the outlook from some properties will be reduced as a result of the development, given the design of the proposed building and set backs from neighbouring windows, it is not considered that there would be any significant detrimental impacts on the outlook of neighbouring residents.

Overlooking and Loss of Privacy

- 8.70 It is noted that a number of objections have been received from neighbouring residents at 142 Wapping High Street and Gun Wharf, located to the east and west of the site respectively, on the grounds that windows, balconies and the communal amenity space within the proposed development will result in overlooking and a loss of privacy to neighbouring residents.
- 8.71 Design guidance documents usually recommend a visual separation distance of 18 metres between facing habitable room windows or balconies in order preserve the privacy of existing and future residents. Section 5.1 of the Mayor of London's Housing Design Guide, Interim Edition (2010) acknowledges this standard, whilst also noting that strict adherence can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.
- 8.72 In response to the concerns raised by local residents, the applicant has produced a plan showing the overlooking distances between the proposed communal amenity space at roof level and neighbouring balconies and facades, which show a minimum separation distance of 18.6 metres. A further plan was produced showing the distances between the proposed terraces at sixth floor level and neighbouring balconies and windows, which shows a minimum separation distance of 15 metres between the terrace of unit 6.01 and a neighbouring balcony at 142 Wapping High Street. However, given that the angle of view is highly oblique, it would be unlikely to result in any significant loss of privacy. Nevertheless, the applicant has consented to include a privacy screen if required, as indicated on drawing reference '616-P-151'. As such, it is recommended that details of the privacy screen for the terrace of flat 6.01 is secured by condition.

- 8.73 It is also noted that an objection has been received on the grounds that the proposed communal amenity space will result in overlooking to the roof terrace at the eastern end of Gun Wharf at 7th floor level. However, given that the separation distance between the western extremity of the communal amenity space and the eastern elevation of Gun Wharf is approximately 21 metres, it is not considered that the loss of privacy would be significant.
- 8.74 In addition, it is noted that objections have been received from residents of Gun Wharf on the grounds that the proposed west facing windows on the curved elevation over the rotunda will result in overlooking into east facing habitable rooms in Gun Wharf. However, with a separation distance of approximately 26 metres between facing habitable room windows, it is considered that the level of privacy afforded to these residents is acceptable.

Noise

- 8.75 The proposed residential development is situated above the London Overground running tunnels and consideration must therefore be given to the potential impacts on residential amenity from ground borne vibration. The submitted 'Assessment of Ground Borne Noise Due to the EEL and Mechanical Services Plant Noise' report has been assessed by LBTH Environmental Health and is considered to provide insufficient information to ensure that future residents would be protected from undue noise and vibration disturbance. It is therefore recommended that a condition be included to require full details of noise and vibration mitigation measures for the residential units.
- 8.76 It is noted that letters of objection have been received from neighbouring residents within Gun Wharf on the grounds that the proposed cycle store entrance located off of the footway between the site and Gun Wharf would result in noise disturbance to residents. However, it is not considered that the use of the footway and cycle store entrance by residents would result in significant noise disturbance to neighbouring residents.
- 8.77 The proposed commercial unit at ground floor level incorporates a flexible use, which includes A3 restaurant, A4 drinking establishment and A5 hot food takeaway. Such uses usually require the installation of kitchen extract systems, and as such consideration must be given to the potential noise and odour impacts that an extract system would have on neighbouring residents. However, no details of a proposed extract system have been provided.
- 8.78 It is noted that the submitted 'Assessment of Ground Borne Noise Due to the EEL and Mechanical Services Plant Noise' report includes estimated background noise levels at nearby residential façades and concludes that an extract terminating at roof level would not impact on nearby sensitive receptors. However, this limited information provided is not sufficient justification and it is therefore recommended that a condition be included to require the submission for approval of a Noise Impact Assessment and details of all plant.

Residential Amenity Space

- 8.79 Policy SP02 (6d) of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD (Proposed Submission Version January 2012) and Policy HSG7 of the Interim Planning Guidance (2007) require adequate provision of housing amenity space for new homes, including private amenity space in every development and communal amenity space for developments providing 10 units or more.
- 8.80 Of the 51 units proposed, 49 include provision of private amenity space in the form of balconies or terraces, which range from 4.2 square metres to 32.2 square metres in size. The Mayor of London's Housing Design Guide, Interim Edition (2010) recommends a minimum provision of 5 square metres of private amenity space for a 1 bed, 2 person dwelling, with an additional 1 square metre per additional occupant. Whilst some balconies

fall a little below the 5 square metre target, the majority of balconies and terraces meet or exceed the Mayor's targets, resulting in a total provision of 503 square metres of private amenity space at the site, which is supported.

- 8.81 Under the terms of Policy HSG7 of the Interim Planning Guidance (2007), 90 square metres of communal amenity space is also required for the 51 units proposed. The proposal markedly exceeds this target through the provision of approximately 170 square metres of communal amenity space at roof level. The communal amenity space is set back from the east and west parapet walls by between 2.2 – 5.1 metres in order to mitigate any loss of privacy to neighbouring dwellings through overlooking. The communal amenity space can be accessed by both the market and affordable units and level access is provided via a platform lift within the lift lobby at sixth floor level. It is noted that two units do not include any provision of private amenity space. However, given the constraints of the site and the large provision of communal amenity space, it is considered that the overall provision of amenity space at the site is acceptable.
- 8.82 Taking into account the above, it is considered that the proposal includes adequate provision of private and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010), saved Policy HSG16 of the Unitary Development Plan (1998), Policy DM4 of the Managing Development DPD (Proposed Submission Version January 2012) and Policy HSG7 of the Interim Planning Guidance (2007).

Highways

Car Parking

- 8.83 The proposal does not include any provision of on-site car parking. The proposal has been assessed by LBTH Transportation & Highways, who note that the Public Transport Accessibility Level (PTAL) for the site is 3/4, which is at the cusp of the level at which the Local Planning Authority seek for developments to be 'car free' on the grounds that they are located in areas with good access to public transport. However, given that the site is situated immediately adjacent to the Wapping Overground Station and is located a short distance from local bus stops, and given the existing levels of on-street parking stress in the surrounding area, Highways consider this site to be suitable for a car and permit free agreement, which should be secured by condition.
- 8.84 It is noted that a number of objections have been received from local residents on the grounds that the proposed omission of any on-site car parking will put a significant strain on on-street parking in the area. However, it should be noted that if planning permission were granted and the development was secured as car and permit free, as is recommended by officers, then future residents at the site would be unable to obtain residents parking permits and thus the proposal would not (subject to the operation of the Council's parking permit transfer scheme for residents in Social Housing) place any further strain on the capacity of on-street residents' parking bays.
- 8.85 Subject to condition, it is considered that the proposal accords with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development DPD (2012) and Policy 6.13 of the London Plan (2011). These policies seek for developments located in areas with good access to public transport to be secured as car and permit free.

Cycle Parking

- 8.86 The proposal includes the provision of a total of 64 cycle parking spaces, provided by way of 52 wall mounted cycle parking stands and 6 Sheffield style cycle stands. The proposal includes two separate cycle parking areas at ground floor level, with the larger of the two comprising a curved room situated between the western residential entrance lobby of the building and Wapping Overground Station rotunda, whilst a smaller cycle store is located at

the eastern end of the site, adjacent to the eastern residential entrance lobby.

- 8.87 The Council's emerging cycle parking standards set out in Appendix 2 of the Managing Development DPD (2012) seek the provision of 1 cycle parking space per 1 and 2 bed unit, and 2 cycle parking spaces per 3+ bed unit, which in this instance would require the provision of a total of 58 cycle parking spaces. As such, the provision of 64 cycle parking spaces exceeds the Council's requirements for the development, given the number and size of units proposed, which is supported.
- 8.88 It is noted that the Council will usually seek for cycle parking spaces to be provided in the form of Sheffield style stands, and that the proposal includes a mix of wall mounted stands and Sheffield style stands. However, given that the proposed cycle parking stands are to be located within the envelope of the building in secure rooms, and given the spatial constraints of the ground floor of the building, it is considered that the use of wall mounted cycle stands will not compromise the security of cycle parking at the site. As such, it is considered that the proposed cycle parking facilities are acceptable in principle subject to full details of the wall mounted stands being secured by condition.
- 8.89 Subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities, in accordance with Policy DM22(1) of the Managing Development DPD (2012), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities.

Waste and Recyclables Storage

- 8.90 The proposal includes the provision of separate refuse and recyclables storage rooms for the both the market and affordable units, located at ground floor level at the front (north side) of the building. Each refuse store can be accessed internally via each of the two residential entrance lobbies and includes direct access onto the public highway at Wapping High Street for collection.
- 8.91 The refuse store for the affordable units is located immediately adjacent to the eastern residential entrance and has a floor area of 20 square metres. The refuse store layouts are shown on the proposed ground floor plan (drawing reference '616-P-110) and details of the storage capacity for refuse, dry recyclables and compostable waste are included in the Design and Access Statement. The waste storage requirements for the proposed residential dwellings has been calculated using the residential waste capacity guidelines set out in Planning Standard 2 of the Interim Planning Guidance (2007), which have been maintained in the Council's emerging Managing Development DPD (2012), included under Appendix 2.
- 8.92 The proposal has been assessed by the LBTH Waste Policy and Development, who consider the proposed residential waste storage arrangements to be adequate. However, it is noted that the proposed commercial unit at ground floor level will require separate provision for waste and recyclables storage, and given the flexible nature of the proposed use, refuse storage details for this unit have not been provided. It is therefore recommended that a condition be attached to any permission requiring full details of the refuse storage and collection arrangements for the commercial unit to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the unit.
- 8.93 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with saved Policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of the Managing Development DPD (2012) and Policy DEV15 of the Interim Planning Guidance (2007). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Servicing

- 8.94 The proposal includes the formation of a 50 square metre commercial unit at ground floor level with a flexible use for either A1 (retail), A2 (financial and professional services), A3 (restaurant / café), A4 (drinking establishment), A5 (hot food takeaway), or B1a (offices). The proposal does not include any on-site servicing facilities and as such servicing for the commercial unit would take place directly from the public highway on Wapping High Street.
- 8.95 LBTH Transportation & Highways note that the applicant has previously been advised that there are concerns surrounding on-street servicing given the proximity of the bus stop adjacent to Wapping Station, and that Highways required further details and justification in order to consider the potential for on-street servicing. Highways advised that a Delivery and Servicing Management Plan should be submitted at application stage, to include restrictions to the size of vehicle used and the times during which servicing can take place, as these measures would help mitigate the impact of on-street servicing, particularly given the concerns that have previously been expressed around the available carriageway width and proximity of the bus stop.
- 8.96 In response, the applicant has submitted a Draft Delivery and Servicing Management Plan, dated March 2012, in which it is confirmed that servicing vehicles would be no larger than a 10.0 metre rigid vehicle and that servicing would not take place during the morning and evening peak traffic periods of 07:00 to 10:00 hours and 16:00 to 19:00 hours. In addition, reference is made to the Swept Path Analysis included within Appendix 1 of the submitted Transport Statement, which illustrates that a 10.0 metre servicing vehicle stopped in front of the site would not significantly impact on road traffic movements on Wapping High Street, with specific regard to busses travelling to and stopping at the bus stop outside Wapping Station.
- 8.97 LBTH Transportation & Highways have reviewed the additional supporting information and consider the proposed on-street servicing arrangements to be acceptable in principle, subject to a full Delivery and Servicing Management Plan being secured by condition, which should be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the commercial unit.
- 8.98 Subject to condition, it is considered that the on-street servicing arrangements for the commercial unit are adequate and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09(3) of the Council's adopted Core Strategy (2010), saved Policy T16 of the Unitary Development Plan (1998), Policy DM20(2) of the Managing Development DPD (2012) and Policy DEV17 of the Interim Planning Guidance (2007).

Other Issues

Flood Risk

- 8.99 The application site lies within Flood Risk Zone 3, which comprises land assessed as having a 1 in 100 or greater annual probability of river flooding. The application is accompanied by a Flood Risk Assessment, prepared by Cole Easdon Consultants, which has been assessed by the Environment Agency and is considered to be acceptable. In accordance with the advice given by the Environment Agency, it is recommended that a condition be included to require the development to be carried out in accordance with the approved Flood Risk Assessment, and to require finished floor levels of residential properties to be no lower than 5.3 metres Above Ordnance Datum (AOD).

8.100 Subject to condition, it is considered that the proposed development incorporates adequate flood resilient design and would not increase the risk or impact of flooding at the site. The proposal therefore accords with Policy SP04(5) of the Council's adopted Core Strategy (2010), Policy 5.12 of the London Plan (2011), Policy DEV21 of the Interim Planning Guidance (2007) and government guidance set out in Section 10 of the National Planning Policy Framework (2012).

Archaeological Impacts

8.101 The application site lies within an Archaeological Importance or Potential as designated in the Proposals Map of the Unitary Development Plan (1998). Accordingly, the application is accompanied by an Archaeological Statement, prepared by CGMS Consulting, in which it is stated that the redevelopment proposals do not include any below ground intrusive works will therefore have a negligible impact on below ground archaeological deposits. As such, no mitigation measures are recommended by the applicant's archaeological consultant.

8.102 The proposals and submitted Archaeological Statement have been assessed by English Heritage Archaeology, state that the present proposals are not considered to have an affect on any heritage assets of archaeological interest, due to the negligible new ground impacts. As such, any requirement for an archaeological assessment of this site in respect to the current application could be waived.

8.103 Taking into account the above, it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), saved Policy DEV43 of the Unitary Development Plan (1998), Policy CON4 of the Interim Planning Guidance (2007), Policy DM27 of the Managing Development DPD (Proposed Submission Version January 2012) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Contaminated Land

8.104 The application has been assessed by LBTH Environmental Health (Contaminated Land), who consider the proposal acceptable subject to a condition requiring the developer to consult with the Local Planning Authority in the event that any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works, and to provide classification certificates and waste transport and disposal documentation. As such, subject to condition, it is considered that the proposal is acceptable in land contamination terms.

Local Financial Considerations

8.105 Policy SP13 of the Council's adopted Core Strategy (2010), saved Policy DEV4 of the Unitary Development Plan (1998) and Policy IMP1 of the Interim Planning Guidance (2007) state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.106 The Community Infrastructure Levy Regulations 2010 state that any S106 planning obligations must be:

- (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.

8.107 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of the impacts on existing social infrastructure such as education, community facilities and health care and that appropriate infrastructure to facilitate the development are secured. It is noted that objections to the proposed development have been received on the grounds that the uplift in residential population at the site will put a strain on local social infrastructure. However, it is considered that such impacts are mitigated through the contributions outlined below.

8.108 The S106 obligations for the scheme have been calculated using the formulae set out in the Council's adopted Planning Obligations Supplementary Planning Document (2012). The total financial contribution sought amounts to £518,557.24, and details of the breakdown are provided below.

8.109 The proposed heads of terms are:

Financial Contributions

- (a) Idea Stores, Libraries and Archives - £13,860.00
- (b) Leisure Facilities - £49,125.00
- (c) Education - £185,681.00
- (d) Health - £67,830.00
- (e) Sustainable Transport - £1,650.00
- (f) Public Open Space - £88,268.40
- (g) Streetscene and Built Environment - £85,488.00
- (h) Monitoring - £10,167.79

Non-financial Contributions

- (i) 35.2% affordable housing units provided on-site (habitable room provision)
- (j) Car and permit free agreement
- (k) Commitment to 20% local employment during construction and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.

8.110 It is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Localism Act (amendment to S70(2) of the TCPA 1990)

8.113 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.114 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

8.115 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.116 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

8.117 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

8.118 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

8.119 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The likely CIL payment associated with this development would be between approximately £100,000 and £110,000. Please be mindful that this is only an initial estimation of the CIL charge at this stage. The amount of the CIL payment may change when planning permission is issued, and final calculations for the scheme are carried out and any applicable exemptions are taken into account. The Council will issue a CIL Liability Notice as soon as possible after a decision notice is issued.

8.120 With relation to grants, the Great Britain Building Fund is part of the Government’s housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form of single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupiers and therefore the proposal supports this initiative.

8.121 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent upon the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the financial and non-financial contributions toward Enterprise and Employment, there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment.

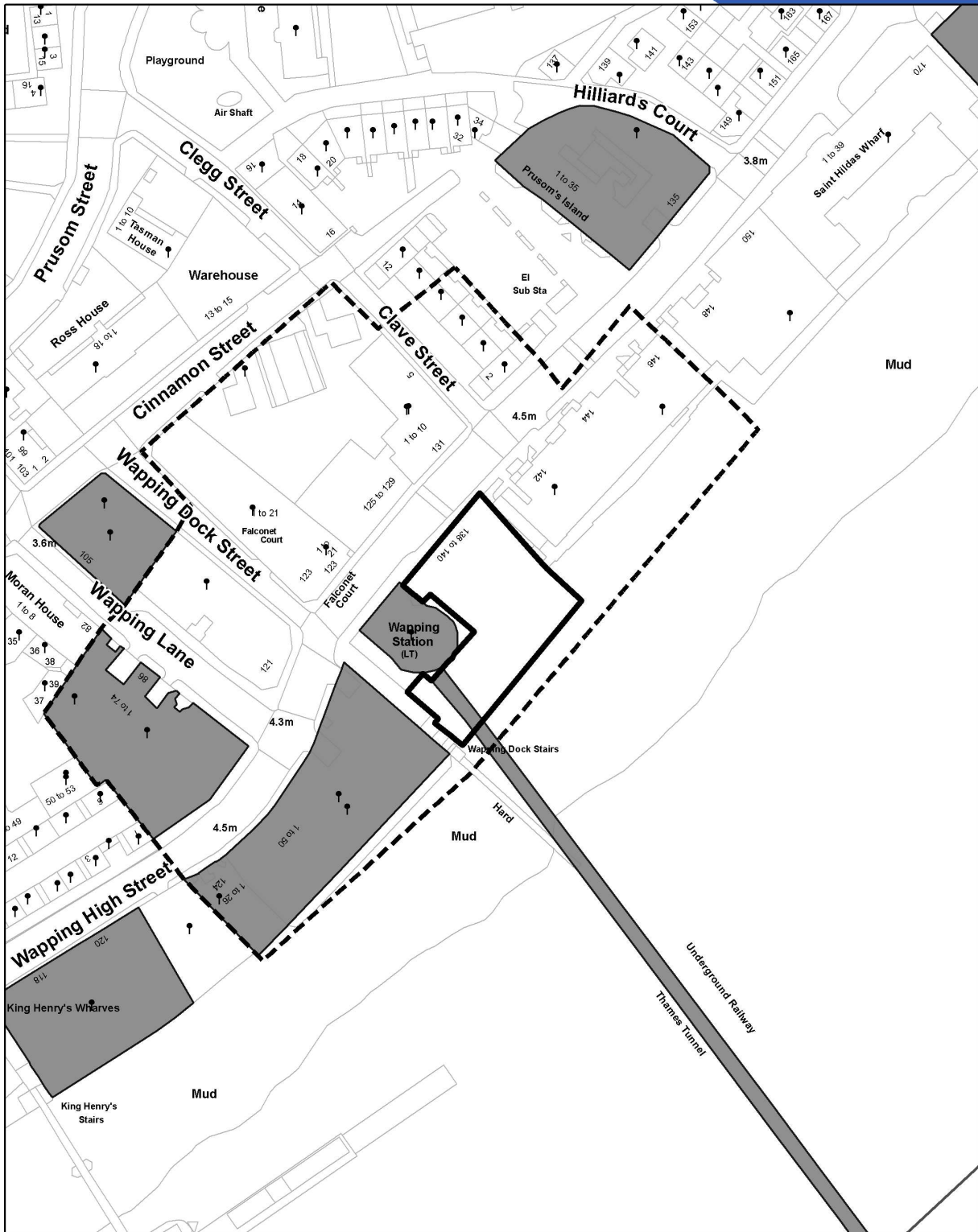
8.122 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

8.123 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £127,243 within the first year and a total of £763,458 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the S106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

9.0 CONCLUSIONS

9.1 All other relevant policies and considerations have been taken into account. Planning permission and conservation area consent 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	Locally Listed Buildings	Land Parcel Address	 1:1,250
Consultation Area	Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.2

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal Case Officer: Benson Olaseni		Title: Planning Application for Decision Ref No: PA/10/01826 Ward(s): Limehouse	

1. APPLICATION DETAILS

Location:	Site at land adjacent to railway viaduct, Gill Street, E14
Existing Use:	Community centre
Proposal:	Construction of a new mosque and community centre
Drawing No's:	AQQ/74-01/L1; AQQ/74-01/L2; AQQ/74-02a/L3 rev a; AQQ/74/02b/L1 rev b; AQQ/74-02b/L2 rev b; & Site location plan. Design and Access Statement, by AQQ Ltd;
Supporting docs:	Addendum to original Design and Access Statement, by AQQ Ltd; Email from AQQ dated 19 th October 2010 regarding access; GroundSure Review, dated Jan 7, 2010; Flood Risk Assessment, by ambiental, dated July 2010; and Additional document detailing the Management Plan for the Limehouse Mosque & Community Centre, dated 9 th December 2011.
Applicant:	Limehouse Bangladeshi Cultural Association
Owner:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. BACKGROUND AND APPLICATION HISTORY

- 2.1 This application (PA/10/01826) proposal was previously heard at the Development Committee meeting on 12 January 2011, (**see attached Appendix 1 report**) when the application proposal was considered and DEFERRED by members pending the submission of a Management Plan to be presented to the Committee to address the issues around Diversity of Access for other community users and the Management of food waste from the proposed development scheme. A copy of the decision and minutes of the meeting is attached at **Appendix 2** of this report.
- 2.2 Further to the deferral of the application proposal, the requested Management plan was received on the 5th March 2012 and is now the subject of this report for consideration by members.

3 SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1 The local planning authority has considered the particular circumstances of this application against the provisions of the adopted London Plan Spatial Development Strategy for Greater London (2011), the adopted London Borough of Tower Hamlets Core Strategy (2010), the saved policies in the Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning guidance (2007), Managing Development, Development Plan Document (Proposed Submission Version 2012), associated supplementary planning guidance, the National Planning Policy Framework, and other material considerations and has found that:-

- The proposal would continue to provide a local community facility at the site and as such complies with Policy 4.6 of the London Plan (July 2011), policy SP03 of the adopted Core Strategy (2010) and policy SCF1 of the Interim Planning Guidance (2007), and policy DM8 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to protect community facilities.
- The proposal would have no detrimental impact upon the amenity of neighbours in terms increased noise and disturbance and vehicular activity in the locality, and as such accords with policy SP10 of the adopted Core Strategy (2010), saved policy DEV2 of the Council's adopted Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007), and policy DM25 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 6.13 of the London Plan (July 2011), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), and policy DM22 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to ensure developments minimise parking and promote sustainable transport options.

RECOMMENDATION

3.2 The substance of the recommendation by officers remains unchanged, but should be updated to reflect changes in policy that have taken place since January 2011 for the reason cited in paragraph 3.1 of this report.

That the Corporate Director Development and Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Prior to commencement, details to be submitted of proposed:

External materials

Green roof

4. Arboricultural report and tree protection plan/measures
5. Landscaping plan
6. Travel Plan
7. Details of cycle storage
8. Scheme of Highway improvements necessitated by development
9. Detail of Highway Works to be completed through S278 agreement
10. The Community Hall, and associated kitchen and sanitary facilities are to be made available for private use or use by other organisations in accordance with a Management Plan to be approved by the Council demonstrating how facility will be available for other community users and conditions of that use.
11. Ground contamination study
12. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
13. No amplified call to prayer
14. Hours of use: 08.00 – 22.00 on any day, except that prayer meetings only may take place outside these hours at times of the year when sunrise and sunset are earlier or later than this. The premises shall never be used earlier than 04.30 or later than 23.30.
15. Doors and windows fixed shut when the premises in use before 08.00 and after 22.00.
16. Development to be completed in accordance with submitted Flood Risk Assessment;
17. Maximum number of people on site at one time;
18. Full details of refuse store and recycling provision; and
19. Prior to the commencement of development and the use hereby approved, a further details Management Plan shall be submitted and approved to include the following:
 - To avoid congregation of users outside the site;
 - Means by which the applicants will limit the number of users of both halls;
 - Details of how the equal opportunity statement and commitment can be achieved with regards to the intended activities and inclusivity.
 - Commitment to a specific and guarantee hours of opening for the community hall.

3.3 Informatives

1. Section 278 required
2. Please note that development proposal is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended.

4 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the erection of an irregular shaped building to house a Mosque and community centre. The building is effectively comprised of two separate chambers, linked by an entrance lobby. The building would measure a maximum of 24.5m in width and 14.3m in depth. The building is single storey in height, but for the mihrab tower to the east of the site. The mihrab tower is 7.2m high. The building

would be externally finished with white rendered masonry.

- 4.2 At present the Limehouse Bangladeshi Cultural Association (LBCA) operate from three arches in the adjacent viaduct. Their intention is to relinquish the lease on the arches over a period of time and move into this new proposed facility

Site and Surroundings

- 4.3 The site is an irregular shaped area of grassed open space to the south of the Docklands Light Railway (DLR) line between Westferry and Limehouse stations. The site is bounded to the north by railway arches, to the west by Gill Street, to the east by Trinidad Street and to the south by an access road to Trinidad House.
- 4.4 The site is part occupied by two portacabins, which are used as a community centre. There is a cluster of mature lime trees to the west of the site, along the boundary with Gill Street, and a single lime tree towards the middle of the site. There are currently additional portacabins on the site, which are being used in association with renovation works being undertaken on surrounding residential properties.

5 UPDATED POLICY FRAMEWORK

- 5.1 National Planning Policy Framework (2012).
Chapter 8 – Promoting healthy communities.
- 5.2 London Plan (July 2011)
Policy 4.6 – Provision of community facilities including places of worship
- 5.3 Managing Development ‘Development Plan Document’ Submission Version January 2012.
Policy DM22 – Parking;
Policy DM24 – Place-sensitive design;
Policy DM25 – Ensure no adverse impact on neighbouring amenity; and
Policy DM30 – Contaminated land.

6. ADDITIONAL CONSULTATION RESPONSE

- 6.1 A total of 20 neighbours who have previously commented or objected to the planning proposal were notified on 3rd April 2010 about the submitted Management Plan and invited to comment.
- 6.2 One objection has been received on grounds of traffic and loss of amenity for near by residential occupiers. The writer’s objection will be addressed in the amenity section of this report.

7. MATERIAL PLANNING CONSIDERATIONS

- 7.1 Together with the planning issues identified in the substantive report attached at Appendix A, the main planning issues raised by the deferral of the application that the committee must consider are:

- 1) Whether the submitted Management Plan address the issues around diversity of access for other community users.
- 2) Imposition of a planning condition to address the management of food waste from the proposed development scheme.

Submitted Management Plan

- 7.2 The applicants originally did not submit a Management Plan demonstrating how the facility will be made available for other community users.
- 7.3 Policy 4.6 of the London Plan (July 2011) supports the continued success of London's diverse range of cultural activities and the benefits that they offer to its residents. These activities include the provision of community facilities (including places of worship), and notes that the net loss of such facilities must be resisted and increased provision sought where there is a need.
- 7.4 Policy SCF1 of the Interim Planning Guidance (2007) seeks to ensure that when determining the location of new social and community facilities, consideration is given to the following:
 - the likely catchment area of the facility;
 - the accessibility of the site;
 - the needs of the area and quality of the proposal.

This policy also notes that 'the Council will ensure social and community facility users are not disadvantaged by any reduction in the quality of, and access to, facilities. Any development that displaces existing social or community facilities, or increases the need or demand for social and community facilities, will be required to meet identified demands on or off-site'.

- 7.5 Saved policy SCF11 of the Unitary Development Plan encourages the support of new meeting places, where appropriate, in terms of location and access in accordance with other policies. Access components of this proposal relates to the Council's equal opportunities where emphasis is placed on diversity of access which should at least be equivalent to existing uses of the application site.
- 7.6 The submitted management plan (**see attached Appendix 3**) provides some details and measures for achieving the parameters of diversity of access for other community users to the proposed development and contains the following 5 main themes:
 1. Means by which the applicants will manage facilities and potential users;
 2. Means by which the applicants will limit the capacity and access;
 3. Means by which the applicants will ensure maximum numbers of activities and inclusivity;
 4. Proposed general hours of use for the Community Hall to be between the hours of 8.00am and 10.00pm, seven days a week; and
 5. LBCA General terms and conditions of hire.
- 7.7 Each of these themes are considered in more detail below.

1. Facilities and Potential Use

Policy SCF11 of the UDP (1998) encourages the support of new meeting places, where appropriate, in terms of location, noise, design, car parking and access. The designs of the two main parts of the new building are to be the prayer hall and a community hall, separated by a common entrance lobby.

Both halls will cater for many functions and activities for people of all ages from a variety of social, cultural and ethnic background. Specific uses for the proposal development includes:

- Public meetings and meetings of various groups and organisations including talks, lectures and workshops;
- social functions and get-togethers;
- social welfare and community advice surgeries;
- Councillor and MP surgeries;
- adult education classes and exercise classes;
- adult and senior citizens' day centre activities;
- children's after-school classes; and
- children's or youth group activities such as Cubs, Scouts and Girl Guides.

It is considered that design and internal layout is satisfactory and meets the requirements of meeting places provision in line with policies.

7.7 Capacity and Access

Saved policy DEV1 of the Unitary Development Plan seeks development proposal to provide adequate access for disabled people in respect of the layout of site. It is considered that the access for all users in physical terms is satisfactory. The new purpose-built halls will be fully accessible to people with disabilities and the internal layout are designed to be fully accessible to wheelchair users in line with policy.

However, the management plan suggested that the maximum capacity of the Community Hall should be fifty people when seated in rows for public meetings or lectures. A less formal seating arrangement for classes, functions and group meetings should be able to comfortably accommodate approximately twenty-five people.

The suggested community hall capacity presented the 'worst case scenario' in terms of assessing the likely impact of visitors to the new mosque. In the absent of likely numbers of worshippers' to the site, it is recommended that a condition is attached to ensure the maximum number of people on site at one time.

7.8 Activities and Inclusivity

The equal opportunities statement in the management plan by the Limehouse Bangladeshi Cultural Association (LBCA) is welcome in principle. However, details of how the statement commitment can be achieved are needed. As such, it is recommended a condition is attached to secure details of this prior to the commencement of the use.

7.9 Hours of Use

As noted in the submitted management plan regarding the hours of use for the proposed community hall stated that it will '*generally*' be available for hire. This commitment is open to different interpretation, as such a condition is attached to secure a specific and guarantee hours of opening for the community hall between the hours of 8.00am and 10.00pm, seven days a week.

7.10 **General Terms and Conditions of Hire**

It is considered that the details of terms and condition to hire the community hall are welcome and satisfactory.

- 7.11 To further ensure that the proposed use will not result in a loss of amenity for neighbours, the applicants have agreed to a condition to secure the further submission of a Management Plan to outline the following commitments that:

The Secretary or Chairman of the LBCA will act as the premises manager for the facility, responsible for its day-to-day operations. The role of the premises manager will involve the following:

1. Supervising a caretaker to open and shut the facility at the times prescribed in the planning permission;
 2. Supervising ushers at Friday prayers and other times the centre is heavily used;
 3. The ushers will be responsible for the safe and quiet entrance and exit of centre users;
 4. They will also be responsible for ensuring that visitors enter and exit mainly by the Gill Street entrance;
 5. The ushers will undertake a headcount during Friday prayers and other times when the centre is heavily used to ensure the permitted numbers for the building are not exceeded;
 6. The premises manager will also ensure health and safety announcements are made before each centre activity;
 7. The premises manager will ensure that bi-monthly fire drills are undertaken;
 8. The premises manager will ensure that the fire alarm is tested regularly in accordance with regulations;
 9. The premises manager will ensure that the means of escape are kept free of obstacles and are made known to all centre users;
 10. The premises manager will draw up a health and safety policy and procedure for the use of the building which will be reviewed annually.
- 7.12 Officers consider that the management plan demonstrates the conditions on which the Community Hall, sanitary and kitchenette facilities would be made available for private use and use by other groups and organisation. The management plan submitted is considered acceptable subject to some minor modifications. In order to allow for these modifications to be made if permission is granted the relevant condition can require a final management plan to be submitted to the Council for approval prior to occupation of the development and to be implemented thereafter.

AMENITY ISSUES

- 7.13 An objection has been received in which the writer states that there are enough activities within the area, as such no more traffic generating activities within the residential area.

More traffic and call to prayer would result in the loss of amenity for nearby residential occupiers.

- 7.14 On traffic impact, the Council's Highways Officer has previously raised a number of points regarding trip generation, the proposed catchment area of the facility and parking. At present most people using the existing mosque are local residents and arrive mostly on foot. The proposed mosque would serve the local community and it is expected users would continue to arrive on foot. However, a Travel Plan and Construction Management Plan will be conditioned to ensure the highway network is not unduly disrupted during construction period, the use of the proposed mosque and community centre. Subject to the travel plan planning condition to be attached to any planning permission granted, it is not expected that the proposal would have a detrimental impact on the flow of local traffic to the area.
- 7.15 To overcome the call to prayer objection, it is recommended that a planning condition to ensure there is no amplified call to prayer from the site is attached to any permission granted, to ensure neighbouring residential amenity is maintained.
- 7.16 To further overcome concerns raised by residents with regard to loss of amenity for neighbours, the applicant's agreement to further submission of a Management Plan detailing the day-to-day operations will ensure and safeguard residential amenity.
- 7.17 It is considered that the submission of the Management Plan has demonstrated how the facility will be available for other community users. With some minor modifications that can be dealt with through the condition, the Management Plan is considered acceptable for the purposes of addressing the issues around diversity of access for all users of the proposed development.
- 7.18 Given the measures being proposed to ensure the proposed centre use will not result in an unduly detrimental loss of amenity for existing residential neighbours, and is therefore compliant with policies DEV2, SCF11 and HSG15 of the Unitary Development Plan, together with policy DEV1 of the Interim Planning Guidance 2007, and policy SP10 (4a) of the Core Strategy 2010, and policy DM25 of the Managing Development 'Development Plan Document' Submission Version January 2012, which seek to ensure development does not have an adverse impact on neighbouring amenity.

Management of food waste:

- 7.19 It is noted that at the previous Development Committee meeting, members resolved that a further condition be added to any planning consent to address the issues around the management of food waste.
- 7.20 Saved policy DEV55 of the Unitary Development Plan states that a great deal of environmental nuisance can result from litter and waste. As such, developments must include adequate waste collection and storage arrangement to ensure and encourage proper disposal of waste.
- 7.21 The submitted drawings do not indicate where provision will be made for the storage of waste and recyclables and this is required to satisfy the Council that there is adequate room available. Without any indication of where refuse stores will be provided the development does not make proper provision for the storage of waste and the local

planning authority is not satisfied the development accords with saved policies DEV1, DEV2 and DEV55 of the Unitary Development Plan – which seek to ensure development makes proper provision for the storage of waste to protect the amenities of neighbouring residential occupiers.

7.22 Officers have interpreted member's comments for further condition to address food waste and have drafted the following condition to be added to the planning schedule to cover the management of food waste within the proposed development. The condition states that:

- Notwithstanding the plans hereby approved, provision shall be made for the storage of refuse and recycling facilities in accordance with details to be submitted to and approved by the Council as Local Planning Authority prior to the commencement of the development, such provision shall be made prior to the occupation of the building and shall thereafter be made permanently available for the users of the mosque and community centre.

7.23 With the inclusion of appropriate waste condition, officers consider the proposal to provide a new mosque and community centre facility will not have an adverse impact on the amenities of neighbouring residential occupiers.

8 CONCLUSION

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

Appendix 1

Committee: Development	Date: 12 th January 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Daniel Buffa		Ref No: PA/10/01826	
		Ward(s): Limehouse	

1. APPLICATION DETAILS

Location:	Site at land adjacent to railway viaduct, Gill Street, E14
Existing Use:	Community centre
Proposal:	Construction of a new mosque and community centre
Drawing No's:	AQQ/74-01/L1; AQQ/74-01/L2; AQQ/74-02a/L3; AQQ/74/02b/L1; AQQ/74-02b/L2; and Site location plan.
Supporting docs:	Design and Access Statement, by AQQ Ltd; Addendum to original Design and Access Statement, by AQQ Ltd; Email from AQQ dated 19 th October 2010 regarding access; GroundSure Review, dated Jan 7, 2010; and Flood Risk Assessment, by ambiental, dated July 2010.
Applicant:	Limehouse Bangladeshi Cultural Association
Owner:	London Borough of Tower Hamlets
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- The proposal would continue to provide a local community facility at the site and as such complies with policies 3A.18 of the London Plan (Consolidated with

Alterations since 2004), policy SP03 of the adopted Core Strategy (2010) and policy SCF1 of the Interim Planning Guidance (2007), which seek to protect community facilities.

- The proposal would have no detrimental impact upon the amenity of neighbours in terms increased noise and disturbance and vehicular activity in the locality, and as such accords with policy SP10 of the adopted Core Strategy (2010), saved policy DEV2 of the Council's adopted Unitary Development Plan (1998) and policy DEV1 of the Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.

3. RECOMMENDATION

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

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

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Prior to commencement, details to be submitted of proposed:
 - External materials
 - Green roof
4. Arboricultural report and tree protection plan/measures
5. Landscaping plan
6. Travel Plan
7. Details of cycle storage
8. Scheme of Highway improvements necessitated by development
9. Detail of Highway Works to be completed through S278 agreement
10. Management Plan demonstrating how facility will be available for other community users
11. Ground contamination study
12. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
13. No amplified call to prayer
14. Hours of use: 08.00 – 22.00 on any day, except that prayer meetings only may take place outside these hours at times of the year when sunrise and sunset are earlier or later than this. The premises shall never be used earlier than 04.30 or later than 23.30.
15. Doors and windows fixed shut when the premises in use before 08.00 and after

22.00.

16. Development to be completed in accordance with submitted Flood Risk Assessment

3.5 Informatives

1. Section 278 required

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the erection of an irregular shaped building to house a Mosque and community centre. The building is effectively comprised of two separate chambers, linked by an entrance lobby. The building would measure a maximum of 24.5m in width and 14.3m in depth. The building is single storey in height, but for the mihrab tower to the east of the site. The mihrab tower is 7.2m high. The building would be externally finished with white rendered masonry.
- 4.2 At present the Limehouse Bangladeshi Cultural Association operate from three arches in the adjacent viaduct. Their intention is to relinquish the lease on the arches over a period of time and move into this new proposed facility.

Site and Surroundings

- 4.3 The site is an irregular shaped area of grassed open space to the south of the Docklands Light Railway (DLR) line between Westferry and Limehouse stations. The site is bounded to the north by railway arches, to the west by Gill Street, to the east by Trinidad Street and to the south by an access road to Trinidad House.
- 4.4 The site is part occupied by two portacabins, which are used as a community centre. There is a cluster of mature lime trees to the west of the site, along the boundary with Gill Street, and a single lime tree towards the middle of the site. There are currently additional portacabins on the site, which are being used in association with renovation works being undertaken on surrounding residential properties.

Planning History

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

PA/10/01051 Construction of new single storey Mosque and Community Centre.
Refused 15.07.2010 due to an inadequate flood risk assessment for the proposal.

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:

Core Strategy (adopted 2010)

Policies: SP03 Creating Healthy and Liveable Neighbourhoods

SP04	Creating a green and blue grid
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places

Unitary Development Plan 1998 (as saved September 2007 & retained September 2010)

Policies:	DEV1	Design requirements
	DEV2	Environmental requirements
	DEV15	Replacement/retention of mature trees
	SCF8	Encouraging shared use
	U2	Development in areas at risk of flooding
	T16	Traffic priorities for new development
	T18	Pedestrians and the road network

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV13	Landscaping and Tree Preservation
	DEV16	Cycle parking and facilities
	DEV18	Travel Plans
	DEV19	Parking for motor vehicles
	DEV21	Flood Risk Management
	SCF1	Social and Community Facilities

Spatial Development Strategy for Greater London (London Plan)

	4B.1	Design principles for a compact city
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4B.6	Sustainable Design and Construction
	3A.18	Protection and enhancement of social infrastructure and community facilities
	4A.12	Flooding
	4A.13	Flood Risk Management

Government Planning Policy Guidance/Statements

PPS25	Development and Flood Risk
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Community Plan The following Community Plan objectives relate to the application:

A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

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

6.2 Environment Agency

- No objection subject to a condition requiring that the development is carried on in accordance with the submitted Flood Risk Assessment (**officer comment** – the

requested condition will be included on any approval).

6.3 Network Rail

- To date no comments have been received.

6.4 Docklands Light Railway Limited

- To date no comments have been received.

6.5 LBTH Highways and Transportation

- The existing adjacent mosque accommodates 250 worshippers. The proposed building will accommodate a maximum of 191 worshippers. The applicant intends to relinquish the lease of the existing mosque. Will there be a time when the existing and proposed mosques would both be operating, thereby increasing the capacity of the facility? (**officer comment** – some overlap is possible)
- Travel surveys of the current use would be helpful at establishing a base case from which to anticipate future trends. And confirmation should be provided in relation to the catchment area of the facility (**officer comment** – a survey has been carried out. Please refer to section 8 (30-31) of the report for further discussion on this point).
- The site is located within an area of parking control during Monday to Friday 08.30-17.30. The facility is anticipated to generate trips both inside and outside of the on-street parking restriction times. Hence local amenity impacts are a concern. Consideration needs to be given to the provision of disabled parking spaces. Cycle parking facilities should be provided in accordance with the minimum policy requirements (**officer comment** – please refer to section 8 (32-34) of the report for further discussion on this point)
- On-street servicing would not be supported. On-site provision is required for servicing/delivery vehicles with full details provided (e.g. vehicle sizes, frequency and times) (**officer comment** – please refer to section 8 (36) of the report for further discussion on this point)
- A comprehensive Travel Plan (TP) should be produced (**officer comment** – this matter can be adequately dealt with by condition)

6.6 LBTH Arboricultural Officer

- To date no comments have been received (**officer comment** - a response was received to the previous refusal, requesting a British Standard compliant tree survey. It is considered this matter can be dealt with by way of condition).

6.7 LBTH Asset Management

- To date no comments have been received.

6.8 LBTH Cleansing Officer

- To date no comments have been received.

7. LOCAL REPRESENTATION

7.1 A total of 247 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 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: 16 Supporting: 0
No of petitions received: 1 objecting containing 28 signatories

7.2 The following local groups/societies made representations:

- Limehouse Community Forum

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

Loss of existing community facility

- Existing portacabins facility has been used for more than 20 years by the whole local community for a wide variety of uses (family parties, educational uses, exercise groups). This should be protected.
- Submitted information states the proposed community facilities would be made available to local community groups. What is the mechanism for ensuring this?

Highways impacts

- Will lead to an increase in traffic in an already congested area;
- Will worsen parking congestion.

Amenity

- Existing mosque is over-full for Friday prayers and on special religious occasions. The proposal will exacerbate the situation;
- Proposal will result in more noise and litter in the area
- Disruption during construction of the building

Impact upon open space

- Loss of greenery at the site;
- Building will cover 40% of the site – Council policy seeks to protect open space provision;

Other matters

- Residents were misled by the members of the mosque committee as the original plans left the existing portacabins in situ (**officer comment** – this is not a matter for the planning department's involvement)
- The mosque members have failed to enter into a dialogue with the St. Vincent's Tenants Residents Association (**officer comment** – whilst the Council encourages community consultation and dialogue from applicants, it cannot be insisted upon in this case, and sufficient information has been submitted to assess the scheme fully).
- The proposed 'community room' is not really for community use, but a second prayer room (**officer comment** – it is expected that the room would serve a dual purpose).
- Stated figures do not make sense. Limehouse mosque already has more users than

the new facility can accommodate (**officer comment** – the size of the facility applied for is a matter for the applicant).

- There are more appropriate locations elsewhere for a mosque (**officer comment** – the application has been submitted and must be assessed on its individual merits).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use/loss of existing facility
2. Design
3. Impact upon amenity of neighbours
4. Transport Impacts
5. Other planning matters

8.2 Land use/loss of existing facility

8.3 Core Strategy (CS) policy SP03 seeks to locate social and community facilities in accessible locations. Interim Planning Guidance (IPG) policy SCF1 states that when determining the location of community facilities careful consideration should be given to the likely catchment of the facility, the accessibility of the site and the needs of the area and the quality of the proposal. Furthermore, it states that any development that displaces existing community facilities will be required to meet identified needs on or off site.

8.4 The existing on-site portacabins have been in place for more than 20 years. Whilst they certainly have something of a temporary appearance, it is considered that the length of time they have occupied the site has established the principle of the use of the land for a community use.

8.5 The proposed building would cover more of the site than the existing portacabins. Some 226m² compared to 73m². This represents an increase in size of some 309%. The existing portacabins occupy approximately 11% of the site and the proposed building would occupy some 33.3% of the site. The site is an area of grassed amenity land rather than an adopted piece of open space. It is not widely used for amenity purposes, and indeed it is not particularly practical for such usage. The principle of the loss of some of this open land for an increased size community facility is considered to be acceptable.

8.6 The existing portacabins are currently used as a social and community facility by the local community. A wide range of activities and classes are run from the portacabins, such as language classes, a child play group and a gardening group. The portacabins would be removed to make way for the proposed scheme. The footprint of the portacabins is some 73m². The community centre element of the proposed scheme has a useable floor area of 76m². Objections to the scheme have been received stating that there is no mechanism of ensuring that the proposed community facility would be available for the use of the whole community.

8.7 The submitted Design and Access Statement states that the applicant's intention is to make the proposed community hall available to community groups for genuine community uses. The applicant has since further confirmed that they would be amenable to opening up the use of the community centre to other community organisations. Furthermore, they

have stated that they would be happy to enter into a management agreement securing wider community use by way of a planning condition. This is not a matter that would normally be easily secured by condition, but given the good will shown by the applicant, and the desire of the existing community groups to continue using the site, it is considered that a reasonable agreement could be reached in this instance.

8.9 Thus the use of the site as a mosque/community centre is considered to be acceptable in principle and complies with CS policy SP03 and IPG policy SCF1.

8.10 **Design**

8.11 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These policies are reflected in CS policy SP10, saved policies DEV1, DEV2 and DEV3 of the Unitary Development Plan (UDP); and IPG policies DEV1 and DEV2.

8.12 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.

8.13 Layout, scale and height

8.14 The design form of the proposed building is essentially relatively simple. The building comprises two separate rooms linked by a centrally located entrance lobby. The proposed building is set well within the site boundaries and, therefore, would not appear over dominant in its surroundings. The building is mostly single storey and would be visually unobtrusive against the taller backdrop of the railway arches. The building would be largely screened from Gill Street by the existing line of mature lime trees that would be retained. The taller element of the scheme, the mihrab tower, would form a point of visual interest and give the building the definition of a mosque. The external faces of the building would be white rendered masonry and the proposal would incorporate a flat 'green' roof.

8.15 Overall, the design of the building, which is a clear improvement from the existing unsightly portacabins, does not harm the site or surrounding area and complies with CS policy SP10, saved UDP policy DEV1 and IPG policy DEV2.

8.16 Accessibility

8.17 CS policy SP10, saved UDP policy DEV2 and IPG policy DEV3 all require development to incorporate inclusive design principles.

8.18 The proposal provides a ramped disabled access to the north of the building. The Council's Access Officer commented this arrangement is poor and disabled access should be provided through the main front entrance. The applicant's agent has stated that the two entrances should not be seen as a front door and a back door, but rather as two main entrances to the building. The north access has been amended to provide a wider entrance door and a less steep gradient to the ramp. Given the building has to be set well above ground level to prevent the risk of flooding, it would not be possible to easily provide an acceptable ramped access to both entrances.

8.19 Given this the building is considered to be sufficiently accessible to allow for inclusive usage. Complies with CS policy SP10, saved UDP policy DEV2 and IPG policy DEV3.

8.20 Impact upon the amenity of neighbours

8.21 Policy SP10 of the CS, saved UDP policy DEV2 and IPG policy DEV1 all seek to protect residential amenity. The application poses no harm to nearby residents in terms of loss of light, outlook or overlooking. Therefore, the main amenity impact is the potential increase in noise and disturbance in the vicinity caused by the increased number of people using the new facility.

8.22 The submitted Design and Access Statement states that the existing mosque in the arches has a maximum capacity of 250 people. The proposed mosque would have a maximum capacity of nearly 200 people. Whilst it has been stated that the intention if permission is gained is to gradually relinquish the lease on the arches, this cannot be guaranteed. Regardless, another community group with a similar number of users could move into the vacated arches. Thus it is most prudent to assess the proposal as if an additional facility rather than a replacement facility. The maximum capacity, therefore, would be some 450 people.

8.23 The application has been submitted with a survey assessing how users arrive at the existing mosque in the arches. The survey reveals that during 'normal' prayer sessions 100% of users walked to the mosque. During Friday prayer 86% of users walked, 10% arrived by bus, 3% arrived by car and 1% arrived by DLR.

8.24 This demonstrates that the vast majority of existing mosque users come from the local community and arrive on foot. There is no reason to assume this would change if the mosque relocates, and even if the proposed mosque becomes an extension to the existing arches mosque, the increased users would still be likely to come from the local area and arrive on foot. Thus it is not expected that there would be any harm to amenity in terms of increased vehicular noise and activity in the vicinity of the site.

8.25 Furthermore, it is expected that the mosque would only operate at maximum capacity for Friday prayers and twice yearly at Eid. On balance, even as an extension to an existing mosque, it is not considered the proposal would have a detrimental impact upon the amenity of neighbours.

8.26 Transport Impacts

8.27 The site is located only some 130m from Westferry DLR and has a Public Transport Accessibility Level (PTAL) of 5, indicating good access to public transport.

8.28 CS policy SP09 and IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.

8.29 Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.

8.30 The application has been submitted with a survey demonstrating that the majority of people using the existing mosque in the arches walk to the site.

8.31 Traffic impact

8.32 The Council's Highways Officer has raised a number of points regarding trip generation, the proposed catchment area of the facility and parking. At present most people using the existing mosque arrive on foot. The proposed mosque would serve the local community and it is expected users would continue to arrive on foot.

8.33 A Travel Plan and Construction Management Plan can be conditioned to ensure the highway network is not unduly disrupted during construction of use of the proposed facility

8.34 Given this, it is not expected that the proposal would have a detrimental impact on the flow of local traffic. Furthermore, the previous application was not refused due to the potential impact on the surrounding highway network, and it would be unreasonable to introduce it as a reason now.

8.35 Car parking

8.36 The site is located within an area of good public transport accessibility and it is entirely appropriate to provide no car parking. A disabled car parking bay could not easily be provided and its non-provision is not a reason to refuse the application by. The non-provision of car parking complies with CS policy SP09 and IPG policy DEV19.

8.37 Cycle parking

8.38 According to the submitted survey no-one cycles to the existing mosque. Thus the provision of cycle parking wholly in line with IPG policy DEV16, some 20 spaces, would be excessive. Furthermore, given the constrained size of the site, a balance must be struck between developing the site and maintaining a sense of openness. It is considered delivery of an appropriate level of cycle parking can be dealt with by way of condition.

8.39 Servicing/deliveries

No details of servicing arrangements have been supplied. However, it is not considered that the servicing needs of the proposed mosque/community centre are likely to be heavy, and arrangements are likely to be similar to those used currently for the existing community centre.

8.40 **Other planning matters**

8.41 Flood risk

8.42 The site is located within flood zone 3. The previous application was refused for the sole reason that the submitted Flood Risk Assessment (FRA) did not adequately demonstrate that the proposal would pose no increased floor risk. This application has been accompanied by a FRA produced by Ambiental, dated July 2010, which the Environment

Agency were consulted on.

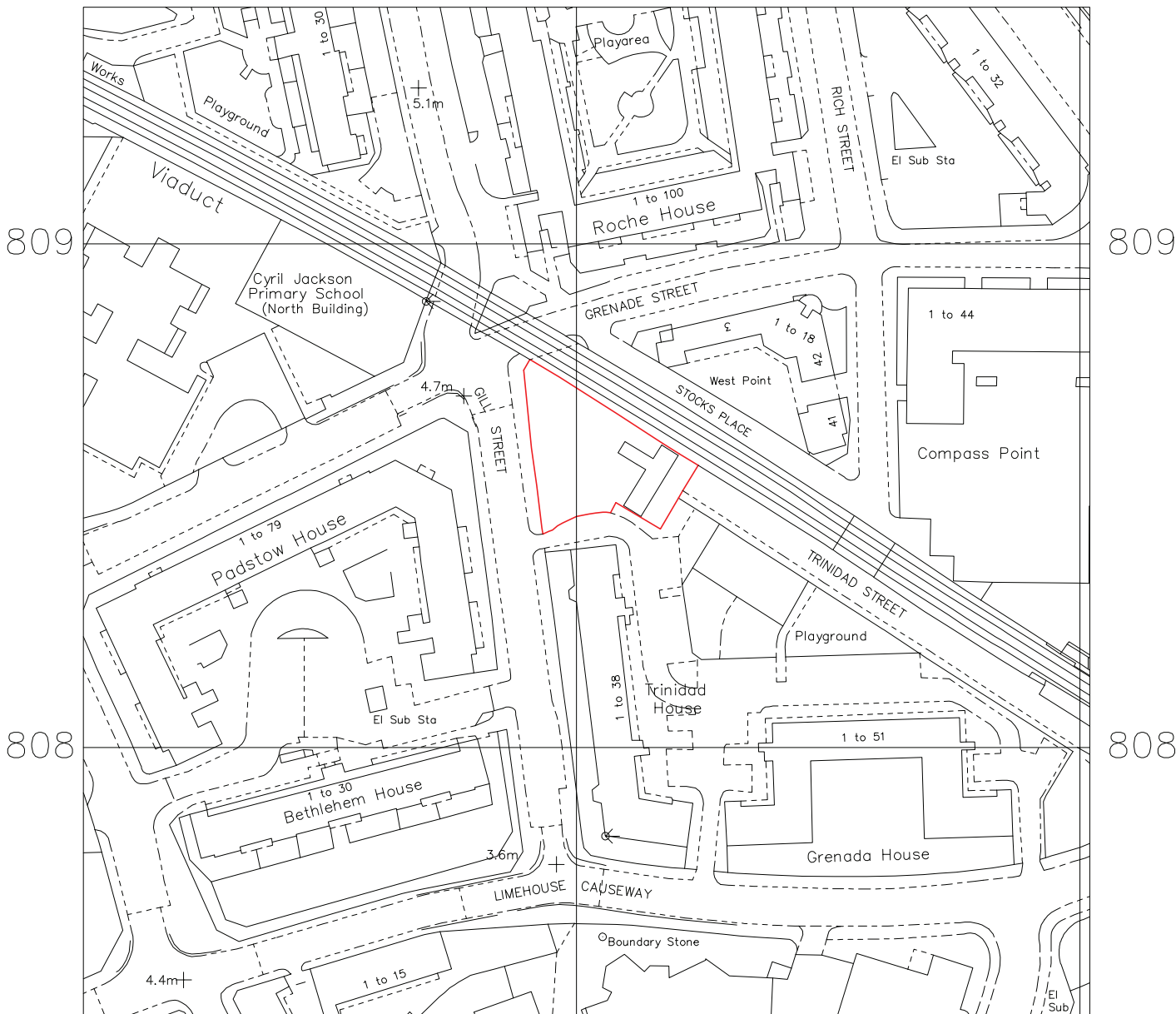
- 8.43 Amongst the measures taken to prevent flood risk are setting the ground floors of the proposed building at or above 5.0m above Ordnance Datum and inclusion of a green roof. The Environment Agency has no objections to the scheme, subject to a condition, which will be included on the decision notice.
- 8.44 Subject to the relevant condition, the proposal complies with advice given in Planning Policy Statement 25: Development and Flood Risk, London Plan policies 4A.12 and 4A.13, saved policy U2 of the adopted Unitary Development Plan and policy DEV21 of the Council's Interim Planning Guidance and is considered acceptable.
- 8.45 Trees
- 8.46 Saved UDP policy DEV15 and IPG policy DEV13 seek the retention or replacement of mature trees with amenity value.
- 8.47 The proposal would result in the loss of 8 lime trees. However, none of the trees are protected and the main line of 8 trees facing Gill Street would be retained. It is suggested that a tree survey is conditioned to ensure no retained trees are harmed during construction work.
- 8.48 On balance, given the trees with the most amenity value would be retained, it is not considered the loss of the cluster of trees towards the centre of the site provides sufficient justification to refuse the application and the trees Complies with the aims of saved UDP policy DEV15 and IPG policy DEV13.
- 8.49 **Conclusions**
- 8.50 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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Stanfords VectorMap

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Metres



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Appendix 2

Decision:

It was noted that Councillor Ann Jackson could not vote on this item as she had not been present during the entire consideration of the application.

On a vote of 4 for and 1 against the Committee **RESOLVED**

- 1 That planning permission for the construction of a new mosque and community centre be **DEFERRED** pending the following actions:
 - That a Management Plan be developed and presented to the Committee to address the issues around diversity of access which should at least be equivalent to existing uses.
 - That a further condition be added to any planning consent to address the issues around the management of food waste.

Minutes:

It was noted that Councillor Ann Jackson could not vote on this item as she had not been present during the entire consideration of the application.

Owen Whalley (Service Head Planning and Building Control Development and Renewal) introduced the item.

The Chair invited statements from persons who had previously registered to address the Committee.

Mr Geoff Sumnall spoke in objection. He had been asked by the Limehouse Community Forum to represent their concerns. The objections concerned loss of a community facility, open space and amenity issues.

He commented that the existing site provided a valuable area of open space. The new facility however would occupy 40% of the site. Therefore would result in a loss of open space, which was contrary to Council policy. In view of this he questioned whether the scheme could be relocated elsewhere.

He also objected to the access arrangements. Access would now be from an alternative point. Therefore would produce new movements along limited access routes.

Furthermore, the proposed number of visitors and vehicle activity at peak times would have a serious impact on the highway.

He considered that the plans to secure full community use should be agreed in consultation with the community before planning permission is granted. Otherwise this valuable community facility could be lost. He recommended that the application be refused.

Sister Christine Frost spoke in objection to the application. She stated that she was representing the SPLASH organisation. The key issue was the loss of the existing community facility. The portacabins were given to the community for community use in response to a local campaign. They were given to the community to compensate for the loss of a community space.

Ms Frost considered that the existing facility was well used by a diverse range of community groups and activities. (i.e. for children's parties, classes, Councillor's surgeries). She considered that women in particular found the existing facility very accessible and it was available to all faith groups. She queried whether the new community facility would be just as accessible to all groups. She questioned whether another site could be found for the existing community facility which was clearly run by and was for the community.

She feared that the community would lose a longstanding community facility.

Councillor Craig Aston spoke in objection to the application. He declared a personal interest in that he was the local ward Member and held his ward surgeries on this site. He also expressed concern over the loss of a community resource and resultant loss of community events there. He considered that the proposals didn't match the entire community's needs. He doubted the finding that the majority of visitors to the mosque would visit it by foot. Instead there would be traffic implications in the adjacent streets. The Council would be disposing of a valuable community resource for 'nothing'.

Mr Aun Qurashi (Applicant's Agent) spoke in support of the application. He drew attention to the Officers report. The report considered that the scheme would continue to provide a community facility with no adverse impacts and that it complied with policy. Therefore it should be granted.

Mr Qurashi considered that the community facility would be available for use to all community groups, and would provide a much better and larger community facility. It would be available at all times during opening hours save on Friday's during prayer. The only limitations would be anything incompatible with the mosque's activities. A large part of the site would be retained as green open space.

Ila Robertson (Applications Manager, Development and Renewal) presented the report. Ms Robertson explained the existing provision and uses and the new proposal. The application had been subject to a full public consultation as set out in the report. Officers addressed the main issues raised in objections around design, amenity, highways impacts, loss of existing community facility and impact on open space.

Officers considered that the design complied with policy and was in keeping with the area. Overall it marked an improvement on the existing building with no adverse impacts on the surrounding area. In terms of amenity impact, the travel survey indicated that the vast majority of visitors to the mosque would arrive on foot and the area was a controlled parking zone, so there would be no adverse highways impact. Furthermore there would be no loss of community floor space.

It was also noted that, whilst there would be a loss of estate grassed amenity land, this was not widely used for amenity purposes. On balance the loss of this space was considered acceptable given it would be for community space.

The applicant was happy to enter into an agreement securing wider community use of the hall by way of planning condition.

In summary the scheme complied with policy and therefore should be granted consent.

Officers also reminded the Committee that the issues around the disposal of the site were not relevant to this application and that the Committee should focus solely on the planning merits of the scheme.

In reply to the presentation, Members expressed concerns over loss of community space.

Accordingly, Members sought assurances that the community hall would be available to all community groups as at present. In particular they sought assurances that it would be accessible to women, all faiths groups and to a diverse range of groups. They considered that steps should be taken to secure such diversity of access.

Members also questioned:

- The term 'incompatible uses'. Asked that this be clarified.
- The ratio of male/female facilities. Number of disabled facilities.
- Adequacy of the waste storage facilities especially during Ramadan. Could an additional condition be added to deal with the waste produced at such peak times.
- Whether there were any issues between the current mosque and the activities of the existing portacabins.
- Measures to mitigate the loss of mature trees.
- The differences in planning terms between community and religious use and also whether there would be any business activity.

Concerns were also raised that the amplified called to prayer could be very noisy to neighbouring properties. It was also feared that there would be an increase in traffic/parking issues at peak times on Fridays.

In response to the questions, Officers clarified the following points -

- The application could only be used for religious/ community usages. Any proposal to use it for business purposes would be a change of use and require new planning permission.
- The building was designed for use by all groups. No element of the design excluded any group.
- The number and location of the male, female and disabled facilities.
- The awaited Management Plan. It was anticipated the Plan would identify and regulate hours and proposed usages. A key aim of which was to secure widespread community use of the hall equal to the existing provision.

With the permission of the Chair, Councillor Golds asked the Applicant to address the concerns around access to the hall.

In reply, the applicant's agent Mr Qurashi addressed the Committee for a further 3 minutes. He considered that all community uses and all faith events would be welcomed to use the hall. There were no plans for amplified calls to prayer. The proposed number of male/female facilities met the minimum requirement in building regulations.

Accordingly in view of the issues,

On a vote of 4 for and 1 against the Committee **RESOLVED**

That planning permission for the construction of a new mosque and community centre be **DEFERRED** pending the following:

- That a Management Plan be developed and presented to the Committee to address the issues around diversity of access which should at least be equivalent to existing uses.
- That a further condition be added to any planning consent to address the issues around the management of food waste.

Appendix 3

Limehouse Mosque & Community Centre

MANAGEMENT PLAN for HIRE OF COMMUNITY HALL at the proposed
LIMEHOUSE MOSQUE & COMMUNITY CENTRE, GILL STREET, LIMEHOUSE, LONDON, E14 8AF.

The Limehouse Bangladeshi Cultural Association (LBCA) is proposing to construct a new Mosque and Community Centre on land adjacent to the railway viaduct at Gill Street, Limehouse. The land is currently owned by the London Borough of Tower Hamlets (LBTH).

Construction of the proposed development is subject to, firstly, the securing of planning permission from LBTH and, secondly, purchase of the land from LBTH.

Facilities and Potential Use

The two main parts of the new building are to be a Prayer Hall and a Community Hall, separated by a common entrance lobby. Sanitary facilities serving both parts are to be provided and the Community Hall is also to benefit from a small open-plan kitchenette area.

It is the intention of the LBCA to make the Community Hall and ancillary sanitary and kitchenette facilities available for public hire and use by other groups or organisations.

The LBCA anticipates that these uses could include, but not be restricted to, the following -

Public meetings and meetings of various groups and organisations, including talks, lectures and workshops; social functions and get-togethers; social welfare and community advice surgeries; Councillor and MP surgeries; adult education classes and exercise classes; adult and senior citizens' day centre activities; children's after-school classes; and children's or youth group activities such as Cubs, Scouts and Girl Guides.

Capacity and Access

The suggested maximum capacity of the Community Hall is fifty people when seated in rows for public meetings or lectures. A looser seating arrangement for classes, functions and group meetings should be able to comfortably accommodate approximately twenty-five people.

The premises are designed to be fully accessible to wheelchair users.

Activities and Inclusivity

The LBCA will welcome the use of the Community Hall for any lawful activity.

In the spirit of community cohesion and in recognition of equality legislation, the LBCA warrants to make the Community Hall facility available for hire to individuals and groups regardless of race, colour, ethnic or national origin, nationality, religion, political allegiance, age, height, weight, disability, gender, marital status, sexual orientation, gender identity or transgender status.

Hours of Use

The Community Hall will not be available for hire and use during the course of a 60-minute period every Friday afternoon corresponding to weekly Friday prayers. The hall will also not be available for hire on two mornings per year corresponding to the two annual Eid prayers, and for 60-minute periods corresponding to night-time prayers during the month of Ramadan.

General Terms and Conditions of Hire

For 'Occasional Hire', the hirer will be required to complete an application form and make a part-payment of the hire charge as a security deposit. Particulars to be stated on the form will include the name and contact details of the hirer or group, the reason for hire and expected numbers, and the time and date of hire.

For 'Regular Hire', a written agreement between the hirer and the LBCA will be completed giving details as above, and stating the recurring time, days and duration period of the proposed hire arrangement.

Hire charges for 'Occasional Hire' and 'Regular Hire' will be set at the respective prevailing local market rates for Community Hall hire, with due consideration being given to the likely financial standing of other community and charitable groups.

The local community groups 'SPLASH' and the 'St Vincent's Tenants & Residents' Association' will be expected to pay only a minimal charge for hall hire and will be afforded prioritised regular slots for use of the hall for purposes related to their respective community needs.

Detailed 'Terms and Conditions of Hire' will be produced by the LBCA in due course, and prior to the new building coming into use. In general terms, it is anticipated that these 'Terms and Conditions' will include the following clauses -

"the Hirer shall be responsible for all matters relating to food & drink hygiene; the Hirer is to observe health & safety and environmental health requirements, including not obstructing fire exits during the period of hire; the Hirer is expected to clear up after use of the facilities and to leave the premises by the end of the booking period; the number of persons using the premises shall not exceed the number authorised in the booking; footwear with studs is not permitted in the building; the premises shall be left in a clean and tidy condition after use and the Hirer will be charged for any cleaning work required; tables and chairs are to be stacked away, as found, after use; the kitchenette area must be cleaned after use and all food and any rubbish must be taken away and disposed of by the Hirer; the toilets must be left in a clean state; damage of any kind shall be made good or paid for by the Hirer; the deposit or any part thereof may be retained by the management to pay for any damage caused by the Hirer; where the sale of alcoholic refreshments is intended, the Hirer shall be responsible for obtaining suitable licence; smoking is prohibited within the premises at all times; the Hirer should use his best endeavours to ensure that persons entering and leaving the hall do so in an orderly fashion, and is responsible for maintaining good order in the premises."

Management Plan signed on behalf of the LBCA

 **MOHAMMED NEZAM UDDIN** 9/12/2011

Secretary, Limehouse Bangladeshi Cultural Association.
CHAIRMAN

Limehouse Bangladeshi Cultural Association, c/o
Flat 15, Padstow House, Three Colt Street, Limehouse, London, E14 8AH.

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Agenda Item 7.3

Committee: Development	Date: 10 May 2012	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal Case Officer: Kamlesh Harris		Title: Planning Application for Decision Ref No: PA/11/02495 Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location:	4 Wilkes Street, London E1 1QF
Existing Use:	Retail at ground floor and light industrial at upper levels.
Proposal:	Erection of roof extension to provide additional office space. Formation of roof terrace with associated timber screening.
Drawing Nos:	OS Site map no. P1000 Drawing no's: P100, P101, P102, P300, P304, P305, P307, P346, P348, P500, D40, D41, E11, E13, E42, S41, S42, S43, S45 and S47
Supporting Documents:	Design, Access and Impact Statement, by Brown and Pletts LLP and dated September 2011
Applicant:	Jason Zeloof
Owner:	Applicant
Historic Building:	Adjoins 6 Wilkes Street. Grade II Listed. Adjoins 2 Wilkes Street. Grade II Listed.

Conservation Area: Fournier Street/Brick Lane

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Managing Development DPD (Proposed submission version 2012), the London Plan 2011 and National Planning Policy and has found that:

- The proposal would increase the amount of commercial floorspace in the Borough, and would provide good quality office accommodation in a sustainable location. The proposal therefore accords with Policy SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998). These policies support the provision of a range and mix of employment uses and encourage employment growth through the upgrading of sites already in employment use. The proposal is therefore considered acceptable in principle in land use terms.
- The design and scale of the proposed roof extension would be acceptable and in keeping with the scale of roof additions in the surrounding area. The set back proposed at rear and traditional mansard design on the front elevation would appropriately maintain the appearance of the building. The proposal would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area, and pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings. The proposal is therefore in accordance with policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP10 and SP12 of the Adopted Core

Strategy 2010, saved policies DEV1, DEV9, DEV27 and DEV30 of the Unitary Development Plan 1998, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV1 and CON2 of the Interim Planning Guidance 2007. These policies seek to ensure developments are of appropriate mass and scale to integrate with the surrounding area and do not result in an adverse impact on the character, fabric or identity of the heritage assets or their settings.

- The proposed office at roof storey and ancillary terrace would not have an adverse impact upon the amenity of neighbouring residential properties in terms of loss of privacy, unreasonable level of overlooking, unacceptable loss of outlook, significant material deterioration of sun lighting and day lighting and unacceptable levels of noise. The proposal therefore accords with the aims of saved policies DEV2 and DEV50 of the Tower Hamlets Unitary Development Plan 1998, policies SP02 and SP10 of the Adopted Core Strategy 2010, policy DM27 of the Managing Development DPD 2012 and policy DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm.

3. RECOMMENDATION

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

3.2 That the Corporate director of Development and Renewal is delegated power to impose conditions [and informative] on the planning permission to secure the following:

Conditions on Planning Permission

- 1) 3 year Time Period
- 2) Development to be carried out in accordance with the approved plans
- 3) External materials to be submitted and typical details of mansard, windows and privacy screening at scale 1.20.
- 4) Privacy screening to be kept in perpetuity
- 5) Hours of use of terrace
- 6) No amplified music on terrace.
- 7) Cycle Parking to be proposed prior to occupation.
- 8) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informative on Planning Permission

3.3 None.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The applicant proposes the erection of a mansard roof extension. The extension would provide an additional 87 square metres of office floorspace. The scheme proposes using the remaining area of the existing flat roof as a terrace (to be used in association with the office). The terrace would be surrounded by a timber screen to prevent overlooking into neighbouring properties. The screen would be 1.8 metres high. The terrace has an area of approximately 40 square metres.

Site and Surroundings

4.2 The application site is located on the eastern side of Wilkes Street. The site is occupied by a three-storey building of industrial appearance that was probably built in the 1960s or 1970s. The ground floor of the building is in retail use. The upper floors are currently vacant. Historically these floors would have been used for light industrial purposes (Use Class B1),

and this remains the lawful use. The building has a flat roof. This flat roof has previously been in unauthorised use as a terrace.

4.3 The site is located in-between two Listed Grade II Listed Georgian townhouses (Numbers 2 and 6 Wilkes Street). These properties are 3 storey in height, with a mansard roof. To the South of the site are residential properties, which front Fournier Street. To the East (rear) are properties fronting Princelet Street.

4.4 The site is located in the Fournier Street/Brick Lane Conservation Area.

Planning History

4.5 PA/85/00263 - planning permission was **refused** on 18 December 1985 for the erection of extensions at roof level and at rear.

4.6 On the 27 August 2002 an Enforcement Notice was served for a breach of planning control, namely, without planning permission as there was:

- i) a change of use of the first and second floors of the Land from light industrial to residential use
- ii) the unauthorised creation of an opening in the roof parapet wall at the rear of the building for the purpose of creating access to the decked platform
- iii) the unauthorised construction of decking on the second floor and the insertion of steel joists into the side walls at the rear of the building to support the decking platform
- iv) the unauthorised construction of a roof garden which includes the laying of grass, siting of garden furniture and potted plants.

The enforcement notice set out the required steps to be carried out to address the unauthorised works, these were as follows:

- i) apply for planning permission for the unauthorised work
- ii) remove the roof garden and restore that part of the Land to its original condition prior to the roof garden being created.
- iii) The roof access filled in and made good with materials to match the existing wall.
- iv) Remove the decking area construction, the steel joists used to support the construction and any other materials used to construct the decking area and restore it to its original condition before the decking area was created.

The Enforcement Notice has now been fully complied with and the case has been closed.

4.7 PA/11/00346 - Erection of roof extension to provide office space together with associated roof terrace. This application was subsequently **withdrawn** on 31 March 2011.

4.8 PA/11/00996 - Erection of roof extension to provide office space including the retention of roof terrace together with timber screening to perimeter of retained roof terrace. This application was subsequently **withdrawn** on 30 June 2011

4.9 PA/11/02810 - Planning permission was **granted** on 28/10/2011 for the retention of three steel joists to the east elevation at second floor level.

5. POLICY FRAMEWORK

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

5.2 **The London Plan Spatial Development Strategy for Greater London (July 2011)**

3.9	Mixed and balanced communities
6.9	Cycling
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.6	Architecture
7.8	Heritage Assets

5.3 Adopted Core Strategy 2025 Development Plan Document (September 2010)

SP06	Delivering successful employment hubs
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking
LAP 1&2	Spitalfields

5.4 Unitary Development Plan 1998 (as saved September 2007)

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV9	Control of Minor works within the borough
DEV27	Conservation Areas
DEV30	Conservation Areas
DEV50	Noise and Disturbance
EMP1	Promoting Employment Growth
HSG15	Development affecting residential amenity
T16	Transport and Development

5.5 Managing Development DPD (Proposed Submission Version January 2012)

DM15	Local job creation and investment
DM24	Place Sensitive Design
DM25	Amenity
DM27	Heritage and Historic Environment

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

DEV1	Amenity
DEV2	Character and Design
DEV10	Disturbance from Noise Pollution
CON2	Conservation Areas

5.7 Supplementary Documents

Fournier Street/Brick Lane Conservation Area Appraisal Document

5.8 Government Planning Policy Guidance/Statements

NPPF 2012 National Planning Policy Framework

5.9 Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

- A Great Place To Be
- Healthy Communities
- Prosperous Communities
- Safe and Supportive Communities

6. CONSULTATION RESPONSE

- 6.1 The Trustees of the Spitalfields Trust – has objected to the proposal on the following grounds:
- a) Design quality of the mansard extension;
 - b) Principle of roof terraces in Spitalfields.

7. LOCAL REPRESENTATION

- 7.1 A total of 56 neighbouring properties within the surrounding area were notified about the application and invited to comment. The application was also been publicised on site on 05 October 2011 and in the local paper on 17 November 2011. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of responses:	17	Objecting:	17	Supporting:	0
Petitions Against:	1	containing	20	signatures	

- 7.2 The following planning issues were raised in representations:

Representation Comments

- 7.3 Amenity concerns:

- Overlooking from office terrace
- Daylight and sunlight impacts
- Noise from office terrace
- Sense of enclosure

Design concerns:

- Architecture of mansard extension
- Principle of roof terrace

(Officer's Comments: Amenity related matters are discussed in detail in sections 8.6 – 8.15 of this report. The design concerns would be discussed further under sections 8.16 – 8.36).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Design / Impact on Character and Appearance of Conservation Area and Setting of Listed Buildings.
3. Impact on the amenity of adjoining occupiers and the surrounding area

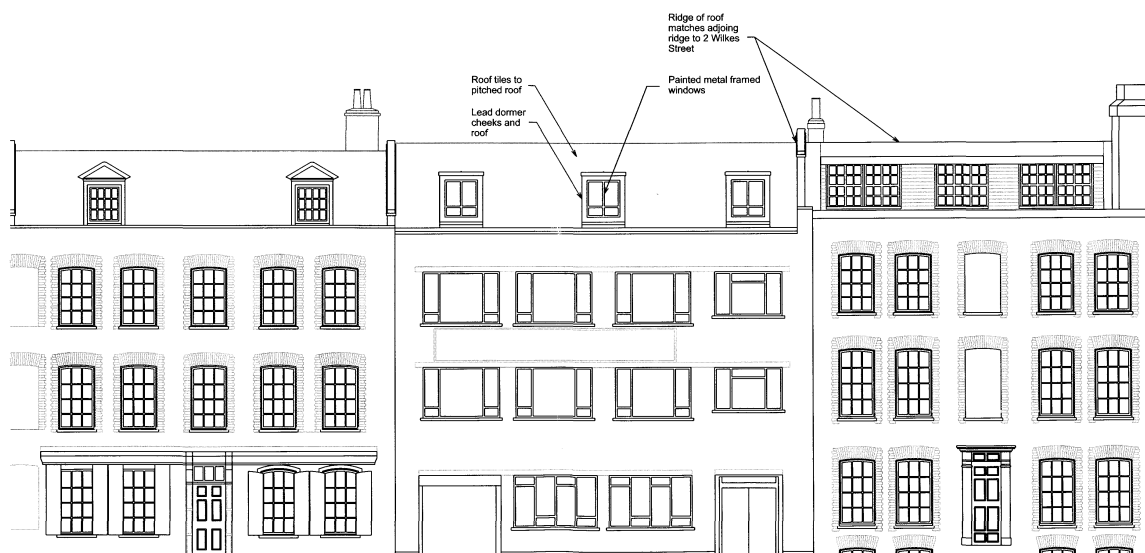
Land Use

- 8.2 The lawful use of the upper floors of the building is light industrial (Use Class B1). The proposal is to use these floors as an office (Use Class B1). Planning permission is not required to change from a light industrial use to an office use, because both uses fall within the same use class.
- 8.3 The proposed roof extension would add an additional 87 square metres of office floorspace to the building.
- 8.4 The provision of a small amount of additional floorspace accords with the aims of SP06 of the Council's Adopted Core Strategy (2010), policy DM15 of the Managing Development DPD 2012 and policy EMP1 of the Unitary Development Plan (1998), which seek to promote employment uses in the Borough.

- 8.5 The amount of additional floorspace is small and would preserve the character and appearance of the Fournier Street/Brick Lane Conservation Area.

Design and Layout of the Development
Mass and Scale / Appearance and Materials

- 8.6 Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011, policies SP02, SP10 and SP12 of the Adopted Core Strategy, saved policies DEV1, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD 2012 and policies DEV2 and CON2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the surrounding buildings and roof lines.
- 8.7 The application proposal includes a mansard style roof extension to the existing three storey building. The proposed mansard would be of a traditional construction, with a slight roof pitch. The proposed mansard would match the ridge height of the mansard roof on the adjoining property (2 Wilkes Street), and would be very slightly higher than the height of the roof ridge on 6 Wilkes Street.
- 8.8 Along the North boundary the proposed mansard would match the depth of the mansard roof on 6 Wilkes Street. The mansard steps in from the South boundary by approximately 3 metres.
- 8.9 The proposed mansard would be finished with roof tiles on the front elevation and painted timber cladding at rear. Roof tiles should be in Welsh Slates. The dormers cheek and roof would be in lead.
- 8.10 The application also proposes to create a terrace area on the remaining area of flat roof behind the mansard roof. The terrace would have an area of approximately 40sqm. The terrace would be surrounded by a 1.8 metre high privacy screen. This screen would be constructed from timber louvers. The screening would be set back by approximately 0.6 metres from the North and East roof parapet. A larger set back would be provided on the South boundary, where the screening is 2.2 metres from the edge of the roof.



Proposed Front Elevation:

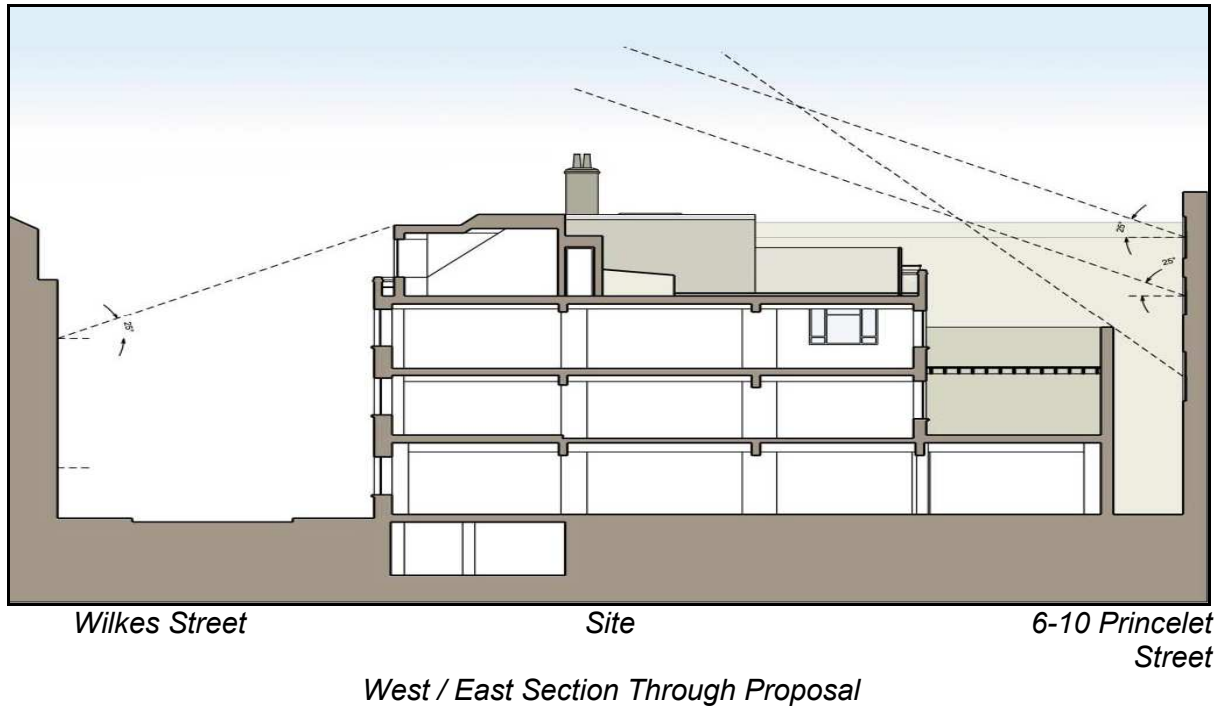
- 8.11 When viewed from Wilkes Street or in longer views down Puma Court it is apparent that the two properties on either side of number 4 Wilkes Street have an additional fourth storey in the form of mansard roofs. The creation of an additional mansard-type storey is therefore considered in keeping with the character and appearance of the terrace and surrounding

area. Although the host building is of a more modern construction than its neighbours, a traditional mansard form is still seen as an acceptable form of addition - as the mansard form is frequently used on buildings from many different eras.

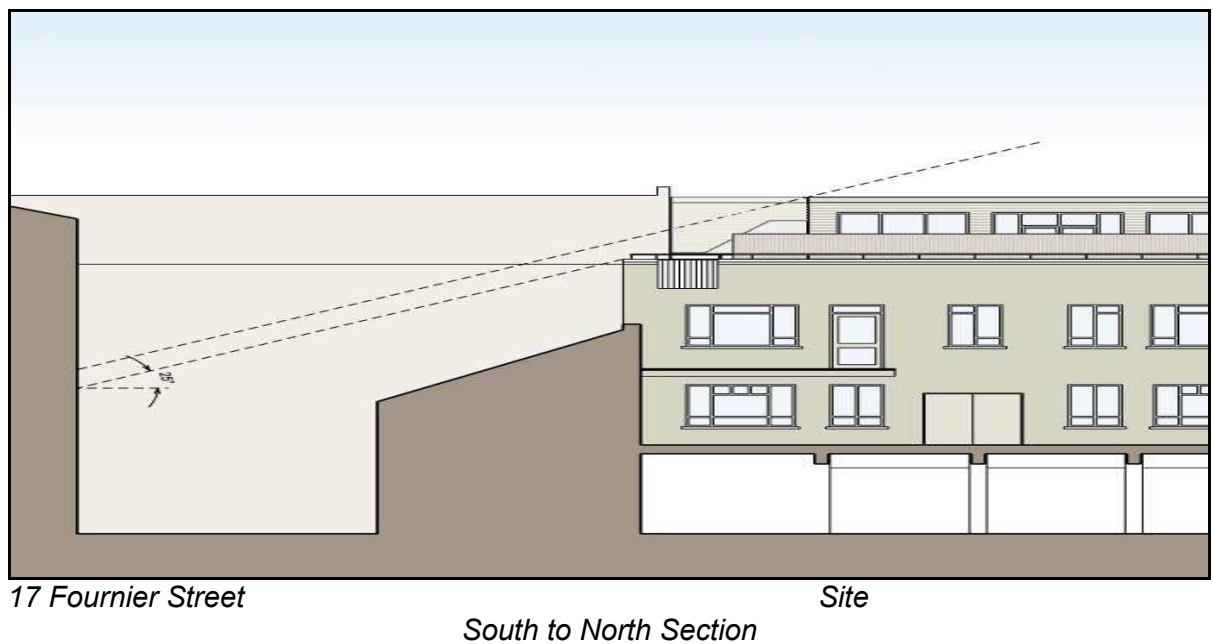
- 8.12 The roof addition, the terrace and the terrace screening can also be seen from residential properties behind the application site (including those which front Fournier Street and Princelet Street). Officers consider that the visual impact of the terrace screening is limited as it has been set back from the edge of the roof, and the mansard itself is a common structure in the roofscape in this area.
- 8.13 The proposal has limited impact on the streetscene, and as such would have limited impact on the setting of the adjoining Listed Buildings. In overall terms the proposed additions are considered to relate well to the host building and are acceptable in terms of design. The proposal pays special regard to the desirability of preserving the setting of the adjoining Listed Buildings, and would preserve the character and appearance of the Fournier Street / Brick Lane Conservation Area.
- 8.14 A condition would be imposed on any permission to secure the submission of samples of proposed external materials to ensure that they were of an appropriate quality for the Conservation Area location.
- 8.15 The proposal is therefore acceptable in term of policies 7.1, 7.4 and 7.6 of the London Plan, policies SP02, SP10 and SP12, saved policies DEV1, DEV9, DEV27 and DEV30 of the UDP, policies DM24 and DM27 of the Managing Development DPD and policies DEV1 and CON2 of the IPG.

Impact on the amenity of adjoining occupiers and the surrounding area

- 8.16 Part 4 a and b of strategic policy SP10 of the Adopted Core Strategy, saved policy DEV2 of the Unitary Development Plan, policy DM25 of the Managing Development DPD and policy DEV1 of the Interim Planning Guidance seek to protect the amenity of surrounding existing and future residents and building occupants as well as the amenity of the surrounding public realm. Saved policy DEV50 of the Unitary Development Plan seeks to ensure development does not result in an unduly detrimental increase in noise levels for nearby residents. Policy 7.6 of the London Plan 2011 endorses the above and states that buildings and structures should not cause unacceptable harm to the amenity of surrounding buildings in particular residential buildings.
- 8.17 The surrounding area includes a number of residential dwellings. Accordingly, consideration must be given to the impacts of the proposal on these neighbours and their properties. The properties likely to be impacted include habitable room windows facing the site in on properties which front Fournier Street and Princelet Street. The proposal will also have an impact on properties adjacent to the development and opposite the site
- 8.18 Loss of Daylight / Sunlight
It is noted that local residents have raised concerns about the impact of the proposed development in general but in particular raised objections on the introduction of the terrace at rear. The concerns and objections also consist of deterioration of existing levels of daylight and sunlight, sense of enclosure, excessive noise, loss of outlook and overlooking.
- 8.19 Appendix 2 of the Design, Access and Impact Statement submitted with the application includes a Daylight analysis.
- 8.20 The diagram below shows the impact of the proposal on 6 – 10 Princelet Street (located to the east of 4 Wilkes Street, or on the right-hand side the diagram below). The diagram also shows the impact on the property on the opposite side of Wilkes Street to the West.



8.21 The scheme would have very little impact on 6 – 10 Princelet Street in terms of loss of daylight. The scheme would result in a slight decrease in VSC (Vertical Sky Component) levels on the property to the West. However, the resultant VSC level would be 0.88 times its former value, which is within the limits set by the BRE.



8.22 The above diagram shows the north/south section, south being on the left of the diagram. Fournier Street lies south of the application site. The analysis shows that the daylight impact on 17 and 19 Fournier is acceptable and will meet BRE Guidelines. The set back from the shared boundary, and limited depth of the extension ensures that there is no significant impact on 2 Wilkes Street.

8.23 The scheme would be built along the shared boundary with 6 Wilkes Street. The mansard roof on this property has a fire door in the flank elevation which currently leads out directly onto the flat roof of the application site. The fire door has a glazed window which is the sole

source of light to a room in 6 Wilkes Street. From a site visit it appears to be used as a dressing room of some form. The room also links the top floor bedroom to a bathroom, avoiding the need to use the stairwell.

- 8.24 This space will completely lose the natural light it currently receives from the glazed fire door. It has no other access to direct light (with the exception of any that may filter up from stairwell). The impact of the proposal on this room is therefore severe.
- 8.25 However, it is noted that it is an unusual and undesirable arrangement to have a window on a shared boundary as this has the effect of blighting the developing opportunity of the neighbouring site. This factor has been given some weight in the assessment of this matter.
- 8.26 Officers consider that the key issue is whether the loss of light to 6 Wilkes Street has a sufficiently detrimental impact on the amenities of the occupiers of the properties to warrant the refusal of the scheme. In making this assessment, Officers consider that the building at 6 Wilkes Street needs to be considered as a whole. The building is in use as a single dwelling. Therefore, the occupiers of the property have access to a large number of rooms, including those that do benefit from light from the front and rear. The rooms which are day lit include the principle habitable rooms such as the bedroom and living spaces.
- 8.27 This issue must be taken on balance, and in overall terms Officers do not consider that the loss of light to this room has a significant enough impact on the amenities enjoyed by Occupiers to warrant refusal.

Impact on Residential Properties – Sunlight

- 8.28 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. The property at number 6-10 Princelet Street was tested and it is accepted that some sunlight would be lost as a result of the proposal.
- 8.29 With any new build or extension a level of reduction in daylight levels can be expected. Consideration needs to be given to the existing situation, the location of the site and the scale of the proposed development. When the combination of all three is taken into account, it is not considered that the level of failure against the existing situation would merit refusal of the scheme.
- 8.30 Concerns have been raised about potential loss of light to the garden areas of 6 Wilkes Street. However, this garden area is already largely enclosed by surrounding buildings, and the scheme is unlikely to have significant additional impact.

Overlooking, outlook and sense of enclosure

- 8.31 Residents currently have open views across the site and any development would result in a change in outlook for them. At just one storey, the simple form of the building prevents it from appearing unduly bulky in relation to its immediate surroundings. The set back at rear seeks to further minimise the overall bulk and visual impact of the roof extension and terrace. Therefore, it is not considered that this development would result in an unacceptable sense of enclosure or loss of outlook to neighbouring residents.

Saved policy DEV2 of the Unitary Development Plan requires that new developments are designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people. The separation distances to neighbouring properties (especially Fournier Street and Princelet Street) is less than this. However, the proposed privacy screens ensure that it is not possible to see from the proposed mansard roof or the terrace into surrounding habitable room windows.

- 8.33 Overlooking would be possible to the West across Wilkes Street. However, the level of

overlooking would not significantly exceed that which would already be possible from the upper floors of the property.

Noise and disturbance

- 8.34 Residents have opposed the introduction of the terrace at rear because of the noise that could be generated as a result of its use by office personnel.
- 8.35 The use of the building itself as an office does not require planning permission. The small increase in internal floorspace afforded by the mansard is unlikely to significantly increase potential amenity impacts from activity / noise and disturbance.
- 8.36 The use of the terrace could potentially have more significant impacts. In particular amenity impacts from noise and activity from people using the terrace. A condition is recommended restricting the use of the outdoor terrace area to between 9.00am and 6.00pm. This condition would ensure that potential impacts are minimised during sensitive hours of the evening. During the daytime Officers consider that a degree of activity is to be expected in an urban area.

Highways

- 8.37 The use of the site as an Office could lead to additional vehicle and servicing demands. However, the use of majority of the building does not in itself require permission. The small increase in floor area that is subject to this application would not have any significant highway impacts.

Cycle Parking and Facilities

- 8.38 Policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.39 The proposed development provides cycle storage for the new office space to be created. The proposed cycle storage is located in a secure, sheltered area on the ground floor level of the development. Concerns have been raised about the proposed stands to be provided which are hooks or wall attachments rather than the standard/preferred Sheffield stand design.
- 8.40 A condition of consent is recommended to ensure that Sheffield stands are provided and the cycle storage is retained within the development for the lifetime of the use.
- 8.41 Given that the proposal provides adequate cycle storage provision, it is considered that the development would be acceptable in terms of policy 6.9 of the London Plan, policy SP09 of the Adopted Core Strategy, policy DM22 of the Managing Development DPD and policy DEV16 of the IPG. These policies seek to ensure developments are supported by existing transport infrastructure.

Local Finance Considerations

- 8.42 The floor area of the extension is below the threshold at which the Community Infrastructure Levy is set. There are no local financial matters to be considered.

CONCLUSION

- 8.43 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		Locally Listed Buildings		Land Parcel Address
	Consultation Area		Statutory Listed Buildings		

0 30 m
1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.4

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 7.4
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Adam Williams		Ref No: PA/12/00072	
		Ward(s): Weavers	

1. APPLICATION DETAILS

1.1 **Location:** 254 Hackney Road, London, E2 7SJ

Existing Use: Public House

Proposal: Use of the existing flat roof at first floor level to provide outdoor seating for a maximum of 22 diners, together with the installation of 0.8 metre high obscure glazed panels along the length of the eastern parapet of the flat roof, and the replacement of the existing facade columns at ground floor level with stone columns of the original Victorian design.

Drawing Nos:

- Site Location Plan;
- Existing Elevation 1;
- Proposed Elevation 1;
- Existing Plan 2;
- Proposed Plan 2;
- Sketch 1;
- Sketch 2;
- Original Image 1;
- Design & Access Statement, dated 16 December 2011.

Applicant: Mr Gary Hedgecock

Owner: Mr Gary Hedgecock

Historic Building: N/A

Conservation Area: Hackney Road

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), London Borough of Tower Hamlets Unitary Development Plan (1998), the Interim Planning Guidance (2007), the Managing Development DPD (Proposed Submission Version 2012), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:

2.2 The proposed use of the front projecting ground floor roof as a roof terrace would lead to an unacceptable level of undue noise and disturbance and would fail to protect the amenity of nearby residential occupiers. As such the proposal is contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary

Development Plan (1998), Policy DM25 of the Managing Development DPD (2012) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

- 2.3 The proposed obscure glazed screen, by reason of its size, design, appearance and prominence, would fail to respect the character of the existing building or surrounding area and would also fail to preserve or enhance the character and appearance of the Hackney Road Conservation Area. As such, the proposal is contrary to Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1 and DEV27 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (2012), Policies DEV2 and CON2 of the Interim Planning Guidance (2007), and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek ensure that development proposals are well designed and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **REFUSE** planning permission for the reasons cited in paragraphs 2.2 and 2.3 of this report.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal seeks consent for the use of the first floor flat roof for outdoor seating. Specifically, this application seeks consent for the use of the terrace between the hours of 12:00 - 22:00 to provide outdoor seating for a total of 22 diners in association with the pub restaurant.
- 4.2 In addition, the proposal includes the installation of a 20mm thick toughened obscure glazed screen along the length of the eastern parapet to the flat roof at first floor level. The obscure glazed screen would extend to a height of 0.8 metres along the length of the parapet wall. The purpose of the screen is to prevent users of the terrace overlooking neighbouring residential properties, specifically the north facing habitable room windows within London Terrace to the east of the site. The proposal also includes the replacement of the existing tiled columns along the ground floor frontage with stone columns to match the original column design.

Background

- 4.3 The building was originally constructed with no access from inside the pub onto the first floor roof, which projects forward some 5.4 metres from the upper floors. This remained the case until planning permission PA/06/01936, which was allowed on appeal, was implemented. This scheme included a four-storey infill extension to the side, which incorporated a door allowing direct access on to the first floor roof for the first time. The allowed plan was annotated to show access on to the roof was to allow 'staff access for gardening and maitance (sic)'.
- 4.4 On 22 June 2010 planning permission was refused for the use of first floor and balcony as a restaurant with installation of bamboo screen. As with the current proposal, the refused scheme sought permission to use the first floor flat roof to provide outdoor seating for a maximum of 22 diners. The reasons for refusal are cited in paragraph 4.10 of this report.

Site and Surroundings

4.5 The application site is a four-storey building with a single-storey projecting frontage dating from the Victorian era that is bounded by the public highway at Hackney Road to the north, the adjoining single-storey retail unit at 256 Hackney Road and the set-back three-storey apartment block at London Terrace to the east, the five-storey apartment block at Sturdee House to the south, and the public highway at Horatio Street to the west. The surrounding area is home to a mix of uses, with a number of retail units located along Hackney Road, whilst the surrounding side streets are predominantly residential in character.

4.6 *Figure 1: View of The Marksman, looking south-eastwards from the north side of Hackney Road*



4.7 The site lies within the Hackney Road Conservation Area, which was designated on the 8th October 2008 and is intended to protect the special architectural and historic character of buildings and areas adjoining this busy route. It is important to note that the northwest part of Hackney Road is in a separate Conservation Area managed by the London Borough of Hackney. The area designated includes a number of listed terraces of the early 19th century and the surrounding context which supports a number of buildings of a similar and later date. The townscape is composed of a dense concentration of modest sized properties where buildings are 2-4 stories high, where plot sizes are small and there is variety, rhythm and a human scale. The application site and its surroundings include no Statutory Listed Buildings.

Planning History

4.8 PA/06/01936

On 2 April 2007 planning permission was **refused** for the Erection of third storey to increase building to four storeys in height. Addition of four storey extension to side and three storey extension to rear, together with internal alterations to form an ancillary 2 - bedroom staff accommodation unit at first floor level and a 3 - bedroom residential unit at second and third floor level. The decision was appealed and the appeal was subsequently **allowed**.

4.9 PA/07/00937

On 22 May 2007 planning permission was **granted** for the erection of recessed third storey to increase building to four storeys in height. Addition of three and a half storey extension to side (including partially subterranean cellar) and three storey extension to rear, together with internal alterations to form an ancillary 2 - bedroom staff accommodation unit at first floor level and a 3 - bedroom residential unit at second and third floor level.

4.10 PA/07/01851

On 25 September 2007 the Council **granted** the discharge of conditions 3 (external finishes) and 4 (ventilation) of planning permission dated 22nd May 2007, reference PA/07/00937.

4.11 PA/10/00690

On 22 June 2010 planning permission was **refused** for the use of first floor and balcony as a restaurant with installation of bamboo screen.

Reasons for Refusal:

- 1) *The proposed use of the front projecting ground floor roof as a roof terrace would lead to an unacceptable level of undue noise and disturbance and would fail to protect the amenity of nearby residential occupiers. As such the proposal would be contrary to saved policies DEV2 and HSG15 of the adopted Tower Hamlets Unitary Development Plan (1998) and policy DEV1 of Tower Hamlet's Interim Planning Guidance (2007) which seek to protect residential amenity.*
- 2) *The proposed bamboo screening, by reason of its size, design, appearance and prominence, would fail to respect the character of the existing building or surrounding area and would also fail to preserve or enhance the character and appearance of the Hackney Road Conservation Area. As such, the proposal would be contrary to saved policies DEV1 and DEV27 of the adopted Tower Hamlet's Unitary Development Plan (1998) and policies CP4, DEV2 and CON2 of the Tower Hamlets Interim Planning Guidance (2007).*

4.12 PA/10/02229

On 23 December 2010 planning permission was **refused** for the erection of a first floor conservatory to the front of existing pub to facilitate use of the first floor as a restaurant, and installation of awning to Horatio Street elevation. The decision was appealed and the appeal was subsequently **dismissed**.

4.13 PA/11/03830

On 16 March 2012 planning permission was **granted** for change of use of the 2nd and 3rd floors from ancillary accommodation to the Public House (Use Class A4) to boutique hotel (Use Class C1) comprising 5 double bedrooms with en-suite facilities.

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:

Government Planning Policy Guidance

- 5.2 National Planning Policy Framework (2012)

London Plan 2011

- 5.3 Policies: 7.8 Heritage Assets and Archaeology

Adopted Core Strategy (2010)

- 5.4 Policies: SP10 Creating Distinct and Durable Places

Unitary Development Plan 1998 (as saved September 2007)

- 5.5 Policies:
- DEV1 Development requirements
 - DEV2 Environmental Requirements
 - DEV9 Control of Minor Works Within the Borough
 - DEV27 Alterations Within Conservation Areas
 - DEV50 Noise
 - S7 Special Uses

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

- 5.6 Policies:
- DEV1 Amenity
 - DEV2 Character and Design
 - DEV10 Disturbance from Noise Pollution
 - RT5 Evening and Night-time Uses
 - CON2 Conservation Areas

Emerging Policy

- 5.7 Managing Development DPD Proposed Submission Version
- DM24 Place-sensitive Design
 - DM25 Amenity
 - DM27 Heritage and the Historic Environment

Supplementary Planning Guidance

- 5.8 Hackney Road Conservation Area Character Appraisal (2009)

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

LBTH Transportation & Highways

- 6.2 Subject to the Applicant confirming that the replacement columns do not encroach into the public highway, then LBTH Highways have no objections.

LBTH Environmental Health (Noise and Vibration)

- 6.3 Do not support the proposal. No information has been provided on the noise impacts and the hours of use are unacceptable.

London Borough of Hackney

- 6.4 No comments have been received.

7. LOCAL REPRESENTATION

- 7.1 A total of 61 planning notification letters were sent to nearby properties as detailed on the attached site plan. A site notice was also displayed and the application was advertised in East End Life.

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

No of individual responses: 30 Objecting: 3 Supporting: 27
No of petitions received: 0 objecting containing 0 signatories
 0 supporting containing 0 signatories

7.3 The following issues were raised in objection to the scheme that are addressed in the next section of this report:

7.4 (a). The proposed screening will not block the noise of a licensed terrace.

(b). The proposal will result in noise disturbance to residents of London Terrace.

(c). The proposal will result in a loss of privacy to residents on London Terrace

Officer Comments: *The above grounds of objection are addressed in paragraphs 8.7 - 8.10 of this report.*

7.5 The following points were raised in support to the scheme that are addressed in the next section of this report:

7.6 (d). Support the inclusion of a restaurant space at the Marksman Pub.

(e). The proposal would be a positive addition to Hackney Road.

(f). The proposed restaurant and terrace would compliment the existing use of the premises and would provide well needed facilities where there is demand for such services.

(g). The expansion of the pub would be great news for all locals.

(h). Support the expansion of the pub to create additional seating for the restaurant.

(i). The proposed terrace is a great use of previously waste space.

Officer Comments: *It is noted that several letters of support make reference to a proposed glazed conservatory, which is not included in the current scheme, but did form part of the previous application at the site, reference PA/10/02229 (see the 'Relevant Planning History' section of this report).*

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are the design of the alterations to the building and their impact on the character and appearance of the Hackney Road Conservation Area, and the impact of the use of the terrace on neighbouring residential amenity.

Design

8.2 The proposal includes the replacement of the existing tiled columns along the ground floor frontage with stone columns to match the original column design, which is shown in the submitted historical photograph of the Marksman Public House, reference 'Original Image 1'. Whilst the principle of reinstating this attractive original feature of the building is supported in design and conservation terms, it is noted that no information or drawings have been submitted to show the detailed design of the columns. However, if planning permission were to be granted, it is considered that such details could be secured by condition.

- 8.3 The proposal also includes the installation of a 20mm thick toughened obscure glazed screen along the length of the eastern parapet to the flat roof at first floor level, in association with the proposed use of the flat roof for outdoor seating. The obscure glazed screen would extend to a height of 0.8 metres along the length of the parapet wall.
- 8.4 During the Case Officer's site visit the applicant positioned a section of glazing adjacent to the parapet that was indicative of the height of the proposed obscure glazed screen. It was noted that the obscure glazed screen would be clearly visible from the surrounding public highway and would obscure the front elevation of the building at first floor level from view when seen from the east of the site along Hackney Road. In addition, proposed obscure glazed screen, by way of its size, design and location along one parapet wall, would be aesthetically incongruous in the context of the host Victorian Public House building and wider Hackney Road Conservation Area.
- 8.5 Consideration should also be had to further visual impacts that could arise through the use of the flat roof for outdoor seating. Specifically, the use of umbrellas and portable outdoor heaters on the flat roof would not require separate planning permission, but by allowing this space to be used for outdoor seating the Council would have limited powers thereafter to control or restrict the use of such equipment on the flat roof, which would be highly visible from along Hackney Road and have a detrimental impact on the appearance of the building and the character and appearance of the Hackney Road Conservation Area.
- 8.6 Taking into account the above, it is considered that the proposed obscure glazed screen, by reason of its size, design, appearance and prominence, would fail to respect the character of the existing building or surrounding area and would also fail to preserve or enhance the character and appearance of the Hackney Road Conservation Area. As such, the proposal is contrary to Policy SP10 of the Council's adopted Core Strategy (2010), saved Policies DEV1 and DEV27 of the Unitary Development Plan (1998), Policies DM24 and DM27 of the Managing Development DPD (2012) and Policies DEV2 and CON2 of the Interim Planning Guidance (2007) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek ensure that development proposals are well designed and either preserve or enhance the character and appearance of the Borough's Conservation Areas.

Amenity

- 8.7 The proposal seeks consent for the use of the first floor flat roof for outdoor seating. It is noted that planning permission was previously refused for the use of the first floor flat roof as an outdoor seating area for the pub restaurant. As with the previous application, the current application again seeks the use of the terrace between 12:00 - 22:00 hours to provide outdoor seating for a total of 22 diners in association with the pub restaurant. The only notable difference is that the current proposal includes the erection of an obscure glazed screen along the eastern parapet at first floor level, whilst the previous application included a bamboo screen. The previous application was refused on the grounds that the use of the front projecting ground floor roof as a roof terrace would lead to an unacceptable level of undue noise and disturbance and would fail to protect the amenity of nearby residential occupiers.
- 8.8 Three letters of representation have been received from residents within the adjacent London Terrace, in which objection is raised to the proposal on the grounds that the use of the first floor flat roof for outdoor seating would result in noise disturbance to neighbouring residents (see paragraph 7.4 of this report). Accordingly, the proposal has been assessed by LBTH Environmental Health (Noise & Vibration), who object to the application on the grounds that no reference and no information has been provided on the noise impact of having an open site, and that the proposed hours of usage would be unacceptable so close to residential properties.

- 8.9 As such, based on the information that has been submitted it is considered that the inclusion of a glazed screen along the eastern parapet is insufficient to prevent the use of the terrace for outdoor seating resulting in undue noise disturbance to neighbouring residents in London Terrace. The proposal therefore fails to overcome the previous reason for refusal.
- 8.10 Taking into account the above, it is considered that the proposed use of the front projecting ground floor roof as a roof terrace would lead to an unacceptable level of undue noise and disturbance and would fail to protect the amenity of nearby residential occupiers. As such the proposal is contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010), saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (2012) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007). These policies require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.

Highways

- 8.11 The proposal has been assessed by LBTH Transportation & Highways, who raise no objections subject to confirmation that the replacement columns do not encroach into the public highway. From review of the submitted drawings and observations made during the Case Officer's site visit, it is confirmed that the replacement columns do not encroach into the public highway. As such, it is considered that this application has no significant Highways implications.

8.12 Local Financial Considerations

- 8.13 The Community Infrastructure Levy (CIL) is a new planning charge, introduced by the Planning Act 2008. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. The Mayor of London introduced the Mayoral Community Infrastructure Levy (CIL) on the 1 April 2012 and this will apply to most new developments in London. However, as the proposed development would not result in a net increase in A4 floorspace of 100 square metres or more, the application is not liable for a CIL contribution.

9.0 CONCLUSIONS

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

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m	

1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 7.5

Committee: Development Committee	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 7.5
Report of: Corporate Director of Development and Renewal Case Officer: Mandip Dhillon		Title: Planning Application for Decision Ref No: PA/11/02257 Ward(s): East India and Lansbury	

1. APPLICATION DETAILS

Location: Brownfield Estate, Infill Sites 1 and 2 located on Brownfield Street and Infill Site 3 located at the junction of Lodore Street and Adderley Street:

- § Infill Site 1 – Bound to the north by 6-52 Willis Street block and to the south by 1-43 Brownfield Street block. Brownfield Street is located to the west and Ida Street is located to the east of the site.
- § Infill Site 2 – Bound to the north by 54-112 Willis Street block, to the east by 39a-89a St Leonards Road block to the south by 45-107 Brownfield Street Block and to the west by an access road.
- § Infill Site 3 – Bound to the north by 45-107 Brownfield Street block, to the east by 19-75 St Leonard's Road block, to the south by Adderley Street and the west by Lodore Street.

Existing Use: Infill Site 1 – Surface level car parking and ball court;

Infill Site 2 – Surface level car park and communal gardens.

Infill Site 3 – Non-accessible landscaped area; currently used as on site construction area during the development of an adjoining residential block.

Proposal: The erection of 2 residential blocks located on Brownfield Street in areas of existing ground level parking, communal gardens and a Ball Court fronting Ida Street. The 2 residential blocks will comprise 25 new dwellings (4 x 1 bed, 13 x 2 bed, 6 x 3 bed and 2 x 4 bed dwellings) cycle parking facilities, provision of enhanced public open space throughout the Brownfield Estate and private amenity space, alterations to the surface parking layout and other associated works.

Drawing No's: Drawings:

AL1905/2.0/100
AL1905/2.0/200
AL1905/2.1/202
AL1905/2.0/203
AL1905/2.1/204
AL1905/2.1/205

AL1905/2.1/206
AL1905/2.1/207
AL1905/2.0/208
AL1905/2.0/209
AL1905_2.0_900
AA1773-2-3-010 rev C
AA1773-2-3-011 rev D
AA1773-2-3-012 rev D
AA1773-2-3-013 rev C
AA1773-2-3-014 rev C
AA1773-2-3-015 rev C
AA1773-2-3-016 rev C
AA1773-2-3-017 rev C
AA1773-2-3-018 rev D
AA1773-2-3-019 rev C
AA1773-2-3-020 rev C
AA1773-2-3-021 rev C
10836/100
10836/101
AA01773-2-1-001
AA01773-2-1-002
AA01773-2-1-100
AA01773-2-1-110
AA01773-2-1-111
AA01773-2-1-200
AA01773-2-1-210
AA01773-2-1-300

Documents:

Brownfield Phase 2 – Parking Appraisal dated August 2011
Brownfield Site Phase 2 Transport Statement dated August 2011
Brownfield Site Regeneration Interim Residential Travel Plan dated August 2011
Phase 1 Ground Conditions Report- Sites F-1, F-2 and Ball Court area dated August 2011
Flood Risk Assessment dated September 2011
Flood Risk Assessment dated August 2011
Tree Survey and Arboricultural Impact Assessment dated 18th August 2011
Daylight, Sunlight and Overshadowing dated 19 August 2011
Sustainability Strategy dated 22 August 2011
Energy Statement dated 2 November 2011
Planning and Regeneration Statement, Impact Statement & Statement of Community Involvement dated August 2011
Brownfield Public Realm and Infill Sites dated August 2011
Addendum Parking Report dated 20 January 2012-04-26
Sample: VMZINC Pigmento Blue

Applicant: Poplar HARCA
Owner: Poplar HARCA (plus some leaseholders)

Historic Building: The following listed buildings are located within the application site:

- § Balfroon Tower – Grade II
- § Carradale House – Grade II

Conservation Area: The Balfroon Tower Conservation Area is located within the application

site, to the north and east.

With particular regard to the Infill Sites:

- § Infill Sites 1 and 2 are not within the Conservation Area.
- § Infill Site 3 is within the Balfron Tower Conservation Area.

Other designations: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Managing Development Development Plan Document (Proposed Submission Version 2012), Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal makes efficient use of the site and provides an increase in the supply of housing within an acceptable density. As such the proposal accords with policy 3.3 and 3.4 of the London Plan 2011, HSG1 of the Council's Interim Planning Guidance (2007) and objective S07 of the Core Strategy 2010, which seek the maximum intensity of use compatible with local context.
- The proposal provides an acceptable level of affordable housing, tenure and mix of units overall and as such complies with policies 3.8, 3.9 and 3.11 of the London Plan 2011, saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), policy DM3 of the Managing Development DPD Proposed Submission Version 2012 and policy SP02 of the Core Strategy 2010, which seek to ensure that new developments offer a range of housing choices and acceptable level of affordable housing subject to viability.
- The impact of the developments on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the urban context of the site and as such accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy 2010, policy DM25 of the Managing Development DPD Proposed Submission Version 2012 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- The quantity and quality of housing amenity space, communal space, child play space and open space is acceptable and accords policy 3.6 of the London Plan 2011, policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007), policy DM4 of the Managing Development DPD Proposed Submission Version 2012 and policy SP02 of the Core Strategy 2010, which seek to improve amenity and liveability for residents.
- The building height, scale, bulk, design and relationship of the proposed developments are acceptable and accord with policies 3.5 of the London Plan 2011, policies DEV1, DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, DEV3, DEV4, CON1 and CON2 of the Council's Interim Planning Guidance (2007), policies DM24 and DM27 of the Managing Development DPD Proposed Submission Version 2012 and policy SP10 of the Core Strategy 2010, which seek to ensure buildings are of a high quality design and sensitive to the

setting of the Balfron Tower Conservation Area and the Grade II listed Balfron Tower and Carradale House.

- The scheme would promote permeability and accessibility through the enhancements to landscaping throughout the Estate whilst being designed to provide a safe and secure environment for residents. The development accords with policy DEV1 of the Council's Unitary Development Plan (1998), policies SP09 and SP10 of the Core Strategy 2010, policies DM23 and DM24 of the Managing Development DPD Proposed Submission Version 2012 and policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan 2011, policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy 2010, policies DM20 and DM22 of the Managing Development DPD Proposed Submission Version 2012 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010, policy DM29 of the Managing Development DPD Proposed Submission Version 2012 and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- Taking into account the viability constraints of the proposal, the proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities, community facilities and employment and enterprise in line with policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Planning Obligations SPD 2012, which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

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

A That prior completion of a **legal agreement** to secure the following planning obligations:

- a) Twenty-five units of affordable housing comprising 17 social rent units and 8 affordable rented units (100% affordable housing), as specified in the submitted schedule of housing.
- b) A contribution of £31,972.50 to mitigate for the demand of the additional population on educational facilities.
- c) A contribution of £4,042.50 towards community facilities.
- d) A contribution of £735 towards Employment and Enterprise.
- e) The completion of a car and permit free agreement.
- f) Travel Plan

g) A commitment to utilising employment and enterprise initiatives in order to maximise employment of local residents in accordance with the Planning Obligations SPD.

h) Monitoring fee of £750.00 (2%).

g) 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:

Conditions:

1. Time Limit 3 years
2. Compliance with approved plans and documents
3. Balcony details to be submitted and approved
4. Contaminated land survey
5. Samples / pallet board of all external facing materials
6. Detail of landscaping including child play space, Landscape Maintenance and Management Plan specifying the use of native species.
7. Construction Logistics and Management Plan
8. All residential accommodation to completed to lifetimes homes standards plus at least 10% wheelchair accessible
9. Implementation of sustainable design and renewable energy measures CFSH 4
10. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
11. Detail of Highway Works to be submitted and approved
12. The Glazing specification for all habitable rooms shall meet BS 8233:1999 internal noise levels of 'Good' standard
13. Cycle Parking details to be submitted and approved
14. All disabled parking bays to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance
15. Environment Agency Surface Water Drainage condition
16. be submitted and approved
17. Tree protection plan to be submitted and approved
18. All north and south elevation windows within Infill Site B shall be provided as obscure glazed at all times.
19. Permitted Development rights (GPDO 1995 as amended) removed for gates and enclosures.
20. Permitted Development Rights (GPDO 1995 as amended) removed for 6 dwellinghouses.
21. Refuse and Recycling to be provided in accordance with the details submitted
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 required
- 2) Section 278 / S72 required
- 3) Thames Water advice regarding private drainage and water pressure
- 4) Operation of the Olympic and Paralympic vehicular routes during 2012.
- 5) Applicant advised to contact LBTH Building Control team.

- 6) No blocking of surrounding highway and carriageway.
- 7) No skips or construction materials shall be kept on the footway or carriageway.
- 8) Construction vehicles must only load/unload/park at locations within the permitted times by existing restrictions.

3.4 That, if six weeks from the date of the committee meeting, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 This planning application has been submitted by Poplar HARCA who hold the major freehold interest at the application site.

4.2 The application proposes three infill developments, Sites 1, 2 and 3 located at various locations within the Brownfield Estate. Sites 1 and 2 proposes the erection of two residential buildings within the Brownfield estate, located at Brownfield Street. Site 3 seeks the provision of a new ball court and public play area. The proposals also include the re-landscaping of the public realm within the Brownfield Estate to upgrade the existing pedestrian areas and provide enhanced communal play facilities. This will also include an overall reduction in the number of parking spaces throughout the estate.

4.3 In detail the application proposes:

- Two residential blocks within the Brownfield estate comprising:

Site 1 - 17 residential units comprising 2 x 1 bed flats, 9 x 2 bed flats, 4 x 3 bed units and 2 x 4 bed houses. This development is a 3 storey block.

Site 2 – 8 residential units comprising 2 x 1 bed flats, 4 x 2 bed flats and 2 x 3 bed flats. This development is a 3 storey block.

Site 3 – Creation of a replacement ball court and play area.

- 25 residential units across sites 1 and 2, all proposed as affordable housing (100% affordable housing).
- Overall reduction in on-street car parking within the Brownfield estate with some surface level re-arrangement to the existing parking layout resulting in a loss of 28 car parking spaces.
- Provision of sixty-four (64) bicycle parking spaces and a car and permit free agreement imposed upon all new residential units proposed.
- Provision of new semi-mature tree planting and shrubs throughout the Brownfield estate to enhance the upgraded landscaping works.
- Provision of shared surface paving to improve pedestrian accessibility, on land within the ownership of Poplar HARCA.
- New front gardens provided to residential properties along 2-28 Adderley Street and 19-75 St Leonard's Road.
- Provision on an enhanced entrance into the Brownfield estate at the Burcham Street entrance to the shops.

- Allocated space within each residential block for refuse and recycling facilities for proposed occupiers.

Site and Surroundings

- 4.4 The Brownfield estate comprises of an area of some 6.6 hectares. The Brownfield estate is bound by Blackwall Tunnel Northern Approach/A13 to the east, Susannah and Follett Street to the South, the Dockland Light Railway (DLR) line to the west and Burcham Street runs along the sites northern boundary.
- 4.5 The existing estate comprises of 28 residential blocks with some commercial units and community facilities located at ground floor level. The existing residential blocks at the Brownfield Estate vary in building heights with the tallest comprising the Balfron Tower which is 27 stories in height, Carradale and Glenkerry House are both 11 stories in height, whilst the majority of the remaining estate comprises of 4 storey blocks, primarily located to the west of the Brownfield estate boundary. In addition sites 1 and 2 provide 49 surface level car parking spaces and 19 lock up garages. The 19 lock up garages are all single storey units.
- 4.6 Site 1 is bound to the north by the Willis Street block and to the south by the Brownfield Street block which are both 4 storey residential blocks with pitched roofs. Site 2 is bound to the north by the Willis Street block, to the east by the St Leonards Road block to the south by the Brownfield Street Block all of which comprise of four storey residential blocks with pitched roof forms. Site 3 is bound to the north by the Brownfield Street block and to the east by the St Leonard's Road block, again which are both four storey residential blocks with pitched roof forms.
- 4.7 The Brownfield Estate is located to the east of Chrisp Street market which is a designated District shopping centre, a direct pedestrian bridge provides access from Brownfield Street to Chrisp Street and the shopping centre. East India Dock Road and All Saints DLR station are located to the south of the site. Langdon Park School and Jolly's Green, an area of Public Open Space, are located along the sites northern boundary. Two pedestrian underpasses are located to the east of the site providing access across the A13 which is busy road running through the Borough.
- 4.8 Within the eastern boundary of the application site are located the Grade II listed Balfron Tower and Carradale House, both of which are located within the Balfron Tower conservation area. The northern part of the Brownfield estate is also located within the conservation area, as is Site 3. The western part of the Brownfield estate which comprises of Sites 1 and 2 does not form part of the Balfron Tower conservation area.
- 4.9 The site has a Public Transport Accessibility Level (PTAL) of 4. The closest station to the site is located at All Saints DLR to the south west of the estate and Langdon Park DLR to the north west of the estate boundary, both of which are a short walk from the application site, approximately 200metres. The site is close to numerous bus routes which run along the East India Dock Road, Chrisp Street and the A13 Blackwall Tunnel, all of which are a short walk from the application site/estate boundary.

Planning History

- 4.10 There are a number of planning permissions relating to the wider Brownfield estate, however the planning history below has sought to focus on the most recent and relevant planning history for this application.
- 4.11 Willis Street Car Park, Brownfield Street and Ida Street

<u>Planning Ref</u>	<u>Description of Development</u>	<u>Decision</u>
PA/09/02100	<p>Demolition of existing buildings at 132-154 Brownfield Street, site south of 15-37 Ida Street and 1-19 Follett Street, E14 (Sites G, I (1) & I (2)).</p> <p>Erection of a 20 storey building on the Willis Street Car Park site and its use as 112 residential units (50 x 1 bed, 43 x 2 bed & 19 x 3 bed) and 150 sq.m community facility (Class D1) - Site E</p> <p>Erection of a part 4 & part 5 storey building and its use as 23 residential units (8 x 2 bed, 4 x 3 bed, 10 x 4 bed & 1 x 5 bed) - Site G</p> <p>Erection of a two storey building and its use as 4 four bedroom houses. - Site I (1)</p> <p>Erection of a three storey building and its use as 2 four bedroom and 3 five bedroom houses - Site I (2).</p>	Granted 29/03/10
PA/11/01920	<p>Application under Section 96a of the Town and Country Planning Act 1990, for a non material amendment to the application reference PA/09/2100 dated 29/03/2010 for the following:</p> <ul style="list-style-type: none"> • Removal of a shared ownership dedicated stair core servicing floors 1-4 inclusive • Re-arrangement of basement and removal of dedicated stair core • Removal of the louvre bank to the stair core • Reduction in length of the canopy to the front and rear entrances due to the rearrangements internally • Alterations to the ground floor western elevation to replace some glazed panels with stone cladding panels • Reconfiguration of some of the two and three bed units on 1st-4th floors 	Granted 16/12/11

4.12 Brownfield Estate Refurbishment Works

<u>Planning Ref</u>	<u>Description of Development</u>	<u>Decision</u>
PA/11/01555	<p>Works Comprise: 2-28 Adderley Street (Block 8), 54-112 Willis Street (Block 12), 45-107 Brownfield Street (Block 13), 2-72 Lodore Street (Block 14), 10-24 Ida Street (Block 16), 62-128 Brownfield Street (Block 19). 1-43 Brownfield Street (Block 20), 6-52 Willis Street (Block 21) and 2-60 Brownfield Street (Block 22).</p> <p>Replacement of roofs with matching artificial slates, the extension of eaves and verges, overcladding of the gable walls with insulation and brick slips and the provision of 900mm diameter satellite dish.</p> <p>19-39 and 55-75 St Leonard's Road (Block 9) , 39a-43a</p>	Granted 25/10/11

	<p>and 77-89a St Leonard's Road (Block 10). Installation of secure screens and canopies to entrances, insulation and render to rear walls and soffits of ground and second floor recessed areas, replacement of roofs with matching artificial slates, the extension of eaves and verges, overcladding of the gable walls with insulation and brick slips and the provision of a 900mm diameter satellite dish.</p> <p>52-74 St Leonard's Road (Block 3) New roof covering with insulation, new security gate, building fabric repairs and provision a 900mm satellite dish.</p>	
PA/11/00114	Installation of secure screens and canopies to entrances. Insulation and render to rear walls and soffits of ground and second floor recessed areas.	Granted 17/03/11
PA/11/03907	Replace existing UPVC windows with like for like double glazed UPVC windows to match existing profile of opening lights / fixed lights & insulated low level panels, provided with ironmongery for tilt & turn openings.	Granted 20/03/12
PA/11/01969	<p>External Refurbishment of existing block consisting of the:</p> <p>Provision of new entrance doors, refuse/recycling & cycle store.</p> <p>Installation of render & cladding on facing elevations.</p> <p>Installation of solar panels at roof level.</p> <p>Provision of new aluminium windows, handrails & balustrades.</p> <p>New paving, planting and parking facilities and</p> <p>Provision of external lighting & landscape features.</p>	Granted 22/09/11

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV17	Street Furniture
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Development and Sites of Nature Conservation Importance
	HSG6	Accommodation over Shops
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	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

Core Strategy 2010

Strategic Objectives: S07 Urban Living for Everyone
 S08 Urban Living for Everyone
 S09 Urban Living for Everyone
 SO10 Creating Healthy and Liveable Neighbourhoods
 SO12 Creating a Green and Blue Grid
 SO13 Creating a Green and Blue Grid
 SO14 Dealing with waste
 SO19 Making Connected Places
 SO20 Creating Attractive and Safe Streets and Spaces
 SO21 Creating Attractive and Safe Streets and Spaces
 SO22 Creating Distinct and Durable Places
 SO23 Creating Distinct and Durable Places
 SO24 Working Towards a Zero Carbon borough
 SO25 Delivering Placemaking

Spatial Policies: SP02 Urban Living for Everyone
 SP03 Creating Healthy and Liveable Neighbourhoods
 SP04 Creating a Green and Blue Grid
 SP05 Dealing with waste
 SP08 Making connected Places
 SP09 Creating Attractive and Safe Streets and Spaces
 SP10 Creating Distinct and Durable Places
 SP11 Working Towards a Zero Carbon Borough
 SP12 Delivering Placemaking
 SP13 Planning Obligations

Managing Development Development Plan Document (DPD) Proposed Submission Version 2012

Policies DM1 Development within the town centre hierarchy
 DM3 Delivering Homes
 DM4 Housing standards and amenity space
 DM8 Community Infrastructure
 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
 DM26 Building Heights
 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)

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
DEV22	Contaminated Land
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
SCF1	Social and Community Facilities
CON1	Listed Buildings
CON2	Conservation Areas

Supplementary Planning Guidance/Documents

Designing Out Crime Parts 1 and 2

Spatial Development Strategy for Greater London (London Plan) 2011

Policies:	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and young peoples play and informal recreation facilities
	3.8	Housing Choice
	3.9	Mixed and Balanced Community
	3.10	Definition of Affordable Housing
	3.11	Affordable Housing Targets
	3.12	Negotiating Affordable Housing
	3.13	Affordable Housing Thresholds
	3.14	Existing Housing
	5.2	Minimising Carbon Dioxide Emissions
	5.3	Sustainable Design and Construction
	5.7	Renewable Energy
	5.11	Green Roofs and Development Site Environs
	5.12	Flood Risk
	5.13	Sustainable Drainage
	5.14	Water Quality and Wastewater Infrastructure
	6.1	Strategic Approach
	6.3	Assessing Effects of Development on Transport Capacity
	6.9	Cycling
	6.10	Walking
	6.11	Smoothing Traffic Flow and Tackling Congestion

6.13	Parking
7.2	An Inclusive Environment
7.3	Designing out crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.8	Heritage Assets and Archaeology
8.2	Planning Obligations

Government Planning Policy Guidance/Statements

NPPF	National Planning Policy Framework
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Community Plan The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

6.1 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:

Environment Agency (Statutory Consultee)

6.2 No objection in principle subject to the imposition of a condition relating to the submission of details of a Surface Water Drainage Scheme.

(Officer Comment: Conditions to cover the planning issues raised by the Environment Agency would be placed on any permission issued.)

Viability Assessor- External Consultant

6.3 The viability has been independently reviewed and the following conclusions drawn:

- The scheme is unable deliver any further social rented accommodation;
- All assumptions relating to affordable housing provision are therefore reasonable;
- It is reasonable that the application provides no planning obligations as the scheme is showing a negative value.

(Officer comment: Whilst these conclusions have been drawn by the Independent review, the applicants are seeking to provide £37,500 of planning obligations to seek to provide some level of mitigation at the site. This is discussed further below.)

Transport for London

6.4 No objections subject to the following:

- Development secured as car and permit free
- Cycle parking provision implemented in accordance with details submitted
- The Draft Travel Plan is secured as part of the S106 agreement
- Condition to be imposed securing a construction logistics plan; and
- The inclusion of an informative relating to the Olympic and Paralympic route.

(Officer Comment: The above conditions, informatives and agreements would be secured as part of any planning approval at the site.)

Tower Hamlets Primary Care Trust

- 6.5 No comments received to date.

Crime Prevention Officer

- 6.6 In principle the Crime Prevention Officer (CPO) raised no objection to the proposed works. A number of suggestions were put forward for the developer to incorporate into the overall design at pre-application stage including the pedestrianisation of the path between Site 1 and Site 2, these have been incorporated into the current application.

LBTH Arboricultural Officer

- 6.7 No objections raised.

LBTH Environmental Health

- 6.8 Health and Housing

The Type L units proposed do not provide a separate window in accordance with ventilation requirements.

(Officer comment: The doors proposed within the Type L units are proposed with a separate openable window to provide ventilation.)

- 6.9 Noise and Vibration

The applicant is required to provide adequate glazing to meet BS 8233:1999 internal noise levels of 'Good' standard.

(Officer comment: A condition will be imposed regarding the necessary sound insulation to Infill Site 1 and 2.)

- 6.10 Contaminated Land

A condition is required to investigate and identify potential contamination at the site.

(Officer Comment: Conditions to cover the planning issues of contaminated land would be placed on any permission.)

LBTH Cultural Services

- 6.11 The increased permanent population generated by the development will increase demand on community leisure facilities. As such it is considered that a request for financial contributions is made in accordance with the draft Planning Obligations SPD for Community Facilities, Idea Stores, Libraries and Archives and Public Realm (including Public Open Space) provision of £8,946 for Idea Stores and £31,708 for Leisure facilities.

(Officer comment: The viability assessment, reviewed by an independent consultant has advised that contributions towards community facilities cannot be supported, this is discussed in more detail within the body of this report.)

LBTH Education

- 6.12 Based upon the proposed dwelling mix and tenure, the proposal is required to make provision for 12 primary school places and 6 secondary school places which should be provided as a financial contribution this equates to £312,042.

(Officer comment: The viability assessment, reviewed by an independent consultant has advised

that the full contributions towards education facilities cannot be supported, this is discussed in more detail within the body of this report)

LBTH Transport and Highways

6.13 The following comments have been received from the Highways team:

The existing Sites 1 and 2 accommodate 68 car parking spaces which are proposed to be lost. At the application site, there are 154 Poplar HARCA operated surface level permit bays (not LBTH permit bays). This parking provision excludes the Willis Street development, Carradale House and Balfron Tower.

As existing Poplar HARCA have 111 parking permits allocated amongst the 154 surface level parking permit bays. An additional 13 parking permits are allocated to visitors. The total existing allocated parking permits within the Brownfield estate are 124.

The future site layout will result in a total of 126 parking spaces managed by Poplar HARCA for the Brownfield estate residents, including 13 disabled car parking spaces.

Whilst the application results in the loss of 28 Poplar HARCA managed parking bays, these bays are not allocated to the residents within the Brownfield estate.

The Transport Statement and Masterplan Parking Appraisal identifies that the development will be secured as car and permit free to prevent the exacerbation of on-street parking in the area which is already at a high level of occupancy. This is supported by LBTH Highways.

Further details of the cycle parking stands are to be submitted and approved by the Local Planning Authority.

A condition is required to secure all private forecourt areas to be drained within the site and not into the Public Highway should be included on any planning consent issued at the site.

A condition is required to secure highway improvement works in the area.

In principle no objections are raised to the proposal subject to the imposition of the necessary conditions and informatives set out above.

(Officer Comment: Conditions and Informatives to cover the planning issues raised by the Highways department would be placed on any permission.)

LBTH Waste

6.14 No objections to waste management proposals.

LBTH Energy

6.15 The application proposes Photovoltaic Panels and achievement of Code for Sustainable Homes Level 4. The proposed works are considered to meet planning policy requirements. Conditions should be imposed relating to the implementation of the Energy Strategy and the submission of details prior to occupation of achieving Code Level 4.

(Officer Comment: The requested conditions will be imposed on any consent issued at the site.)

London Thames Gateway Development Corporation

6.16 No comments received to date.

Splash Tenants Association

6.17 No comments received to date.

7. LOCAL REPRESENTATION

7.1 A total of 1221 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 Against: 2 In Support: 0

No. of Pro-forma responses: 24 Against: 24

No. of Petitions Against: 1 (32 signatures)
In Support: 0

Objections Received

7.2 Density and land use

- No details of height of proposal provided
- Density of development is too high
- The position of the Site 2 block has moved and it is not considered to be suitable - it was initially proposed to the west of the site

7.3 Amenity Impacts

- Site 2 block will cause loss of privacy to the existing Brownfield Street block to the south
- Sunlight and daylight assessment does not consider the new location of this proposed block and the impact upon the existing habitable rooms
- The children's play area is located between two service roads which is considered to be unsafe

7.4 Highway Impacts

- Loss of car parking
- Increase in on-street parking in the local area from proposed developments
- Insufficient capacity in the local road network to accommodate further development

7.5 Impact on local infrastructure

- Position of Block 2 will be located on top of or adjacent to a main drainage/sewer line impacting upon the existing drainage.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The application has been fully considered against all relevant policies under the following report headings:

- 8.2
1. Land-use
 2. Density of Development
 3. Housing
 4. Design, Public Realm, Impact on Heritage Assets
 5. Amenity
 6. Transportation

7. Other

Land-use

- 8.3 The application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG). The application proposes a residential development comprising 25 residential units provided across 2 blocks (sites 1 and 2) and the provision of a replacement ball court and play area (site 3).

Loss of Parking and Lock Up Garages

- 8.4 National guidance on transport provision is given in the National Planning Policy Framework (NPPF), London Plan polices 6.1, 6.3, 6.9, 6.10, 6.13; IPG policies DEV16, DEV17, DEV18, DEV19 and policy SP09 of the Core Strategy 2010 (CS) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.5 Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 seeks to ensure priority is given to the safety and convenience of pedestrians.
- 8.6 The main issue arises from the loss of two car parking areas at Site 1 and Site 2 which together provide 68 car parking spaces. Whilst there will be an overall loss of 28 parking spaces (taking into account the proposed spaces), currently managed by Poplar HARCA, 40 of the existing 68 spaces are proposed to be re-provided throughout the estate.
- 8.7 The Transport Statement and Masterplan Parking Appraisal identifies that the Brownfield estate has 111 Poplar HARCA allocated parking permits whilst there are 154 Poplar HARCA managed surface level parking bays, 13 additional parking permits are allocated to visitors, totalling 124. The proposed development will deliver 126 Poplar HARCA managed surface level car parking bays, including 13 disabled car parking spaces. This therefore accommodates for all of the existing allocated parking permits.
- 8.8 The proposed development will be secured as car and permit free to prevent the exacerbation of on-street parking in the area which is already at a high level of occupancy. This is supported by LBTH Highways.
- 8.9 Whilst the applicants have identified a capacity within the local area for parking, it is considered that only existing tenants who have an allocated parking space should be offered the opportunity to apply for a parking permit to minimise parking stress within the area and any future residents of the affordable housing units that comply with the requirements of the Council's Tenant Transfer Scheme.
- 8.10 In respect of the recently adopted permit transfer scheme it is anticipated that 8 units could potentially qualify for a parking permit in the local area. A parking permit could either be applied for from the LB Tower Hamlets or from Poplar HARCA. Whilst there are limited spaces remaining within the Poplar HARCA managed permit bays, should a need arise, the permit transfers may be able to be accommodated within the LB Tower Hamlets permit bays, of which there are some bays within the Brownfield Estate and also within the vicinity of the Estate.
- 8.11 Local residents have raised concerns about parking stress and capacity in the Brownfield estate area. As a means of ensuring the parking stress is not exacerbated, all new residential units will be secured as car and permit free, restricting the ability for new residents to park and or apply for a permit in the area.

Principle of a residential use

- 8.12 The principle of the loss of car parking and lock up garages has been considered and found

acceptable. In terms of a housing use it is noted that the Brownfield estate is an existing residential estate and would therefore provide a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies 3.3, 3.4 of the London Plan 2011 and policy S07 and S08 of the CS which seek to maximise the supply of housing.

Density of Development

- 8.13 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Strategic Objective S07 and policy SP02 of the CS and policy HSG1 of the IPG also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.14 The Brownfield estate site has an area of 6.6 ha. The two residential sites proposed form much smaller parts of this wider site. Site 1 measures 0.27 ha providing a density at the site of 232 habitable rooms per hectare (hr/ha) and Site 2 measures 0.33 ha providing a density of 81.4 hr/ha. In an urban area with a PTAL of 4, the London Plan states that a density range of 200 – 700 hr/ha is appropriate.
- 8.15 Overall, the existing Brownfield Estate has a density of approximately 268 hr/ha. Works to implement planning permission PA/09/2100 are currently underway and this scheme, once fully built, would bring the overall density of the Brownfield Estate to 322 hr/ha. The proposed development of Infill Sites 1 and 2, would increase the overall density of the Brownfield Estate to approximately 335 hr/ha.
- 8.16 In the simplest of numerical terms, the proposed density would appear to be appropriate for the application site and within the range stipulated by the London Plan. The intention of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity. The application makes the most efficient use of the land available and accords with the aims of London Plan policy 3.4, policies S07 and SP02 of the CS and IPG policy HSG1.

Housing

- 8.17 The application proposes 25 residential (Use Class C3) units at the application site. The following table (Table 1) sets out the proposed housing mix when split into market, social rent, affordable rented, shared-ownership tenures for all 25 proposed residential units:-

Table 1	Market Sale	Affordable Rent	Social Rent	Shared Ownership
Studios	0	0	0	0
1 Bedroom unit	0	0	4	0
2 Bedroom unit	0	0	13	0
3 bedroom unit	0	6	0	0
4 Bedroom unit	0	2	0	0
5 Bedroom unit	0	0	0	0
Total Units	0	8	17	0
Total Affordable Units	0	25 (100%)		0

Habitable Rooms	0	42	39	0
Habitable Rooms %	0	52%	48%	0

- 8.18 This section of the report considers the acceptability of the housing provision on site in terms level of affordable housing, mix of tenures, mix of dwellings sizes and provision of wheelchair units.

Affordable Housing

- 8.19 London Plan policies 3.8, 3.9 and 3.11 state Boroughs should seek to maximise affordable housing provision. Policy SP02 of the CS and IPG policy HSG3 require the provision of a minimum of 35% affordable housing on schemes of 10 dwellings or more. IPG policy HSG10 notes that it is acceptable for the proportion of affordable housing to be calculated using habitable rooms as the primary measure.
- 8.20 The scheme provides a total of 25 affordable housing units, which equates to 100% of the habitable rooms. The provision of 100% affordable housing complies with local planning policy guidance which sets minimum affordable housing thresholds, therefore this development accords with planning policies 3.8, 3.9 and 3.11 of the London Plan 2011, policy S07, S08, S09 and SP02 of the CS and HSG3 of the IPG.

Social Rent / Intermediate Ratio

- 8.21 London Plan policy 3.11 states that there should be mix of tenures within the affordable housing units with 60% social rent (social rented and affordable rented) and 40% shared ownership. The Council's own CS policy SP02 requires a split of 70% social rent and 30% shared ownership given the housing needs identified within the Borough.
- 8.22 The development proposal does not achieve the CS objectives under policy SP02 for a tenure split of 70:30 or the London Plan policies. However on balance, the provision of 100% affordable housing at this site is supported and is therefore acceptable.
- 8.23 Affordable rented housing is defined as:

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

- 8.24 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. 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.

	Social Target Rent	Adjusted Affordable Rent levels (market rent %)	Proposed rents for this scheme (market rent %)
1 bed	£106.10 (Social Target Rent)		
2 bed	£121.89- £127.07 (Social Target Rent)		
3 bed		£187.85(50%)	£180.00 (inclusive of service charges)
4 bed		£250.00(50%)	£196.00 (inclusive of service charges)

- 8.25 In respect of Policy DM3 of the Managing Development DPD (Proposed Submission Version 2012), it is considered in this instance that the provision of affordable rent product is justified in light of the viability of this scheme. If further units or larger accommodation had been provided at social rent levels the overall provision of affordable housing within the development may not have achieved 100% affordable housing and POD rent levels.
- 8.26 Whilst the tenure split of accommodation is not wholly compliant with policy DM3 of the MD DPD, the scheme would deliver 100% affordable housing, 48% of which would be social rented accommodation and 52% affordable rented, providing a 100% affordable housing scheme for borough residents. On balance, the provision of affordable housing at this site is supported.

Mix of dwelling sizes

- 8.27 The Council's housing studies have identified that there is a significant deficiency of family housing within the Borough. This shortage is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes.
- 8.28 Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in London Plan policy 3.8 which also requires development to offer a range of housing choice. Policy SP02 of the CS and MD DPD policy DM3 specifies the particular mix of unit sizes required across different tenures in the Borough.
- 8.29 Policy DM3 of the MD DPD details the mix of units required in all tenures. These figures and the breakdown of the proposed accommodation are shown in the table 3 below: -

Table 3		Affordable Housing						Private Housing		
		Social and Affordable Rent			Intermediate			Market Sale		
Unit size	Total units	Unit no.s	%	LBTH target %	Unit no.s	%	LBTH target %	Unit no.s	%	LBTH Target %
Studio	0	0	0%		0			0	0%	
1 bed	4	4	16%	30%	0	0%	25%	0	0%	50%
2 bed	13	13	52%	25%	0	0%	50%	0	0%	30%
3 bed	6	6	24%	30%	0	0%	25%	0	0%	10%
4+ bed	2	2	8%	15%	0	0%	0%	0		10%
	25	25	100		0	0		0	100	

- 8.30 The proposed housing mix provides an excess of two bedroom units against the policy target. It is also noted that IPG policy HSG2, policy DM3 of the MD DPD and policy SP02 of the CS seeks the overall provision of 45% family sized units (comprising 3 or more bedrooms) in the social rent tenure; the application proposes only 32% family sized units.
- 8.31 A more policy compliant mix could be achieved at the site, however it is considered that on balance, the provision of 100% affordable housing together with 32% family sized accommodation, 6 units of which comprise single family dwellinghouses, is considered to meet the Boroughs identified need for family accommodation. The over-provision of affordable housing in lieu of a policy compliant mix of tenure and dwelling sizes is considered acceptable.

Wheelchair Housing and Lifetime Homes

- 8.32 Policy HSG9 of the IPG and policy SP02 of the CS requires housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.
- 8.33 All residential units would be built to Lifetime Homes Standards. In addition three wheelchair accessible units are proposed within the ground floor layout of the properties which meets the regional and local policy requirement. The proposed parking layout throughout the Brownfield Estate will also provide 13 disabled parking spaces for permit holders.
- 8.34 The proposed accessible units are considered to comply with lifetime homes standards and the level of wheelchair housing provision is in accordance with the requirements of IPG policy HSG9 and Core Strategy policy SP02. It is recommended that a condition is included to ensure that these units and standards are met during construction.

Design, Public Realm, Impact on Heritage Assets

- 8.35 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number criterion aimed at achieving good design. These criterion are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policies DEV1 and DEV2.
- 8.36 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.37 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the CS and DM24 of the MD DPD (proposed submission version January 2012) also seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.38 The application is not a 'tall building' within the definition set by the London Mayor as it is not higher than 30m above ground level, nor does it significantly exceed the height of neighbouring properties.
- 8.39 No demolition works are proposed as a result of the current proposals, all works are proposed to take place on existing areas of car parking, play space and vacant hardstanding.

Infill Site 1 (Located to the West of the Brownfield Estate)

- 8.41 The application proposes a three storey residential block on the site of the existing car park and garages and enclosed ball court. The proposed building is designed to be a stand alone block with an area of public open space provided directly in front of the block. The main entrance into the block is proposed to be served by an enhanced area of public realm with improved pedestrianised access between Ida Street and Brownfield Street. This is also sought to be achieved through enhancements in the public realm and landscaping which are proposed throughout the wider Brownfield Estate.
- 8.40 The proposed footprint of Infill Site 1 follows that of the existing residential blocks to the north and south of the site. The buildings to the north and south are both four stories in height and the proposal would be only three stories in height. The proposed siting and massing of the block is considered appropriate in the context of the site.
- 8.41 The design rationale is a simple, brick building that seeks to respect the surrounding residential blocks which are also of brick construction. Large windows are proposed at ground floor level, set back behind the front gardens or balconies of the residential properties, alongside windows on

both flank elevations providing natural surveillance to all of the surrounding streets.

- 8.42 Infill Site 1 would provide dual aspect units, all with private amenity space. All residential units meet the recently adopted London Plan floorspace Standards and all units are set back from the main building line providing defensible space for residents.
- 8.43 The proposed design, scale and bulk of Infill Site 1 is considered to be acceptable and in accordance with saved policies DEV1, DEV2 and DEV3 of the UDP; policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the MD DPD (proposed submission version January 2012) and IPG policies DEV1 and DEV2.
- 8.44 Given the location of the proposed development site, there would be limited views of the proposed development from the Balfour Tower conservation area. The proposals do not therefore impact upon the character or views of the conservation area.

Infill Site 2 (located to the East of the Brownfield Estate)

- 8.45 The application proposes a three storey residential block on the site of the existing car park and an area of communal space. The proposed building is designed to be a stand alone block with an area of public open space provided to the west of Infill Site 2. The main entrance into the block is proposed to be served by this area of public open space, but also by an enhanced public realm and landscaping which is proposed throughout the wider Brownfield Estate.
- 8.46 The proposed footprint of Infill Site 2 has been located to the east of the infill site to allow for the maximum use of the public open space. Objections have been raised with regard to its location, in favour of its position fronting Brownfield Street with the public open space to the rear. However, it is considered that the proposed layout provides the opportunity for natural surveillance and easy access from Brownfield Street of the proposed public open space and children's play area.
- 8.47 The proposed height of Infill Site 2 follows that of the existing residential blocks surrounding the site. The buildings to the east and south are four stories in height and the proposal would be only three stories in height. The proposed siting and massing of the block is considered appropriate in the context of the site.
- 8.48 The design rationale is a simple, brick building with the introduction of a zinc metal treatment at second floor level. The materials are considered to respect the surrounding residential blocks which are of brick construction. Large windows are proposed at ground floor level, set back behind the balconies of the residential properties, alongside windows on both flank elevations providing natural surveillance to the surrounding site, which will be enclosed.
- 8.49 Infill Site 2 provides dual aspect units to 6 of the 8 properties within the development. Only the two smaller 1 bedroom properties are single aspect units, although they have sufficient fenestration to serve the property. All family sized accommodation is dual aspect and all properties have private amenity space. All residential units meet the recently adopted London Plan floorspace Standards and all units are set back from the main building line providing defensible space for residents.
- 8.50 The proposed design, scale and bulk of Infill Site 2 is considered to be acceptable and in accordance with policies DEV1, DEV2 and DEV3 of the UDP; policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the MD DPD (proposed submission version January 2012) and IPG policies DEV1 and DEV2.
- 8.51 Given the location of the proposed development site, there would be limited views of the proposed development from the Balfour Tower conservation area. The proposals do not therefore impact upon the character or views of the conservation area.

Infill Site 3 (located at the junction of Brownfield Street and Lodore Street)

- 8.52 Infill Site 3 seeks to provide a new Ball Court, a play area and an enhanced public open space through the provision of paving and planting. The site currently comprises of an area of underused public open space which has no play facilities for residents to use. All landscaping and public realm enhancements are proposed to be in the same treatments which are proposed throughout the Estate providing a cohesive streetscene within the Brownfield Estate.
- 8.53 The design of the new ball court will provide an enclosed space for ball games with high level metal railings to allow natural surveillance into the Ball Court. The play space will be provided with play equipment suitable for children of all ages. The area will also be equipped with seating for accompanying adults.
- 8.54 Infill site 3 is located within the Balfron Tower conservation area. National guidance contained within the NPPF seeks to sustain and enhance heritage assets and put them into viable uses. This area of underused public open space will provide an enhanced public realm to the local residents and play facilities for residents providing a positive contribution to the local character and distinctiveness of the Balfron Tower Conservation Area.

Proposed Landscaping Works and Public Realm Enhancements

- 8.55 Saved UDP Policy DEV1, policy SP09 of the CS, policy DM23 of the emerging MD DPD and IPG policy DEV4, require development to consider the safety and security of users. Regards should also be given to the principles of Secure by Design. However, these matters must also be balanced against requirements to promote site permeability and inclusive design.
- 8.56 The planning application proposes new landscaping throughout the Brownfield Estate. As part of these works pedestrian routes will be enhanced, lighting improved, provision of new tree planting, provision of new front gardens to some properties within the estate. A number of smaller children's play areas are also proposed and any estate roads which are within the applicants control would also be upgraded.
- 8.57 These works would serve to improve the appearance of the Brownfield Estate and provide enhanced play and open space facilities for local residents.
- 8.58 As such it is considered that the layout of the proposals alongside the wider landscaping works would improve the appearance, permeability and accessibility of the application site. The proposal is therefore considered to accord with the requirements of saved UPD policy DEV1, CS policy SP09 and IPG policy DEV4.

Impact on adjoining Listed Buildings

- 8.59 The Grade II listed Balfron and Carradale House lie to the east of the wider application site. Given the distance between the three infill sites and the two listed buildings, it is not considered that the proposals would have an adverse impact on the setting of these listed building. The wider landscaping proposals would serve to enhance the setting of these listed buildings and therefore accords with policy CON1 of the IPG, policy SP10 of the Core Strategy, policy DM27 of the MD DPD and national guidance contained within the NPPF.

Amenity

Daylight

- 8.60 Policies DEV2 of the UDP, DM25 of the MD DPD and SP10 of the CS seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants. These policies also seek to ensure the amenity of future occupants. The applicant has submitted a detailed Daylight and Sunlight Report produced by PRP which considers the impacts upon

existing and future occupiers.

- 8.61 The submitted study assesses the impact of the development on existing properties surrounding both residential development sites. The study concludes that no windows fail to meet the BRE recommendations, as such the developments at Infill Sites 1 and 2 will not result in a loss of Daylight to neighbouring residential properties.
- 8.62 The submitted daylight and sunlight study prepared by PRP considers proposed light-levels within the proposed development for the future residents. It is considered from the information submitted that the daylight and sunlight availability would be within acceptable margins, based upon the report submitted.

Sunlight

- 8.63 Sunlight is assessed through the calculation of 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 (i.e. those windows which receive sunlight).
- 8.64 The study concludes that no windows fail to meet the BRE recommendations, as such the developments at Infill Sites 1 and 2 will not result in a loss of Sunlight to neighbouring residential properties.

Conclusions

- 8.65 The submitted study shows that the development would not have an adverse impact on neighbours and future residential occupiers in terms of loss of daylight and loss of sunlight. The proposal is acceptable and complies with UDP policy DEV2, CS policy SP10, DM25 of the MD DPD (proposed submission version January 2012) and IPG policy DEV1.

Privacy

- 8.66 Saved UDP Policy DEV 2 and policy DM25 of the MD DPD (proposed submission version January 2012) requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policies state that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.67 Infill Site A achieves a separation distance of 18metres between the proposed development and the existing residential blocks to the north and south of the site. As such it is not considered that these existing residents will experience a loss of privacy.
- 8.68 At Infill Site 2, the east and west elevations of the property are able to achieve separation distances of 18metres or more. However, the flank elevations, or the north and south elevation of this block are only able to achieve separation distances of 15-16metres. The floorplans show that all windows located on the north and south elevation serve a non-habitable room, a bathroom or a kitchen. As such, it is considered appropriate to impose a condition if consent is granted that these windows are secured as obscure glazed at all times to ensure the residential amenity of local residents.
- 8.69 The proposal therefore accords with saved policy DEV2 of the UDP, policy SP10 of the CS, policy DM25 of the MD DPD (proposed submission version January 2012) and policy DEV1 of the IPG which seek to protect the amenity of future residents.

Residential Amenity Space

- 8.70 Saved UDP policy HSG 16 requires that new development should make adequate provision for amenity space, IPG Policy HSG7 and MD DPD policy DM4 sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan Policy

3.6 on the provision of child play space is also relevant.

8.71 The application proposes 809.5 square metres of private amenity space in the form of balconies for the flats on the upper floors and garden space for the ground level accommodation. Under policy HSG7 of the IPG, 607 sqm of private amenity space is required in quantitative terms which therefore exceeds the local policy requirements.

8.72 Details of the required communal amenity and child play space is set out within the table below. The scheme is required to provide 306square metres of communal and child play space under IPG policy HSG7, MD DPD policy DM4 and under London Plan policy 3.6 requirements;

	LBTH Policy Requirement	London Plan Policy Req't
Communal Open Space	65 sq.m	N/A
Child Play Space-Under 4	28sq.m	94sq.m
Child Play Space-Under 5-10	27sq.m	89sq.m
Child Play Space-Under 11-15	17sq.m	58sq.m
Total	72 sq.m	241 sq.m

8.73 Given the complex nature of the proposals, each Infill Site is proposed to be assessed individually setting out the existing open space provision and the proposed provision. This is set out in the Table below.

Site	Existing			Proposed		
	Communal/amenity Space	Ball Court	Play Space	Communal/amenity Space	Ball Court	Play Space
Infill Site 1		400sq.m		255sq.m		170sq.m
Infill Site 2	980sq.m			855sq.m		220sq.m
Infill Site 3	1436sq.m				320sq.m	1116sq.m
Total	2816sq.m			2936sq.m		

Across the three sites, the development results in a marginal uplift in amenity space, and whilst this uplift does not meet the policy requirements, the upgrading of the play facilities and equipment for the local residents is considered to be a key asset to the local area. At present the Brownfield Estate has limited Local Area Play for children and the proposed scheme aims to deliver 6 new play areas, to meet the needs of the local community. Three of these new play spaces are located on the infill development sites whereas the remainder are located within the Estate.

8.74 The proposed landscaping enhancements across the Estate alongside proposals to provide quality communal and child play space through the three main development sites and the wider area is considered to accord with the requirements of IPG policy HSG7 and MD DPD policy DM4. It is however acknowledged that the proposal represents a shortfall under the requirement of the London Plan. However on balance it is considered that the enhancements and improvements provided to the existing spaces would be a substantial improvement to the estate.

Noise/Disturbance

- 8.75 Saved Policy DEV50 of the UDP, policy DM25 of the emerging MD DPD and policy SP10 of the CS states that the Council will consider the level of noise from a development as a material consideration. This policy is particularly relevant to construction noise during the development phase. To ensure compliance with this policy conditions would be placed on any permission restricting construction works to standard hours.

Transportation

- 8.76 National guidance on transport provision is given in PPG13: Transport. London Plan policies 6.1, 6.3, 6.9, 6.10, 6.13 IPG policies DEV16, DEV17, DEV18 and DEV19, emerging MD DPD policies DM20 and DM22 and CS policy SP09 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.77 Local Plan policies seek to require that consideration is given to the traffic impact of operational requirements of a proposed use and also seek to ensure priority is given to the safety and convenience of pedestrians.
- 8.78 The application is supported by a Transport Assessment which details the policy context and baseline conditions in respect of the local areas public transportation and road network.

Vehicle Parking

- 8.79 Full details of the principle of the loss of on-site car parking has been provided in paragraphs 8.4-8.11 above. If planning permission is granted, the developer would agree to enter into a car and permit free agreement so that no controlled parking permits are issued to new residents. This would prevent additional pressure for on-street parking and reduce congestion and promote the use of alternative modes of transport.
- 8.80 It is noted that some residents consider that the level of car-parking and the re-arranged layout of car parking throughout the wider Estate is insufficient under the current proposals. However, given the survey work undertaken to assess the number of permits issued to Poplar HARCA residents and spaces throughout the estate and the imposition of car and permit free agreements for all new residents (subject to operation of the Council's permit transfer scheme) coupled with the Council's policy objectives to promote sustainability, Officers consider that both residential parking arrangements are acceptable and accord with London Plan policies 6.1 and 6.13, MD DPD policy DM22 and IPG policy DEV19.

Cycle Parking

- 8.81 The application proposes 68 cycle parking spaces for the two residential blocks. For the single family houses at Infill Site 1, dedicated cycle stands are provided within the front gardens of each property and two separate storage areas provide facilities for the remainder of properties. Similarly Infill Site 2 would provide residents with a secure cycle store for all residents. The provision meets the standards for residential developments and visitor parking specified in IPG policy standards. The level of provision accords with London Plan policy 6.9 and IPG policy DEV16 and is acceptable. It is recommended that these stores are secured by condition.

Impact on Local Transport Infrastructure;

- 8.82 The transport assessment estimates that additional demand on train and bus services could easily be absorbed into existing capacity.
- 8.83 The submission has been reviewed by both the Council's Highway Engineers and Transport for London who have raised no objection. In overall terms, Officers are satisfied that with the proposals and the impact of the development on public transport and road capacity is acceptable. Given the relatively small size of the scheme, it is not considered that the cumulative impact of this and other development in the area is likely to be significant. The scheme would significantly

improve conditions in the immediate area of the site for cyclists and pedestrians through the landscaping enhancements and the development is acceptable in terms of transportation policies.

Others

Air Quality

- 8.84 Policy DEV11 of the IPG requires the potential impact of a development on air quality to be considered, with IPG policy DEV12 also requiring that air and dust management is considered during demolition and construction work.
- 8.85 It is likely that the proposal could have some adverse impacts in terms of the generation of dust emissions during the demolition and construction phases. It is considered that this matter can be controlled via an appropriate construction.

Renewable Energy and Energy Efficiency

- 8.86 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 5.2 and 5.7 state that new developments should achieve a reduction in carbon dioxide emissions of 40%. IPG policies DEV5 and DEV6 and CS policy SP11 have similar aims to London Plan policy.
- 8.87 The application is accompanied with an Energy Statement which details that the development would provide Photovoltaic Panels and the residential units would be completed to Code for Sustainable Homes Level 4.
- 8.88 The measures outlined are considered to accord with planning policies and are considered to be acceptable. The renewable and energy efficiency measures would be secured by condition.

Site Contamination

- 8.89 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an Assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

Other impacts on local infrastructure

- 8.90 Policy DEV4 of the adopted UDP, policy SP13 of the CS and Policy IMP1 of the IPG say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

The Community Infrastructure Levy Regulations 2010 state that any s106 planning obligations must be:

- 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

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities, health care and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

- 8.91 The Council's draft Supplementary Planning Document (SPD) 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.

Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £358,701. This has been applied as follows through the SPD. Given the extent of public realm enhancements and landscaping proposed throughout the Estate, no public realm contributions are proposed to be sought.

The proposed heads of terms are:

Financial Contributions

Community Facilities £40,654
Education £312,042
Sustainable Transport £1,065
Employment £4,940

Non-financial Contributions

- a) 100% affordable housing units (comprising 17 social rent units and 8 affordable rented units)
- b) Car and permit free agreement
- c) Travel Plan
- d) Commitment to utilise employment initiatives

- 8.92 The planning application proposes the delivery of wide scale public realm works throughout the Estate and 100% affordable housing. In addition, the application proposes the delivery 48% social rented accommodation, and 52 Affordable Rent accommodation. All of these factors have had an impact upon the viability of the scheme and the subsequent delivery of Planning Obligations.
- 8.93 This application is supported by a viability toolkit which demonstrated that there was no provision to provide all of the S106 contributions or any further affordable housing as social rented accommodation. The viability appraisal has established that it is not viable for the proposal to deliver the planning obligations which are required to mitigate against the impact of the proposed development. The applicants have however offered a planning contribution of £37,500 (equivalent of £1,500 per unit) towards mitigation.
- 8.94 Based on the Borough's key priorities which are affordable housing, employment, community facilities and education, the S106 package is proposed to be focused to be shared proportionately amongst the key priority areas:

Financial Contributions

- a) £31,972.50 towards Education
- b) £4,042.50 towards Community facilities
- c) £735 towards Employment and
- b) £750 towards monitoring

Non-financial Contributions

- a) 100% affordable housing units (comprising 17 social rent units and 8 affordable rented units)
- b) Car and permit free agreement
- c) Travel Plan
- d) Commitment to utilise employment initiatives

For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Localism Act (amendment to S70(2) of the TCPA 1990)

- 8.95 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.96 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.
- 8.97 Section 70(4) defines "*local finance consideration*" as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.99 In this context "grants" might include:
- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
 - b) Regional Growth Funds;
 - c) New Homes Bonus;
 - d) Affordable Homes Programme Funding.
- 8.100 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.101 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 8.102 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012.
- 8.103 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent upon the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the financial and non-financial contributions toward Enterprise and Employment, (referred to in paragraph 3.1 of the Officers report), there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment.
- 8.104 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of

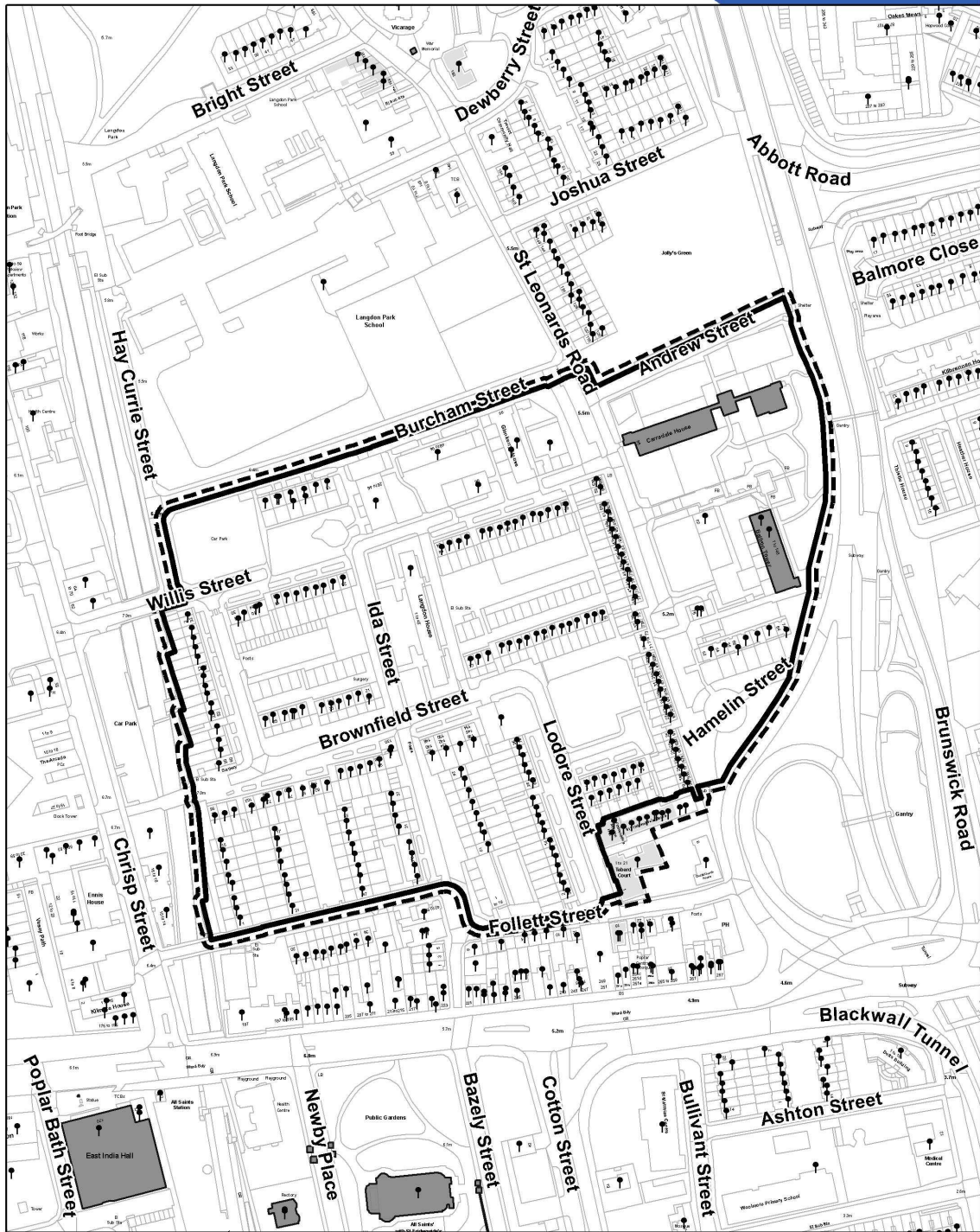
the Council tax that each unit would generate over a rolling six year period.

- 8.105 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £31,985 within the first year and a total of £191,911 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 8.106 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as social rent (17 units), with the remainder being affordable rent (8 units).

9.0 **Conclusions**

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

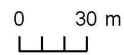
Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

-  Land Parcel Address



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

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Agenda Item 7.6

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item: 7.6
Report of: Corporate Director of Development and Renewal		Title: Planning Application	
Case Officer: Katie Cooke		Ref No: PA/12/00430	
		Ward: Millwall	

1.0 APPLICATION DETAILS

1.1 **Location:** Wood Wharf, Preston's Road E14

Existing Use: Historically a mixture of Light Industrial, Industrial and Warehousing. The application site is now cleared of buildings and vacant.

Proposal: Variation of condition 3 of planning permission dated 18.08.11 ref. PA/11/01000 to enable use of plots A-D up to the hours of 00.00 during the Olympic period (20th July-14th September 2012)

Documents: Site Location Plan and Planning Permission ref no. PA/11/01000.

Design and Access Statement dated April 2011 Appendix C. Addendum dated 1st July 2011.

De Boer Events Solutions Double Decker Premium Olympic and Non-Olympics Scenarios Maximum Potential Use of Site dated 1st July 2011.

Schedule to Accompany Parameter Plan dated 12th July 2011.

Wood Wharf – Temporary Use Management Plan dated 13th July 2011.

Transport Assessment prepared by Steer Davies Gleave dated July 2011 Issue 3.

Noise Assessment prepared by Sandy Brown dated 21st April 2011, Supplementary Acoustic Information dated 10th July 2011

Wood Wharf Flood Risk Assessment: Addendum 2 prepared by Arup dated 28th June 2011

Wood Wharf Ecological Survey Works prepared by WSP dated 26th April 2011

Drawing Nos: Site Location Plan.

SK1000 A
SK1002 A
SK1003 A
SK1004B
SK1005A
SK1006A
SK1007A
SK1008A
SK1009A
SK1011A

DS0411-01-01 Sheet 1 of 9
DS0411-01-01 Sheet 5 of 9
DS0411-01-01 Sheet 6 of 9
DS0411-01-01 Sheet 7 of 9

TOWN474.1(03)001 R01
TOWN474.1(03)002 R00
TOWN474.1(03)003 R01
TOWN474.1(03)004 R01
TOWN474.1(03)005 R01
TOWN474.1(03)006 R00

Applicant: Canary Wharf Ltd

Owner: Various

Historic Building: Dock Wall - Grade I Listed

Conservation Area: Adjacent to Coldharbour Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the adopted Core Strategy Development: Development Plan Document 2025, the Managing Development: Development Plan Document (Proposed Submission Version, January 2012) the Council's Interim Planning Guidance (2007) and associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The proposed hours of operation and restrictions on noise levels are sufficient to ensure that the proposed development would not have any significant adverse impacts on the amenity of the occupiers of nearby buildings. The proposed development is therefore acceptable in terms of Core Strategy 2010 objective SO10, which seeks to deliver healthy and liveable neighbourhoods. Core Strategy Policy SP03(2a), which seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise and Core Strategy policy SP10(4) which seeks to ensure development protects amenity, Unitary Development Plan 1998 policies DEV2, DEV50, and Planning Standard Two (Noise), policy DM25 of the Managing Development Proposed Submission Version (2012) and Interim Planning Guidance (2007) policies DEV1, DEV10, which relate to the preservation of residential

amenity and protection from excessive noise.

3 RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to the prior completion of a legal agreement to secure the obligations at paragraph 3.4 and the following conditions and informatives:

3.2 Conditions

1. Two Year Temporary Permission. Use discontinued and structures removed at end of period.

2. Development in accordance with, and adherence to restrictions specified within, approved parameter plans and schedules.

3. No use of land to take place outside approved hours. The condition will state the following:

'The uses allowed by this permission shall not take place other than between the hours of:

(i) 0800 to 2300 Mondays-Fridays, Saturdays or Sundays (Including Bank Holidays) subject to the exception at (ii) below in respect of Plots A-D.

(ii) In respect of Plots A-D only 0800 to 0000 Mondays-Fridays, Saturdays or Sundays (Including Bank Holidays) for the period from 20th July 2012 to 14th September 2012

Plots E and F shall not be used outside the period from 20th July to 14th September 2012 (with the exception of the use of Plot E for the provision of a maximum of 4 coach parking spaces, and a drop-off point for a maximum of 6 taxis, which can occur for the duration of the two year consent). During any period plots E and F shall not be used outside the times specified above.'

4. No construction or deliveries associated with construction, to take place outside of approved hours for amenity reasons. No construction deliveries at peak times of network congestion for highway safety reasons.

5. No Servicing to take place outside of approved hours for amenity reasons, or at peak times of network congestion for highway safety reasons.

6. Uses operated in accordance with restrictions given in approved Management Plan dated 13th July 2011.

7. All marquee structures on-site from range specified in Design and Access Statement dated April 2011 Appendix C or De Boer Events Solutions Double Decker Premium.

8. Use Operated in Accordance with measures specified in approved:-
Staff Transport Management Strategy,
Visitor Transport Management Strategy,
Delivery Servicing and Site Construction Strategy, as detailed in Transport Assessment Issue 3 dated July 2011

9. Compliance with approved Drainage Strategy.

10. Plant Noise controlled in accordance with approved Acoustic Assessment.
11. Details of proposed landscaping on Plot F prior to first use
12. Temporary Bridge to be provided on any day when events take place, and to be retained for duration of events.
13. Pedestrian through-route shown on drawing SK1011A to be retained for duration of consent.
14. Full details of proposed marquee, pedestrian and bridge lighting prior to installation. No further lighting without permission.
15. Removal of Class 4 PD rights for other temporary events on site during duration of consent.
16. Any other condition considered necessary by the Director of Development and Renewal

3.3 Informative

1. Advise Applicant that grant of Planning Permission does not affect LBTH consideration of individual licensing applications / obligations to prevent statutory noise nuisance
2. No Highway Obstructions during construction
3. Thames Water Advice regarding grease traps
4. Environment Agency Advice

3.4 S.106 Obligations

1. Commitment to promote use of Skillsmatch for on-site employment
2. Commitment to promote use of East London Business Place and local suppliers.
3. Commitment to subscribe to London Eastside promotional services
4. Commitment to encourage and facilitate community and school use.
5. Commitment to encourage and facilitate community and public activities on the site.
6. Any other obligation considered necessary by the Director of Development

- 3.5 That the Corporate Director of Development & Renewal is delegated power to negotiate the legal agreement indicated above.

4 BACKGROUND

- 4.1 Planning permission was granted under PA/11/01000.11 for 'Temporary change of

use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2400 sq.m. of Class A3 (restaurants and cafés) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1]) and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years.' (Approved 18th August 2011).

- 4.2 At the Development Committee of 27th July 2011 officers recommended approval for the following hours of operation for the above mentioned application :

Plots A – D

Hours of Operation: 08:00 to 00:00

Plots E and F (Only used during Olympic Period)

Hours of Operation: 08:00 to 23:00

- 4.3 However Members considered that all events should close at 23.00 to avoid late night disturbance given experience at similar events. Accordingly, this amendment was agreed, and secured via Condition 3.
- 4.4 Notwithstanding the above, this application seeks to amend the hours of operation for Plots A-D during the Olympic period only allowing them to operate until 00.00. This application does not seek permission to operate until 00.00 for the lifetime of the 2 year temporary permission, but only for the period of 20th July 2012-14th September 2012.

5. PROPOSAL AND LOCATION DETAILS

Proposal

- 5.1 The proposal is to vary condition 3 of planning permission dated 18/08/11 ref: PA/11/01000 to enable use of plots A-D up to the hours of 00.00 during the Olympic period (20th July – 14th September).

Site and Surroundings

- 5.2 The Application site forms part of the area of land known as Wood Wharf. The application site occupies an area of 3.04ha. Wood Wharf is located to the east of the Canary Wharf complex. To the North the site is bounded by the Blackwall Basin and South Dock forms the Southern boundary.
- 5.3 Prestons Road provides vehicle and pedestrian access to the site. Pedestrian access to the site is also possible from a steep flight of stairs leading down from Cartier Circle and from a water-level walkway running around the base of 20 Churchill Place.
- 5.4 The application site is vacant and has been cleared of buildings. Other buildings on the Wood Wharf site remain in use as office accommodation and a sports centre.
- 5.5 The nearest residential properties to the site are located to the east of the site at Lovegrove Walk and Lancaster Drive. There are also boat moorings and dwellings located over 100m to the north on the opposite side of Blackwall Basin. There are also properties over 100m away on the opposite side of South Dock.

Relevant Planning History

5.6 PA/08/1215 Hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

1) Outline Application (all matters reserved, save for access & layout)

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;
- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);
- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;
- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

- Creation of canal and other engineering infrastructure.

Approved. 18th May 2009 and extension of time application approved under ref PA/11/02174 on 29th March 2012.

5.7 PA/09/00866 Details of scale, appearance and landscaping of building W01 pursuant to condition C1. (Approved 8th July 2009)

5.8 PA/09/00868 Details of the scale and appearance of building envelopes W12A (parts thereof) and W22 (parts thereof) pursuant to conditions B1, F1, I1 and N1. (Approved 8th July 2009)

5.9 PA/09/00867 Details of scale, appearance and landscaping of buildings W02 and W03 pursuant to conditions G1 and H1. (Approved 16th July 2009)

5.10 PA/10/00050 Non material amendment to include additional scale parameter plans. Condition A8 of planning permission PA/08/1215 was subsequently amended. (Approved 20th January 2010)

5.11 PA/11/01000 Temporary change of use to Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2400 sq.m. of Class A3 (restaurants and cafès) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside Class D1]) and ancillary uses to comprise no more than 14,999 sq.m. of enclosed floorspace; erection of a temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of two years. (Approved 18th August 2011).

6. POLICY FRAMEWORK

- 6.1 Since PA/11/01000 was approved, the National Planning Policy Framework (2012) (NPPF) and the Council's Managing Development DPD (Proposed Submission Version, 2012) are now used for the purposes of development control.
- 6.2 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:

Core Strategy Development Plan Document (adopted 2010)

Policies and Principles:	S02	Maximising the benefits of the Olympic Legacy
	SP02 (2a)	Creating Healthy and Liveable Neighbourhoods
	SP10	Creating distinct and durable places

Unitary Development Plan 1998 (as saved, 2007)

Policies:	DEV1	Design
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of landscaping
	DEV37	Alterations of Listed Buildings
	DEV46	Protection of Waterway Corridors
	DEV47	Development affecting water areas
	DEV48	Waterside Walkways
	DEV50	Noise
	DEV56	Waste recycling
	S7	Special Uses
	T16	Traffic priorities for new development
	T18	Priority given to pedestrians
	ART1	Promoting of Arts and Entertainment Uses
	Planning Standard No. 2	

Managing Development DPD (Proposed Submission Version, 2012)

Policies:	DM12	Water spaces
	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 Historic Environment
	DM29	Climate Change

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

Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security

DEV5	Sustainable Design
DEV8	Sustainable Drainage
DEV10	Disturbance from Noise
DEV13	Landscaping
DEV15	Waste and recyclables storage
DEV16	Walking and cycling routes and facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Development and Flood Risk
EE2	Re-Development/Change Use Employment Sites
RT5	Evening and Late night economy
CON1	Listed Buildings
CON2	Conservation Areas

Supplementary Planning Guidance

Wood Wharf Masterplan

Isle of Dogs Area Action Plan

Policies	IOD1	Spatial Strategy
	IOD2	Transport and Movement
	IOD5	Public Open Space
	IOD6	Waterspace
	IOD7	Flooding
	IOD8	Infrastructure
	IOD13	Employment uses in Northern Sub Area
	IOD15	Retail and Leisure Uses in Northern Sub Area
	IOD16	Design and Built Form in Northern Sub Area
	IOD17	Site Allocations

Spatial Development Strategy for Greater London (London Plan) (2011)

Policies	1.1	Delivering Strategic Vision for London
	2.1	London in its Global, European and United Kingdom
	2.4	The 2012 Games and Their Legacy
	2.9	Inner London
	2.13	Opportunity Areas and Intensification Areas
	2.15	Town Centres
	4.1	Developing London's Economy
	4.2	Offices
	4.3	Mixed Use Development and Offices
	4.6	Support for Enhancement of Arts, Culture and Sport
	4.12	Improving Opportunities for All
	5.3	Sustainable Design and Construction
	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
	6.1	Integrating Transport and Development

6.3	Assessing Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.2	Building London's Neighbourhoods and Communities
7.2	All Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.8	Heritage Assets
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity
2.4	The 2012 Games and Their Legacy
2.9	Inner London
2.13	Opportunity Areas and Intensification Areas
7.4	Local Character
7.5	Public Realm
7.15	Reducing Noise and Enhancing Soundscapes

Government Planning Policy Guidance

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
- A better place for learning, achievement and leisure

7. CONSULTATION RESPONSE

- 7.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 7.2 The following response was received regarding the application:

LBTH – Environmental Health

- 7.3 The Council's Noise & Vibration Officer stated that so long as the originally agreed noise limits and noise managements conditions are fully complied with over the Olympic period, we would not raise an objection to this application to use the site to 00:00 hrs.

8. LOCAL REPRESENTATION

- 8.1 A total of 7 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals.

9.0 MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main issues that Members need to consider are the acceptability of the increase in operating times during the relevant period in terms of Amenity and any additional impact on the Highway. The acceptability of the Land Use, Design and Employment and Enterprise benefits were assessed as part of the original permission and the proposal remains unchanged in this regard, and therefore in making a decision, the focus in relation to these aspects should be on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Land Use

- 9.2 Whilst land use issues are not affected by the proposal (save for the use being permitted for an additional hour), the details of the considerations relating to land use as per the previous report to committee are included below and relevant changes in policy are addressed.
- 9.3 The Core Strategy vision for Canary Wharf states that the area will retain and enhance its global role as a competitive financial district. A priority for the area is to enable mixed use redevelopment of Wood Wharf. The Core Strategy designates Canary Wharf as a Major Centre.
- 9.4 The Council has also produced the Wood Wharf Masterplan (December 2003) and the Isle Of Dogs Area Action Plan (2007) which further develop planning policy for the area.
- 9.5 Core Strategic Objective S015 seeks to support the thriving and accessible global economic centre at Canary Wharf as it provides benefit to regional and local economies. Policy SP06 seeks to maximise the delivery of investment and job creation in the Borough and recognises the roles that Canary Wharf has in delivery job growth across the region and sub-region.
- 9.6 Historically the Wood Wharf site has been used for a variety of light industrial, general industrial and warehousing uses. The level of activity on the site has now declined significantly as the redevelopment scheme progresses. The area of Wood Wharf included within this application site is vacant, and has been cleared of all buildings.
- 9.7 The Applicant has stated the site would be used for a range of uses including exhibitions, corporate hospitality, sporting and cultural events. This would include the use of the space to host events in celebration of the Olympic and Paralympics Games.
- 9.8 The proposal therefore accords with the requirements of Core Strategic Objective S015 which seeks to support Canary Wharf as a global economic centre and policy SP06 which seeks to maximise the delivery of investment and job creation in the Borough.
- 9.9 Furthermore, there have been no changes to policy since the emergence of the adopted NPPF and Managing Development DPD (Proposed Submission Version, 2012) which would alter the original reason for approval.

Design

- 9.10 Whilst Design use issues are not affected by the proposal, the details of the

considerations relating to design as per the previous report to committee are included below and relevant changes in policy are addressed.

- 9.11 In broad terms, Core Strategy Policy SP10 and UDP 1998 saved policy DEV1 seek to promote the importance of good design. Planning policies place particular emphasis on the importance of ensuring development has proper regard to adjacent waterways.
- 9.12 The PA/11/0100 permission sought consent for the erection of structures to facilitate the use of the site for events. These would comprise marquees, a pontoon bridge to allow convenient access to the site and associated roads, pathways and landscaping.
- 9.13 The current proposal is to vary condition 3 of planning permission dated 18/08/11 ref: PA/11/01000 to enable use of plots A-D up to the hours of 00.00 during the Olympic period (20th July – 14th September).
- 9.14 In overall terms the scheme as a whole will deliver a significant improvement in the current appearance and general condition of the site. The scheme would create a vibrant and attractive place which makes good use of the waterside location. The scheme will maintain pedestrian access through the site and accords with the requirements of Core Strategy 2010 policy SP10, which seeks to ensure that buildings and neighbourhoods promote good design principles.
- 9.15 Despite the adoption of the NPPF and the publication of the Managing Development DPD (Proposed Submission Version, 2012), this does not change the original reason for approval.

Amenity (Noise)

- 9.16 Core Strategy (2010) objective SO10 seeks to deliver healthy and liveable neighbourhoods. Core Strategic Strategy Policy SP03(2a) seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise. Core Strategy policy SP10(4) seeks to ensure development protects amenity.
- 9.17 Unitary Development Plan (1998) policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance policies (2007) DEV1, DEV10 are all also considered relevant in that they relate to the preservation of residential amenity and protection from excessive noise.
- 9.18 The original application was accompanied by an Acoustic Assessment which considered the likely noise impacts from the development in three main areas:-
 - a. Noise from any temporary plant
 - b. Noise during activities during events (internal and external)
 - c. Noise from increased traffic flow.
- 9.19 The noise from the events themselves would largely be controlled through the Wood Wharf Temporary Use Management Plan. This document puts in place a number of restrictions on the way in which events and activities are carried out, including the hours of operation.
- 9.20 To control this potential impact, the Management Plan requires that the Applicant ensures that all events held on the site comply with the Noise Council's Code of Practice on Environmental Noise Control at Concerts.
- 9.21 The Code of Practice sets maximum noise levels when measured at the nearest noise sensitive façade. The code sets different noise levels, depending on the

duration of the event. The Code allows up to 12 days of events where music noise levels exceed the background noise level by 15dB(A) and up to 30 days where noise levels are 5db(A) above background. After 23:00 the Code requires that music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

- 9.22 This site is located in close proximity to the Major Centre at Canary Wharf, and is in an opportunity area where higher levels of activity are encouraged. Whilst the noise and activity impact from plots A – D would be greatest, as these would benefit from the longest duration of consent and a midnight finishing time, these plots are relatively remote from residential properties (being some 250m away). There is some office accommodation nearby, but these are not considered to be so noise sensitive.
- 9.23 The location of these plots is such that the focus of activity would be towards Canary Wharf. Canary Wharf is a busy commercial centre and the proposed level of use would be compatible with this context. The use of these plots would terminate at midnight, which would give event visitors the opportunity to make their way home via public transport.
- 9.24 Plots E and F are more sensitive, as they are closer to residential properties. The length of time that these plots are in operation is limited to 8 weeks, and the hours of operation is more restrictive in that uses must not take place after 23:00. This limits the likely impact of general activity noise and disturbance.
- 9.25 A condition would also be imposed requiring details of a landscaping screen along the east boundary of Plot F. This screening would have to be installed before the first use of plot F commences and will need to be retained thereafter. This would further help to preserve the amenity of residents of Lovegrove Walk. With these restrictions Officers consider that, in planning terms, the likely impact on residential amenity would not be unduly detrimental.
- 9.26 The Council would continue to be able to exercise control over specific events that come forward through the Licensing regime or through legislation to prevent statutory noise nuisance.
- 9.27 Vehicle Noise would be limited as the majority of visitors to the site are likely to make use of public transport. The application makes very limited (2 staff, 2 disabled car-parking spaces) provision for private vehicles. Vehicle noise would therefore be limited to coach parking (4 spaces on plot D or E during non-Olympic periods) or taxis. The proposed taxi rank would provide 6 spaces, which would limit activity from these vehicles.
- 9.28 Noise from construction, and associated construction deliveries, would be limited by a condition to ensure that these activities do not take place between 18:00 in the evening and 08:00 the next morning. General servicing impacts are less likely to be significant, and a condition would be imposed to prevent these activities taking place after 20:00 in the evening or before 10:00 the next morning (in amenity terms it would be acceptable to allow servicing from 08:00, however this would not be compatible with Highways requirements to prevent servicing during the morning peak periods.)
- 9.29 As part of the original consent, Environmental Health Officers were satisfied with the proposed Management Plan, which requires the developer to meet Noise Council's Code of Practice on Environmental Noise Control in terms of noise levels and frequency of events (which will apply across the whole site, not on a plot by plot basis).

- 9.30 As set out above, the proposal is to vary the hours of operation on a temporary basis during the Olympic period. In terms of the impact on the amenity of nearby residential occupiers, the proposal is considered to be acceptable.

Highways and Servicing

- 9.31 Whilst highways issues are not affected by the proposal, which seeks to extend hours of operation only, the details of highways and servicing as per the previous report to committee are included below and changes in policy considered.
- 9.32 S020 of the Core Strategy (2010) seeks to deliver a safe, attractive, accessible and well designed network of streets and spaces. Saved policy T16 of the UDP requires the local authority to have regard to the servicing requirements of new development. SO14 of the Core Strategy (2010) seeks to plan and manage the Borough's waste efficiently. Policy SP05 of the Core Strategy (2010) seeks to implement the Borough's Waste Hierarchy.
- 9.33 The Application has been accompanied by a Transport Assessment. The assessment estimates that a maximum of 14,000 people could attend events on the site (rising to 14,999 people during the Olympic Period when plots E and F are in operation). An approximate total of 1750 staff could be employed on site at any one time (this would include security, catering, cleaning, stewarding and administration).
- 9.34 The application does not propose any significant on-site private car-parking, with the exception of two disabled wheelchair parking bays that would be provided on each plot, and two staff parking spaces per plot. A coach parking lay-by would be provided on the estate road. During non-Olympic periods a further 4 coach parking bays would be provide on plots E and F.
- 9.35 A taxi rank, for up to 6 taxis is also proposed. During the non-Olympic period the rank would be provided within plots D or E and during the Olympic period this would be relocated to the private estate road.
- 9.36 Ten Sheffield cycle parking stands would also be provided on each plot, giving a total of 120 stands.
- 9.37 The proposal seeks to promote the use of sustainable forms of transport and minimise opportunities for private vehicle use. The application proposes to install a pontoon bridge to provide convenient and step-free pedestrian access to the site from Montgomery Street. Pedestrian access would also be possible from the existing staircase leading down from Cartier Circle. More recently Canary Wharf Group have also opened up a water-level path running around the base of the 20 Churchill Place to the site.
- 9.38 The installation of the proposed pontoon bridge would be necessary to facilitate pedestrian access to the site for large numbers of pedestrians on event days (and to provide convenient step-free access). A condition would therefore be imposed on any permission requiring the bridge to be put in place on days events are being held. With this safeguard, the proposed pedestrian access routes would allow adequate access to the site from a major transport interchange, complying with policy objectives that seek to ensure development promotes sustainable modes of transport and that development can be accommodate within local transport infrastructure.
- 9.39 Officers consider that the majority of events are likely to be patronised by workers

based at Canary Wharf, and this form of linked trip would result in a lesser impact on overall transport capacity. Transport for London have also confirmed they are satisfied there is sufficient capacity within the public transport system to accommodate additional visitors.

- 9.40 The submitted Transport Assessment also considers the likely construction and servicing requirements of the development. It is estimated that the construction of the marquees would generate approximately 8 lorry arrivals per day (rising to 12 during the Olympic period). During periods of operation the servicing demands for the site are likely to equate to the arrival of approximately 14 vehicles to the site per plot. This would give a maximum total of 42 trips a day (rising to 53 trips during the Olympic period).
- 9.41 As discussed above, servicing and construction delivery hours would have to be limited in order to protect residential amenity. To prevent congestion a further restriction would have to be applied to prevent servicing during the network peak periods 0700-1000 hours and 1600-1900 hours.
- 9.42 It is not considered that there have been any changes in policy which would alter the original reason for approval.

Flood Risk

- 9.43 Core Strategy policy SP04 seeks to ensure development reduces the impact and risk of flooding. The Application has been accompanied by a Flood Risk Assessment. The statement notes that any additional surface water run-off will be drained into the docks to avoid any additional flow into the sewerage system. This accords with policy aims to promote sustainable drainage. The Flood Risk Assessment has been reviewed by the Environment Agency who have are satisfied with the proposals

Employment Opportunities and Community Benefits

- 9.44 Core Strategy Policy SP13 states that the Council will negotiate planning obligations in relation to proposed development. The application provides details of the proposed measures that the Applicant will undertake to promote the value of the scheme to the local community. These benefits would be secured via a deed of variation to ensure that the original S106 agreement which provided the following Heads of Terms continues to apply to the new permission:-
1. Commitment to promote use of Skillsmatch for on-site employment
 2. Commitment to promote use of East London Business Place And local suppliers.
 3. Commitment to subscribe to London Eastside promotional services
 4. Commitment to encourage and facilitate community and school use.
 5. Commitment to encourage and facilitate community and public activities on the site.

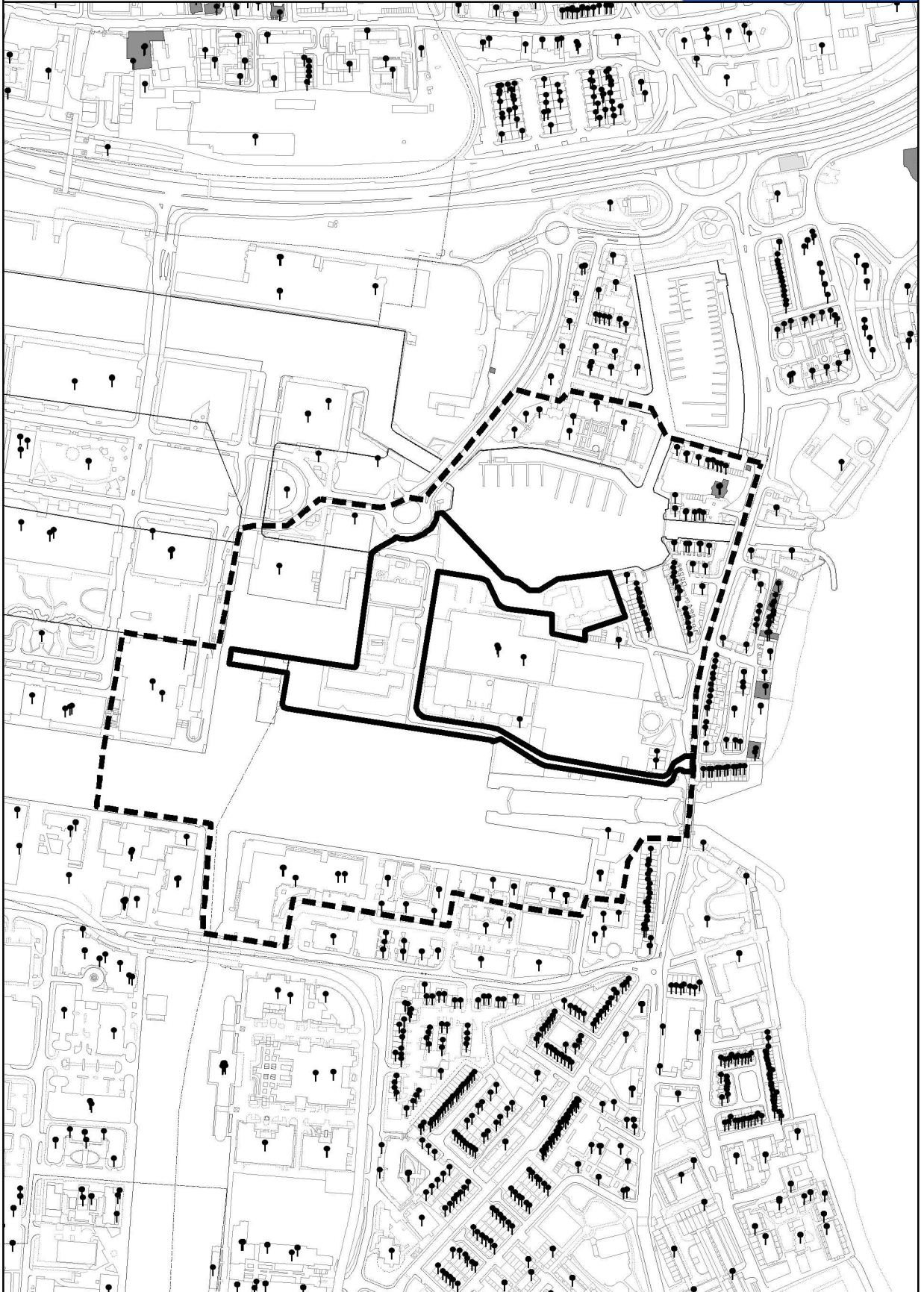
Ecology and Biodiversity

- 9.45 Core Strategy policy SP04 seeks to protect and promote biodiversity in the Borough. The submission has been accompanied by an Extended Phase 1 Habitat Survey prepared by WSP. The report concludes that a few parts of the site have limited ecological value, with other areas having negligible value. The report contains recommendations in terms of monitoring the site for any protected species during any proposed works. Compliance with these recommendations would be secured by condition.

10.0 CONCLUSION

- 10.1 All other relevant policies and considerations have been taken into account and it is not considered that there have been any changes in policy which would alter the original reason for approval. 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



Locally Listed Buildings



Land Parcel Address



Consultation Area



Statutory Listed Buildings

0 30 m



1:6,000

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

Agenda Item 8

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Development	Date: 10 th May 2012	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director of Development and Renewal		Title: Legacy Community Scheme Outline Planning Application	
Case Officer: Duncan Brown		Ref No: PA/11/03186	
		Ward: Bow East	

1.0 APPLICATION DETAILS

This report considers an outline application submitted by the Olympic Parks Legacy Company (OPLC) to the Olympic Delivery Authority planning Decision Unit (ODA PDT).

In a letter dated 7th September 2011, the London Borough of Tower Hamlets has been consulted by the ODA to provide **OBERVATIONS** on the application described as follows:

Description: **Legacy Communities Scheme Outline Planning Applications –**

Comprehensive, phased, mixed use development within the future Queen Elizabeth Olympic Park comprising:

- 641,817 sqm of residential (C3) uses (6,870 homes);
- 4,000 sqm of Sheltered Accommodation (C3);
- 14,500 sqm of hotel (C1) accommodation;
- 30,369 sqm (B1a) and up to 15,770 sqm (B1b/B1c) business and employment uses;
- 25,987 sqm (A1-A5), shopping, food and drink and financial and professional services;
- 3,606sqm (D2) leisure space;
- 31,451 sqm (D1) community, health, cultural, assembly education facilities, including two primary schools and one secondary school;
- New streets and other means of access and circulation, construction;
- Car parking (4,605 spaces);
- Landscaping including laying out of open space with provision for natural habitats and play space; new and replacement bridge crossings;
- Reprofilling of site levels, demolition and breaking out of roads and hard standing, utilities diversions and connections; and other supporting infrastructure works and facilities.

Location: The main site covers seven separate land parcels across the area currently known as Olympic Park in the Lower Lea Valley on the North East boundary of the borough. **See Figure 1.**

The site that relates to the London Borough of Tower Hamlets is named Planning Delivery Zone 4 (PDZ4) and is located in Fish Island (East) bounded to the west by the River Lea and the River Lea Navigation canal (Hackney Cut), to the north by London Overground railway line and to the south by Old Ford Locks and the Old Ford

**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		Duncan Brown 020 7364 3308

wastewater treatment works.

Existing Use: Number of uses, including: Olympics sports venues, storage, temporary facilities transportation, open space, roads, bridges, rivers, canals ancillary uses. The site also includes a significant amount of vacant land.

Drawing Nos: For a full list of documents submitted with the applications please refer to **Appendix A**.

Applicant: Olympic Legacy Company (now London Legacy Development Corporation)

Owner: London Legacy Development Corporation (LLDC)

Historic Building: N/A

Conservation Area: N/A

2.0 RECOMMENDATION

2.1 The Committee resolve to **endorse officers views** on the outline planning application based on the following recommendations:

A. To support the comprehensive regeneration of the Legacy Communities Scheme because it provides for a sustainable mix of land uses across this part of the Lower Lea Valley and will contribute to meeting the boroughs housing needs by delivering a mix of new accommodation including affordable family homes, provide for new schools, community facilities, employment spaces, open spaces and connections to the high quality leisure facilities and amenities within the Queens Elizabeth Park

B. To support the proposed land uses for Planning Delivery Zone 4 in Fish Island East which will contribute to delivering 651 new dwellings in Tower Hamlets of which 47% (309 units) will be affordable, a new primary school, new opens spaces and supporting community facilities and two new bridges.

C. Prior to determination of the outline planning application, the following planning issues shall be resolved to the satisfactory of this authority:

- Requests the applicant revises the housing mix to provide for 1 and 2 bedroom units in addition to 3 bedroom provision within the affordable housing tenure
- Agrees affordable rent levels within social rent and affordable rent accommodation prior to consent being issued.
- Agrees minimum housing nominations for Tower Hamlets residents prior to consent being issued.
- Secures commitment to achieving measurable and monitored socio-economic targets to raise the standard of living of borough residents by 2031 within the S106 agreement
- Secures adequate commitment and mitigation towards secondary school infrastructure on the site or in the borough within the S106 agreement.
- Secures mitigation measures and contributions towards; reducing impact on local highway network, upgrades to public transport, and the upkeep and maintenance of new bridges within the S106 agreement.

- To secure additional infrastructure contributions considered appropriate to mitigate the development impact on borough services and infrastructure.

2.2 The ODA Planning Decisions Team should also consider the views, issues and further recommendations of the London Borough of Tower Hamlets as set out in this report.

2.3 That the **Corporate Director of Development and Renewal** be given **delegated powers** to make further observations and/or recommendations (as determined by this Committee) to the ODA.

3.0 BACKGROUND

3.1 The Legacy Communities Scheme (LCS) outline planning application has been submitted to the Olympic Delivery Authority (ODA) and is expected to be considered for determination at the ODAs scheduled 26th June 2012 planning committee. Following the enactment of the Olympic and Paralympic Games Act 2006, the ODA is the determining Authority for planning applications in the area.

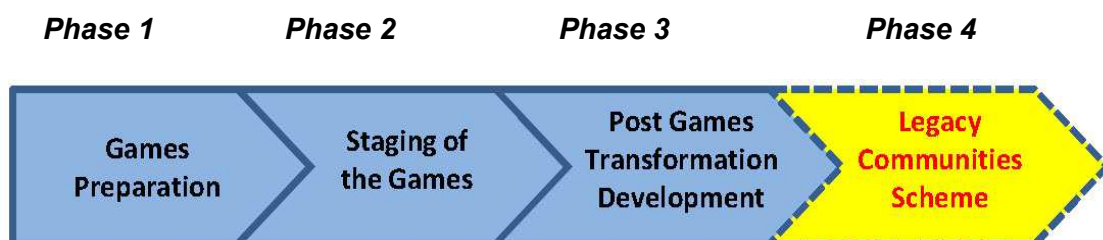
3.3 The purpose of this report is for the London Borough of Tower Hamlets to provide observations on the proposals to the Planning Decisions Team at the Olympic Delivery Authority to assist in the assessment of the outline application.

3.4 The ODA is the local planning authority responsible for undertaking statutory consultation with the affected communities and stakeholders. LBTH has not undertaken public consultation on this outline application. LBTH has undertaken an internal consultation with affected service departments within the Council and requested comments accordingly on the proposal. These are reflected within the main body of the report.

3.5 The LCS outline planning application seeks permission for the future development within seven application sites identified on land known as Planning Delivery Zones (**See Figure 1**). These vacant land plots currently consist of Games time temporary and permanent facilities, infrastructure, parkland and concourse that require to be removed or converted post 2012.

3.6 Should approval be granted by the ODA, it is intended that the LCS planning permission (current application) will supersede all new development permitted approved by the 2007 and 2010 permissions (See Planning History) covering the proposed site areas.

3.7 There are four key phases of the regeneration programme for the Olympic Parkland estate and areas up to 2027. These are outlines as follows:

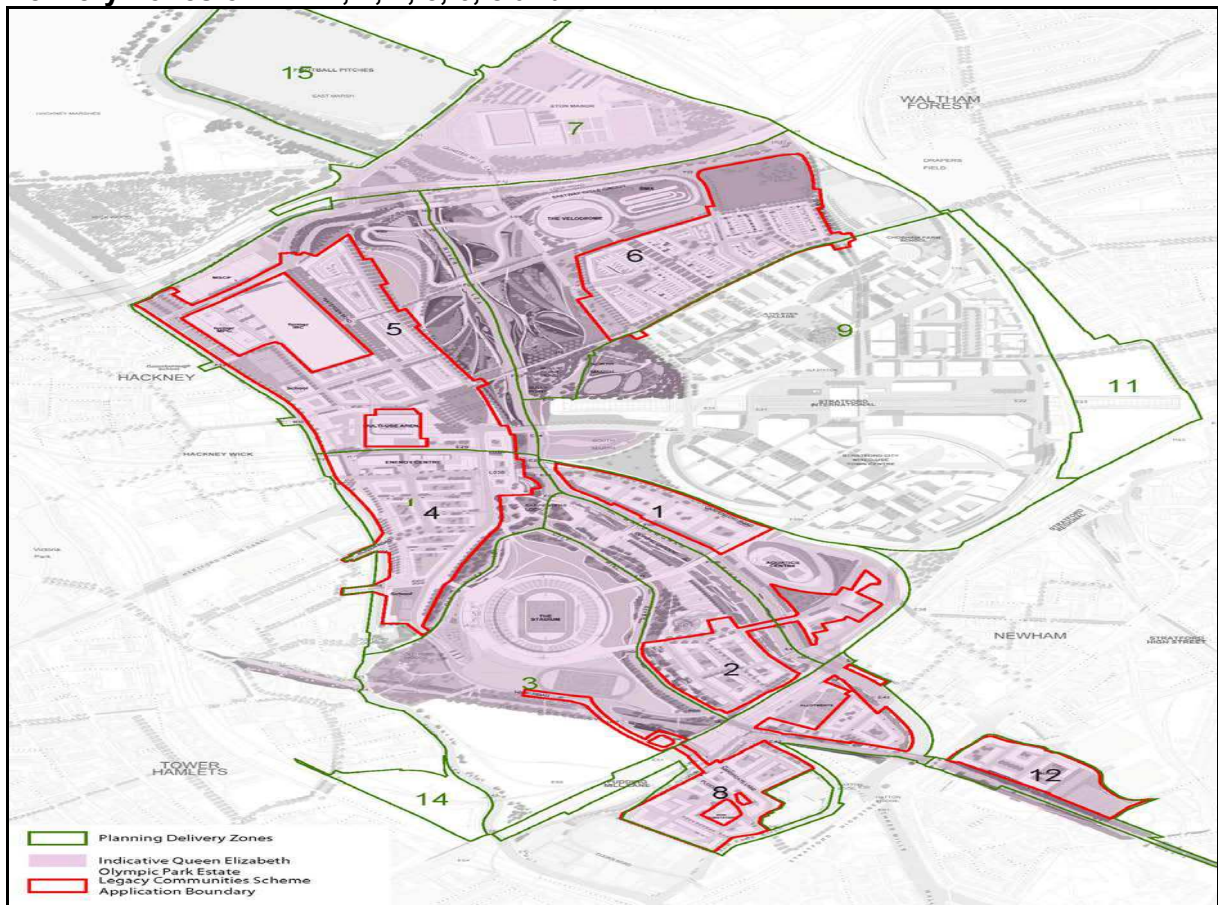


- **Phase 1 - The Olympic Construction Phase (2007-2012)** – the period that begins the bulk earthwork and remediation and other site preparation work. It includes the construction of venues, facilities and infrastructure relating to the Olympic and Paralympic Games.
- **Phase 2 - The Olympic and Paralympic Games Phase (2012)** – the period beginning with the start of rehearsal events for the Olympic Games and ending with the closing ceremony of the Paralympic Games.

- **Phase 3 – Post Games Transformation Phase (2012-2014)** – the period starting after the Paralympic Games closing ceremony and ending when all elements of the Olympic development have been removed and modified and additional construction undertaken in connection with the legacy.
- **Phase 4 – The Legacy Phase (2014-2027)** – the period when the legacy transformed venues are brought into use and form the context for legacy communities' development within the Olympic park.

4.0 THE SITE

- 4.1 The planning application boundary is detailed below in **Figure 1** of this report and covers a site area approximately 64.8 hectares in size.
- 4.2 The application site is located in East London within the Lower Lea Valley; 4 miles from the City of London and 4.2 miles from Greenwich. It crosses the administrative boundaries of four London Borough's namely Newham, Hackney, Tower Hamlets and Waltham Forest.
- 4.3 The LCS application site lies within the area known as the Olympic Park and was historically purchased and owned by the London Development Agency in order to host the 2012 Olympic and Paralympic Games. It covers seven separate development parcels known as Planning Delivery Zones (PDZs) and adjoins the future Queen Elizabeth Olympic Park and the sporting venues of the Velodrome, Olympic Stadium, Aquatics Centre, and other major land uses of the Westfield shopping centre in Stratford and the IBCMPC. The sites is bound and dissected by multitude of transport routes namely the waterways of the River Lea Navigation, canals, London Overground and mainline regional services, Dockland Light Railway lines and a network of existing and new roads.
- 4.4 **Figure 1: Olympic Park estate area and LCS site boundary identifying the Planning Delivery Zones of PDZ 1, 2, 4, 5, 6, 8 and 12**

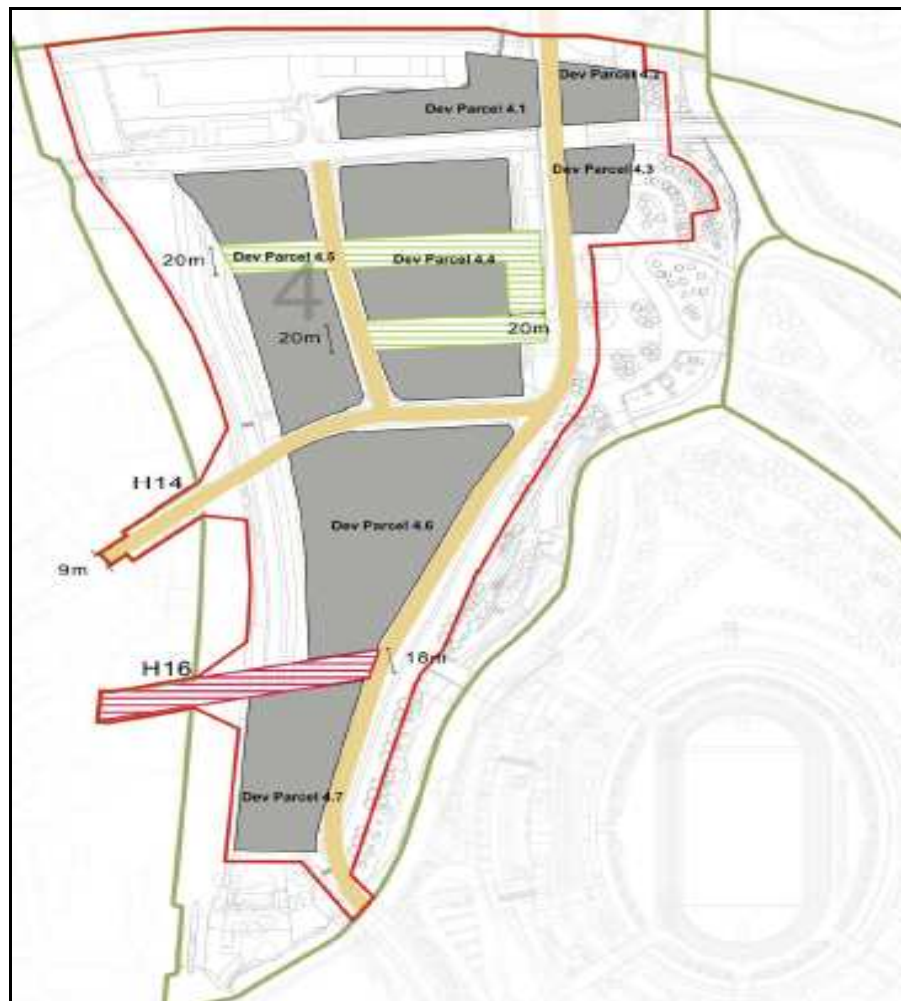


4.5 Planning Delivery Zone 4 is located within in the administrative boundary of Tower Hamlets Council covering Fish Island East and lies to the east of the River Lea Navigation Canal (Hackney Cut) and to the west of the River Lea and new linear landscaped park known as the Great British Garden.

4.6 To the north the site is bound by the London Overground rail line to the south is a private dwelling house (Lockkeepers Cottage) and the newly built Old Ford Waste Water treatment works operated and owned by Thames Water which serves the Olympic parkland area and Athletes village. The existing Greenway public footpath and open space also runs in an east-west alignment to the south of the site.

4.7 The site is currently used for the Olympic Loop Road (west) and supporting hospitality facilities for visitors during Games time. The new Monier Road pedestrian bridge adjoins the site over the River Lea Navigation but is not open to public use until after the Games. Within the site boundary includes the newly built Kings Yard energy centre on Carpenters Road which is a part converted building adjoined by a new 6 storey building that supplies the Athletes village and Olympic venues and Westfield shopping centre. The remainder of the site is vacant land.

Figure 2: Planning Delivery Zone 4 showing proposed sub development parcels and new vehicular routes



5.0 THE PROPOSAL

5.1 The LCS proposal is outlined in 'Description' section at the beginning of this report detailing the mix of land uses across the seven planning delivery zones.

The proposed land uses for the planning delivery zones are summarised by in Table A below.

Table A: Proposed Land Use Schedule for the Legacy Communities Scheme

Maximum Legacy Development Gross External Areas (sqm) by Use Class											
Planning Delivery Zone	Retail			Employment		Hotel	Leisure	Community Facilities	Accomm.	Residential	Maximum Floorspace Applied For
	A1-A2	A3-A4-A5	A1-A5 Total	B1a	B1b/B1c	C1	D2	D1	C2 Student	C3	
PDZ1	6,750	8,500	13,500	0	0	14,500	1,650	1,430	10,000	124,000	165,080
PDZ2	900	900	1,438	0	0	0	165	440	0	75,000	77,043
PDZ4	1,450	1,600	2,576	1,065		0	0	8,410	0	75,867	87,918
PDZ5	1,000	2,850	3,268	5,389	3,612	0	1,457	5,646	0	96,097	115,469
PDZ6	1,400	1,350	2,310	124	0	0	165	1,141	0	112,800	116,540
PDZ8	1,200	1,500	2,345	23,791	12,158	0	169	1,482	0	116,530	159,175
PDZ12	400	400	550	0	0	0	0	11,660	0	37,900	50,110
Site Wide Total	[13,100]	[17,100]	25,987	30,369	15,770	14,500	3,606	30,209	10,000	638,194	771,335

Source: LCS Technical Analysis (2011)

5.3 The LCS proposal is illustrated by an indicative masterplan for the site shown below.

Figure 3: Indicative Legacy Masterplan (2011)



Planning Delivery Zone 4

5.5 The proposed development within the administrative boundary of Tower Hamlets in Fish Island (East) located in PDZ 4 can be summarised as follows:

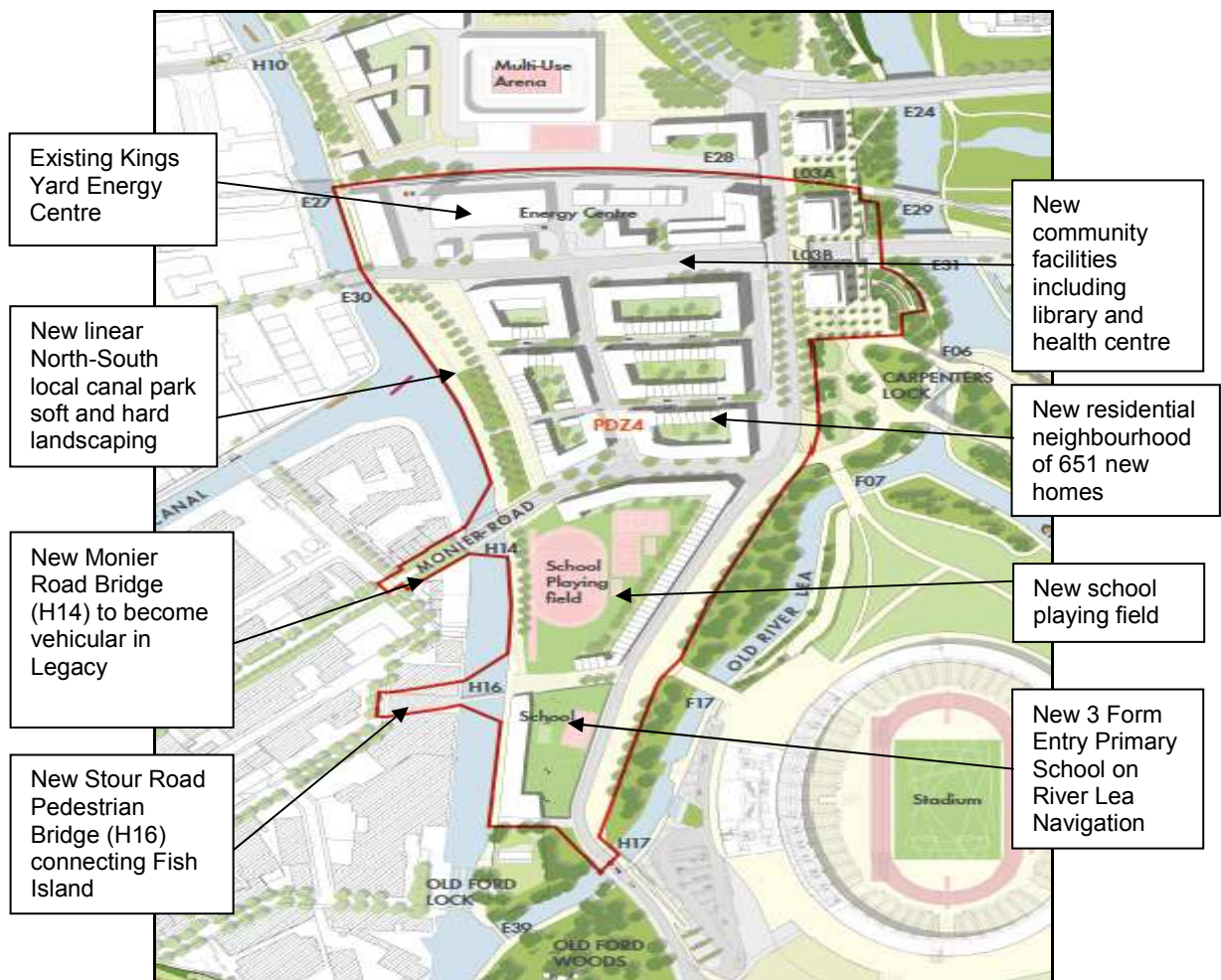
5.6 Maximum of 79,781sqm of floorspace to include:

- 67,730sqm Class C3 residential development (651 new units);
- 3,167sqm of Class D1 education primary school including new playing field;
- 2,554sqm of Class D1 health care facility
- 2,460 sqm of Class D1 library
- 220 sqm of Class D nursery school
- 2,576 sqm of Class A1-A5 retail and food/drink comprising 1,450 sqm of retail (Class A1+A2) and up to 1,600 sqm of food and drink (Classes A3, A4 + A5);
- 2 new bridges joining Monier Road (1 X vehicular) and joining Stour Road (1 X pedestrian)
- 10,000 sqm of open space
- New street network, public realm and landscaping
- Approximately 660 car spaces
- 1137 cycle spaces

The indicative masterplan in **Figure 4** for the site demonstrates how this may be delivered post Games. It is currently envisaged by the applicant that PDZ 4 will be constructed in 2020 although this may change over the course of time dependant on demand and market viability.

5.6

Figure 4: Indicative Masterplan for new ‘Sweetwater’ neighbourhood in PDZ 4.



Exert form page 366 from the Revised Design and Access Statement 2012

6.0 POLICY FRAMEWORK

6.1 The 2012 Olympic & Paralympic Games together with the LCS outline planning application will provide a unique opportunity for the residents of the London Borough of Tower Hamlets. This opportunity can be expressed in four principles that are aligned with the Community Plan 'One Tower Hamlets' 2020. These are:

- **A Great Place to Live** – The 2012 Olympic Games and LCS is anticipated to meet this aspiration by enabling people to live in new affordable housing, located in clean and safe and sustainable neighborhoods served by well connected and easy to access services and community facilities.
- **A Healthy and Supportive Community** - An important objective of the 2012 Olympic Games and LCS is to tackle high levels of deprivation in East London which result in health inequalities, poor personal behavior and a lack of access to treatment and services. It is set to improve the quality of housing, diet and the physical environment thereby improving the health and wellbeing of Borough residents.
- **A Prosperous Communities** – A key challenge of the LCS is to make improvements in educational attainment and reduce young people not in education, employment and training. It is set to continue regenerating and bringing investment into Tower Hamlets communities enabling growing economic prosperity as a result.
- **A Safe and Cohesive Community** – The creation of new communities and connections to centres of activity and leisure in the Olympic Parkland and Stratford will contribute to reducing crime and create a sense of safer neighborhoods.

6.2 The following statutory spatial planning policy documents are relevant to the assessment of this application:

National:

- The Governments National Planning Policy Framework (2012)

London:

- Greater London Authority London Plan Spatial Development Strategy for Greater London (July 2011)
- Greater London Authority draft Olympic Legacy Supplementary Planning Guidance (2011)
- Greater London Authority draft Lower Lea Valley Opportunity Area Planning Framework Supplementary Planning Guidance (2007)
- Greater London Authority and Host Olympic Boroughs Strategic Regeneration Framework (2009) and Strategic Regeneration Framework Action Plan 2011-15 (2011)

Local:

- Tower Hamlets Core Strategy 2025 Development Plan Document (2010)
- Tower Hamlets draft Development Management DPD (2012)
- Tower Hamlets draft Fish Island Area Action Plan (2012)
- Tower Hamlets Unitary Development Plan 1998 (as saved 2010)
- Tower Hamlets Interim Planning Guidance for the purposes of Development Control (2007) including the Leaside Area Action Plan

Explanation:

6.3 Since 2007 Government agencies and authorities such as the Greater London Authority (GLA), the London Thames Gateway Urban Development Corporation (LTGDC) and

relevant Host Olympic boroughs of London Borough of Tower Hamlets, Hackney, Newham and Waltham Forest have prepared extensive strategic planning and regeneration proposals for the Lower Lea Valley as a whole.

- 6.4 A range of recent directions and strategic documents like the Strategic Regeneration Framework (SRF) 2009 put together by the Mayor of London and Host boroughs seek to raise the living standards of East London residents over the next 20 years. The Mayor of London and the elected Mayors and Leaders of the six Olympic Host Boroughs have already committed themselves and their organisations to working toward achieving socio-economic convergence with the rest of London over the period to 2031.
- 6.5 In November 2010 the Government incorporated the objective of 'convergence' and the supporting Olympic Legacy Strategic Regeneration Framework (SRF) in their most recent statement of Olympic legacy.
- 6.6 In spatial terms the Mayor of London in collaboration with Host Boroughs has produced a draft Olympic Legacy Supplementary Planning Guidance 2011 (OLSPG) which seeks to translate the above convergence principles and objectives into a sub regional planning document to guide new development. The document sets out a range of policies to guide future regeneration including the identification of social and community infrastructure requirements.
- 6.7 The London Borough of Tower Hamlets has also produced statutory planning policy to guide new development in the Olympic legacy area via the draft Fish Island Area Action Plan (2012) as part of the adopted Local Development Framework Core Strategy 2010-2025 in order to translate these overarching strategies at a local level relevant to Tower Hamlets communities.
- 6.8 The purpose of this report is therefore to outline strategic issues with regard to the planning application relevant to the London Borough of Tower Hamlets' in the context of local planning policies, London Plan policy, and national guidance to provide a basis for observations to the ODA.

7.0 PLANNING HISTORY

2004-2010

- 7.1 The original planning permission for the Olympics and Legacy Development was granted in December 2004 and covered all the new venues, land remediation and new layout configuration of the Olympic Parkland areas.
- 7.2 Planning permissions were subsequently granted in September 2007 for the Olympic, Paralympic and Legacy Transformation applications, which were submitted by the ODA. These permissions covered core elements of the Games time arrangements and infrastructure and the Legacy transformation period only, i.e. the conversion of retained Olympic venues and infrastructure until 2014.
- 7.3 In response to changing brief from the London Organising Committee for the Olympic Games (LOCOG) the applications were updated again in 2010 and permissions were subsequently granted by the ODA in April 2010 for three applications. These applications included a site wide illustrative masterplan (**See Appendix B**) to include interim public realm improvements, highways works and reconfigurations, new bridges, and further legacy transformation works to the Olympic Park. No development was applied for on the vacant land parcels at the Planning Delivery Zones 1-12 even though it formed part of the application sites.

2010-2012

- 7.4 Since 2010 the owner of the estate, the Olympic Parks Legacy Company (OPLC) sought to

update the Legacy Master Plan Framework (LMF) and discussions began to take place on the newly named Legacy Communities Scheme (LCS). Contrary to previous iterations of the masterplan the LCS deleted the inclusion of important land uses like the Olympic parkland areas, the Olympic stadium, the International Broadcasting Centre and Media Press Centre (IBC/MPC), Games time venues and other supporting infrastructure like the Kings Yards energy centre, Old Ford Waste Water treatment works. With exception of the stadium, these structures were all subject to separate full planning applications because they needed to be constructed by the summer of 2012 for Games time purposes.

- 7.5 Formal pre-application discussions on the LCS commenced in 2011 coordinated by the ODA as local planning authority and the applicant, the OPLC, together with the Host Olympic Boroughs, the London Thames Gateway, the Greater London Authority and Department for Communities and Local Government.
- 7.6 In September 2011 the OPLC lodged the LCS outline planning application to the ODA. As statutory consultee LBTH was requested to provide strategic observations.
- 7.7 In February 2012 the OPLC provided further information to the ODA as part of the EIA Regulation 22 request.

8.0 MATERIAL PLANNING CONSIDERATIONS:

PRINCIPLE STRATEGIC ISSUES

- 8.1 The principle strategic issues raised by the outline planning application that must be considered are:

1. **Achieving Convergence**
2. **Principle of Land Use**
3. **Housing**
4. **Employment, Training and Skills**
5. **Education Provision**
6. **Transport and Highways**
7. **Open Space**
8. **Layout and Scale**
9. **Sustainable Environment**

9.0 ISSUE 1- ACHIEVING CONVERGENCE

Explanation:

- 9.1 In 2009 the London Boroughs of Tower Hamlets, Hackney, Newham, Waltham Forest, Greenwich, Barking & Dagenham together with the Greater London Authority agreed to produce a draft Strategic Regeneration Framework (SRF) for 2012 Games Legacy. This was to ensure that Londons largest regeneration project enabled lasting benefits to the surrounding communities, some of which are the most deprived in the country.
- 9.2 The LCS proposals set out a vision for regeneration, including a series of principles that seek to shape the identity and character of the legacy communities within the seven planning delivery zones.
- 9.3 The principle of 'convergence' underpinned the framework defined by the objective of raising the standards of living of East London borough residents in line with the London average within 20 years as measured by a series of social and economic indicators.
- 9.4 The recently published SRF Action Plan Framework 2011-2015 sets out a clearer target

based strategy to tackle the scale of disadvantage experienced by Host Borough residents.

Its three key themes are:

1. Creating wealth and reducing poverty
2. Supporting healthier lifestyles
3. Developing successful neighbourhoods.

These themes are measured by seven key socio-economic objectives:

1. Higher educational attainment
2. Achievement of greater skills qualifications
3. Increases in the number of economically active adults
4. Reduction in child poverty
5. Increase in life expectancy
6. Reduction in housing overcrowding
7. Reduction in violent and gang crime

The measurable output to be achieved in the East London communities by 2031 are as follows:

- 120,000 more residents will be in jobs.
- 99,000 fewer residents will have no qualifications at all.
- 185,000 more residents will have degree-level qualifications.
- Approximately 21,000 fewer children will be living in poverty.
- 1,800 more children will achieve 5 a*-c GCSEs, including maths and English.
- An additional £155 million pounds will have been invested in the local public realm.
- More affordable family homes will be available.
- Fewer people will be living with a chronic health condition.
- 25,000 more adults will do weekly physical activity.
- 44,000 fewer people will be affected by reported burglaries.

9.5 The *Vision and Convergence Statement* submitted by the applicant sets out a series of suggested commitments and measurable outputs in the context of the London Plan 2011, OLSPG (2011) and SRF Action Plan 2011-2015.

9.6 The applicant states that some of the measurable outputs set out within the SRF will be delivered by the LCS application. These mostly relate to physical infrastructure, like housing, employment and education land uses quantum's unto which the LCS is proposing to deliver within the subject site.

Issues for London Borough of Tower Hamlets:

9.7 The LCS will meet many of the legacy commitments for the borough and could be considered to contribute towards convergence through its physical contribution of delivering new housing and supporting social infrastructure, thereby raising the standards of living of existing and future residents.

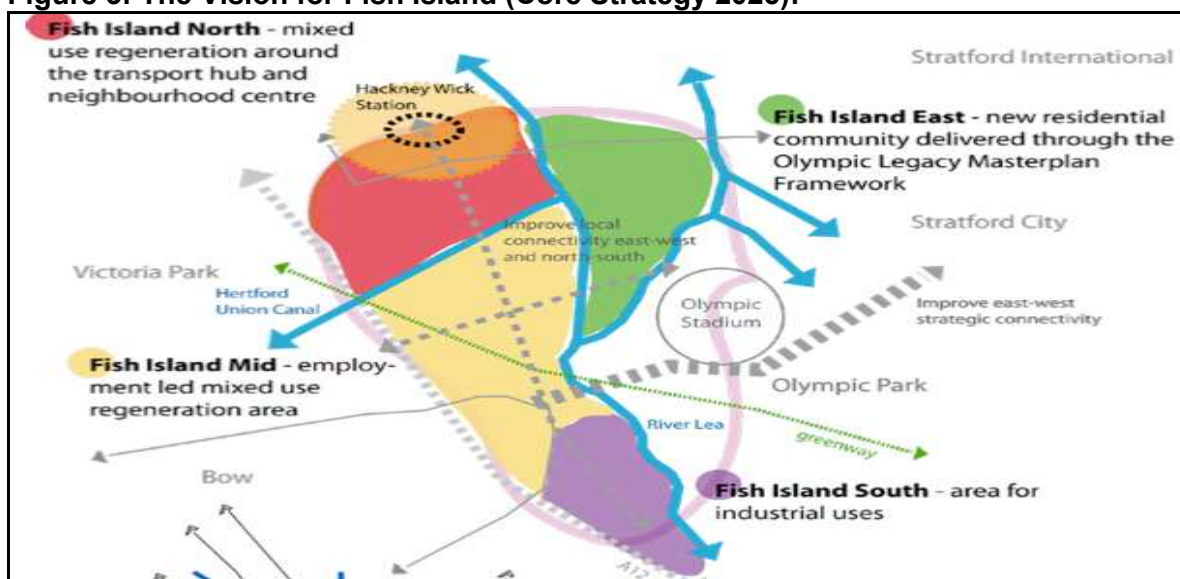
- 9.8 The LCS is seeking to achieve convergence by delivering 6,870 new homes within the application site over the next 20 years. This is welcomed because LBTH has approximately 23,000 people on its housing waiting list (January 2012) so the proposal will contribute to meeting some of this acute housing shortage. Furthermore the commitment to the provision of high quality accommodation and family sized dwellings will raise the standards of living and specifically address the local needs of Tower Hamlets residents many of whom experience overcrowding.
- 9.9 The new physical connectivity via two new bridges across the River Lea Navigation canal and the upgrading of existing routes to/from Fish Island to the Olympic parkland areas will mean better access for residents to the major employment centre of Stratford. The scheme will provide for new supporting community facilities like schools, health centres as well as high quality leisure and amenity space in the Queen Elisabeth parkland. The on going programme of construction and end phase businesses and community operations within the future parkland area will create opportunities for training, skills and employment on site for local residents.
- 9.10 The proposals, however, only partially reflect the original legacy from 2007 with the intention of regenerating the whole Olympic park area under one masterplan outline planning application. For example, the LCS does not seek to apply for new development on the major pieces of infrastructure like the Olympic Stadium and International Broadcast Centre and Media Press Centre (IBC/MPC), southern plaza and remaining parkland area. These development plots make up approximately 50% of the total Olympic park land area under the ownership of the newly formed London Legacy Development Corporation (LLDC). The decision to not include these significant land areas may threaten the impact of achieving convergence. In this respect the LCS proposal arguably lacks a holistic vision and strategy for the regeneration of wider area.
- 9.11 While the residential led nature of the development is broadly welcomed it does not address all the regeneration objectives of convergence, which are relevant to Tower Hamlets residents. These include defining factors of improved socio-economic conditions like employment generation, educational attainment and safer healthy communities. In these respects it is difficult to assess the wider effects of this application in raising the standards of living for residents in local communities surrounding the site. It recognised, however, that there will be better provision and access to the public services and amenity as a result of this proposal.
- 9.12 It should also be noted that without any legally binding commitment within this planning application to address the above mentioned convergence issues then its impact on improving socio-economic conditions should not be overstated. As a consequence the LCS is heavily reliant on processes and negotiations outside the control on this planning application. For example, frequent references are made to the London Legacy Development Corporation role as a regeneration body over the coming years which may indeed be true but cannot be considered material to the planning assessment.
- 9.13 Officer Recommendation:
- The Committee endorse securing commitments within the S106 legal agreement to measurable and monitored socio-economic targets in accordance with the 2011-2015 SRF Action Plan to ensure the proposal raises the standards of living of existing and future borough residents up to 2031.

10.0 ISSUE 2: PRINCIPLE OF LAND USE

- 10.1 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 deliver housing especially affordable accommodation.

- 10.2 Locally the Councils Core Strategy 2025 and the draft Fish Island Action Plan anticipates the regeneration of Olympic Park area as a comprehensive mixed-use redevelopment to provide housing, a school, commercial floorspace, open space and other compatible uses. Therefore the proposals are welcomed and supported in principle.
- 10.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of east London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 10.4 The comprehensive regeneration of Olympic Park will provide new affordable housing units and further increase the supply of high quality affordable and private housing for borough residents. The principle of increased private and affordable housing supply at the site is supported by London Plan Policy 3.3, which states that boroughs should increase housing supply in particular “through the potential to realise brownfield housing capacity through the spatial structure. The current target for Tower Hamlets is set at 2,885 units per annum of which 651 units will be provided in this location.
- 10.5 The proposal has the potential to successfully implement local regeneration priorities. For example, The London Borough of Tower Hamlets Core Strategy 2010-2025 states that Fish Island will be “A mixed-use, sustainable community offering a unique place to live and work, right next to the Olympic Park and within walking distance of Stratford City. Taking full advantage of its “fringe” location, Fish Island will become a place for business, enterprise, new homes, schools, health facilities, parks and waterways. Through diversifying and intensifying its employment offer, investment and new job opportunities will be delivered.”
- 10.6 Among other issues the policy seeks the development of accessible job creation and places great emphasis on high quality urban design that balances both accessibility and security.
- 10.7 The draft Fish Island Area Action Plan (AAP) dated January 2012 states that “Fish Island will develop as an integrated part of Tower Hamlets to become a great place to live, work and visit, with new homes, affordable housing and space for business, innovation and industry. Fish Island will benefit from a unique setting that links together the Olympic Park and legacy opportunities to the east with existing communities to the west.”

10.8 **Figure 3: The Vision for Fish Island (Core Strategy 2025):**



10.9 The AAP states that Fish Island East will become a new residential community coming forward through the Olympic Legacy. The character will be medium density housing for families with easy access to the waterways, parks, sports and leisure facilities inherited from the 2012 games. A new school, playing fields, community facilities and a local park will provide a focus for new communities in Fish Island East. The illustrative masterplan for PDZ 4 in **Figure 4** shows how the LCS proposal broadly complies with the boroughs vision and emerging policies for the area.

Officer Recommendation:

10.10 Officers recommend the Committee endorse support for the proposed land uses across the LCS area and in particularly for PDZ 4 in Tower Hamlets because it accords with the Fish Island AAP. Full support should only be given once the necessary social and economic infrastructure mitigation package is known to the Council.

10.11 Currently the draft Section 106 agreement and supporting financial viability appraisal is absent from the application submission documents. Therefore it is requested that Committee endorse further discussion with the ODA, as local planning authority, and the applicant to ensure commitments are controlled via the planning permission should consent be granted.

11.0 ISSUE 3: HOUSING

Explanation:

11.1 In February 2012 the Olympic Park Legacy Company submitted revisions and additional information to its Legacy Communities Scheme documents.

11.2 The LCS is proposing a maximum of 6,870 across the site of which at least 35% will be affordable homes.

11.3 Table 1 below shows that PDZ 4 in Tower Hamlets will accommodate a maximum of 651 new homes of which 309 (47%) will be affordable. Affordable housing is defined by the applicant as social rented, affordable rented and intermediate accommodation. A remaining total of 342 units will be open market dwellings. **Tables 1-3** set out the applications housing mix.

11.4 **Table 1: Site Wide Housing Split by Tenure and Amount across each Zone:**

Planning Delivery Zones	Maximum Total Units	Affordable housing 35%	Unit size mix (%)	
		Social rented: Affordable rented: Intermediate (30:30:40)	Studio, 1+2 bedrooms	Family Housing
PDZ1	1,787	352 [93:93:166]	85%	15%
PDZ2	878	307 [97:97:112]	76%	24%
PDZ4	651	309 [95:95:120]	39%	61%
PDZ5	887	380 [115:115:149]	39%	61%
PDZ6	960	270 [82:82:107]	16%	84%
PDZ8	1,311	554 [168:168:218]	65%	35%
PDZ12	398	211 [60:60:91]	54%	46%
Total	6,870	2,383 [710:710:963]		

Source: LCS technical analysis (2011) - Amended 2012

11.5 **Table 2 – Percentage Tenure Split across the Tenure Types within the Zones**

PDZ	Market Units	Intermediate Units	Social Rented Units	Affordable Rent Units	100% check
	65%	14%	10%	10%	100%
PDZ1	80%	9%	5%	5%	100%
PDZ2	65%	13%	11%	11%	100%
PDZ4	52%	18%	15%	15%	100%
PDZ5	57%	17%	13%	13%	100%
PDZ6	72%	11%	9%	9%	100%
PDZ8	58%	17%	13%	13%	100%
PDZ12	47%	23%	15%	15%	100%

Source: LCS technical analysis (2011) - Amended 2012

11.6 **Table 3 – Affordable Housing Unit Types in PDZ 4**

PDZ4 Units	LCS Flexibility/Range
1 or 2 Bedroom Flats	0.00%
3 Bedroom Units	27.3-29.3%
4+ Bedroom Units	20.7-22.7%
Total	50%

Source: LCS technical analysis (2011) - Amended 2012

Issues for London Borough of Tower Hamlets:

- 11.7 LBTH has amongst the highest levels of housing need in London, evidenced by the size of its housing waiting list which is currently estimated at 23,000 persons (January 2012). Therefore it welcomed that the planning application is seeking to address the needs of the borough by proposing a large quantity of new homes across the site. This complies with Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan 1998; and policy DM3 of Draft Managing Development DPD (2012).

Amount

- 11.8 The applicants *Revised Social Infrastructure and Housing Statement* proposes to deliver 651 new housing units in PDZ4 in Tower Hamlets. The draft Fish Island AAP sets a target range of approximately 2,800 homes to be delivered across the area with a suggested capacity of between 600-900 new units within PDZ 4 (Fish Island East) based on density criteria. On this basis the proposal complies with the density range set within Policy FI 4.5 of the AAP.
- 11.9 47% (309 units) of these 651 units will be for affordable housing, which is close to the Council's minimum policy requirement of 35% with a target of 50%. It is important to note that this percentage is measured by unit and once built will be higher if measured by habitable room which is the Council preferred method of assessment.
- 11.10 It remains to be seen whether the level of affordable housing site wide within PDZ4 is maximised to meet the boroughs housing needs as identified its Strategic Housing Needs Assessment (SHMA) undertaken in 2009. For example, the applicant to date has not shared financial viability information to demonstrate why the proposal cannot achieve higher levels of affordable accommodation.

Tenure

- 11.11 The proposed tenure split in **Table 1** shows there to be 95 Social Rent, 95 Affordable Rent, and 120 Intermediate in PDZ 4 which equates to a split ratio of is an approximate 60:40 in favour of rented. While this accords with the Mayor of London's targets, it does not meet LBTH policy, which requires a 70:30 split. Therefore it is recommended that an additional 10% in the Intermediate to be switched to the rented element.

Type

- 11.12 The Statement suggests that there will be a range of household types such as town houses, mews, maisonettes and apartments, which would offer a range of choices for residents in the Borough and this is generally supported. This accords with the Fish Island APP which states that Fish Island East "*will become a new residential neighbourhood that will include a range of house types*".

Mix

- 11.13 The entire affordable element of PDZ4 proposes only 3+ bedrooms (**Table 3**) which is welcomed because it meets an identified housing need as the borough has a priority to deliver new large rented family homes. It also accords with the AAP Policy FI 4.5.
- 11.14 There is a concern regarding the lack of one and two bedroom properties within the affordable provision. It contravenes planning policy on creating sustainable housing mix and also does not meet the needs of all the boroughs residents. Therefore it a recommendation of this report that one and two bedroom affordable dwelling units are provided in addition to the 3 bedroom affordable family dwellings units. It is important to note that it will not be acceptable for the applicant to compromise the existing quantum of proposed family units to make way for a rebalanced mix in this respect.
- 11.15 In the absence of a supporting financial viability toolkit, it should be assumed the application is able to accommodate this new provision unless evidence is submitted to the borough that demonstrates otherwise.
- 11.16 The mix of intermediate affordable housing is acceptable as it is considered a realistic aspiration target given high property values in the Borough and it is also in line with the London Mayor's Housing Strategy.

Affordable Rent Levels

- 11.17 The Olympic Legacy Company's proposal is to deliver 50% of the rented units at Social Rents and 50% at Affordable rents.
- 11.18 The proposed affordable rents are:
- 1 bed – 80% of Market Rent
 - 2 bed – 70% of Market Rent
 - 3 bed – 60% of Market Rent
 - 4 bed – 50% of Market Rent
- 11.19 These are above what LBTH would accept. Market rents in LBTH are high and household incomes are generally low for residents in housing need as has been borne out in recent research undertaken for East London.

11.20 LBTH would only consider Affordable Rented at the following percentages of market rent (inclusive of all service charges):

- 1 bed – 65%
- 2 bed – 55%
- 3 bed – 50%
- 4 bed plus – 45%

11.21 LBTH seeks to maximise the level of social rented homes, however where viability constraints can be justified it would consider Affordable Rented homes. At the date of this report LBTH have not reviewed any supporting viability assessment of the scheme and therefore cannot support the levels of rent targeted for PDZ 4.

Nominations

11.22 At the date of this report the arrangements for nominations of affordable housing across the LCS areas are not known or detailed within the planning application. The Council is currently in dialogue with the applicant, the ODA and Host boroughs regarding this issue.

Market Housing

11.23 The proposed market housing mix is reliant on delivering studio, one and two-bedroom accommodation. No family accommodation (3 bedroom +) is proposed within this tenure. This is non compliant with planning policy as the borough does not support studio accommodation and also requires a more sustainable housing mix to include 3 bedroom plus to meet the needs of residents.

Officer Recommendation:

11.24 Given that regeneration and a positive legacy are primary aims of the 2012 Games, the Committee is requested, should planning consent be granted by ODA, to endorse the following recommendations:

- The applicant commits to at least 47% affordable housing provision in PDZ4. This should be controlled via the Section 106 agreements.
- Agree target affordable rent levels are set nearer the 50-65% range so that new homes are affordable to existing and future residents in LBTH.
- Request additional 1 and 2 bedroom dwellings within the affordable housing provision are included in order to deliver a more sustainable mix and meet local housing need.
- Request that the mix of tenure be reconsidered in accordance with local need of the borough so it accurately reflects *actual* levels of demand towards 70:30 (social rent: intermediate accommodation).
- Nominations are agreed and controlled through the S106 and Rent and Nominations agreement (once agreement is reached between Host Boroughs) in consultation with LBTH
- Request that the Social Rented, Affordable Rent, Intermediate and private sale homes are pepper-potted evenly across the development.

12.0 ISSUE 4: EMPLOYMENT, TRAINING AND SKILLS

Explanation:

12.1 As part of the LCS proposal the applicant has submitted an *Employment Statement* to support the outline planning application. This sets out the policy context of the application against baseline line conditions for employment among the four Host boroughs. **Table 4** below clearly shows that Tower Hamlets has the lowest employment rate in 2010 of the

four Host boroughs with only 87% of economically active residents in employment against 91% which is the London average.

12.2 **Table 4: Economic Activity Levels**



12.3 In response to high levels of unemployment that averages at 11.3% amongst the four Host Boroughs, the LCS proposal states that its 'maximum employment impact' will propose approximately 130,000 sqm of employment generating floorspace that will in turn yield some 4,421 new jobs by 2031.

12.4 While not part of this planning application, the Statement seeks to acknowledge that a further 3,799 job will be created from the other surrounding land uses within the Olympic Park post 2012 namely the retained venues, IBC/MPC, stadium and Arcelor Mital Orbit visitor attraction. It further recognises the LCS proposals should be considered in context to the wider strategic regeneration of the area such as existing and proposed employment programmes and initiatives to be taken forward by the LLDC up to 2031.

Issues for Tower Hamlets:

13.5 Tower Hamlets is one the most deprived local authorities in London and England with levels of deprivation and unemployment further intensified as a result of the economic downturn. In September 2011 (latest figures) the employment rate in Tower Hamlets was 59.1%, which is 8.9 percentage points behind the London rate and 10.9 percentage points behind the England rate.

13.6 Tower Hamlets has the 5th highest unemployment rate out of all 33 London boroughs. The proportion of working age residents in the borough with no qualification is 12.4%, this is higher than both the London and England equivalent, figures are 9.9% and 11.3% respectively.

13.7 Deprivation in Tower Hamlets is widespread and the 2010 Indices of Multiple Deprivation data indicates that the borough remains one of the most deprived areas in the country. Indicator measures upon which the borough performs worst are housing and income deprivation. On the income and employment scale measures (this reflects the actual numbers of people experiencing income and employment deprivation in an area) Tower Hamlets ranks 10th most income deprived and 38th on the employment scale in England.

13.8 Bow East ward is the closest Tower Hamlets ward to the Olympic Park area and has an acute unemployment rate that is 6.6% higher than the borough average and significantly higher than the London and England. The proportion of residents on key out-of-work

benefits is 18% in Bow East, compared to 16.2% in Tower Hamlets. Thus, in terms of income and employment Bow East ward is more deprived than the borough as a whole.

- 13.9 Therefore maximising investment and job creation from the Olympics Games and the LCS is a priority for the borough through the promotion and support of key regional centres to deliver job growth and opportunities as set out in Policy SP06 of the Core Strategy.
- 13.10 The nature of the LCS outline planning application is predominantly residential in land use quantum with less than 13% of the overall floorspace being applied for as having the potential to be employment generating. Much of the proposed non residential land use produces low employment density yields like hotels, retail and community facilities.
- 13.11 Therefore the expectations that the LCS will have a significant impact on increasing employment opportunities and job creation to address high unemployment levels in the borough should not be over estimated.
- 13.12 This is a disappointing given the original pledges made by LOCOG at bid stage and OPLC throughout the build up to the Games in 2012 together with the Legacy Communities Scheme outline application submission. The Host boroughs have consistently raised this as an issue throughout the pre-planning discussions with the OPLC, particularly raising concerns in 2010 regarding the applicants decision to remove key employment generating land parcels like the stadium and the IBC/MPC from the LCS outline planning application.
- 13.13 In terms of wider impact beyond the LCS proposal, it is noted that Games construction period over the last 5 years has created local job opportunities, apprenticeships and Games time employment for borough residents hospitality and catering, cleaning, security, retail & ticketing, and logistics. In terms of such numbers, the Councils Employment and Enterprise Team estimate that 1,668 LBTH residents have worked on the construction of the Olympic Park site over the past 5 years and 230 LBTH residents are currently employed directly by LOCOG and this represents 8.3% of LOCOG's total workforce. Furthermore some 1,279 job offers so far have been made to LBTH residents by LOCOG contractors.
- 13.14 This is positive and LBTH along with partner Host boroughs want to ensure that those people who have secured Games time employment will have the support available to retain jobs where practical or progress to other employment opportunities after the Olympics in legacy stage.
- 13.15 In summary, however, the LCS proposal in planning terms will have a minimal impact upon job creation and employment growth once built. This is due to the predominant residential nature of the application that tends to be generate low employment yields. In this respect the LCS will not necessarily achieve the SRF convergence target of creating 120,000 new jobs by 2031 among the East London boroughs. It relies heavily upon other surrounding land uses, proximity to major regional centres, and regeneration initiatives and programmes covered by multiple agencies such as the LLDC to deliver these objectives.

Officer Recommendations:

- 13.16 The Committee endorse the request for target-based obligations within the S106 to secure maximum economic benefit for local residents in LBTH relating to local employment training and skills.
- 13.17 Such activities should reflect and continue previous successes in relation to local employment and procurement activities associated with the Olympic Games and legacy activities, as well as emerging requests and cooperation with the LLDC.
- 13.18 In the absence of this commitment the Council will seek financial contributions and/or other

forms of economic benefit.

14.0 ISSUE 5: EDUCATION PROVISION

Explanation:

- 14.1 The LCS is proposing two new primary schools and one new secondary school across the site application site. One of the proposed primary schools will be located in the PDZ 4 in Fish Island East and will be 3 Forms of Entry (3FE). There is also a proposed nursery school provision within PDZ 4.
- 14.2 The application will provide for a secondary school in PDZ 12 in the London Borough of Newham but there is no proposed secondary expansion or provision in the other areas of the site or beyond the boundary.
- 14.3 The London Borough of Tower Hamlets and Hackney (LBH) have been jointly discussing with the applicant and ODA the likely child population yields resulting from the LCS development. At the date of this report there is disagreement on the method of calculating this figure.
- 14.4 For example, the applicant has calculated child yields applying 2001 census information using survey data from the London Borough of Wandsworth. In contrast LBTH and LBH have applied 2011 survey data taken from the ward of Leabridge in Hackney and consider it more appropriate and up to date when assessing potential population demand generated by the development. Leabridge data is also more comparable to sensitivities in this part of East London and reflects more accurately local demographics.
- 14.5 The results (**Table 5**) of this exercise show clear differences in child yield projections as calculated jointly by the LBTH and LBH:

Table 5: Child Yield Projections from LCS Development

Population Type	Applicant (Child Yield)	LBTH and LBH (Child Yield)
Primary child yield (age 5-11)	1,471	1,755
Secondary child yield (age 11-16)	742	1,035
Primary school yield after 10% discount*	1,324	1,680
Secondary school yield after 10% discount	688	932
Primary demand	6.59	7.52
Secondary demand	5.45	6.21
Total population from LCS development	15,391	17,253

* 10% discount to take account of movement to independent/other schools

Issues for London Borough of Tower Hamlets:

Nursery Provision

- 14.6 The provision of 200sqm of new nursery space (Class D1) in PDZ 4 is welcomed and considered appropriate to mitigate the population uplift of the development that is expected to produce a high child yield.

Primary School Provision

- 14.7 The LCS proposal seeks to provide a 3 Form Entry (FE) Primary School at PDZ 4 in the south of the site.
- 14.7 This is welcomed and complies with Policy FI 4.6 of the draft Fish Island Area Action Plan which identifies provision of 3FE school on a site of 0.5 hectares in size within the Fish Island community. The policy identifies a school to be located within the area known as Fish Island Mid, although it recognises most of this land is within private land ownership and presents significant challenges for Tower Hamlets as the local authority to assemble through the Compulsory Purchase process.
- 14.8 Therefore given the applicants land is within public ownership and accessible to existing residents in the East of the borough via new bridge connections then it considered an appropriate site.
- 14.9 Furthermore the applicant's decision to locate the school on Monier Road as part of these discussions enables the new school to be accessible via public transport on a potential new London bus route. The additional playing field further improves the amenity of the school and enlarges its footprint in land use terms as a means of future proofing expansion.

Secondary School Provision

- 14.10 Tower Hamlets currently forecasts the need for two additional secondary schools to be provided within the Borough by 2021 based on population projections not including the LCS proposal. Current research and evidence supported by the Councils Directorate of Children, Schools & Families using the GLA School Roll Projection Service shows a shortfall of 5 Forms of Entry (FE) of secondary school provision by September 2017. Overall, the current forecasts indicate a need for an extra 13 FE of secondary provision by 2021, with a further 2FE (approx) arising from development in Fish Island.
- 14.11 This indicates that an additional 6FE secondary school is required to be built by 2018 within the Eastern area of the borough near the Olympic Park area to meet the demand arising from new development taking into account the LCS proposal. Requirement is over and above the planned new capacity identified within the Bow Lock site, which will provide an extra 4FE of capacity with the relocation and expansion of Bow School.
- 14.12 It should be noted that secondary school roll projections in the neighbouring London Borough of Hackney indicate that by 2017 there will be a requirement for an additional 6FE in secondary provision to meet their target of accommodating 80% of their borough's year 7 transfer cohort, excluding any demand arising from the LCS. For example the E5 and E9 post codes which include Hackney Wick, Homerton and Clapton, have the greatest supply issues.
- 14.13 As **Table 5** demonstrates, the population uplift from the LCS development as calculated using the Leabridge yield data provided by the LBTH and LBH produces a much higher yield of 17,253 new persons by 2031. The applicant predicts the new population to be approximately 13% lower at 14,940 new persons in the same period. The resulting child yield in need of secondary school provision is estimated to be 918 children age 11-16 compared to the applicants prediction of 817 children as calculated using the 2001 census data. Officers of LBTH and LBH consider the applicants approach of holding to the 2001 census based modelling as the main estimate of potential demand as inadequate. It is considered that Leabridge ward based population modelling is the most robust population

yield figure which should be reflected in the plans for on site mitigation.

- 14.14 The LCS is not proposing to mitigate the impact of this increased child yield on the already stressed Olympic park fringe communities of LBTH and LBH. Therefore the proposed LCS proposal is deemed unsustainable and deficient with regard to mitigating the demand for secondary school provision.
- 14.15 At the date of this report the applicant has not proposed to mitigate this impact upon LBTH and LBH via the planning application and S106 agreement. Instead the applicant maintains that an expanded Rick Roberts Way School and new Chobham Manor secondary school in Newham will absorb and serve a new population.
- 14.16 In response LBTH consider the location of the secondary school being provided on Rick Roberts Way (RRW) as being problematic both in terms of its accessibility to pupils in Tower Hamlets and in terms of its local catchments serving Newham. This school is not on a direct bus route from the site and is more than a 25 minute walk from it. The future RRW school's potential catchment area may exclude Tower Hamlets pupils in so far as this is compatible with the statutory requirements for school admissions. Furthermore the new Chobham Manor Academy is due to open in September 2013 and will cater for nursery to 6th form pupils. It will principally serve residents of Newham.
- 14.17 At the date of this report dialogue on this issue is ongoing and in response to LBTH concerns the applicant has suggested a series of 'corporate commitments' to the borough via a memorandum of understanding issued by the LLDC. This may extend outside the LCS planning application regarding future secondary school provision in the western fringes area of the Olympic Park, namely Fish Island. However there are concerns that without these commitments being enshrined within a draft Section 106 planning agreement attached to the land then there it may have limited legal status and enforceability.

Officer Recommendation:

- 14.18 Officers recommend the Committee endorse support for the inclusion of secondary school infrastructure commitments on site or within a S106 agreement and/or equivalent binding memorandum of understanding between the local authority and LLDC. Discussions regarding the content of this agreement are ongoing.

15.0 ISSUE 6: TRANSPORT AND HIGHWAYS

Explanation:

- 15.1 Connectivity will be a crucial factor in the sustainability of the Games legacy for the resident's of the borough. The LCS proposes two new bridges (H14 & H16) that will cross the River Lea Navigation canal (east-west) located at PDZ4 in Tower Hamlets to physically connect the borough and the Olympic parkland estate.
- 15.2 Post Games, the LCS proposes a new highway network for PDZ 4 which will create grid patterned streets that will adjoin in an east-west direction to the existing streets of White Post Lane, Monier Road and Roach Road in Fish Island. The existing Olympic Loop Road that runs north south through Fish Island East will be relocated eastwards towards the stadium and create land parcels for new development. **See Figure 2.** A canal side park will run along the eastern side of the River Lea Navigation canal for pedestrian and cyclists only. The existing 'dog leg' junction east of the Kings Yards energy centre on Carpenters Road in the of north PDZ 4 will be reconfigured to improve north-south movement.
- 15.3 In terms of public transport infrastructure the LCS has already benefitted from large scale public investment in preparation for the area hosting the 2012 Games. This includes

upgrading London Overground services, new regional and international rail stopping services at Stratford, extension of the DLR from Woolwich to Stratford International and a series of cycling and pedestrian improvements across the surrounding canal network and Rights of Way. In addition, the LCS seeks to commit to new London Bus services and upgrade the Hackney Wick Overground station, although the exact financial contributions are not known at the date of this report. It should also be noted that the new regional Crossrail services are earmarked to serve the site by 2018.

- 15.4 Approximately 4,605 car parking bays are applied for across the site to support 6,780 new homes which equates to an average of 0.68 bays per dwelling. In PDZ 4 the amount of car parking is 732 car parking bays across all land uses with 688 spaces to serve 651 new homes. This equates to ratio levels of 1.06 bays per dwelling.

Issues for London Borough of Tower Hamlets

- 15.5 Currently the site is isolated by river, rail and road networks and therefore the new physical interventions and significant investment in public transport infrastructure is crucial to ensure the Olympic parkland estate is better connected locally to Tower Hamlets neighbourhoods post 2012.
- 15.6 The proposal to commit to two new bridges is supported because it connects Tower Hamlets communities to a major centre of employment, leisure and amenity. Clarification is sought from the applicant regarding the maintenance and upkeep of the new bridges post 2012. Should Tower Hamlets be local highways authority for the bridges then the applicant is expected to contribute annual maintenance charges in perpetuity as controlled via the Section 106 agreement or a Section 38 Highway agreement. To date no such commitment has been made.
- 15.7 There is a concern the LCS application is not committing any further connections off site between Bow and Fish Island to overcome the physical barrier of the A12 and this remains a long term aspiration of the borough. Historic pledges by the OPLC to fulfil these aspirations have fallen away during the course of the planning process and without future certainty for funding from the LLDC, it may not be delivered anytime soon.
- 15.8 In terms of public transport infrastructure, the LCS should continue the wider investment in local services particularly new London Buses connecting Tower Hamlets communities to the parkland area and beyond to Stratford. Hackney Wick station is also in need of modernisation and planning contributions are requested to mitigate the impact of the new development on train line services.
- 15.9 Regarding the impact on highways managed and maintained by LBTH, the submitted transport assessment to date has not made any firm commitments to mitigate the LCS's new higher levels of traffic in the area. This is especially relevant to the additional stress on the Monier Road junction with Wansbeck Road, Crown Close roundabout in the east of the borough. The main reason for the predicted adverse traffic impact is due to the LCS proposals for high levels of car parking, which exceed the borough's policy maximum of 0.5 spaces per dwelling across the site.
- 15.10 Locally within PDZ 4 in Tower Hamlets the proposal exceeds the London Plan which sets out that areas within good Public Transport Accessibility Levels (PTAL) should seek significantly less than 1 space per dwelling. The LCS is proposing 1.06 spaces per dwelling which is contrary to this policy and levels permitted across major new developments in the borough since 2006, which averages at approximately 0.3 spaces per dwelling. Therefore, it is considered that the proposed parking levels for the new development are excessive. Furthermore high parking levels create knock on adverse impacts upon health, safety, environmental sustainability and increased congestion on the local and regional highway network including the A12 and A13 trunk roads.

- 15.11 Officers reject the applicants recent evidence, via its *Revised Development Specification and Framework dated February 2012*, to reclassify and downgrade the Public Transport Accessibility Levels (PTAL) of PDZ 4 in Fish Island from PTAL 4 to 3 and consider it a cynical attempt to justify higher levels of car parking against planning policy.

Officer Recommendations

- 15.12 In order to provide the best possible benefits to Tower Hamlets' residents, the Committee is requested to endorse the following:
- To ensure the construction of the two permanent bridges is mandatory and cannot be withdrawn at a later stage. Planning permission should only be given on the condition that these are replaced with permanent structures after the Games via Grampian condition prior to commencement of development.
 - To ensure permanent bridges should be scheduled so that there is always one of the two bridges available at all times and annual maintenance charges are committed to by the developer and funded should they be adopted by LBTH local highway authority.
 - To secure contributions towards upgrading local public transport infrastructure including new London Bus routes in Fish Island and Hackney Wick station.
 - To ensure the applicant commits to mitigating the impacts on LBTH highways and junctions by either reducing the level of car parking at PDZ 4 and/or providing for financial contributions towards junctions improvements.
 - To secure adequate financial mitigation to invest in local public transport infrastructure within the S106 agreement to make the development acceptable.

16.0 ISSUE 7: OPEN SPACE

Explanation:

- 16.1 The open space provision will be increased as a result of the 2012 Olympic & Paralympic Games creating approximately 114.9 hectare (ha) of new open space across the new Queen Elizabeth park and estate. The majority of that consented open space (100.2ha), however, falls outside the LCS planning application boundary with just 14.7ha falling within the proposed site.
- 16.2 Following further reconfiguration the open space within the LCS planning application boundary will reduce the overall open space provision to 12.4ha (2.5ha retained and 9.9ha of new open space) but will still meet overall site wide targets approved by the 2010 planning permissions.
- 16.3 The proposed new open space will include a combination of wetlands, hard and soft landscaping, play areas, canals and diverse range of recreational leisure spaces.
- 16.4 In PDZ 4 in Fish Island, the borough will benefit from a new canal side park 1 hectare in size stretching from White Post Lane in the north to the new Monier Road bridge in the south. There will also be new provision via a school playing field that has the potential to be publicly accessible for local residents. Furthermore the site will be adjoined by the new Great British Garden built for the 2012 Games on the east side of Fish Island (East).

Issues for London Borough of Tower Hamlets:

- 16.5 The hosting of 2012 Olympic Games has enabled the delivery of large regional open space at Queen Elizabeth Park to serve residents of the borough and this welcomed.

The LCS will deliver 9.9 hectares of new open space to support the potential of between

- 16.6 15,000-17,000 new residents (**See Table 5 above**) which will fall short of the boroughs standard of 1.2 hectares per 1,000 population. None-the-less the improvement to the quality, usability and public accessibility of existing open spaces, parkland, play areas, waterway networks and leisure spaces is considered to outweigh this shortfall.
- 16.7 Within PDZ 4 the delivery of a new 1ha linear park open space on the canal is welcomed particularly as it can be used and enjoyed by families residing in the local area. The proposed new open space that will support the new primary school should be made publicly accessible for all of the community out of school time. The upgrades to public realm including the canal tow paths and network of new pedestrian and cycles routes into the new Queens Elizabeth Park is supported.

Officer Recommendations:

- 16.8 The Committee endorse the proposed plans for open space across the LCS area and PDZ 4 in LBTH. The section 106 planning agreement control future public access arrangements to all new open spaces including management and maintenance particularly the new open spaces proposed within the borough boundaries.

17.0 ISSUE 8: LAYOUT AND SCALE

Explanation:

- 17.1 The LCS planning application sets out a range of building heights across PDZ 4 proposing up to 4 storeys in the south where the proposed primary school is located and up to 7 storeys for residential development fronting onto the new school playing field. The middle development plots set scale limits from 7-10 storeys and up to 11 storeys on Carpenters Road. At the new junction where the loop road crosses over the Carpenters Road, known as the Belvedere, building heights are proposed to be up to 14 storeys in scale.
- 17.2 The proposed street layout is grid patterned with series of primary and secondary routes running north south and east west connecting to the existing network in Fish Island Mid (**See Figure 2 above**).

Issues for London Borough of Tower Hamlets

- 17.3 The scale and height of development as proposed within the parameter plans for PDZ4 remains the same as submitted and is still considered beyond the guiding limits of the draft Fish Island Area Action Plan (AAP). The approach seeks to measure proposed buildings heights against Above Ordnance Datum (AOD) lines which set these against 'ground level' from their lowest point across the area at the River Lea Navigation canal. This is 3 metre (+) AOD.
- 17.4 On this basis, the proposed built scale will be some 5-10 metres above the Boroughs' planning and design guidance as set out in the Fish Island AAP.
- 17.5 The reconfigured layout in the south of PDZ4 is welcomed allowing for new playing field provision that will offer some relief from the proposed scale of development across site.
- 17.6 The mid and northern areas of development site are proposed to be higher in scale than considered appropriate and remains to be seen at detailed design stage whether the new neighbourhood can deliver smaller housing typologies of terraces apartments, stacked maisonettes and mews at 3 storeys on tertiary streets as predicted by the supporting Design & Access Statement.

Officer Recommendations:

- 17.7 The Committee endorse support for the layout of the new development within PDZ 4 and request the borough is fully consulted at reserved matters stage when considering detailed design and scale of the new residential and non residential uses.

18.0 ISSUE 9: SUSTAINABLE ENVIORNMENT

Explanation:

- 18.1 The LCS submitted *Revised Renewable Energy Statement* acknowledges that a waste to energy plant is not currently viable and an alternative 'biogas CHP' strategy is considered.
- 18.2 The existing Kings Yards energy centre and energy centre in Stratford City is identified to serve the LCS development and the existing park venue and athletes village. The Statement state that is has the capacity to serve a much larger area including wider borough area. Key infrastructure connections are being proposed to ensure all the new development within the Planning Delivery Zones has access to a potential sustainable energy source.

Issues for London Borough of Tower Hamlets

- 18.3 Using renewable energy sources is a key component of reducing carbon output and tackling climate change. Future development is required to demonstrate compliance with future energy policy standards. Whilst Code for Sustainable Homes level 4 is the current appropriate standard, with advances in technology code level 5 or 6 would be requirement for subsequent phases the LCS given the long timescale of 20 years build programme.
- 18.4 The applicant commits to achieving BREEAM Excellent standard and Code for Sustainable Homes Level 4 but does not actually set out how that commitment will be achieved.
- 18.5 The borough requires that the LCS continues to set out energy demands and CO2 emission reduction measures as part of reserved matters planning applications to accord with current energy polices. These will set out how targets have been met in line with the London Mayor's energy hierarchy and the relevant policies in place at the time of the application. Any future development would therefore need to respond to the Managing Development policy DM29 which sets specific CO2 targets for Tower Hamlets.
- 18.6 There is a need for review and full assessment against standards at the time of the reserved matters applications and Tower Hamlets Sustainable Development Team support this change. Given the long build-out programme this is important to ensure that the energy strategy is still relevant at the time of implementation.

Officer Recommendations:

- 18.7 To endorse the applicants approach and seek further discussions on how sustainable energy need is delivered to PDZ 4 but also across the borough to ensure that legacy of renewable energy has a greater impact across a wider area.

19.0 CONCLUSIONS

- 19.1 All other relevant policies and considerations have been taken into account. The ODA Planning Decisions Team should consider the views and issues of the London Borough of Tower Hamlets as set out in this report and request changes to the application and control the development through appropriate planning conditions and obligations.

Appendix A

Drawing Title Drawing Reference Number:

Site Wide

LCS-DWG-APP-RED-PAR-GLB-001 01; LCS-DWG-APP-DEN-PAR-GLB-001 02; LCS-DWG-APP-OPS-PAR-GLB-001 02; LCS-DWG-APP-BRG-PAR-GLB-000-001 02; LCS-DWG-APP-BRG-PAR-GLB-000-002 02; LCS-DWG-APP-INF-PAR-GLB-001 02; LCS-DWG-APP-TOP-PAR-GLB-000-001 02; LCS-DWG-APP-TOP-PAR-GLB-000-002 REV 02; LCS-DWG-APP-UTL-PAR-PDZ8-000-006 01; LCS-DWG-APP-HWY-PAR-PDZ1_2-001 02; LCS-DWG-APP-HWY-PAR-PDZ4-001 REV 02; LCS-DWG-APP-HWY-PAR-PDZ5-001 02; LCS-DWG-APP-HWY-PAR-PDZ5-002 02; LCS-DWG-APP-HWY-PAR-PDZ6-001 REV 02; LCS-DWG-APP-HWY-PAR-PDZ8-001 REV 02; LCS-DWG-APP-HWY-PAR-PDZ12-001 02; LCS-DWG-APP-PHS-PAR-GLB-001 01; LCS-GLB-APP-FSN-001, LCS-DHN-APP-FSN-001, LCS-GLB-APP-DSF-002; LCS-GLB-APP-DEC-002; LCS-PDZ1-APP-DEC-002; LCS-PDZ2-APP-DEC-002; LCS-PDZ4-APP-DEC-002; LCS-PDZ5-APP-DEC-002; LCS-PDZ6-APP-DEC-002; LCS-PDZ8-APP-DEC-002; LCS-PDZ12-APP-DEC-002; LCS-DWG-ILL-LCT-CON-GLB-001 01; LCS-DWG-ILL-LCT-CON-GLB-002 01; LCS-DWG-ILL-MAS-CON-GLB-000 02; LCS-DWG-ILL-COM-CON-GLB-001 02; LCS-DWG-ILL-LDU-CON-GLB-001 02; LCS-DWG-ILL-LDU-CON-GLB-002 02; LCS-DWG-ILL-HGT-CON-GLB-001 02; LCS-DWG-ILL-HGT-CON-GLB-002 02; LCS-DWG-ILL-HGT-CON-GLB-003 01; LCS-DWG-ILL-HGT-CON-GLB-004 01; LCS-DWG-ILL-ACS-CON-GLB-001 02; LCS-DWG-ILL-TOP-CON-GLB-0000-001 01; LCS-DWG-APP-TOP-PAR-GLB-002 01; LCS-DWG-ILL-HWY-CON-GLB-001 02; LCS-DWG-ILL-BRG-CON-GLB-000-001 02; LCS-DWG-ILL-BRG-CON-GLB-000-002 02; LCS-DWG-ILL-DRG-CON-GLB-000-01101; LCS-DWG-ILL-DRG-CON-GLB-000-012 01; LCS-DWG-ILL-UTL-CON-GLB-000-012 01; LCS-DWG-ILL-UTL-CON-GLB-000-013 01; LCS-DWG-ILL-UTL-CON-GLB-000-014 01; LCS-DWG-ILL-UTL-CON-GLB-000-015 01; LCS-DWG-ILL-UTL-CON-GLB-000-016 01; LCS-DWG-ILL-UTL-CON-GLB-000-017 01

Planning Development Zones:

PDZ1

LCS-DWG-APP-LDU-PAR-PDZ1-001 02; LCS-DWG-APP-LDU-PAR-PDZ1-002 02; LCS-DWG-APP-HGT-PAR-PDZ1-001 02; LCS-DWG-APP-HGT-PAR-PDZ1-002 02; LCS-DWG-APP-OPS-PAR-PDZ1-001 01; LCS-DWG-APP-HWY-PAR-PDZ1-001 02; LCS-DWG-APP-DEN-PAR-PDZ1-001 02; LCS-DWG-APP-TOP-PAR-PDZ1-001 01; LCS-DWG-ILL-RED-CON-PDZ1-001 01; LCS-DWG-ILL-COM-CON-PDZ1-001 02; LCS-DWG-ILL-MAS-CON-PDZ1-002 02; LCS-DWG-ILL-UTL-CON-PDZ1-000-001 01; LCS-DWG-ILL-UTL-CON-PDZ1-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ1-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ1-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ1-000-005 01

PDZ2

LCS-DWG-APP-LDU-PAR-PDZ2-001 02; LCS-DWG-APP-LDU-PAR-PDZ2-002 01; LCS-DWG-APP-HGT-PAR-PDZ2-001 02; LCS-DWG-APP-HGT-PAR-PDZ2-002 02; LCS-DWG-APP-OPS-PAR-PDZ2-001 02; LCS-DWG-APP-ACS-PAR-PDZ2-001 02; LCS-DWG-APP-DEN-PAR-PDZ2-001 01; LCS-DWG-APP-TOP-PAR-PDZ2-001 01; LCS-GLB-APP-DSF-002 164; LCS-DWG-ILL-RED-CON-PDZ2-001 01; LCS-DWG-ILL-COM-CON-PDZ2-001 02; LCS-DWG-ILL-MAS-CON-PDZ2-002 01; LCS-DWG-ILL-UTL-CON-PDZ2-000-001 01; LCS-DWG-ILL-UTL-CON-PDZ2-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ2-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ2-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ2-000-005 01

PDZ4

LCS-DWG-APP-LDU-PAR-PDZ4-001 02; LCS-DWG-APP-LDU-PAR-PDZ4-002 02; LCS-DWG-APP-HGT-PAR-PDZ4-001 02; LCS-DWG-APP-HGT-PAR-PDZ4-002 02; LCS-DWG-APP-OPS-PAR-PDZ4-001 02; LCS-DWG-APP-ACS-PAR-PDZ4-001 01; LCS-DWG-APP-DEN-PAR-PDZ4-001 02; LCS-DWG-APP-TOP-PAR-PDZ4-000-001 02; LCS-DWG-APP-INF-PAR-PDZ4-001 02;

LCS-DWG-ILL-RED-CON-PDZ4-001 01; LCS-DWG-ILL-COM-CON-PDZ4-001 02; LCS-DWG-ILL-MAS-CON-PDZ4-002 02; LCS-DWG-ILL-UTL-CON-PDZ4-000-001 01; LCS-DWG-ILL-UTL-CON-PDZ4-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ4-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ4-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ4-000-005 01

PDZ5

LCS-DWG-APP-LDU-PAR-PDZ5-001 02 ;LCS-DWG-APP-LDU-PAR-PDZ5-002 02 ; LCS-DWG-APP-HGT-PAR-PDZ5-001 02 ; LCS-DWG-APP-HGT-PAR-PDZ5-002 02 ; LCS-DWG-APP-OPS-PAR-PDZ5-001 02 ; LCS-DWG-APP-ACS-PAR-PDZ5-001 02 ; LCS-DWG-APP-DEN-PAR-PDZ5-001 02 ; LCS-DWG-APP-TOP-PAR-PDZ5-000-001 02 ;
LCS-DWG-APP-INF-PAR-PDZ5-003 02 ; LCS-DWG-ILL-RED-CON-PDZ5-001 01; LCS-DWG-ILL-COM-CON-PDZ5-001 02; LCS-DWG-ILL-MAS-CON-PDZ5-002 02; LCS-DWG-ILL-UTL-CON-PDZ5-000-001 01; LCS-DWG-ILL-UTL-CON-PDZ5-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ5-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ5-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ5-000-005 01

PDZ6

LCS-DWG-APP-LDU-PAR-PDZ6-001 02 ; LCS-DWG-APP-LDU-PAR-PDZ6-002 01 ; LCS-DWG-APP-HGT-PAR-PDZ6-001 01; LCS-DWG-APP-HGT-PAR-PDZ6-002 01; LCS-DWG-APP-OPS-PAR-PDZ6-001 01; LCS-DWG-APP-ACS-PAR-PDZ6-001 01; LCS-DWG-APP-DEN-PAR-PDZ6-001 01; LCS-DWG-APP-TOP-PAR-PDZ6-000-001 01; LCS-DWG-ILL-RED-CON-PDZ6-001 01 ;
LCS-DWG-ILL-COM-CON-PDZ6-001 02; LCS-DWG-ILL-MAS-CON-PDZ6-002 01; LCS-DWG-ILL-UTL-CON-PDZ6-000-001 01; LCS-DWG-ILL-UTL-CON-PDZ6-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ6-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ6-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ6-000-005 01

PDZ8

LCS-DWG-APP-LDU-PAR-PDZ8-001 02 ; LCS-DWG-APP-LDU-PAR-PDZ8-002 02 ; LCS-DWG-APP-HGT-PAR-PDZ8-001 02 ; LCS-DWG-APP-HGT-PAR-PDZ8-002 02 ; LCS-DWG-APP-OPS-PAR-PDZ8-001 02 ; LCS-DWG-APP-ACS-PAR-PDZ8-001 02 ; LCS-DWG-APP-DEN-PAR-PDZ8-001 02 ; LCS-DWG-APP-TOP-PAR-PDZ8-000-001 01 ; LCS-DWG-APP-INF-PAR-PDZ8-001 02 ;
LCS-DWG-ILL-RED-CON-PDZ8-001 01 ; LCS-GLB-APP-DSF-002 165 ; LCS-DWG-ILL-COM-CON-PDZ8-001 02; n LCS-DWG-ILL-MAS-CON-PDZ8-002 01; PDZ8 LCS-DWG-ILL-UTL-CON-PDZ8-000-001 01 ; LCS-DWG-ILL-UTL-CON-PDZ8-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ8-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ8-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ8-000-005 01

PDZ12

LCS-DWG-APP-LDU-PAR-PDZ12-001 02 ; LCS-DWG-APP-LDU-PAR-PDZ12-002 01 ; LCS-DWG-APP-HGT-PAR-PDZ12-001 01 ; LCS-DWG-APP-HGT-PAR-PDZ12-001 02 ; LCS-DWG-APP-OPS-PAR-PDZ12-001 01 ; LCS-DWG-APP-ACS-PAR-PDZ12-000 01 ; LCS-DWG-APP-DEN-PAR-PDZ12-000 02 ; LCS-DWG-APP-TOP-PAR-PDZ12-000-001 01 ; PDZ12 LCS-DWG-ILL-RED-CON-PDZ12-001 01 ; LCS-DWG-ILL-COM-CON-PDZ12-001 02 ; LCS-DWG-ILL-MAS-CON-PDZ12-002 01; LCS-DWG-ILL-UTL-CON-PDZ12-000-001 01; LCS-DWG-ILL-UTL-CON-PDZ12-000-002 01; LCS-DWG-ILL-UTL-CON-PDZ12-000-003 01; LCS-DWG-ILL-UTL-CON-PDZ12-000-004 01; LCS-DWG-ILL-UTL-CON-PDZ12-000-005 01

Appendix B

Illustrative Olympic Masterplan 2010



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Agenda Item 8.2

Committee: Development	Date: 10 May 2012	Classification: Unrestricted	Agenda Item Number: 8.2
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Report of: Director of Development and Renewal Case Officer: Pete Smith	Title: Planning Appeals
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. It also provides information of appeals recently received by the Council, including the methods by which the cases are likely to be determined by the Planning Inspectorate.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:

Site:

Development:

PA/11/00953

17 Bethnal Green Road E1 6LA

Change of use of the upper two floors from bed and breakfast accommodation to create a 3x2 bed flats above the existing ground floor restaurant along with external alterations including removal of existing stonework and replacement windows and the erection of a new handrail

Decision:

REFUSE (delegated decision)

Appeal Method:
Inspector's Decision

WRITTEN REPRESENTATIONS
DISMISSED

- 3.2 The main issue in this case was the impact of the proposed external alterations on the character and appearance of the Redchurch Street Conservation Area. The Planning Inspector was particularly concerned about the loss of the pedimented gable window, which he considered to be an attractive, interesting and prominent architectural feature. He concluded that the removal of this feature and its replacement with two simple rectangular dormer windows would have significantly reduced the architectural interest of the front elevation.
- 3.3 The appeal was DISMISSED.

Application No:
Site:

PA/10/02666
Claremont Court, 272 Cambridge Heath Road, London E2 9DA

Development:

Creation of 9 residential units (6x1 bed, 2x3 bed and 1x2 bed) split over two blocks

Council Decision:

REFUSE (delegated decision)

Appeal Method:

HEARING

Inspector's Decision

ALLOWED

- 3.5 The main issues in this case were as follows:
1. Whether the appeal proposal could be interpreted as a further phase of development thereby triggering an affordable housing requirement (as collectively, the scheme would have exceeded the 10 unit threshold)
 2. Whether the scheme failed to maximise the potential development opportunity of the wider site – and in so doing, prejudicing the ability to secure affordable housing as part of the development
- 3.6 On the first issue, the Planning Inspector was satisfied that there was a reasonable period of time gap between the original development and the current proposal and found no policy basis to require affordable housing as part of this proposal – even though he found the Council's evidence as to the need for additional affordable housing to be powerful. He noted also that there was no policy which required additional development on the site to be aggregated with earlier development, thereby taking the number of units (as an aggregate) over the threshold.
- 3.7 As regards the second issue, the Inspector was far from convinced that any further development opportunities would come forward on the site – and was not satisfied that affordable housing would be able to be triggered in another way.
- 3.8 The appeal was ALLOWED. The Planning Inspector agreed with the Council that the proposed development would need to be the subject of a car free agreement
- 3.9 This is a disappointing, albeit important decision in terms of how one makes judgements on the degree of incremental development and the extent to which affordable housing policies can be applied in such circumstances

Application No:

PA/11/01929

Site:	61, 63, 65 and 67 Cahir Street, E14 3QR
Development:	Erection of three storey rear extensions, roof extensions and conversion of existing town houses to provide 4x2 bed and 4x3 flats
Decision:	REFUSE (delegated decision)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED

3.10 Planning permission had previously been granted for the three storey rear extensions. The difference between the current appeal proposal and the previous planning permission involved the conversion of the four town houses into 8 flats. The Council successfully defended a previous refusal of planning permission to convert the extended properties into 2 bed flats. The main issues in this case were as follows:

1. The supply of family accommodation and whether suitable living conditions would be provided for future occupiers in terms of outdoor private amenity space.

3.11 Whether extended or not, the Planning inspector concluded that the four houses make an important contribution to the stock of family housing in the area and he was not at all satisfied that a number of the units would not have access to private amenity space – even though public open space is available nearby. He concluded that this would not replace the need for private outdoor space.

3.12 Although the three bed units would have met internal space standards, the Inspector was concerned that these upper floor flats would not have access to private amenity space and no provision would be made for children's play space and he made strong reference to development plan policy which focusses on the need for family housing with private amenity space and the need to avoid the conversion of houses to flats

3.13 The appeal was DISMISSED.

3.14 This is a worthwhile decision and should hopefully ensure that the original consent be implemented in full and the properties used as single family dwelling houses.

4. NEW APPEALS

4.1 The following appeals have been lodged with the Secretary of State following a decision by the local planning authority:

Application No:	PA/11/03814
Sites:	A12 East Cross Route, Wick Road Bridge underpass, London
Development	Proposed advertisement consent for Digital LED Landscape Display Unit located on Wick Lane Bridge measuring 18 metres x 4 metres.
Council Decision	Refuse (delegated decision)
Start Date	19 April 2012

Appeal Method

WRITTEN REPRESENTATION

- 4.2 The Council refused advertisement consent on grounds of visual amenity and highway safety grounds.

Application No:

PA/11/02653

Sites:

43 Thomas Road, London, E14 7BE

Development:

Retrospective application for the subdivision of the premises and change of use from restaurant and café (Use Class A3) to restaurant and café (Use Class A3) and hot food takeaway (Use Class A5) and installation of extraction system.

Council Decision:

Refuse (delegated decision)

Start Date

16 March 2012

Appeal Method

WRITTEN REPRESENTATIONS

- 4.3 Planning permission was refused in this case on grounds of the impact of the hot food take-away element, contrary to the amenities of neighbouring residential occupiers.

Application No:

PA/11/03710

Site:

Heckford House, Grundy Street, London

Development:

The erection of 2 two storey, two bed residential units and associated landscaping to the rear of Heckford House.

Council Decision:

Refuse (delegated decision)

Start Date

12 March 2012

Appeal Method

WRITTEN REPRESENTATIONS

- 4.4 This appeal has been made against the Council's failure to determine the application within the statutory period.

Application No:

PA/11/03593

Site:

52 Twelvetrees Crescent, London, E3

Development:

Demolition of existing property and erection of a wheelchair accessible 5 bedroom house.

Council Decision:

Refuse (delegated decision)

Start Date

21 April 2012

Appeal Method

WRITTEN REPRESENTATIONS

- 4.5 Planning permission was refused on design grounds (scale, mass and bulk) with inadequate information submitted to enable proper assessment of the proposed development and also on grounds of a poor relationship to the school site to the south.