



Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 5 July 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Bill Turner	
Councillor Dr. Emma Jones Councillor Carlo Gibbs Councillor Judith Gardiner 1 Vacancy Councillor Helal Uddin Councillor Zara Davis Councillor Stephanie Eaton	Councillor Tim Archer, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis) Councillor Peter Golds, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis) Councillor Gloria Thienel, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner) Councillor Kosru Uddin, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner) Councillor Shiria Khatun, (Designated Deputy representing Councillors Helal

Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Alan Ingram, Democratic Services, Tel: 020 7364 0842, E-mail: alan.ingram@towerhamlets.gov.uk

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LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 5 July 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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 31st May 2012.

PAGE NUMBER	WARD(S) AFFECTED
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4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **17 - 18**

The deadline for registering to speak at this meeting is 4pm Tuesday 3rd July 2012.

6. DEFERRED ITEMS

19 - 20

Nil Items

7. PLANNING APPLICATIONS FOR DECISION

21 - 24

7 .1 Stroudley Walk market, Stroudley Walk, London, E3 3EW - Outline Application (PA/10/00373) **25 - 60** **Bromley-By-Bow**

7 .2 Stroudley Walk market, Stroudley Walk, London, E3 3EW - Full Planning Application (PA/10/00374) **61 - 88** **Bromley-By-Bow**

8. OTHER PLANNING MATTERS

89 - 90

INFORMATION REPORTS

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**WARD(S)
AFFECTED**

8 .1 London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London (PA/11/02220 and PA/11/02221) **91 - 96** **Spitalfields & Banglatown**

8 .2 Orchard Wharf, Orchard Place, London (PA/11/03824) **97 - 100** **Blackwall & Cubitt Town**

8 .3 Tower House, 38-40 Trinity Square, London EC3N 4DJ (PA/11/00163) **101 - 104** **St Katharine's & Wapping**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 31 MAY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Bill Turner
Councillor Dr. Emma Jones
Councillor Carlo Gibbs
Councillor Judith Gardiner
Councillor Helal Uddin
Councillor Zara Davis
Councillor Stephanie Eaton

Councillor Denise Jones

Other Councillors Present:

Councillor Tim Archer

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Mandip Dhillon	– (Planning Officer, Development and Renewal)
Simon Ryan	– (Deputy Team Leader, Development and Renewal)
Paul Buckenham	– (Interim Team Leader Development Schemes, Planning & Building Control, Development & Renewal)
Amy Thompson	– (Strategic Applications Planner)
Mark Hutton	– (Team Leader, Development Design & Conservation, Development & Renewal)
Andy Scott	– (Head of Employment & Enterprise, 2012 Olympic & Paralympic Games, Development and Renewal)
John Archer	– (Biodiversity Officer, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. ELECTION OF VICE CHAIR FOR 2012/13

It was proposed by Councillor Helal Abbas, seconded by Councillor Helal Uddin and **RESOLVED**

That Councillor Bill Turner be elected Vice-Chair of the Strategic Development Committee for the remainder of the Municipal Year 2012/2013.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:

Councillor	Item(s)	Type of interest	Reason
Denise Jones	8.1	Personal	Manager of a small business in the Brick Lane area. Member of the Heritage of London Trust. Had received representations from interested parties relating to the application.
Helal Abbas	8.1	Personal	Ward Councillor.
	8.1 & 9.1	Personal	Had received representations from interested parties for and against the applications but had not responded to them.
Bill Turner	8.1& 9.1	Personal	Had received representations for and against the

			applications from interested parties
Carlo Gibbs	8.1& 9.1	Personal	Had received representations for and against the applications from interested parties
Helal Uddin	8.1 & 9.1	Personal	Had received representations for and against the application from interested parties.
Judith Gardiner	8.1 & 9.1	Personal	Had received representations for and against the application from interested parties.
	9.2	Personal	Member of the LOCOG Planning Committee so was familiar with the application. Son had an internship with LOCOG body.
Emma Jones	8.1& 9.1	Personal	Had received representations for and against the applications from interested parties
Zara Davies	8.1 & 9.1	Personal	Had received representations for and against the applications from interested parties.

	9.2	Personal	Present at Island Association community meeting where item was discussed but did not speak at the meeting.
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4. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the extraordinary meeting of the Committee held on 15th March 2012 and the ordinary meeting held on 12th April 2012 be agreed as a correct record and signed by the Chair.

5. 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

6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

That the Terms of Reference, Quorum, Membership and dates of meetings of the Strategic Development Committee for the Municipal Year 2012/2013 be noted as set out in the report.

7. 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.

8. DEFERRED ITEMS

8.1 London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London (PA/11/02220) (PA/11/02221)

Update Report tabled.

Pete Smith (Development Control Manager) introduced the Committee report and the update regarding the London Fruit and Wool Exchange(PA/11/02220) (PA/11/02221). It was reported that the application was previously considered on 6th March 2012 where the Committee were minded to refuse the application for a number of reasons as set out in the updated Committee report. Mr Smith highlighted the modifications made to the application by the applicant to address the concerns and the representations received since 6th March 2012 as detailed in the report and update.

Paul Buckenham (Deputy Team Leader, Pre- applications Team) gave a presentation of the application explaining the key aspects. In particularly the proposed layout, the design, the views from key points and the plans for the Gun public house.

He explained in more detail the clarifications and modifications offered by the applicant to address Members concerns. He described the increase in SME space, the enhanced employment and training offer, the proposed employment and skills centre and the additional planning contributions.

He addressed the additional representations as set out in the update. He also explained the additional conditions recommended in the update to further address the concerns.

The impact on the Gun public house had been fully assessed by Officers and the applicant. Given the wider public benefits of the scheme, Officers considered that the plans were acceptable and that the proposal complied with policy and the National Planning Policy Framework

The applicant had submitted a viability assessment detailing recent events that increased viability. The study showed that the revised scheme could be afforded without leaving the scheme unviable. The assessment had been independently assessed.

On balance, the Officers recommendation remained unchanged to grant the application. However should Members be minded to refuse the application, suggested reasons for refusal were set out in the Committee reported based on the reasons given by Members on 6th March 2012.

In response to the presentation, the Chair noted the improvements to the scheme and the opportunity presented to redevelop the site. He also noted

the many objections and the numerous opportunities for people to express their views during the planning application process.

Members then raised a series of questions and concerns around the following issues:

- The potential occupants of the units.
- The plans to commemorate the history on site.
- The commissioning and tendering process for the employment and training provision.
- The expected outcomes for the service and testing done to identify this.
- The nature of the job opportunities.
- The merits of relocating the Gun public house. The views of the occupants about this.
- The impact on the Conservation Area. Concern was expressed at the lack of new measures to mitigate the impact given the improvements to address the other concerns. It was questioned whether more could be done to retain the public house as part of the heritage offer.
- Concern about the loss of heritage on site in general. For example the loss of the Fruit and Wool building its self. It was remarked that the Spitalfields area thrived on having many old buildings. The scheme could jeopardise this. The heritage issues had not been fully addressed.
- The off site housing offer and the policy support for this.
- The effectiveness of the Enforcement Officer
- The time length of the post.
- The public toilet facilities.
- Evidence that restaurant uses caused nuisance behaviour.
- The need for the 'before and after slides' in the presentation to be consistent in terms of format – for example both in colour.

Mr Buckenham responded to the questions from Members. He referred to the many expressions of interest in the units in the scheme. The negotiations with potential occupants were at an advance stage. This would have a positive impact on viability.

He explained the plans to display the site heritage on site that would be dealt with via the s106 agreement. At the request of the Committee, Mark Hutton Conservation Officer explained in more detail some suggested ideas for achieving this to ensure there was an adequate commemoration of heritage on site. He expressed confidence in the plans. The plans would be prepared with the Design and Conservation Team. Great care had been taken to ensure the scheme fitted in with the Conservation area.

Officers had engaged in discussions with the Council's Employment and Enterprise team regarding the employment and skills centre. The centre would provide a wide range of opportunities at different skills levels including assistance for the unemployed. It was intended that the developer would work in partnership with the key employment stakeholders to deliver the aims.

Officers also referred to a letter from the owners of the Gun public house. According to which, they supported the re – development and their return to the scheme due to the business opportunities it presented. The developer had fully examined the potential to retain the public house but found that due to incompatibilities in the layout, it could not be incorporated into the new scheme. Officers detailed the reasons for this as detailed in the design assessment.

The additional contributions for employment and the skills centre exceeded the requirements in the SPD. Therefore were not necessary for the development. The post of the Enforcement Officer would be initially be a for five years period. There would be obligations in the s016 to provide this post. The provision of public toilets could be funded via the existing proposal avoiding the need for an additional contribution that could raise the contributions above the threshold.

The off site housing offer complied with the London Plan given the designation of the site and the nature of the development.

On a vote of 4 for and 0 against with 1 abstention the Committee **RESOLVED**

1. That the Officer recommendation to grant planning permission and Conservation Area Consent (PA/11/02220) (PA/11/02221) at London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London is not accepted and subject to any direction by the Mayor the London, the applications be REFUSED.

Councillor Carlo Gibbs moved an amended to the suggested reasons for refusal seconded by Councillor Bill Turner to include the demolition of *the Fruit and Wool Exchange Building itself* in the second reason for refusal of the planning permission as set out in the report. On a vote of 4 in favour 0 against and 1 abstention this was agreed.

Councillor Turner moved a further amendment to remove the White's Row Car Park from the suggested reasons for refusal for the Conservation area consent as set out in the report. On a vote of 4 in favour 0 against and 1 abstention this was agreed.

On a vote of 4 for and 0 against with 1 abstention the Committee **RESOLVED**

That planning permission and Conservation Area Consent (PA/11/02220)& (PA/11/02221) at London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London be **REFUSED** for the reasons set out at Paragraph 7.2 of the committee report subject to the two amendments agreed by the Committee regarding the inclusion of the demolition of *the Fruit and Wool Exchange Building itself* in the second reason for refusal of the planning permission and the removal of the

White's Row Car Park from the reasons for refusal for the Conservation area consent.

(The Members that considered this item were Councillors Helal Abbas, Bill Turner, Dr Emma Jones, Carlo Gibbs and Denise Jones. The other Members present did not vote on this item having not been present at the 6th March 2012 meeting when the application was last considered and deferred).

9. PLANNING APPLICATIONS FOR DECISION

9.1 Orchard Wharf, Orchard Place, London (PA/11/03824)

Update Report tabled.

Pete Smith (Development Control Manager) presented the application regarding Orchard Wharf, Orchard Place, London (PA/11/03824).

The Chair invited registered speakers to address the Committee.

John Gordon spoke in objection to the proposal. He stated that he was a resident of Virginia Quay that looked over looked the site. He referred to the regeneration of the area as an urban site. The signs indicated that the site would follow this pattern of urban regeneration and this informed his move to the area. This proposal was never presented in any of the plans.

This scheme would hinder its regeneration as a residential area. It would also cause pollution, put at risk the nature reserve and birds as demonstrated by research. It would increase traffic. The Leamouth roundabout would be unduly affected. However, the traffic implications in the report were unclear. The application should be refused.

In reply to Members, Mr Gordon stated that he lived in Pilgrims Mews. The plant would visually dominate the landscape. It would generate lorry movements onto the A road and the roundabout adding to the noise levels in the surrounding that were already very substantial.

Julian Hilton spoke in objection. He owned a property in Orchard Place. He stated that 50 residents had objected to the scheme. He questioned whether this would add value to the community. It would harm the regeneration already underway. The site owner opposed the application. The concrete structure would spoil the area and harm the nature reserve. The application should be rejected.

Councillor Tim Archer spoke in objection. The site was located within close proximity to the residential properties, Virginia Quay and Orchard Wharf and a nature reserve - a point for the proposed FAT walk. Therefore the application was wholly inappropriate for the area especially in view of its potential use. Objections had been received from key groups such as the Lea Valley Regional Park Authority. The site owners opposed the scheme as set out in

their letter. Therefore, he urged the Committee to oppose the scheme.

Ms Vilna Walsh spoke in support of the application. The site had been designed as a safeguarding wharf since the 1990s and the recent 2012 review recommended that it be retained as such. The scheme would bring the site back into use and restore it back to its historic use in accordance with national and local policy. This with a high quality sustainable form of development given the use of river transport that made best use of the site. The Applicant had undertaken extensive public consultation and pre application discussions with the Council and had sought to address the concerns. There were a host of measures to mitigate the impact on the East India Dock Basin and ecology. In relation to noise and dust, all activities would be enclosed to prevent any adverse impacts. The Highways assessment had been approved by Officers as having no impact. It would create employment with opportunities for local people. The plant would comprise state of the art equipment with all environmental safeguards in place.

In reply to questions, Ms Walsh referred to the results of their noise testing. The testing showed that the impact on Virginia Quay fell below the threshold for mitigation. In reply to a question about the closure of the plant in the 1990s, Ms Walsh could not comment on the reasons for this. The consultation included public meetings and extensive leafleting. There was a mixture of responses to the scheme and many concerns were raised. The developer had arranged a meeting with residents from the buildings most affected. Yet this was poorly attended. However the applicant had provided mitigation for the building most affected.

In reply to Members about the benefits and local employment, Ms Walsh considered that the application would bring the site back into use, create employment with targets for local employment. There was no chance the site could be used for any other uses due to the designation. In response to questions about sites elsewhere in similar locations, Ms Walsh highlighted a similar site in Haringey. Despite strong opposition from residents at application stage, since operation no complaints had been received.

Mandip Dhillon (Planning Officer) presented the detailed report and the update assisted by a power point presentation. The scheme was a cross boundary application. Members were therefore being asked to approve this scheme and also formally support the duplicate application within the LTGDC boundary area.

Ms Dhillon explained the details of the scheme. She explained the outcome of the public consultation carried out twice in January and February 2012 as set out in the report and update. Ms Dhillon also highlighted the safeguarded wharf status of the application site. A review of its status carried out by the GLA in 2012 recommended that the site be retained as a safeguarding site. Therefore the scheme complied with this decision and the policy for the site.

The scheme fitted in with the area, protected views and included measures to protect amenity. Contributions had been secured for biodiversity and environmental improvements amongst other things.

The scheme would create a total of 12 jobs with 6 in construction and 6 post construction.

Overall the scheme complied with policy with no major impacts and should be granted.

In response to the presentation, the Committee raised a number of questions regarding the following issues:

- The ecology impact from the transport activity
- The cost of distilling the East India Dock basin (EIDB).
- Confirmation of the loss of natural habitat.
- The impact on noise sensitive species.
- Noise impact on Virginia Quay.
- The dust impact
- The relevance of the protected wharf status given the changing nature of the area. Particularly given the growth in residential developments since the initial review. Had such changes been taken into account?
- The Council's response to the 2012 safeguarding wharf status consultation.
- The merits in arguing for an alternative use for the site given the consultation period for the above had yet to close.
- The traffic impact on the wider area. The need to take into account the off site impact as well as the on site impact.
- Pollution.
- The FAT walk.
- Impact of vehicle activity at night on neighbours.
- Alternative sites for the scheme in the region.

Regarding the GLA consultation, Members expressed a wish to be able to comment on such reviews in the future.

Officers addressed each point. A total of 198 HGV trips per day were anticipated. The movements by river would greatly reduce the highway impact. The study focused on the vehicular impacts on site as required by policy. The route of the FAT walk stretched across the borough from north to south and allows the route to be enjoyed over the full course. It was not limited to the area around the East India Dock Basin. Officers advised that the proposal had been designed to offer positive views of the area and did not therefore impact upon the FAT walk.

It was proposed to mitigate for any loss of habitat so that the impact on the site was neutral. Officers explained the costs and merits of distilling the East India Dock basin that would provide off site biodiversity enhancements to the

EIDB. They explained the steps in the application that would substantially assist this.

Officers had fully examined the noise impact on neighbours. It was considered that mitigation for the impact on Virginia Quay was unnecessary given the lack of impact as shown in the noise report. However, there would be some impact on 42-44 Orchard place. Mitigation had been proposed for this site and secured through the agreement.

Officers stressed the safeguarding history of the site. The policy strongly encouraged the sites reactivation for aggregate management and that steps be taken by the Authority to achieve this. The policy indicated that it should only be used for such purposes. The scheme met these aims. Officers must have regard to this policy. Support for an alternative use may be difficult to defend at a later stage.

Officers acknowledged that the surrounding area had changed in recent years. Nevertheless they have to base their recommendations on the present status of the site. The Council did respond to the recent consultation of the GLA. Its response to this was explained.

There were a number of safeguarded wharfs in the region. However, the Committee should only consider the merits of this application. This site met the requirements in policy for the reactivation of the aggregate storage and cement plant.

Officers explained the measures to mitigate impact including the operation of the passive ventilation systems. There were conditions to secure both dust and noise management strategies. The hours of operations for the vehicles would be regulated as set out in the report to protect residential amenity. There would be some unloading of lorries at 11pm. But only in the remote areas of the site.

Should Members be minded to refuse the proposal, the duplicate application would still be a matter for the LTGDC to consider and determine themselves.

On a vote of 3 in favour and 4 against with 1 abstention the Committee **RESOLVED**

That the Officer recommendations to grant planning permission (PA/11/03824) at Orchard Wharf, Orchard Place, London be **NOT ACCEPTED**.

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

- The safeguarding status of Orchard Wharf.
- The impact on the FAT walk.
- Impact from noise and general use on the biodiversity of the site and the East India Dock Basin.

- Impact of noise on neighbours.
- Transportation impacts.
- Design and Impact on Views

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

9.2 Millwall Park, Manchester Road, London, E14 (PA/12/00252)

Pete Smith (Development Control Manager) presented the application Millwall Park, Manchester Road, London, E14 (PA/12/00252)

The Chair invited registered speakers to address the Committee.

David Lyon spoke in objection to the application. He considered that the plans were an intrusion to residents and the park. The park was well used especially during this time in question as it was the school holiday period. As stated by the applicant, there was a risk that the mast might be subjected to sabotage or demonstration. This was clearly unacceptable. Furthermore key groups such as the Millwall Park and Island Gardens Users Groups had not been consulted. The aims could be achieved by locating the mast in Greenwich park. The site was in a designated area. Helicopters could fly into the camera cable and bring the cable and helicopters down.

Councillor Tim Archer spoke in objection to the application. Residents didn't understand the need for this application. The report says this was only acceptable on a temporary basis. However why should the park have to suffer the impacts for any length of time? The Millwall Park Island Gardens Users Group had not been consulted.

Councilor Archer questioned whether the time length was necessary. The alternatives needed to be looked at. He expressed concern at the impact and damage to the park grounds. He sought assurances that it would be fully reinstated. He sought assurances about the impact on the football pitches. He doubted that that the helicopter activity would be restricted. He urged that the application be rejected. In response to Members about the impact on football pitches, he considered that they would be affected as they would be in use during the period. This was at a time when the Council should be encouraging full use of the park during the Olympic period.

Neil Smith spoke in support of the application on behalf of the applicant. He explained the need for the time period to allow time for the construction and dismantling. It would affect five areas of the park - a relatively small area of the park. He explained the proposed techniques to protect the grass. There were conditions to ensure the park was fully reinstated as per a similar scheme successfully ran by the applicant in Greenwich. In response to Members questions about the consultation, Mr Smith replied that the applicant

did consult with user groups and the school. The exact timescale for the reinstatement was dependant on the weather but would be done quickly as possible. In response to Members about use of the camera and privacy, Mr Smith assured Members that the scope of cameras did not cover residential properties. Capturing them was not the intention of the broadcasters.

Jeremy Edwards also spoke in support of the application. He emphasized the intention of the broadcasters to protect privacy. However the cameras would capture favorable views of areas in the Borough therefore showcase the Borough. The naval helicopter operators for the Thames had been in contact and it was known that the helicopter pilots were very qualified and there were no concerns about them obstructing the cable.

Mr Simon Ryan (Deputy Team Leader, Planning Services) presented the proposal assisted by a power point presentation. He explained the time scale for the scheme and the measures to fully reinstate the park. He explained the site location and the route of the camera cable outside the remit of residential properties. Given the time restriction and reinstatement plans, it was considered that the impact was acceptable. In terms of the consultation, the key agencies had not raised any objections about aviation safety. It was therefore recommended that the scheme be granted to facilitate the Olympic Games and provide positive views of the Borough.

Members raised questions about the impact on the football pitches, the measures to prevent misuse of the ropes/cables, the provision of contributions to mitigate impact and the risks of aircrafts hitting the cables. Assurances were sought about the safety measures to prevent this and the safety of the helicopters. It was also suggested that the mast should be painted a different colour to fit in better with the landscape.

Mr Ryan addressed each point. No sports pitches would be affected due to a mixture of location and lack of use during the summer period. The only mitigation sought was the reinstatement works for the park grounds. No further mitigation contributions were deemed necessary. There were measures to safeguard the installations. This included fencing around the scheme and 24 hour security patrols. The relevant experts had no concerns about the aviation safety. The camera cables were very robust and fit for purpose. The suggestion of painting the mast a different colour could be looked at. The applicant indicated that they would be happy to look at this.

On a vote of 6 for and 0 against with 2 abstentions the Committee
RESOLVED

1. That planning permission (PA/12/00252) be **GRANTED** at Millwall Park, Manchester Road, London, E14
2. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

10. SIMON RYAN PLANNING OFFICER - LAST MEETING OF THE COMMITTEE

The Chair reported that this would be the last meeting of the Committee. Simon Ryan, Planning Officer would be attending. He thanked Mr Ryan for all his hard work in supporting and presenting to the Committee. Members wished him well for the future.

The meeting ended at 10.40 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Agenda Item 6

Committee: Strategic Development	Date: 5 th July 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: Strategic Development	Date: 5 th June 2012	Classification: Unrestricted	Agenda Item No: 7
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:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

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

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

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 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: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/10/00373	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

- 1.1 **Location:** Stroudley Walk market, Stroudley Walk, London, E3 3EW
- 1.2 **Existing Use:** Mixed use retail and residential.
- 1.3 **Proposal:** Outline application for the demolition of Warren House and 30-49 Stroudley Walk, and redevelopment of the site in the form of five buildings reaching between 3 and 16 storeys to provide 380 sq m retail space (Use Classes A1, A2 and A3), up to 127 sq m community space (Use Class D1) and 130 new dwellings comprising 45 x one bedroom flats, 44 x two bedroom flats, 27 x three bedroom flats, 10 x four bedroom flats and four x five bedroom flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking.

Matters to be determined: Access, Layout and Scale.

nb: Associated detailed planning application Ref: PA/10/00374

- 1.4 **Drawing Nos:** 2825_D002 Rev P3; 2528_D001 REV P3; 2528-D-401 REV P4; 2825-D-402 REV P4; 2825-D-100 REV P6; 2825-D-101 REV P5; 2825-D-102 REV P4; 2825-D-103 REV P4; 2825-D-104 REV P4; 2825-D-105 REV P5; 2825-D-106 REV P4; 2825-D-107 REV P4; 2825-D-108 P4; 2825-D-109 REV P4; 2825-D-110-REV P4; 2825-D-111 REV P4; 2825-D-112 REV P4; 2825-D-113 REV P4; 2825-D-114 REV P4; 2825-D-115 REV P4; 2825-D-116 REV P3; 2825-D-202 REV P4; 2825-D-201 REV P4; 2825-D-200 REV P4; 2825-D-116 REV P4; LC6532/SK/003;
- 1.5 **Supporting Documents**
- Design and Access Statement Revision A;
 - Daylight and Sunlight Reports by Calfordseaden with reference K/09/0374D/C7 PSD/hmt/G28 dated October 2011 and K/09/0374/C/ PSD/hmt/G28 dated December 2009;
 - Transport Assessment by Waterman Boreham dated 29th January 2010;
 - Residential Travel Plan by Waterman Boreham dated 5th February 2010;
 - Planning Statement Addendum Report by Leaside Regeneration dated September 2011;
 - Air Quality Assessment by Entec dated January 2010;
 - Arboricultural Impact Assessment with reference DFCA 003.3 by Paul Allen dated 9th October 2009;

- Report on a Geotechnical Investigation with reference 09/8873/A/GO by Madlin & Maddison dated January 2010;
- Energy Statement revision 6 by John Packer Associates Ltd dated June 2010;
- Open Space Assessment by Leaside Regeneration dated September 2011;
- Retail Statement by Strettons dated January 2010;
- Townscape Assessment by Montagu Evans dated September 2010;
- Television & Radio Reception Survey issues 1.0 by Gtech Surveys Ltd dated 8/12/09;
- Pedestrian Level Wind Microclimate Desk Study with reference RWDI # 10-10867-B-PLW-DSK dated February 2010;

1.6 **Applicant:** Poplar HARCA

1.7 **Owner:** Poplar HARCA

1.8 **Historic Building:** Grade II listed: Rose and Crown Public House
Grade II listed: 10-12 Stroudley Walk
Both sites are outside the redline boundary

1.9 **Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

2.2 1. On balance it is considered that the regenerative benefits of the scheme do not outweigh the shortfalls of the proposal demonstrated by the proposed affordable housing provision of 11% uplift and the loss of social rented housing units. The proposed development also fails to provide adequate family sized dwellings within private and intermediate tenures and therefore does not provide a suitable range of housing choices to meet the needs of borough's residents. In summary the, proposal fails to contribute to meeting the borough's affordable housing needs and affordable housing targets, contrary to policies: 3.11, 3.12 and 3.13 of the London Plan 2011; SP02 of the Core Strategy 2010; and DM3 of the Managing Development DPD (submission version 2012).

2. Taking into account scheme viability, on balance, it is considered that the proposed development, by virtue of its failure to make adequate contribution towards education, community facilities, employment, public realm, open space, leisure and health infrastructure necessary to mitigate against its impact on local services and infrastructure is contrary to policies: 8.2 of the London Plan 2011; DEV4 of the Unitary Development Plan and SP03, SP07, SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012 and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

3. The submitted daylight and sunlight report fails to fully demonstrate that the proposal would not result in an unduly detrimental loss of amenity for neighbouring residential occupants, in terms of both daylight and sunlight to residential units. As such, the proposal is contrary to

saved policy DEV2 of the Unitary Development Plan (1998) and DEV1 of the Interim Planning Guidance (2007); SP10 of the Core Strategy 2010; and DM25 of the Managing Development DPD (submission version 2012), which seek to ensure that the residential amenity, daylighting and sunlighting conditions of future occupiers is not compromised.

4. The proposed development by reasons of its poor design, scale and massing, and minimal separation distances results in a development which does not positively contribute to the surrounding area. The proposed development is likely to have detrimental impact to the amenities for the neighbouring occupiers and the future occupiers in terms of privacy and sense of enclosure contrary to policies: DEV1 and DEV2 of Unitary Development Plan 1998; DEV1, DEV2, and HSG7 of the Interim Planning Guidance (2007); DM24, DM25, and DM26 of the Managing Development DPD (submission version 2012); SP10 of the Core Strategy (2010); and 7.6 of the London Plan (2011).

3. RECOMMENDATION

3.1 That planning permission is **REFUSED** for the reasons outlined in section 2 above.

4. PROPOSAL AND LOCATION DETAILS

4.1 Outline application for the demolition of Warren House and 30-49 Stroudley Walk, and redevelopment of the site in the form of five buildings reaching between 3 and 16 storeys to provide 380 sq m retail space (Use Classes A1, A2 and A3), up to 127 sq m community space (Use Class D1) and 130 new dwellings comprising 45 x one bedroom flats, 44 x two bedroom flats, 27 x three bedroom flats, 10 x four bedroom flats and four x five bedroom flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking.

Matters to be determined: Access, Layout and Scale.

4.2 There is an associated detailed planning application for the erection of a part 3, part 5 storey building to accommodate 19 residential units comprising 10 x one bedroom, seven x two bedroom, one x three bedroom and one x four bedroom units. This represents Phase 1 of the outline scheme being considered. The detail of Phase 1 of the development is outlined within a separate item on the agenda for consideration by Members.

4.3 The outline scheme is proposed in three phases as it can be seen below:

- Phase 1: 19 new residential units within a part 3, part 5 storey block on the western gap site opposite the Stroudley Walk/Arrow Road junction;
- Phase 2: Demolition of Warren House, and erection of a 16 storey tower (maximum height 52.2 metres) incorporating new ground floor retail facilities (Use Class A1 – A3) and 127sq.m of community facility located on the first floor, together with an additional part 3, part 5, part 6 storey building to the south of the tower providing a total of 78 new residential units.
- Phase 3: Demolition of the existing buildings at the southern end of Stroudley Walk, and the erection of a part 4, part 6 storey building to provide a total of 33 new residential buildings (maximum height 19.5 metres).



Phase 1 – Full planning application PA/10/374 (subject application)
 Phases 1, 2, and 3 considered under outline planning application PA/10/373

Site and Surroundings

- 4.4 The application site is 0.86 hectares, and located within the Bow Bridge Estate. The site comprises a mix of hard standing, car parking areas, residential dwellings – including Warren House at 11 storeys, retail floorspace of approximately 509sqm, including some A5 takeaway units, plus a GP surgery at 202sqm.
- 4.5 The site is not located within a Conservation Area, nor does it contain a Listed Building.
- 4.6 Stroudley Walk itself is a pedestrianised north-south link extending to the north at Bromley High Street, and to the south to Bruce Road. Within the site there is a green area of communal amenity space at the base of Warren House, and a parking area, which together with two other areas of parking comprise a total of 41 parking spaces.
- 4.7 Retail units contained within the base of Warren House (of which there are 5) together with units at the base of Fairlie Court make up a neighbourhood centre of Stroudley Walk as designated within the Interim Planning Guidance (2007); Managing Development DPD (submission version 2012) and Bromley by Bow Masterplan SPD.
- 4.8 Directly to the east of Warren House are 3 x 11 storey tower blocks. Arrow Road, also to the

east is characterised by two storey terrace rows. Towards the southern end of the site, Bruce Road is low rise on the northern side with two storey terrace rows, and a 5 storey residential block located on the southern side. Devons Road which extends Stroudley Walk to the south is a mixture of 3 – 4 storey properties. To the western side of the subject site lies Regents Court – a residential development reaching to three storeys, together with St Agnes Primary School. Fairlie Court immediately adjoins the western boundary of the site, a part two, part three storey building in use as commercial at ground floor and residential above. To the north of the site are 2 - 4 storey buildings in residential use on Bromley High Street.

4.9 From the centre of the site there is also a pedestrian route linking Stroudley Walk with Rainhill Way to the west and to Bow Church DLR entrance/exit which was recently completed.

4.10 There are 36 individual trees across the site, 22 of which are proposed to be removed. However, these would be replaced as part of any landscaping proposals were members minded to approve the scheme.

Planning History

4.11 No relevant recent planning history for the application site.

The same applicant has submitted a separate planning application for refurbishment works to the ground floor retail units to Fairlie Court. The proposal also includes improved residential entrance to the residential units to Fairlie Court. This application is currently under consideration at the time of writing.

5. POLICY FRAMEWORK

5.1 Unitary Development Plan (as saved September 2007)

Proposals:	Ref 81 Ref 96	Site identified for residential, retail and health use Local Shopping Parade
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Policies:	Environment Policies
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ST34	Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

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

Neighbourhood Centre

Core Strategies: IMP1 Planning Obligations

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing

5.3 Core Strategy Development Plan Document (Adopted September 2010)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Tower of London Vision, Priorities and Principles
	SP13	Planning Obligation

5.4 Managing Development - Development Plan Document (DPD) Submission Version (2012)

Proposal Neighbourhood Centre

Policies:	DM1	Development within the town centre hierarchy
	DM2	Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Contributing to healthy and active lifestyles
	DM9	Improving air quality
	DM10	Delivering Open space
	DM11	Living Buildings and biodiversity
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Integrating development with a sustainable transport network
	DM21	Sustainable transport of freight
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM26	Building heights
	DM29	Achieving a Zero-carbon borough and addressing climate change
	DM30	Contaminated Land

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

1.1	Delivering the strategic vision and objectives of London
3.1	Ensuring equal life chances for all
3.2	Improving health and assessing health inequalities
3.3	Increasing housing supply
3.5	Quality and design for housing developments
3.6	Children and young people's play and informal recreation facilities
3.8	Housing choice
3.9	Mixed and balanced communities
3.10	Definition of affordable housing
3.12	Negotiating affordable housing
3.13	Affordable housing thresholds
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in new developments
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.15	Water use and supplies
5.21	Contaminated Land
6.3	Assessing effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	Inclusive environment
7.3	Designing out crime
7.4	Local character

7.5	Public realm
7.6	Architecture
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

5.6 **Supplementary Planning Guidance/Documents**

The London Mayor's Housing Design Guide
The London Borough of Tower Hamlets' Planning Obligation SPD 2012
Bromley by Bow Masterplan SPD 2012

5.7 **National Planning Policy Framework**

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

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

6. **CONSULTATION RESPONSE**

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

LBTH Cleansing/Waste

6.2 Further details of each refuse storage in building cores are required, which should be sought through a planning condition. The storage capacity should be in line with the guidance as set out in the Development Managing DPD.

[Officer's Comment: If the planning permission was approved, appropriately worded condition would be imposed]

LBTH Design and Conservation

6.3 Whilst the regeneration of Stroudley Walk is supported, objection is raised. Whilst there are tall buildings in the location, they date from the 1960s and do not reflect the prevailing character of the area. Redevelopment provides an opportunity to develop a scheme that complements the area, however the proposed scheme for a 16 storey tower is out of context, and represents an inappropriate design response within this area.

[Officer's Comment: Discussion on Design is discussed within Section 8 of the Report]

LBTH Education

6.4 Based on the Council's Planning Obligations SPD, the proposal would result in the need for additional 29 primary places at £14,830 per place, and additional 8 secondary school places at £22,347 per place. Accordingly, the total education financial contribution of £430,682 for all three phases should be sought towards education.

[Officer comment: No financial contribution is offered by the applicant towards education provision.]

LBTH Energy Efficiency Unit

- 6.5 Considers the Energy Strategy to be acceptable and sets out that the site is anticipated to achieve 44% reduction in CO2 emissions over Building Regulations 2010. The development also sets out a commitment to delivering a single energy centre and linking all phases of the development.

LBTH Environmental Health

Contaminated land

- 6.6 No objection, subject to appropriate conditioning.

Air Quality

- 6.7 Further information required with relation to the following:

- Traffic data;
- Source of background data;
- Indication of meteorological data used in assessment;
- Only one receptor point modelled;
- Code of construction practice required.

[Officer's comment: Given that the proposed development is likely reduce the traffic levels and the development itself not being a source of air quality pollution, a planning condition could be secured to seek further details].

Noise

- 6.8 No noise assessment was submitted with the application. The building would fall into category "C" mainly from road traffic noise from the Bromley High Street and Bow Road. Higher elevations of the building will be directly exposed to high levels of road noise from the Bow Road, without the building having adequate noise insulation measures installed this application should be refused.

[Officer's Comment: It is considered that adequate noise insulation measures could be implemented to ensure that the occupiers of the building are not affected by noise levels from the nearby highways through Reserved Matters and/or planning condition]

Sunlight/ Daylight

- 6.9 Objection raised – further outlined within section 8 of this report.

LBTH Highways and Strategic Transport

- 6.10 The land uses and the proposed density of the development is acceptable in principle, in as far as they are not likely to add additional strain on the existing highway network. However, there are fundamental concerns to the proposed 'Home Zone' design which raise safety concerns for the vulnerable road users, especially the blind, partially sighted and deaf. In addition, although the carriage way width vary from 3.7m to 6.2m at places. The auto track fails to demonstrate that vehicles used for activities such as servicing, emergency and refuse can manoeuvre adequately through the proposed one-way road.

[Officer's comment: If the planning permission is granted, an appropriately worded condition

would be imposed to ensure that this matter is dealt with on submission of the reserved matters applications]

Car Parking

In relation to car parking, the proposal would see the removal of the existing 41 car parking spaces and replaced with 27, including 5 disabled spaces along the proposed one-way carriage way. Whilst the numbers of disabled space meet the minimum 10% requirement, due to the number of residential units proposed, there is a concern over the limited disabled parking space provision. The development is proposed to be car-free which is welcomed in this area with good public access to public transport. Electric charging points should also be provided for the proposed parking bays.

Servicing

The proposal includes a servicing area access off Bromley High Street which will provide easy access to the proposed retail areas. However, the retail spaces should remain as two separate spaces and not amalgamated into a larger retail unit as this will lead to changes to the size of the servicing vehicles. Nonetheless, the submitted Transport Statement have not provided TRAVL survey comparisons to demonstrate that the size and frequency of the vehicles likely to service the new shops.

[Officer's comment: If the planning permission was granted, appropriately worded condition would be imposed to ensure that the retail units would not be amalgamated]

Cycle parking

No details of the proposed cycle parking spaces are provided. The following is required. 1 cycle parking space for 1 or 2 bedroom units, 2 cycle parking spaces for 3 bedroom or larger units.

[Officer's Comment: If the planning permission was granted, appropriately worded condition would be imposed to secure appropriate number of cycle parking spaces for the development]

LBTH Housing

- 6.11 The proposed development is subject to viability. The proposed dwelling mix for the overall scheme provides 40% affordable housing by habitable rooms, a total of 160 affordable habitable rooms. However, once the existing 45 social rented units on site which are proposed to be demolished are reviewed, the proposed scheme would only provide 37 units of which 24 are social rent, 10 are units at affordable rent and 3 Intermediate tenure. Overall this would be a loss of 21 social rent units in total. However it is acknowledged that the replacement social rent units are in the form of larger family sized housing.

[Officer comment: Shortfall of affordable housing forms a reason for refusal and addressed in x of the report]

LBTH Landscape

- 6.12 No objections are raised to the removal of trees and other works as detailed in the application. However more details of proposed replanting should be secured as part of the planning condition.

[Officer's Comment: Had the planning permission be approved, appropriately worded condition would be imposed to ensure planting of suitable semi mature trees]

LBTH Policy

- 6.13 The site falls within the adopted Bromley-by-Bow Masterplan area which provides further detailed guidance for this area. The delivery requires a comprehensive redevelopment including the Listed Building, and Fairlie Court should be integrated into the redevelopment.

The proposal will result in a loss of retail in the south, which should be re-provided in the north. Size of the units should be of a similar nature to support independent retailers.

S106 financial contribution should be sought towards the improvement to Stroudley Walk and Bromley High Street public realm.

[Officer comment: No financial contribution is offered by the applicant towards public realm improvement.]

LBTH Development Implementation – Town Centre

- 6.14 Objection raised on the basis that there is an overall net loss of retail unit provision.

[Officer's comment: The overall net loss accounts for 40sq.m of retail floor space. The proposed concentration of retail units in the northern part of Stroudley Walk is considered to provide appropriate retail provision to the modern day standards, and is in line with Bromley by Bow Masterplan].

LBTH Secure by Design

- 6.15 The proposed opening of Stroudley Walk to vehicles is not supported as it will result in increased number of vehicles using the route as a short cut and there is no benefit to opening this up.

Large areas of canopy above the entrances to the Community Centre and retail spaces will encourage anti-social behaviour by allowing groups to congregate creating nuisance to residents nearby.

[Officer's comment: The shared surface, due to its design, layout and its connection to Bromley High Street, will limit the vehicle speed and will not provide a linking route to a major road network]

LBTH NHS

- 6.16 This development is within Bromley by Bow Ward. The nearest current practice that has the development in its catchment area is Stroudley Walk which is planned to relocate to the new hub being developed at the St Andrews's Hospital Site to accommodate the expected population growth from this and other developments in the locality. The capital of the section 106 contribution of £143,420 would go towards the long lease or fit out costs for this development.

[Officer comment: No financial contribution is offered by the applicant towards health provision]

LBTH Accessibility Officer

- 6.17 10% wheelchair units should be provided and buildings with wheelchair units should be serviced by two lift cores. Objection based on the proposed shared surface due to safety concerns for the visually impaired.

LBTH Markets Administration

- 6.18 Seek £150,000 for the provision of integrated electrical power and portable water supply to pitches, and reinstatement of the ground.

English heritage – Historic

- 6.19 The former Rose and Crown Public House is Grade II Listed. The adjoining no/s 10 and 12 Stroudley Walk are separately listed as Grade II. The properties are currently included on the Heritage at Risk Register, and it is important that the future of these properties is fully considered as part of the wider development plans for this area.

English Heritage – Archaeology

- 6.20 The site lies within a designated Area of Archaeological Interest, and was situated immediate west of the medieval settlement of Bow. Geologically, it is on an elevated gravel outcrop, which is often a favoured location for prehistoric settlement on the Lea, and remains from this period, as well as the medieval and post-medieval, have the potential to be present on the site. In order to preserve and enhance understanding of the assets a planning condition should be imposed.

[Officer's Comment: If the planning permission was approved, appropriately worded condition would be imposed]

London Fire and Emergency Planning Authority

- 6.21 Whilst pump appliance access appears satisfactory, detailed access, facilities and water supplies for the fire service were not specifically addressed in the submission. The development should conform to the requirements of Section B5 of Approved Document B.

Greater London Authority Stage I

- 6.22 GLA's response was received in 2010, and since the comments received, the national, regional and local policies have changed significantly. GLA have been informed of the amendments of the scheme which mainly include the quantum of housing, affordable housing type and dwelling mix.

Within their comments, GLA supported the estate renewal which provides increased housing on site. However, raised concerns that the applicant had failed to demonstrate that the proposal provides the maximum reasonable amount of affordable housing, or that an appropriate housing mix and tenure can be achieved in the built out scheme.

[Officer comment: This is the fundamental issue which was raised by the GLA, and from the Local Planning Authority's officer's point of view, this has not been addressed adequately as outlined under Section 8 of the report.]

7. LOCAL REPRESENTATION

- 7.1 A total of 1111 neighbouring properties 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 the first round of notification and publicity of the application were as follows:

No of individual responses: Objecting: 35

Supporting: 21

No of petitions received:
Objecting: 5 petitions totalling 778 signatures
Supporting: 1 petition with 114 signatures

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

Objections:

- Insufficient parking spaces;
- Lack of playspace;
- should be retained as pedestrianised walkway and not open to vehicles;
- loss of local shops and employment;
- loss of mature trees;
- Loss of GP;
- Warren house should be refurbished;
- 16 storeys too high;

In support:

- Resolve and reduce overcrowding;
- new homes for residents;
- better homes for residents on the waiting list

[Officer's comments: The above issues are addressed in the relevant sections of the report]

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design
- Amenity
- Highways
- Other

Land Use

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

8.3 On 27th March 2012, the Department of Communities and Local Government have published the National Planning Policy Framework (NPPF) which now replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs). The NPPF is now a material consideration and should therefore be taken into consideration.

8.4 The heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that this should be seen as a golden thread running through both plan-making and decision making.

8.5 The NPPF also outlines 12 core land-use principles which should under-pin both plan-making and decision-taking. The following points are relevant to the subject proposal and can be summarised as follows:

- § Proactively driver and support sustainable economic development to deliver

homes, business and industrial units, infrastructure and thriving local places.

- § Always seek high quality design and good standard amenity for all;
- § Support the transition to a low carbon future in changing climate, taking full account of flood risk and encourage the use of renewable resources
- § Encourage the effective use of land by reusing land that has been previously developed (brownfied land);
- § Promote mixed use development, and encourage multiple benefits from the use of land in urban areas;
- § Conserve heritage assets in a manner appropriate to their significance;
- § Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
- § Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

8.6 At the local level, the site is identified as a neighbourhood centre and it falls within the boundaries of the Bromley by Bow Masterplan area. The key drivers set for this area is to provide more family sized affordable housing, maximising job opportunities and improving the built environment and public realm. The Masterplan sets out development principles for Stroudley Walk which requires the following:

- Adopt a comprehensive approach to the whole area, incorporating phased proposals for the redevelopment of Fairlie Court as well as the main Stroudley Walk parade.
- Deliver a coherent and rational approach to the improvement of public realm and public spaces.
- Ensure that the proposals are carefully integrated with the existing urban setting in terms of height, scale, massing, materials and the configuration of frontages and building lines.
- The neighbourhood will contain a range of shops including essential uses that serve the local community.

8.7 The proposed development which includes retail provision, community facility, public realm and open space improvements and housing generally meets the guiding principles as set out in the Masterplan. The proposal also meets the principle of the Council's Core Strategy which seeks to deliver approximately 43,275 new homes from 2010 to 2025 which is in line with the London Plan. Therefore, the principle of the proposed land uses is acceptable and the mixed use development is considered to accord with the policies within the London Plan and the Core Strategy.

8.8 However, the details of the housing delivery, design, amenity and highway impacts needs to be carefully considered to ensure that the proposed development is acceptable and these are discussed in detail below.

Retail

8.9 Stroudley Walk is a Neighbourhood Centre with small individual shops lining Stroudley Walk parade. A cluster of shops are concentrated to the northern end of the parade, mainly on the ground floor of Fairlie Court, which does not form part application boundary. There is also a small cluster of retail units on the ground floor of Warren House and southern end of Stroudley Walk.

8.10 The proposal includes the demolition of existing 11 small individual units within the

application site's boundary. There are 5 retail units on the base of Warren House which are all occupied and further 6 units in the southern end of Stroudley Walk. Within the southern end, there are 2 take away (use Class A5) units and 2 vacant units, and 2 retail units. The total existing retail floorspace equate to approximately 420sq.m and 89sq.m for A5 use.

- 8.11 The proposal includes re-provision of retail units to the northern end of Stroudley Walk which conforms to the vision for Stroudley Walk Neighbourhood Centre as set out in Bromley by Bow Masterplan SPD. However, the Masterplan also refers to adopting a comprehensive approach to the whole area, incorporating phased proposals for the redevelopment of Fairlie Court as well as the main Stroudley Walk parade. The outline proposal excludes Fairlie Court as part of the Estate Regeneration.
- 8.12 During the early stages of the application, the applicant was encouraged to incorporate Fairlie Court as part of the site wide Neighbourhood Centre Regeneration Scheme. However, the applicant has chosen to submit an application for refurbishment of the existing retail units within Fairlie Court. This proposal will go some way to improve the vibrancy of the Neighbourhood Centre however the application is not yet determined at the time of writing.
- 8.13 The proposal includes 380sq.m of retail space, subdivided into three individual units to the northern end of the application site. Whilst in numeric terms the number of retail units has reduced, the quantum of the space only sees 40sq.m of reduction in floorspace. This is considered to be acceptable subject to the proposed retail units not being amalgamated into a larger retail unit in the future.
- 8.14 The proposed retail provision is considered to be acceptable which will continue to the function and support of the Neighbourhood Centre.

8.15



Stroudley Walk: Land Use and Design Guidance - Bromley by Bow Masterplan SPD.

Community Facility

8.16 The proposal will also see the loss of a GP surgery (Use Class D1) located at the southern end of Stroudley Walk, however the Tower Hamlets NSH have confirmed that this GP surgery will be relocated to the site at former St Andrew's Hospital Site. Therefore, given the planned re-location, the loss of the Doctor's surgery at this location is acceptable. The proposal includes 127sq.m of community facility provision to the northern end of the site located on the first floor of the tallest building. The exact use is undefined in the application however, the principle of re-provision is acceptable which is also inline with the strategy as set out in the BBB Masterplan SPD.

Housing

Affordable Housing

8.17 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.

- 8.18 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.19 Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social rent to 30% intermediate housing provision.
- 8.20 NPPF outlines the following definition for affordable housing.
- 8.21 Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.
- 8.22 Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 8.23 Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.
- 8.24 The proposal is an estate regeneration where it involves the demolition of the existing affordable housing stock and replaced with housing of mixed tenures. There are currently 45 social rented units and 7 private units on site which will be subject of demolition. All the units are 1 or 2 bed units.
- 8.25 Within the overall proposal without considering the existing housing stock to be lost, a total of 37 of the 130 residential units would be affordable housing, which represents 39.6% based on habitable rooms. 24 residential units would be social rented, 10 units are affordable rented and 3 would be within the Intermediate provision.
- 8.26 However, when considering the existing social rented housing to be lost on site, the proposal results in the loss of 21 social rented units as a result of the development. In terms of habitable rooms, this is translated as 114 habitable rooms replacing 115 existing habitable rooms and therefore this will result in the loss of 1 social rented habitable room. In any event, the proposal will result in an uplift of 11% of affordable housing on site and the uplift of affordable housing is proposed to be delivered in the form of affordable rent and Intermediate provision.
- 8.27 The table below show delivery of affordable housing at different phases of the development.

Table 1: Existing housing to be demolished - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed	20 (40)			2 (4)

2bed	25 (75)			5 (15)
Total	45 (115)			7 (19)
			45 (115)	

Table 2: Phase 1 housing delivery - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed			1 (2)	9 (18)
2bed		2 (6)		5 (15)
3bed	1 (4)			
4bed	1 (5)			
Total	2 (9)	2 (6)	1 (2)	14 (33)
				5 (17)

Table 3: Phase 2 housing delivery - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed				27 (54)
2bed			2 (6)	29 (87)
3bed	9 (36)	5 (20)		
4bed	4 (20)			
5bed	2 (12)			
Total	15 (68)	5 (20)	2 (6)	56 (141)
				22 (94)

Table 4: Phase 3 housing delivery - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed				8 (16)
2bed				6 (18)
3bed		3 (12)		9 (36)
4bed	5 (25)			
5bed	2 (12)			
Total	7 (37)	3 (12)		23 (70)
				10 (49)

Table 5: Summary – net uplift of housing in Phases 1, 2, and 3

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed	-20 (-40)		1 (2)	42 (84)
2bed	-25 (-75)	2 (6)	2 (6)	35 (105)
3bed	10 (40)	8 (32)		9 (36)
4bed	10 (50)			
5bed	4 (24)			
Total	-21 (-1)	10 (38)	3 (8)	86 (225)
				- 8 (45)

8.28 As it can be seen from Summary table 5, the proposal will result in the loss of 21 social rented units, albeit the reduction in habitable room number is 1. In % terms, the overall estate regeneration will result in 11% uplift in affordable housing, namely through affordable rent and Intermediate provision only.

8.29 The Council policy SP02 of the Core Strategy require developments to deliver a minimum of

35% of affordable housing on-site (measured in habitable rooms) and also seek to maximise the delivery of affordable housing on-site. With Estate Regenerations, the Council resist the loss of affordable housing and therefore the existing stock is expected to be replaced within the redevelopment and the minimum 35% affordable housing delivered in addition to the replacement. Net loss of affordable housing will only be considered in exceptional circumstances where development demonstrates that a limited loss of affordable housing is required to improve the tenure mix; or where public open space or a non-residential use will benefit the overall estate regeneration scheme. The opportunity to provide better quality open space, and generally re-provide commercial uses in terms of floor area has been taken into account. However, [its is considered that this carries insufficient weight to justify the shortfall in affordable housing].

- 8.30 The application is accompanied by a viability assessment which concludes that the proposed development with affordable housing, i.e. 10 additional Affordable Rent Units, 3 Intermediate Units, and 114 of 115 habitable rooms within the Social Rent replaced, together with £139,000 of s106 payment and CIL liability, **is not viable** and the developer would be in deficit. Therefore, successful delivery of all phases is questionable.
- 8.31 On balance, it is considered that the viability of the scheme does not outweigh the concerns raised by officers over the inadequate level of affordable housing and the loss of a number of social rented units. Therefore it is considered that the proposal fails to satisfy the Council's policies in delivering and securing affordable housing, contrary to policies mentioned earlier.

Housing Mix

- 8.32 The scheme is proposing a total of 130 residential units.
- 8.33 Pursuant to policy 3.8 of the London Plan, the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups”. Table 1 below shows the proposed unit mix on the Site.
- 8.34 Pursuant to saved policy HSG7 of the LBTH UDP (1998), new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of houses with private gardens.
- 8.35 Policy SP02 of the Core Strategy Development Plan Document (2010) seeks to create mixed communities. A mix of tenures and unit sizes as outlined in policy DM3 of the Managing Development DPD (submission version 2012) assist in achieving these aims.
- 8.36 The following table below summarises the proposed housing mix against policy DM3 of the Managing Development DPD (submission version 2012) which seeks to reflect the Boroughs current housing needs:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented/affordable rent			intermediate			private sale		
		units	%	MD DPD %	units	%	MD DPD %	units	%	MD DPD %
1 bed	45	0	0	30	1	33	25	44	47	50
2 bed	44	2	6	25	2	67	50	40	43	30
3 bed	27	18	53	30	0	0	25	9	10	20
4 bed	10	10	41	15	0			0		
5 Bed	4	4			0		0	0		
TOTAL	130	34	100	100	3	100	100	93	100	100

Table 6: Proposed Dwelling Mix

- 8.37 The unit mix for the social rent tenures sees a 0% provision of one bed units against a policy target of 20%, a 6% provision of two bed units against a policy target of 25%, a 53% provision of three bed units against a policy target of 30%, and a 41% provision of four beds against a policy target of 15%.
- 8.38 The unit mix for the intermediate units see a 33% provision of one bed units against a target of 25%, a 67% provision of two bed units against target of 50% and a 0% provision of three bed units against target of 25%.
- 8.39 Within the market housing provision, the scheme proposes 47% one bedroom units against a target of 50%, a 43% two bed units against a target of 30% and a 10% three bedroom against a target of 20%.
- 8.40 Whilst the scheme does provide high proportion of family sized units within the social/affordable rent sector, the scheme fails to provide a suitable range of housing choices to meet the needs of LBTH residents, due to the lack of provision of family sized units in the intermediate and private tenures. As such, the proposed housing mix fails to comply with the London Plan, UDP, the Interim Planning Guidance, Core Strategy and Managing Development DPD in creating a mixed and balanced community.

Floorspace standards

- 8.41 Policy 3.5 of the London Plan seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide.
- 8.42 The Council's own policy DM4 of the Managing Development DPD re-emphasise the minimum space standards for new dwellings to ensure that development provide adequate provision of the internal space in order to achieve an appropriate living environment for future residents.
- 8.43 There are 45 one bedroom units which fall below the minimum standards by 2sq.m. However, as the proposal satisfies the minimum dwelling standards for units with 2 bedrooms or more as set out in table 3.3 in the London Plan 2011 and the Council's policy DM4 of the Managing Development DPD (submission version 2012), it is considered to be acceptable on balance.

Amenity Space

- 8.44 Pursuant to NPPF, one of the core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.45 Saved policy HSG16 'Housing Amenity Space' of the adopted UDP (1998) requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG (1998) sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG (2007), and policy DM4 of the Managing Development DPD (submission version 2012) sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards and Child play space standards of the UDP; IPG and MD DPD are summarised in tables 6 and 7 below.

Table 7: Amenity space SPG 1998; IPG 2007; and Managing Development DPD (submission version 2012) standards.

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	IPG & MD DPD Minimum Standard (sqm) [†]
Communal Space	130 units	1929	180	170

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

Table 8: Children Play Space

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	GLA's and MD DPD standard (sq.m) [†]
Child Play space	76 Children	Detail unknown	228	760

*Calculation based on 3sqm per child

[†]Calculation based on 10sq.m per child.

- 8.46 The proposal will deliver majority of the communal amenity space which will also be publicly accessible within Phase 2 of the development. The proposed total area of 1929sq.m is more than the minimum required for communal amenity space and therefore acceptable. The applicant has stated in the supporting document that children play area will be provided within the courtyard area of Phase 2. Given that the total amount of open space area would provide more than the required for communal amenity space, adequate play space area could be incorporated. Such detail could be secured through a planning condition specifying the minimum required space, had the application be recommended for approval.
- 8.47 With regards to private amenity space provision for each unit, all of the units provide the more than the minimum required by policy DM4 of the Managing Development Plan (submission version 2012).

Design

- 8.48 The area is generally characterised by mid-rise estate blocks of 4 to 5 storeys arranged around open green and courtyard spaces. Low-rise and low density buildings in the form of 2 storey terraced dwellings along Arrow Road and northern side of Bruce Road also prevail within the vicinity. The three 11 storey residential blocks, also arranged around open/courtyard spaces on Bromley High Street are the tallest buildings within the vicinity.

The mixture of low and medium rise residential buildings makes up the character of the immediate vicinity.

- 8.49 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.50 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.51 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.
- 8.52 Policy DM24 of the Managing Development DPD (submission version 2012) also seeks to ensure that development is designed to the highest quality standards incorporating principles of good design.
- 8.53 Policy 7.7 of the London Plan (2011) states that tall buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.54 Council's own policy DM26 of the Managing Development DPD (submission version) state that building heights will be considered in accordance with the town centre hierarchy and sets out a list of criteria. Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. Policy DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.55 The proposal includes 16 storey residential tower to the northern end of Stroudley Walk. The proposed height is not compatible with the existing surrounding buildings in so far that the height is significantly higher and is not in accordance with the town centre hierarchy and the criteria as set out in the Managing Development DPD which states that the height of the building should respond to local context. Furthermore, the proposed 16 storey building does not form any cluster of tall buildings within the vicinity.

However, in terms of its location, to the west of three 11 storey residential blocks on Bromley High Street, it provides the setting of the Neighbourhood Centre and the streetscene in general. Due consideration is also given to any impact to adjoining properties

arising from the proposed tall building which is discussed later in this report under 'Amenity'.

- 8.56 On balance, the proposed tall building on the northern side of Stroudley Walk is considered acceptable, having reviewed the amenity impacts to neighbouring buildings, and its relationship with the existing built form and proposed scale and bulk of the buildings. The proposed tall building at 16 storeys is considered, on balance, provide a transition between the building heights along Bromley High Street and focal point of the Neighbourhood Centre.

8.57



Aerial view from north west
(Source: Design and Access Statement)

Scale, massing and layout

- 8.58 The proposal demonstrates a considered response to layout of buildings. The proposed layout takes account of north-south visual permeability and spatial linkages along Stroudley Walk by proposing linear blocks along east and western side of the parade.
- 8.59 In terms of massing and scale, on the eastern side of Stroudley Walk, within Phase 2 boundary, the building heights vary from 16 storey tower as mentioned earlier, to 6 storeys immediately south of the tower, and then decreases to 5 and 4 storeys within Phase 3 boundary to the Bruce Road end. The western end proposes 3 and 5 storeys within Phase 1 boundary and the height increases to 6 storeys on Bruce Road end within the Phase 3 boundary. The transition of heights is considered to be acceptable.
- 8.60 The proposed residential blocks provide a physical break for each phases however are generally linear block without much articulation or visual interest to break up the massing. The submitted Design and Access Statement provide views of the building and its indicative finishes which are mainly light render and cladding panels. The appearance of the building is also reaffirmed by details submitted for Phase 1 which follows the same rationale. This is

considered to result in buildings much bulkier in appearance and results in poor design solution which is unacceptable. Whilst the 'Appearance' is matter which is reserved and is not a detail for the consideration of this outline application, there are design elements of the scheme which cannot be suitably addressed through finishing materials. These elements are mainly large flank elevations of the proposed buildings within each phase These flank wall facades have been deliberately designed to ensure that no windows are proposed to overlook into neighbouring windows and their gardens. Nonetheless, the large areas of the flank wall are not considered to appropriate solution and result in large areas of flank elevations without much articulation.

8.61



Eastern linear blocks – Stroudley Walk Street elevation

8.62



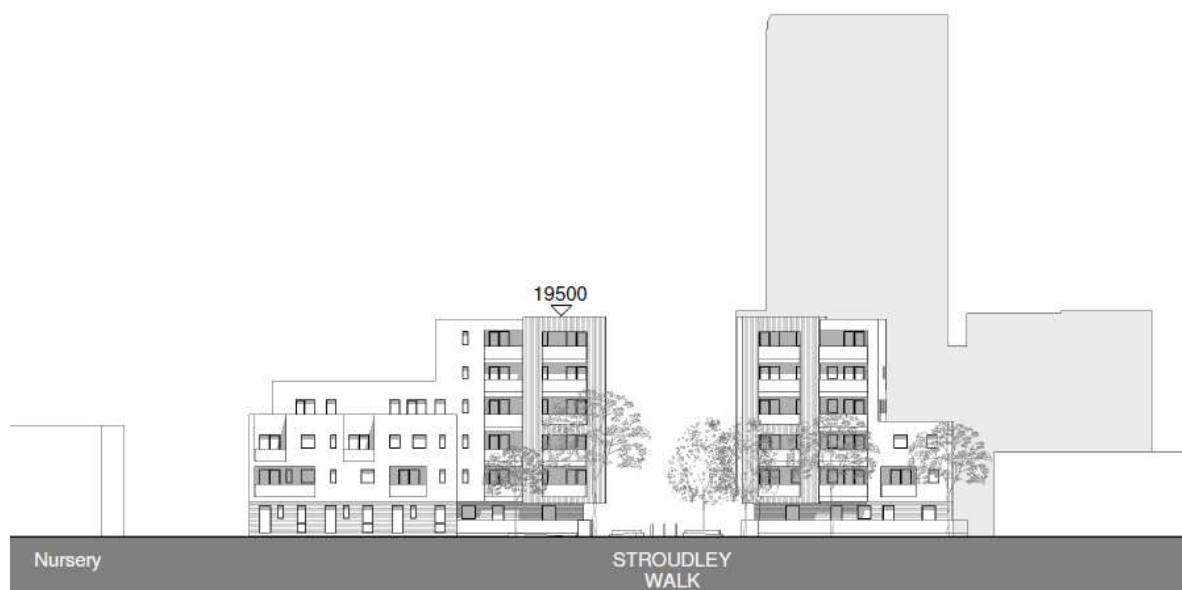
Western linear block – Stroudley Walk Street elevation

8.63



Northern elevation of the tower –Bromley High Street elevation

8.64



Southern elevation – Bruce Road elevation

Accessibility and Inclusive Design

- 8.65 The submitted design and access statement notes that all units will be designed to meet lifetime homes and that 10% of the units will be fully wheelchair accessible, or readily adaptable to full wheelchair accessibility. However details of those units – i.e. clarification of those to be wheelchair accessible on plan have not been provided for all the phases. Given the outline nature of this application, no details of each flat are provided and these details are usually dealt through a reserved matters application. In addition, a condition would usually also be imposed to ensure that full details of the wheelchair units are provided and approved by the Council. Given the internal sizes of the proposed residential units providing more than the minimum required, it is considered that wheelchair units can be satisfactorily designed into the scheme. However, it is imperative that 10% of wheelchair units are delivered in all tenures and within each phase of the development.
- 8.66 The Council's Access Officer has also raised concerns to the buildings with one lift core which may have wheelchair units on the first floor and above. The tower block provides two lift cores and therefore wheelchair units could be provided at different floor levels, however for other buildings wheelchair units should be designed on the ground floor level with levelled access.

Amenity

Daylight /Sunlight

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

daylighting conditions of surrounding habitable rooms. This is supported by policy SP10 of the Core Strategy.

8.69 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

8.70 The following neighbouring residential properties were tested:

- Hardwicke House, Bromley High Street;
- Fairlie Court;
- 80c Bruce Road;
- 2a and 7 Arrow Road; and
- Dorrington Point

8.71 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

1. Daylight Assessment

8.72 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance (second edition), requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room's surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.

8.73 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

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

a. Daylight Results: Impacts on Neighbouring Properties

8.74 Hardwicke House – The report states that assessment of VSC has been carried out for each glazed area separately and the no sky line based on the combined effect. The results shows that reductions in VSC are larger than would be desirable and the NSL is relatively unaffected. However, the report does not detail all the windows tested and only provide one window sample result.

8.75 Fairlie Court – Similar results are shown for windows to Fairlie Court. The reductions in VSC are larger than desirable and NSL is also reduced below 80%.

8.76 80c Bruce Road – A small window on the flank wall elevation was tested and the report has assumed that it is a non habitable room window and has discounted it from the assessment. This is considered to be acceptable as the side flank wall window is either a non-habitable

room window or a secondary window to the front room.

- 8.77 7 Arrow Road - The report states that there are no flank wall windows however a dining room door on the side flank wall of the outrigger exists which was tested. The results show higher level reduction.
- 8.78 2A Arrow Road - There are two small flank wall windows on the side flank wall and they appear to be non habitable room windows and therefore these have been discounted from the assessment. This is considered to be acceptable as the side flank wall window is either a non-habitable room window or a secondary window to the front room.
- 8.79 Dorrington Point – The report looks at a sample bedroom at first floor level. The reduction in the VSC is larger than would be desirable.
- 8.80 Overall, whilst the assessment is not comprehensive, the result demonstrates that the majority of the windows would fail VSC and NSL. However, given the urban environment and the existing baseline conditions, it would be difficult for all windows to pass the BRE guideline.
- 8.81 The report also refers to the assessment of ADF to the affected windows and concludes that majority of the windows tested, the ADF passes. However, ADF is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.

b. Daylight Results: Impacts on Proposed Units

- 8.82 No detailed assessment is provided for the sunlight and daylight impact to the proposed units. The conditions of the proposed units would normally assessed using the ADF calculations. However, no details have been provided for the outline scheme.

2. Sunlight Assessment

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

a. Sunlight Results: Impacts on Neighbouring Properties

- 8.84 The submitted report looks at a sample of three windows from the surrounding area and it finds that the conditions to the windows at Fairlie Court will be improved as a result of demolishing Warren House and the proposed tower being relocated further north of the site. Dorrington Point also sees improvement during winter time.

b. Sunlight Results: Impacts on Proposed Units

- 8.85 No detailed assessment is provided for the sunlight results for the proposed units.

3. *Sunlight in gardens and open spaces*

- 8.86 The BRE report (second edition) advises that for new gardens and amenity areas to appear adequately sunlit throughout the year “at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March.”
- 8.87 The majority of the open space, amenity space and rear garden areas of the neighbouring and proposed buildings will receive at least 2 hours of sunlight on 21st March.

8.88 The submitted report does not present a full comprehensive assessment of all windows affected, and only test a sample of windows. Even within this small sample, the results show that majority of the neighbouring property windows are affected by the proposed development. Given that the proposed outline scheme is not acceptable for the reasons as set out in paragraph 2.2 and any regenerative benefits do not outweigh the concerns raised about affordable housing, on balance, the proposed development is considered to result in poor residential conditions of reduced sunlight and daylight to the windows of the neighbouring dwellings detrimental to the amenities of the neighbouring occupiers.

Privacy/ Overlooking

8.89 The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

8.90 As outlined in the report for full planning application for Phase 1, at ground floor level there is a separation distance of between 13 and 15 metres, which is considered acceptable given that boundary treatment will preclude a direct relationship between habitable room windows.

8.91 On the upper floors there are no habitable rooms windows facing westward, and as such the relationship is considered acceptable in privacy terms.

8.92 However, the existing habitable room windows on the first and second floor levels of Regent Square would allow direct overlooking to the rear gardens and habitable room windows of the proposed ground floor flats. This is considered to provide reduced residential amenity for the future occupiers of the proposed ground floor flats.

8.93 In respect of other phases of the scheme there are no direct window to window relationships with the neighbouring properties.

8.94 Although privacy/overlooking impact is considered minimal to the existing neighbouring occupiers, it indicates a symptom of poor design insofar as the proposal has not been designed appropriately to minimise the impact to the future occupiers of the development resulting in poor living environment.

Sense of Enclosure/ Loss of Outlook

8.95 Unlike sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space.

8.96 Again, elsewhere within the development i.e. within phases 2 and 3, the layout of buildings is perpendicular to neighbouring windows and rear gardens in so far as to reduce the sense of enclosure. In addition, adequate separation distances between the proposed building and the neighbouring side boundary by 10m or more and therefore, the sense of enclosure is limited and therefore acceptable.

8.97 With relation to the Regent Square properties adjacent to Phase 1 development, the

separation distances are not considered acceptable in terms of outlook and sense of enclosure. This is due to the separation distance between the existing building and the proposed at between 13m and 15m, together with the height and flank wall elevation of the proposed building at 3 storeys. Whilst the existing mature trees somewhat obscure outlook at present, the poor quality design of the western elevation and the lack of appropriate separation distance is considered to result in poor outlook and sense of enclosure of the existing residents of Regent Square.

- 8.98 In addition, the proposed arrangement for ground floor units is not considered appropriate. The depth of the rear gardens, reaching between approximately 3.1 metres and 7.3 metres fails to provide quality, usable space for future occupants, especially for the flat with garden depth of 3.1m.

Noise and Vibration

- 8.99 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 7.15).
- 8.100 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered. Policy DM25 of the Managing Development DPD (submission version 2012) and policy SP03 of the Core Strategy seeks to minimise noise impacts to existing and future occupants.
- 8.101 The building would fall into noise exposure category 'C' mainly from road traffic noise from the Bromley High Street and Bow Road. Category 'C' is defined Appendix 2 of the Managing Development DPD and states that, proposals in this category there is a strong presumption against granting planning permission. However, there it is considered that permission should be given, conditions will normally be imposed to ensure an adequate level of insulation against external noise.

The higher elevations of the building will be directly exposed to high levels of road noise from the Bow Road however, it is considered that adequate noise insulation measures could be implemented to ensure that the occupiers of the building are not affected by noise levels from the nearby highways. Therefore, if the development is to be approved, appropriate condition could be imposed to overcome this issue.

Air Quality

- 8.102 The application is accompanied by air quality assessment. It is considered that following the assessment a condition is necessary to require the submission a further Air Quality Assessment Plan and Management Plan as part of the Construction Management Plan, to detail measures such as;
- Source of background data;
 - Traffic Data (including construction);
 - Indication of meteorological data used in assessment;
 - Only one receptor point modelled;
 - Code of construction practise required.
- 8.103 These details could be secured through planning condition had the application been recommended for approval.

Highways

- 8.104 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.105 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policies DM20, DM21 and DM22 of the Managing Development DPD (submission version 2012) seek similar objectives and aims as the Core Strategy.
- 8.106 The site has a good level of accessibility to public transport, with a Public Transport Access Level of 4 and 5 where 1 represents the lowest and 6b the highest. The subject site has four bus routes operating within the vicinity, with the closest bus stops on Violet Road within two minutes walking distance of the site. The D8 (from Violet Road), 323 (from Devons Road Station), 309 (from Broomfield Street) and 108 (accessed from Blackwall Tunnel Northern Approach) can all be reached and provide transportation to Stratford, Isle of Dogs, Canning Town, Mile End, Bethnal Green and Lewisham. The closest DLR stations are Bow Church (250-300 metres from the site), Devons Road (350 metres from the site) and Langdon Park (600 metres from the site) within 10 minutes walking distance from the site.
- 8.107 At present Stroudley Walk is pedestrianised. The outline application seeks to create a one way northbound street leading from Bruce Road to Bromley High Street. This space is proposed to be a shared surface 'Home Zone' to allow vehicles and pedestrians to share the space. The one way road layout also proposes a total 27 car parking spaces parallel to the proposed road including 5 dedicated disabled car parking spaces.
- 8.108 The Council's Highways Officer and Access Officer do not support the shared surfaced area also known as the 'Home Zone'. This is mainly due to the safety risks of such roads to vulnerable road users, especially the blind, partially sighted and deaf. However, it is recognised that shared surface have worked successfully elsewhere in London and the Country due to their design, and therefore the final design stages would be crucial in delivering successful layout and design of the on-way 'Home Zone'. Given that the scheme is in outline, and principle of opening up Stroudley Walk for vehicle access is acceptable in principle, final acceptable inclusive design should be secured through reserved matters application and/or planning conditions.

8.109



Architect's impression of the new shared surface and landscaped area

Parking

Car parking

- 8.110 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.111 The application site currently has three estate car parking areas which in total make up 41 car parking spaces for the existing estate residents. The supporting Transport Assessment indicates only 18 estate parking permits have been issued to the existing residents and therefore the existing car parking areas are not fully utilised. The proposal will see 27 spaces replaced which will re-provide spaces for the existing permit holders and the development will be car-free. The reduction in number of car parking spaces together with a car-free development is supported given the site's locality with good level of public transport. Car free development would normally be secured through a s106 agreement.

Cycle Parking

- 8.112 The Council's cycle parking standard is a minimum of one cycle parking space for 1 or 2 bed units and 2 cycle parking spaces for 2 or more bed units. The proposed scheme for 130 units will require a total of 171 cycle parking spaces. These spaces will need to be appropriately distributed according to the number and type of units proposed in each block. The submitted plans provide details of storage areas however do not specify how many cycle parking spaces are proposed. The submitted Transport Statement indicates that 8 cycle parking spaces are to be provided for three retail units proposed. This is adequate for the amount of retail floorspace and for their visitors.

The details of cycle parking can be reserved through a planning condition and sought through details at Reserve Matters stage and therefore the proposed cycle parking storage provision is acceptable in principle.

Servicing and Refuse Provisions

- 8.113 The applicant has not provided TRAVL survey comparisons demonstrating the size and

frequency of vehicles likely to service the new shops. Given the small nature of the retail units it is highly likely that size of the vehicles servicing the retail units will be limited to transit sized vans. The proposal includes on-site dedicated servicing/loading area to the east of the site adjacent to the retail units and therefore it is acceptable. However, there would be a requirement for these commercial units to be retained as A1 retail and no amalgamation of the units should take place which can be controlled through a planning condition.

- 8.114 The submitted Transport Assessment includes auto-track for larger refuse and emergency vehicles through the on-way road. Although the TA states that manoeuvres of larger vehicles can be accommodated safely, the auto-track demonstrates that there are pinch points to the northern end of the site where vehicles would exit the site. The proposed landscaping features would impede ease of manoeuvrability. These factors will need to be designed adequately and satisfactorily through Landscape Reserved Matter details.
- 8.115 In terms of the refuse storage and its capacity, the details have not been submitted with the application for the subject outline proposal. Whilst Phase 1 part of the development can be determined due to detailed nature, the details for Phases 2 and 3 are absent. Nonetheless, like the cycle parking storage areas, the refuse storage provision is provided in the block plans and details will be required through Reserved Matters submission and/or condition. A total minimum of 18,000litre capacity is required for the whole development – Phases 1, 2 and 3. Appropriate capacity for corresponding blocks should be provided in accordance with the capacity guidelines defined in Managing Development DPD (submission version 2012).

Other

Sustainability and Energy

- 8.116 At a national level, NPPF state that the local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. Paragraph 95 states that local authorities should set requirements for building's sustainability. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.117 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.118 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). The Council's own policy DM29 of the Managing Development DPD (submission version 2012) requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.
- 8.119 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.120 The current proposals sets out that all phases of the development is anticipated to achieve a 44% reduction in CO2 emissions over Building Regulations 2010. The submitted information also sets out a commitment to delivering a single energy centre and linking all

phases of the development to deliver the hotwater requirements and space heating through a CHP engine. The boilers to be utilised for phase 1 will be re-used within the centralised energy centre located in phase 2 of the development. The document also sets out that phase 1 of the development could meet the policy requirements (should phases 2 and 3 not be delivered) through the use of centralised boiler equipment and a 185m2 PV array. For Phase 2 and 3 the proposal includes a total of 325sq.m of PV arrays (Phase 2 – 216sq.m and Phase 3 – 109sq.m) which are to be installed on the roofs of the proposed buildings.

Sustainability

- 8.121 In terms of sustainability, London Borough of Tower Hamlets requires all residential development to achieve a Code for Sustainable Home Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011, Policy DM29 of the Managing Development DPD (submission version 2012) and Policy DEV5 of the London Borough of Tower Hamlets Interim Planning Guidance. The submitted Energy Strategy and pre-assessment details demonstrates the scheme has been designed to achieve a Code for Sustainable Homes Level 4.
- 8.122 The Council's Energy Efficiency Unit is satisfied with the energy efficiency for this a stand alone site and its consideration for the wider strategic redevelopment of Stroudley Walk and the opportunity for a centralised CHP for the whole of the development.

Section 106 Requirements

- 8.123 In accordance with the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010 planning obligations should only be sought, and constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.125 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 8.126 The Council has recently adopted a Supplementary Planning Document on Planning Obligations in January 2012. Planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

- Affordable Housing
 - Employment, skills, training and enterprise
 - Community facilities
 - Education
- 8.127 In normal circumstances the following are financial contributions required to fully mitigate the impacts arising from the proposed development.

§ Employment, skills, training and enterprise – Financial Contribution of **£26,729** to

support and/or provide the training and skills needs of local residents in accessing job opportunities at the end-phase of the proposed development. (*Breakdown: Phase 1 = £3,079, Phase 2= £16,570, Phase 3 = £4,475*)

- § Community Facilities – A contribution of **£26,712** towards provisions of additional community facilities as identified in the Core Strategy. (*Breakdown: Phase 1 = £4,788, Phase 2 = £10,080, Phase 3 = £11,844*)
- § Education - Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Planning Obligations SPD, the proposal would result in the need for 20 additional primary places at £14,830 per place, and 6 additional secondary school places at £22,347 per place. The total education financial contribution sought is **£430,682**.
- § Leisure - A contribution of **£94,677** towards provisions of additional leisure facilities as identified in the Core Strategy. (*Breakdown: Phase 1= £16,971, Phase 2=£35,727, Phase 3 = £41,980*)
- § Sustainable Transport – A contribution of **£3,180** towards Smarter Travel initiatives.
- § Public Realm (Open Space) – A contribution of **£88,669** towards publicly accessible open space within the borough.
- § Public Realm (streetscene and built environment) – A contribution of **£80,688** towards streetscene improvements directly adjoining development.
- § Health – The nearest current practice that has the development in its catchment area is Stroudley Walk which is planned to relocate to the new hub being developed at the St Andrew's Hospital site to accommodate the expected population growth from this and other developments in the locality. The contribution of **£143,420** would go towards the long lease or fit out costs for this development.

8.128 The total s106 financial contribution of **£894,757 (plus 2% monitoring fee)** would normally be required for the size of the development, and this is considered to meet the key tests set out in the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010, and which development fails to provide.

Viability

8.129 The application was accompanied by a viability toolkit and it has been assessed by an independent consultant, appointed by the Council. The viability assessment took into account of the whole estate redevelopment (all phases). The applicant has undertaken their assessment using GLA's Development Control Toolkit Model. The output of the model is a Residual Land Value (RLV) which is compared with an appropriate benchmark. GLA guidance indicates that where a development proposal generates a RLV that is higher than the benchmark, it can be assessed as financially viable and likely to proceed. If the RLV generated by the development is lower than the benchmark, then the development is not viable and alternative options should be sought by the developer.

8.130 In the case of the subject outline proposal, the total site assemble cost was identified as the

benchmark value and was compared against the site acquisition costs, developers internal overheads, construction costs, quantum of affordable housing as detailed earlier in the report, and applicant's offer of s106 payment of £139,000 and Community Infrastructure Levy liability. The assessment has concluded that the proposed estate wide regeneration is not viable as it returns a negative RLV.







- 8.131 Therefore, as detailed above, the required s106 payment of £894,757 cannot be delivered by the proposed development. As such, the proposed scheme cannot deliver the policy compliant affordable housing on the entire estate, and the required s106 to mitigate against the impact arising from the development.

9 **Conclusion**

- 9.1 All other relevant policies and considerations have been taken into account and in the absence of an acceptable and appropriate estate wide regeneration, the proposed development on its own is not acceptable and is recommended for refusal.

Planning Application Site Map



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

0 30 m
|||

1:3,500

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

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Agenda Item 7.2

Committee: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/10/00374	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

- 1.1 **Location:** Stroudley Walk market, Stroudley Walk, London, E3 3EW
- 1.2 **Existing Use:** Hard surfaced area forming part of Stroudley Walk
- Proposal:** Full Planning Application for erection of a part 3, part 5 storey building to accommodate 19 residential units comprising 10 x one bedroom, seven x two bedroom, one x three bedroom and one x four bedroom units.
- Associated Outline Planning Application Ref: PA/10/00373.
- 1.4 **Drawing Nos:** 2825D-002 Rev P3; 2825A-A002 Rev P2; 2825A-D-003 Rev P3; 2825A-D-004 Rev P5; 2825A-D-100 Rev P4; 2825A-D-101 Rev P4; 2825A-D-102 Rev P4; 2825A-D-200 P2; 2825A-D-202 Rev P4; 2825A-D-201 Rev P4; 2825-D-300 Rev P4; 2825A-D-203 Rev P3; 2825A-D-204 Rev P3; 2825A-D-205 Rev P3; 2825A-D-206 P3; 2825A-D-400 Rev P3; 2825A-D-401 Rev P3;
- 1.5 **Applicant:** Poplar HARCA
- 1.6 **Owner:** Poplar HARCA
- 1.7 **Historic Building:** N/A
- 1.8 **Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012), associated supplementary planning guidance, the London Plan (2011) and National Planning Policy Framework and has found that:
- 2.2 1. The proposed development, by virtue of its failure to make adequate contribution towards education, community facilities, employment, public realm, leisure and health infrastructure necessary to mitigate against its impact on local services and infrastructure is contrary to policies: 8.2 of the London Plan 2011; DEV4 of the Unitary Development Plan and SP03, SP07, SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012 and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy

Framework.

2. In the absence of an appropriate and acceptable site wide estate regeneration scheme, the stand alone development for 19 residential units, by virtue of nil on-site provision for communal amenity space and children play space would result in the substandard form of residential accommodation for the future occupiers of the development and is likely add pressure on the borough's existing open space and its facilities, contrary to policies DEV1 and HSG16 of Unitary Development (1998); HSG7 of the IPG (2007); DM4 of the Managing Development DPD (submission version 2012); SP02 of the Core Strategy (2010); 3.6 and 7.6 of the London Plan (2011); and The Mayor's Supplementary Planning Guidance: Providing for Children and Young People's Play and Information Recreation.

3. In the absence of acceptable comprehensive redevelopment of a site wide estate regeneration scheme, the proposed development by reasons of its poor design, scale and massing, and minimal separation distances results in a development which does not positively contribute to the surrounding area. The proposed development is likely to have detrimental impact to the amenities for the neighbouring occupiers and the future occupiers in terms of privacy and sense of enclosure contrary to policies: DEV1 and DEV2 of Unitary Development Plan 1998; DEV1, DEV2, and HSG7 of the Interim Planning Guidance (2007); DM24, DM25, and DM26 of the Managing Development DPD (submission version 2012); SP10 of the Core Strategy (2010); and 7.6 of the London Plan (2011).

4. In the absence of comprehensive information on Sunlight and Daylight assessment, the proposed development is likely to provide a substandard form of accommodation and amenity spaces for the future occupiers of the development and neighbouring occupiers in terms of deterioration of the sunlighting and daylighting conditions, contrary to DEV1 and DEV2 of the Unitary Development Plan (1998); DEV2, DEV3, HSG9 Interim Planning Guidance (2008); DM24 and DM25 of the Managing Development DPD (2012); SP02 of the Core Strategy (2010) and 3.8 and 7.6 London Plan (2010).

3. RECOMMENDATION

- 3.1 That the committee resolves to **REFUSE** planning permission for the reasons set out above.

4. PROPOSAL AND LOCATION DETAILS

- 4.1 Erection of a part 3, part 5 storey building to accommodate 19 residential units comprising 10 x one bedroom, seven x two bedroom, one x three bedroom and one x four bedroom units.
- 4.2 There is a current Outline planning application associated with this full detailed application, proposing the demolition of Warren House and 30-49 Stroudley Walk, and redevelopment of the site in the form of five buildings reaching between 3 and 16 storeys to provide 380 sq m retail space (Use Classes A1, A2 and A3), up to 127 sq m community space (Use Class D1) and 130 new dwellings comprising 45 x one bedroom flats, 44 x two bedroom flats, 27 x three bedroom flats, 10 x four bedroom flats and 4 x five bedroom flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking. This outline application forms a separate item on the agenda for consideration by Members.

The subject application doubles up as Phase 1 of the outline consent. Usually the two applications would be submitted as a 'hybrid', however the applicants have elected to submit the two schemes separately.

As detailed in the Outline Committee Report officers maintain that the Outline scheme is

not acceptable for the following concluding reasons:

1. The proposed affordable housing provision of 11% uplift and the loss of social rented housing units are considered unacceptable which cannot be substantiated by the developer's viability. The proposed development also fails to provide adequate family sized dwellings within private and Intermediate tenures to provide a suitable range of housing choices to meet the needs of borough's residents. The proposal would fails to contributing to meeting the borough's affordable housing needs and affordable housing targets, contrary to policies: 3.11, 3.12 and 3.13 of the London Plan 2011; SP02 of the Core Strategy 2010; and DM3 of the Managing Development DPD (submission version 2012).

2. The proposed development, by virtue of its failure to make adequate contribution towards education, community facilities, employment, public realm, open space, leisure and health infrastructure necessary to mitigate against its impact on local services and infrastructure is contrary to policies: 8.2 of the London Plan 2011; DEV4 of the Unitary Development Plan and SP03, SP07, SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012 and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

3. The submitted daylight and sunlight report fails to fully demonstrate that the proposal would not result in an unduly detrimental loss of amenity for neighbouring residential occupants, in terms of both daylight and sunlight to residential units. As such, the proposal is contrary to saved policy DEV2 of the Unitary Development Plan (1998) and DEV1 of the Interim Planning Guidance (2007); SP10 of the Core Strategy 2010; and DM25 of the Managing Development DPD (submission version 2012), which seek to ensure that the residential amenity, daylighting and sunlighting conditions of future occupiers is not compromised.

4. The proposed development by reasons of its poor design, scale and massing, and minimal separation distances results in a development which does not positively contribute to the surrounding area. The proposed development is likely to have detrimental impact to the amenities for the neighbouring occupiers and the future occupiers in terms of privacy and sense of enclosure contrary to policies: DEV1 and DEV2 of Unitary Development Plan 1998; DEV1, DEV2, and HSG7 of the Interim Planning Guidance (2007); DM24, DM25, and DM26 of the Managing Development DPD (submission version 2012); SP10 of the Core Strategy (2010); and 7.6 of the London Plan (2011).

Whilst it is acknowledged that the detailed application is integral to the site wide development proposals, the subject application for Phase 1 needs to comply with policies and guidance on its own merits, as it could be implemented separately from the outline application.

4.3 Proposed Phasing Plan



Phase 1 – Full planning application PA/10/374 (subject application)
Phases 1, 2, and 3 considered under outline planning application PA/10/373

Site and Surroundings

- 4.3 The application site is located on the western side of the Stroudley Walk and is currently a vacant area of hardstanding.
- 4.4 The site is not located within a Conservation Area, nor does it contain a Listed Building.
- 4.5 The site is adjoined to the south by a part two, part three storey building with retail at ground level and residential above; a three storey residential building to the west; and a part two, part three storey building with retail at ground level and residential above to the north.
- 4.6 There are several trees on the site at present.

Planning History

- 4.7 No relevant recent planning history.

5. POLICY FRAMEWORK

5.1 Unitary Development Plan (as saved September 2007)

Proposals: Ref 81 Site identified for residential, retail and health use
Ref 96 Local Shopping Parade

Policies: Environment Policies

ST34	Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

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

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density

HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing

5.3 Core Strategy Development Plan Document (Adopted September 2010)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Tower of London Vision, Priorities and Principles
	SP13	Planning Obligation

5.4 Managing Development - Development Plan Document (DPD) Submission Version (2012)

Proposal

Policies:	DM1	Development within the town centre hierarchy
	DM2	Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Contributing to healthy and active lifestyles
	DM9	Improving air quality
	DM10	Delivering Open space
	DM11	Living Buildings and biodiversity
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Integrating development with a sustainable transport network
	DM21	Sustainable transport of freight
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM26	Building heights
	DM29	Achieving a Zero-carbon borough and addressing climate change
	DM30	Contaminated Land

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

	1.1	Delivering the strategic vision and objectives of London
	3.1	Ensuring equal life chances for all
	3.2	Improving health and assessing health inequalities
	3.3	Increasing housing supply
	3.5	Quality and design for housing developments
	3.6	Children and young people's play and informal recreation

	facilities
3.8	Housing choice
3.9	Mixed and balanced communities
3.10	Definition of affordable housing
3.12	Negotiating affordable housing
3.13	Affordable housing thresholds
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in new developments
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.15	Water use and supplies
5.21	Contaminated Land
6.3	Assessing effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	Inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

5.6 Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
The London Borough of Towerhamlets' Planning Obligation SPD 2012
Bromley by Bow Masterplan SPD 2012

5.8 National Planning Policy Framework

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

LBTH Cleansing

6.2 No comments received.

LBTH Design and Conservation

6.3 Objection raised based on the lack of a comprehensive scheme.

[Officer comment: This relates to the exclusion of Fairlie Court as part of the proposal, however the applicant has explained that the cost of bringing Fairlie Court into the current scheme is prohibitive to a degree that would render the whole scheme undeliverable.

LBTH Education

6.4 Based on the Council's Planning Obligations SPD, the proposal would result in the need for two additional primary places at £14,830 per place, and an additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution of £52,007 should be sought towards education.

[Officer comment: No financial contribution sought towards education provision]

LBTH Energy Efficiency Unit

6.5 Considers the Energy Strategy to be acceptable and sets out that phase 1 of the development is anticipated to achieve 35% reduction in CO2 emissions over Building Regulations 2010. The development also sets out a commitment to delivering a single energy centre and linking all phases of the development.

LBTH Environmental Health

Contaminated land

6.6 No objection, subject to appropriate conditioning.

Air Quality

6.7 Further information required with relation to the following:

- Traffic data;
- Source of background data;
- Indication of meteorological data used in assessment;
- Only one receptor point modelled;
- Code of construction practise required.

[Officer's comment: Given that the proposed development is likely reduce the traffic levels and the development itself not being a source of air quality pollution, a planning condition could be secured to seek further details].

Noise

6.8 No noise assessment was submitted with the application. The building would fall into category "C" mainly from road traffic noise from the Bromley High Street and Bow Road. Higher elevations of the building will be directly exposed to high levels of road noise from the Bow Road, without the building having adequate noise insulation measures installed this application should be refused, unless further mitigation measures and details are outlined in a noise report.

[Officer's Comment: It is considered that adequate noise insulation measures could be implemented to ensure that the occupiers of the building are not affected by noise levels from the nearby highways through Reserved Matters and/or planning condition]

Sunlight/ Daylight

- 6.9 Objection raised – further outlined within section 8 of this report.

LBTH Highways

- 6.10 In principle, this application is considered to be acceptable by the Highways Section (subject to more detailed /revised plans being provided in regard to cycle parking and inward-opening doors, and s106/278 agreements). This is supported by a Transport Statement which sketches the proposals for opening up new vehicular access through the estate.

LBTH Housing

- 6.11 The development provides 34% affordable housing by habitable room with 88%:12% split in favour of social rented/ affordable rented versus to Intermediate provision. No objections are raised to the proposed provision of housing and dwelling mix subject to further details on the location of wheelchair housing.

LBTH Secure by Design

- 6.12 Support the scheme. Some minor issues such as design of railings and defensible planting to avoid potential gathering points.

LBTH PCT

- 6.13 A total financial contribution of £143,420 toward healthcare should be sought for all the phases.

[Officer comment: This is discussed in paragraph 8.106 of the report.

LBTH Accessibility Officer

- 6.14 10% wheelchair units should be provided, and specified on the plans submitted.

English heritage – Historic

- 6.15 This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

English Heritage – Archaeology

- 6.16 The site lies within a designated Area of Archaeological Interest, and was situated immediate west of the medieval settlement of Bow. Geologically, it is on an elevated gravel outcrop, which is often a favoured location for prehistoric settlement on the Lea, and remains from this period, as well as the medieval and post-medieval, have the potential to be present on the site. In order to preserve an enhance understanding of the assets a planning condition should be imposed.

[Officer comment: If permission is approved, an appropriate condition can be imposed.

London Fire and Emergency Planning Authority

6.17 Whilst pump appliance access appears satisfactory, detailed access, facilities and water supplies for the fire service were not specifically addressed in the submission. The development should confirm to the requirements of Section B5 of Approved Document B.

7. LOCAL REPRESENTATION

7.1 A total of 1123 neighbouring properties 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 the first round of notification and publicity of the application were as follows:

No of individual responses: Objecting: 29 Supporting: 21

No of petitions received:
Objecting: 2 petitions totalling 486 signatures
Supporting: 1 petition with 114 signatures

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

7.3 - Insufficient parking spaces;
(As discussed in Transport Section, policy supports the permit-free arrangement, within an area with PTAL 4/5);

7.4 - Lack of playspace;
(As discussed in Amenity section, the scheme fails to provide play space);

7.5 - Insufficient open space;
(As discussed in Amenity section, the scheme results in the net loss of public open space, and without a comprehensive redevelopment strategy, this is not supported);

7.6 - Pedestrianised area provides a 'village like atmosphere' – safe place for children to play;
(This scheme does not relate to the full principle of turning Stroudley Walk into northbound street, however it does include the provision of a servicing turning head at the western end of Arrow Road. This is discussed within the open space section of this report);

7.7 - Damage to mature trees;
(As discussed in the consultation section of this report, the Council's arboricultural officer has assessed the trees to be removed as part of this detailed application, and considers their removal acceptable).

7.8 Additional suggestions
- Additional soft landscaping could serve to improve the area.
(Officer acknowledges that additional landscaping could improve Stroudley Walk, however this is not part of the current application).

7.9 Procedural
- Leaseholder unaware of application.
(LBTH has carried out consultation in excess of its statutory requirements. This comment appears to be in relation to the pre-application consultation carried out by the applicant).

7.10 Reasons for objection related to the outline planning permission – (not being considered as part of this application):
- Insufficient parking spaces;

- Lack of playspace;
- should be retained as pedestrianised walkway and not open to vehicles;
- loss of local shops and employment;
- loss of mature trees;
- Loss of GP;
- Warren house should be refurbished;
- 16 storeys too high;

(These matters are considered under the related outline planning application – ref: PA/10/373).

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highways
- Other

Land Use

Principle of the loss of open space, and redevelopment to provide housing

8.2 The proposal will result in the loss of 1052sqm of hard surfaced open area, together with the removal of 9 trees, to be replaced with the erection of a part 3, part 5 storey building to accommodate 19 residential units.

8.3 The site had previously been developed for housing, which continued a line of terraced properties along a stretch of highway previously called Devons Road, and allowed for vehicular access from Devons Road directly to Bromley High Street. However, these houses were demolished, and the roads closed to vehicles by 1991. Accordingly, the applicant considers the site to be a brownfield development site. Whilst it can be argued that the existing hard surfaced area is a form of open space, the area is not identified as a formal open space within the Council's Open Space Strategy. In addition, the existing hard surfaced area has a little amenity value as usable open space as there is no formal or informal sitting areas.

8.4 Given that the application site is not formal public open space and previously developed land, it is considered that redevelopment of this brownfield site is acceptable in principle.

Use of Stroudley Walk for servicing

8.5 As a stand alone application, the proposal includes a turning head at the western end of Stroudley Walk for servicing. Full details of its treatment which should be designed to adoptable standards will be required. It is considered that this can be conditioned if the proposal was recommended for approval. The turning head will only be required during refuse collection days and therefore, there is no in principle objection to the proposed turning head subject to an appropriate design.

8.6 Application site boundary



Housing

Affordable Housing

- 8.7 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 8.8 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.9 Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social rent to 30% intermediate housing provision.

8.10 Earlier this year, the Department of Communities and Local Government have published the National Planning Policy Framework (NPPF) which now replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs). The heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that this should be seen as a golden thread running through both plan-making and decision making. The NPPF seeks to boost the supply of housing and to optimise the potential sites to accommodate development. It also recognises the importance of viability in decision making and that to ensure viability, the cost of any requirements such as affordable housing should provide competitive returns to a willing developer to enable the development to be deliverable.

NPPF outlines the following definition for affordable housing.

8.11 Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

8.12 Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

8.13 Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

8.14 A total of 5 of the 19 residential units within the subject application site would be affordable, which represents a total provision of 34% based on habitable rooms. The scheme provides family sized dwellings (1x3 bed, 1x 4bed) as Social Rent, 2x2bed as an Affordable Rent and 1x 1bed as an Intermediate provision. In relation to the housing split, the proposal will provide 80:20 in favour of social/affordable rented provision. Policy DM3 of the Managing Development DPD (submission version 2012) and policy SP02 of the adopted Core Strategy 2010 require tenure split of 70% Social Rent and 30 Intermediate. The proposed affordable housing provision is considered to be acceptable.

8.15 The Council 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. These percentages have been factored into the emerging policies within the Managing Development DPD (submission version 2012). The two x 2bed room Affordable Rent Units are the rent levels are proposed at Pod research levels, that is, 55% for two beds. This is in line with the Council's policy and therefore is considered to be acceptable.

Housing Mix

8.16 The scheme is proposing a total of 19 residential units.

8.17 The GLA housing requirements study identified within the Mayor's Housing SPG, provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site

level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.18 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide any prescribed targets.

8.19 The following table below summarises the proposed housing mix against policy DM3 of the Managing Development DPD (submission version 2012) which seeks to reflect the Boroughs current housing needs:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented/ affordable rent			intermediate			private sale		
		units	%	MD DPD%	units	%	MD DPD %	units	%	MD DPD %
1 bed	10	0	0	30	1	100	25	9	64	50
2 bed	7	2	50	25	0	0	50	5	36	30
3 bed	1	1	25	30	0	0	25	0	0	20
4 bed	1	1	25	15	0	0	0	0		
TOTAL	19	4	100	100	1	100	100	14	100	100

Table 1: Proposed housing mix

8.20 The unit mix for the social/affordable rent tenures sees a 0% provision of one bed units against a policy target of 30%, a 50% provision of two bed units against a policy target of 25%, a 25% provision of three bed units against a policy target of 30%, and a 25% provision of four beds against a policy target of 15%. It is considered that the mix for the social/affordable rent units is acceptable.

8.21 The unit mix for the intermediate units see a 100% provision of one bed units against a target of 25%. In numbers terms, this equates to one x one bedroom Intermediate unit.

8.22 Within the market housing provision, the scheme proposes 64% one bedroom units against a target of 50%, and 36% two bed units against a target of 30%. The scheme proposes no family sized units within the private tenure.

8.23 The proposed dwelling mix is appropriate on balance, and the larger family sized homes have been prioritised for Social Rent as per policy DM3 of the Managing Development DPD (submission version 2012).

Floorspace Standards

8.24 Policy 3.5 of the London Plan seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide.

8.25 The Council's own policy DM4 of the Managing Development DPD re-emphasise the minimum space standards for new dwellings to ensure that development provide adequate provision of the internal space in order to achieve an appropriate living environment for future residents.

8.26 There are two one bedroom units which fall below the minimum standards by 2sq.m.

However, the proposal generally satisfies the minimum dwelling standards as set out in table 3.3 in the London Plan 2011 and the Council's policy DM4 of the Managing Development DPD (submission version 2012).

Amenity Space

8.27 Pursuant to NPPF, one of the core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

8.28 Saved policy HSG16 'Housing Amenity Space' of the adopted UDP (1998) requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG (1998) sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG (2007), and policy DM4 of the Managing Development DPD (submission version 2012) sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards and Child play space standards of the UDP; IPG and MD DPD are summarised in tables 2 and 3 below.

8.29 **Table 2: Amenity space SPG 1998; IPG 2007; and Managing Development DPD (submission version 2012) standards.**

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	IPG & MD DPD Minimum Standard (sqm) [†]
Communal Space	19 units	0	69	59

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

8.30

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	GLA's and MD DPD standard (sq.m) [†]
Child Play space	7 Children	0	21	70

*Calculation based on 3sqm per child

[†]Calculation based on 10sq.m per child.

8.31 The proposal fails to provide any on-site communal amenity space and child play space as required by the London Plan and the Council's own policies. The applicant notes within their design and access statement that the constraints of the site preclude the provision of communal amenity space, and note that as part of the later phases of the outline development (PA/10/00373), space standards are exceeded. However, the applicant submitted these applications separately, and as such the detailed scheme being considered should stand up against policy in its own right. To this end, the scheme does not propose any communal amenity space. The proposal fails to provide adequate communal amenity space for the proposed development.

8.32 In relation to the child play space, based on a child yield of 7 (based on the evidence based document Planning for Population Change and Growth 2009), the scheme should provide 70sqm of play space. No designated playspace is proposed, although the applicant considers that as part of the later phases of the outline scheme, the development will

provide 'child-friendly' and 'playable' space.

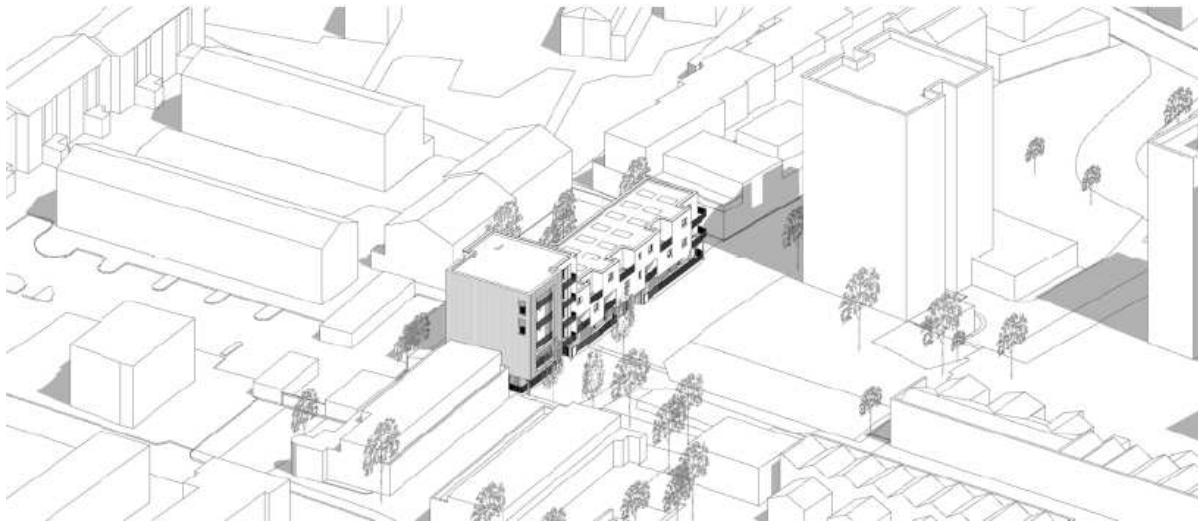
- 8.33 As iterated above, the applicant submitted these applications separately, and as such the detailed scheme being considered should stand up against policy in its own right. Initially, the applicant has suggested an off-site contribution toward play space, however the application is accompanied by a viability assessment which concludes that only a limited amount of financial contribution can be made. The details of the financial contributions are discussed later in the report under the heading 'Viability' and 'Section 106 Requirements'. In any event, the scheme does not propose any designated play space. This arrangement is considered unacceptable, as the outline scheme is also being recommended for refusal.
- 8.34 With regards to private amenity space provision for each unit, all of the units provide the more than the minimum required by policy DM4 of the Managing Development Plan (submission version 2012).
- 8.35 Whilst the scheme proposes some private amenity space for each unit, it fails to provide communal amenity space and play space. Whilst the comprehensive redevelopment of the whole of the Stroudley Walk area could outweigh these concerns, an acceptable scheme of this nature has not been submitted and in addition, there is no guarantee that the Outline scheme will be implemented. Therefore, the lack of provision of communal amenity space and child play space is considered unacceptable, and fails to accord with LBTH UDP, IPG, Managing Development DPD and Core Strategy policies, and London Plan policies.

Design

- 8.36 The site is adjoined to the south by a part two, part three storey building with retail at ground level and residential above; a three storey residential building to the west, and a part two, part three storey building with retail at ground level and residential above to the north.
- 8.37 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.38 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.39 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.
- 8.40 Policy DM24 of the Managing Development DPD (submission version 2012) also seeks to ensure that development is designed to the highest quality standards incorporating principles of good design.
- 8.41 The application being considered proposes a three storey building, stepping up to five

storeys toward the south of the site. Without a site wide regeneration scheme, the proposed five storey element raises concern in terms of its relationship to the existing building immediately to the south. The proposed scale and massing in the existing context appear out in context with the surrounding buildings.

8.42



Proposed massing in the existing context

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

- 8.43 The design quality of the proposed building also raises concern. The three storey element is linear in design, appearing as an uninteresting addition to the surrounding area. Furthermore, southern and northern elevations (side elevations) are predominately flank walls finished with monotonous cladding panels or single colour render. Both elevations will be highly visible from public areas and the side elevation treatments are not considered to have applied good design principles. The rear elevation (western elevation) also fails to incorporate articulation and visual interest. Whilst this elevation have been designed to respect privacy and overlooking to the adjacent properties on Regent Square, this results in large flank wall areas without much articulation. The occupiers of the adjacent properties on Regent Square would have their outlook to large flank wall areas that are three to five storeys in height which is approximately 13-15m away.
- 8.44 The lack of acceptable comprehensive redevelopment of the area, together with the height of the five storey element of the building, and the uninspiring design are considered unacceptable, and the proposal therefore fails to make a positive contribution to the surrounding area.

8.45



Front elevation – View from Arrow Road

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

4.46



South Elevation

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

8.47



West Elevation

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

Accessibility and Inclusive Design

- 8.48 The submitted design and access statement notes that all units will be designed to meet lifetime homes and that 10% of the units will be fully wheelchair accessible, or readily adaptable to full wheelchair accessibility. The details of the units are also provided in the same document. The proposal includes 4 wheelchair units which is more than 10% of the required. Two wheelchair units are proposed on the ground floor level accessible via ramp from the street level and two units are located on the first floor level, serviced by 1 lift. As two wheelchair units can be provided on the ground floor level to meet the minimum 10% requirement, the additional 2 on the first floor is welcomed.

Amenity

8.49 Privacy/ Overlooking

The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.50 At ground floor level there is a separation distance of between 13 and 15 metres, which is considered acceptable given that boundary treatment will preclude a direct relationship between habitable room windows.
- 8.51 On the upper floors there are no habitable room windows proposed facing westward, and as such the relationship is considered acceptable to the existing residents in privacy terms.
- 8.52 However, the existing habitable room windows on the first and second floor levels of Regent Square would allow direct overlooking to the rear gardens and habitable room windows of the proposed ground floor flats. This is considered to provide reduced residential amenity for the future occupiers of the proposed ground floor flats.
- 8.53 The proposed development also includes a dedicated roof terrace for a 1bedroom flat above the third floor level. This terrace would form part of the private amenity space for the 1 bedroom flat. This is considered to provide further opportunities to overlook directly into the habitable room windows on Regent Square. In addition, the terrace is located on the northern side of the 5 storey part of the building and therefore it will be in permanent shadow which is not ideal for amenity spaces. Nonetheless, given that the subject 1 bedroom flat also benefits from an additional balcony on the eastern elevation, had the proposed development recommended for approval, this terrace could be removed through amendment to the proposal.
- 8.54 Although privacy/overlooking impact is considered minimal to the existing neighbouring occupiers, the proposal has not been designed appropriately to minimise the impact to the future occupiers of the development resulting in poor living environment.

Sense of Enclosure/ Loss of Outlook

- 8.55 Unlike sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space.
- 8.56 With relation to the Regent Square properties adjacent, the separation distances are not

considered acceptable in terms of outlook and sense of enclosure. This is due to the separation distance between the existing building and the proposed at between 13m and 15m, together with the height and flank wall elevation of the proposed building at 3 storeys. Whilst the existing mature trees somewhat obscure outlook at present, the poor quality design of the western elevation and the lack of appropriate separation distance is considered to result in poor outlook and sense of enclosure of the existing residents of Regent Square.

- 8.57 In addition, the proposed arrangement for ground floor units is not considered appropriate. The depth of the rear gardens, reaching between approximately 3.1 metres and 7.3 metres fails to provide quality, usable space for future occupants, especially for the flat with garden depth of 3.1m.

Noise and Vibration

- 8.58 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 7.15).
- 8.59 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered. Policy DM25 of the Managing Development DPD (submission version 2012) and policy SP03 of the Core Strategy seeks to minimise noise impacts to existing and future occupants.
- 8.60 The building would fall into noise exposure category 'C' mainly from road traffic noise from the Bromley High Street and Bow Road. Category 'C' is defined Appendix 2 of the Managing Development DPD and states that, proposals in this category there is a strong presumption against granting planning permission. However, there it is considered that permission should be given, conditions will normally be imposed to ensure an adequate level of insulation against external noise.
- 8.61 The higher elevations of the building will be directly exposed to high levels of road noise from the Bow Road however, it is considered that adequate noise insulation measures could be implemented to ensure that the occupiers of the building are not affected by noise levels from the nearby highways. Therefore, if the development is to be approved, appropriate condition could be imposed to overcome this issue.

Sunlight and Daylight Assessment

- 8.62 The following properties were assessed for daylight and sunlight:
- Regent Square to the west
- 8.63 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

1. Daylight Assessment

- 8.64 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution (NSL) and the average daylight factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the vertical sky component at the centre of the window. The VSC should exceed 27%, or not exhibit a

reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

8.65 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

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

a. Daylight Results: Impacts on Neighbouring Properties

49-58 Regent Square

VSC

8.66 The report assesses two windows per unit – one x bedroom, and one x living/kitchen.

8.67 Of the 8 windows assessed, 2 will comply with the VSC target levels, showing a reduction of no more than 20%. The 6 windows which fail show a reduction in VSC of between 22% and 38%.

ADF

8.68 Using the VSC results, the submitted report calculates the ADF for all of the sample rooms, and none of those surveyed fall below the recommended minimum. The reductions in ADF reach between 11% and 33%. The ADF figures are generally used as absolute figures, however it can be used to express the measure of loss and impact especially when it involves significant objection. The ADF calculations do not provide all the coefficients use in the calculations.

NSL

8.69 No NSL figures were submitted for the neighbouring units.

8.70 The submitted daylight and sunlight report notes that the existing trees within the curtilage of Regent Square are not taken into account in the assessment, in accordance with BRE guidelines. It is noted that these trees already cut out a significant amount of daylight. However, comparative analysis has not been submitted for the Council to take a balanced view on this argument, and the failures are therefore considered unacceptable.

b. Daylight Results: Impacts on Proposed Units

8.71 A summary report of the VSC and ADF for the proposed units has been submitted. Levels of VSC should achieve a minimum of 27%. 10 of the proposed 16 units fail to achieve this minimum. However, all of the rooms achieve the recommended ADF level.

8.72 With relation to NSL for the proposed units, the applicants have advised that all but two of the fourteen rooms tested have an NSL in excess of 83%. However no raw data has been

provided apart from the daylight distribution plans. This would usually be in the form of daylight distribution plots.

2. Sunlight Assessment

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

a. *Sunlight Results: Impacts on Neighbouring Properties*

8.74 A sunlight assessment has not been submitted for Regent Square, which is considered unacceptable.

b. *Sunlight Results: Impacts on Proposed Units*

8.75 The sunlight assessment has been carried out for the living and bedrooms of two of the ground floor units. However only one more bedroom (of flat 3) has been assessed. It is unclear why a full assessment of all of the rooms has not been carried out.

8.76 Of the rooms assessed, results of the sunlight assessment demonstrate that two ground floor bedrooms (two separate units) will fail to comply with both winter and yearly guidance levels, and the third bedroom (of the third unit) will pass the yearly provision, but fail the winter provision (3.7% as a guidance level of 5%). The two living rooms assessed achieve both yearly and winter provision.

8.77 Despite the fact that there are failures at ground floor level, the assessment does not continue to the upper floors. Good practice would be to continue the analysis for the upper floors until there are no failures.

8.78 The assessment of the APSH for the proposed development is incomplete, and fails to demonstrate that the development would provide an acceptable level of amenity for future residents.

3. Sunlight in gardens and open spaces

8.79 The BRE report (second edition) advises that for new gardens and amenity areas to appear adequately sunlit throughout the year *“at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March.”*

8.80 Majority of the open space, amenity space and rear garden areas of the neighbouring and proposed building will have receive at least 2 hours of sunlight on 21st March.

Highways

8.81 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.

8.82 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity

of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policies DM20, DM21 and DM22 of the Managing Development DPD (submission version 2012) seek similar objections and aims as the Core Strategy.

- 8.83 The site has a good level of accessibility to public transport, with a Public Transport Access Level of 4 and 5 where 1 represents the lowest and 6b the highest. The subject site has four bus routes operating within the vicinity, with the closest bus stops on Violet Road within two minutes walking distance of the site. The D8 (from Violet Road), 323 (from Devons Road Station), 309 (from Broomfield Street) and 108 (accessed from Blackwall Tunnel Northern Approach) can all be reached and provide transportation to Stratford, Isle of Dogs, Canning Town, Mile End, Bethnal Green and Lewisham. The closest DLR stations are Bow Church (250-300 metres from the site), Devons Road (350 metres from the site) and Langdon Park (600 metres from the site) within 10 minutes walking distance from the site.
- 8.84 The proposed development site lies within the western section of Stroudley Walk. The proposal includes the creation of a temporary servicing turning head at the western end of Arrow Road.
- 8.85 At present Stroudley Walk is pedestrianised. The outline application seeks to create a one way northbound street leading from Bruce Road to Bromley High Street, however this is not part of the detailed application being considered. The detailed application proposes a turning head at the end of Arrow Road and on Stroudley Walk, which will allow refuse trucks to collect refuse from the development and turn and exit the site. The turning area is also proposed with bollards at either end of the turning head to restrict unlawful vehicles using Stroudley Walk from the turning head. Whilst no details of the surface treatment have been provided, it could be conditioned to ensure that the turning area is designed to an adoptable standards or/and to create a shared surface treatment if appropriate. Therefore there is no objection in principle to the proposed turning head.

Car parking

- 8.87 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.88 The proposed development does not provide any on-site parking space and given the site's locality with good level of public transport, a car-free agreement could be secured if the development was to be approved.

Refuse

- 8.89 The application provides two separate waste storage areas. The total storage capacity will allow for 8 day storage of refuse and recycling generated by the development as specified in the capacity guidelines in Appendix 2 of the Managing Development DPD (submission version 2012). Therefore, suitable refuse storage arrangement has been provided.

Cycle Parking

- 8.90 The Council's cycle parking standard is a minimum of one cycle parking space for 1 or 2 bed units, and 2 cycle parking spaces for 3 or more bed units. The scheme proposes a total of 22 cycle parking spaces incorporated within the building using Josta 2 Tier Racks. This meets the required minimum of 21 spaces.

Other

Energy

- 8.91 At a national level, NPPF state that the local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. Paragraph 95 states that local authorities should set requirements for building's sustainability. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.92 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.93 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). The Council's own policy DM29 of the Managing Development DPD (submission version 2012) requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.
- 8.94 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.95 The current proposals sets out that Phase 1 of the development is anticipated to achieve a 35% reduction in CO2 emissions over Building Regulations 2010. The submitted information also sets out a commitment to delivering a single energy centre and linking all phases of the development to deliver the hotwater requirements and space heating through a CHP engine. The boilers to be utilised for phase 1 will be re-used within the centralised energy centre located in phase 2 of the development. The document also sets out that phase 1 of the development could meet the policy requirements (should phases 2 and 3 not be delivered) through the use of centralised boiler equipment and a 185m2 PV array.

Sustainability

- 8.96 In terms of sustainability, London Borough of Tower Hamlets requires all residential development to achieve a Code for Sustainable Home Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011, Policy DM29 of the Managing Development DPD (submission version 2012) and Policy DEV5 of the London Borough of Tower Hamlets Interim Planning Guidance. The submitted Energy Strategy and pre-assessment details demonstrates the scheme has been designed to achieve a Code for Sustainable Homes Level 4.
- 8.97 The Council's Energy Efficiency Unit is satisfied with the energy efficiency for this a stand alone site and its consideration for the wider strategic redevelopment of Stroudley Walk and the opportunity for a centralised CHP for the whole of the development.

Viability

- 8.98 The application was accompanied by a viability toolkit and it has been assessed by an independent consultant, appointed by the Council. The viability assessment took into

account of the whole estate redevelopment (all phases) rather than Phase 1 separately.

- 8.99 The viability review concludes that the estate wide regeneration is not viable and the scheme cannot deliver the policy compliant affordable housing on the entire estate, and the required s106 to mitigate against the impact arising from the development. The Council's independent consultant's appraisal of the proposed scheme also concludes that the proposed site wide scheme with an uplift of 20% of affordable housing is not viable and the developer will be in deficit. The details of the full proposal can be reviewed on the report for PA/10/00373.
- 8.100 Notwithstanding the results of the financial viability, the Applicant has stated that a contribution of £1,500 per private unit of the entire scheme will be provided. This amounts to a total contribution of £139,500 for the entire scheme.

Section 106 Requirements

- 8.101 (i) In accordance with the NPPF and
- 8.102 regulation 122 of the Community Infrastructure Levy Regulations 2010 planning obligations should only be sought, and constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.103 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 8.104 The Council has recently adopted a Supplementary Planning Document on Planning Obligations in January 2012. Planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

- Affordable Housing
 - Employment, skills, training and enterprise
 - Community facilities
 - Education
- 8.105 Working on the basis of the Applicant's s106 offer of £1,500 per private unit, a total of **£21,000** would be available from the Applicant to mitigate the impact of the proposed development from Phase 1.
- 8.106 In normal circumstances the following are financial contributions required to fully mitigate the impacts arising from the proposed development within Phase 1.
- § Employment, skills, training and enterprise – Financial Contribution of **£3,079** to support and/or provide the training and skills needs of local residents in accessing job opportunities at the end-phase of the proposed development.
 - § Community Facilities – A contribution of **£4,788** towards provisions of additional

community facilities as identified in the Core Strategy.

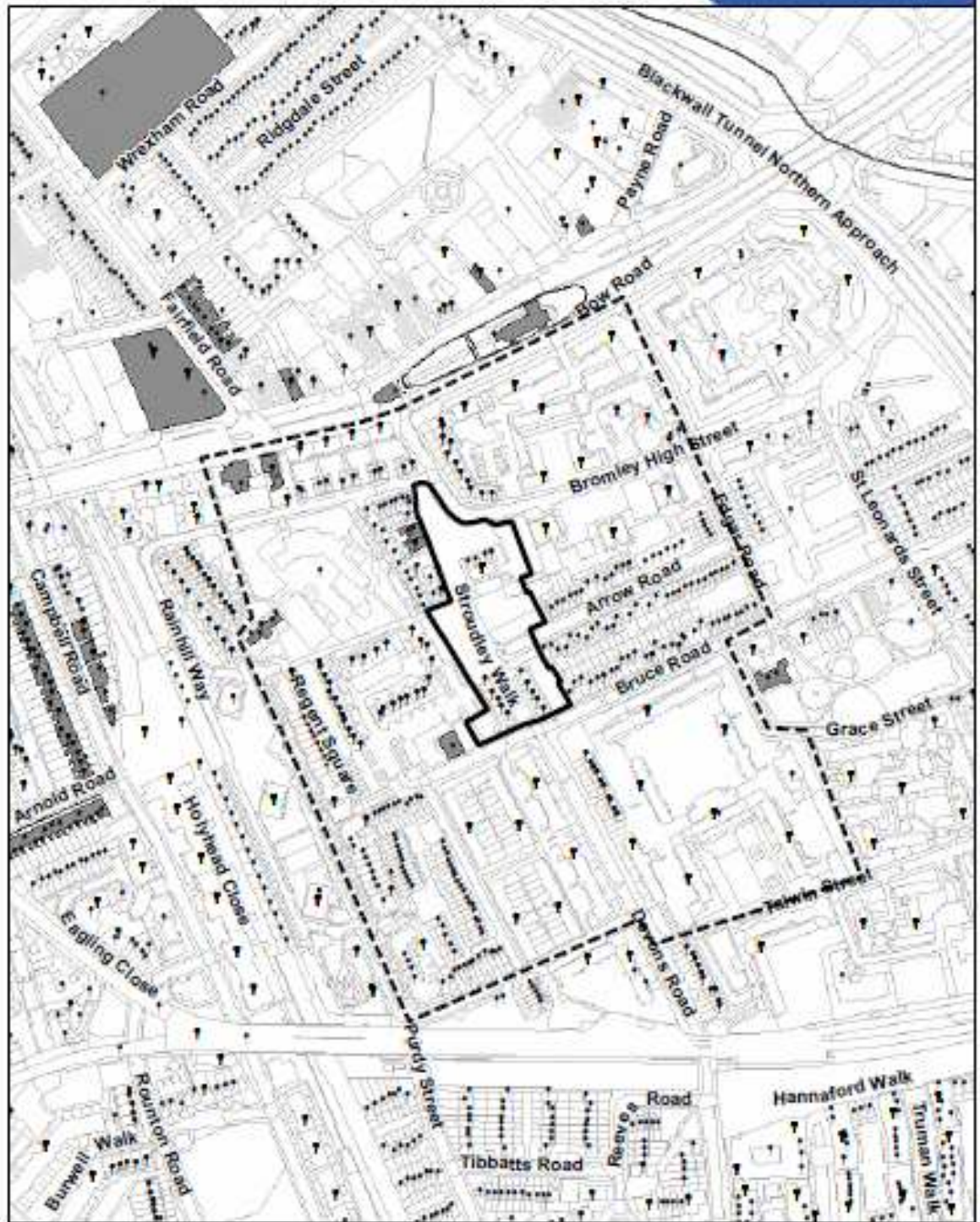
- § Education - Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Planning Obligations SPD, the proposal would result in the need for 2 additional primary places at £14,830 per place, and an additional secondary school places at £22,347 per place. The total education financial contribution sought is **£52,007**.
- § Leisure - A contribution of **£16,971** towards provisions of additional leisure facilities as identified in the Core Strategy.
- § Sustainable Transport – A contribution of **£570** towards Smarter Travel initiatives.
- § Public Realm (Open Space) – A contribution of **£2,541** towards publicly accessible open space within the borough.
- § Public Realm (streetscene and built environment) – A contribution of **£6,650** towards streetscene improvements directly adjoining development.
- § Health – The nearest current practice that has the development in its catchment area is Stroudley Walk which is planned to relocate to the new hub being developed at the St Andrew's Hospital site to accommodate the expected population growth from this and other developments in the locality. The contribution of **£20,961** would go towards the long lease or fit out costs for this development.

8.107 The total s106 financial contribution of **£107,567 (plus 2% monitoring fee)** would normally be required for the size of the development at Phase 1, and this is considered to meet the key tests set out in the NPPF and comply with regulation 122 of the Community Infrastructure Levy Regulations 2010.

9. Conclusions

9.1 All other relevant policies and considerations have been taken into account and in the absence of an acceptable and appropriate estate wide regeneration, the proposed development on its own is not acceptable and is recommended for refusal.

Planning Application Site Map



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


1:3,500

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

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Agenda Item 8

Committee: Development	Date: 5 th June 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: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No:
Report of: Director of Development and Renewal		Title: Planning and Conservation Area Consent Applications	
Case Officer: Paul Buckenham		Ref No: PA/11/02220 and PA/11/02221	
		Ward: Spitalfields and Banglatown	

1. APPLICATION DETAILS

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

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

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

AMENDED PLANS

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

Applicant: Exemplar Properties (Brushfield) LLP
Ownership: Private
Historic Building: Grade I and Grade II Listed Buildings adjacent
Conservation Area: Fournier Street and Brick Lane Conservation Area
Artillery Passage Conservation Area

2. PURPOSE

- 2.1 The purpose of this report is to update members of the Strategic Development Committee on the progress of these applications.

3. RECOMMENDATION

- 3.1 The Committee is requested to note the contents of the report and is not required to make a decision.

4. BACKGROPUND

- 4.1 On 31 May 2012 the Strategic Development Committee resolved to refuse planning permission and conservation area consent, subject to any direction by the Mayor of London.

- 4.2 The applications are of a strategic nature and fall within the scope of the criteria set out in the Town and Country Planning (Mayor of London) Order 2008 for referral to the Mayor of London before a final decision can be issued. In accordance with the requirements of the Order and associated legislation, the applications were referred to the Mayor of London on 8 June 2012 - known as the Stage 2 referral.
- 4.3 The Stage 2 Referral included full details of the Strategic Development Committee's decision, the relevant officer reports, responses from statutory consultees and all representations received from third parties.

5. MAYOR OF LONDON'S STAGE 2 DECISION

- 5.1 The Mayor of London published his decision on 20 June 2012 stating that he has decided to "call-in" the applications for his own determination. This means that the applications will be the subject of a hearing at City Hall, where the applicant, the Council and other interested parties (including objectors to the scheme) will be invited to make representations as part of the decision making process.
- 5.2 At the time of writing, the date of the hearing and formal arrangements had yet to be confirmed. Any further update will be reported to the Strategic Development Committee at its meeting on the 6th July 2012.
- 5.3 Everyone who has made representations on the applications will be notified in writing of the proposed hearing date and will have the opportunity to attend.

6. APPENDICES

- 5.1 A copy of the Mayor of London's decision letter is appended.

GREATER LONDON AUTHORITY

Mayor's Office

City Hall
The Queen's Walk
More London
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk
Our ref: PDU/1018a/GC/04
Your ref: PA/11/02220
Date: 20 June 2012

Owen Whalley

Development and Renewal
Planning and Building Control
Mulberry Place
PO Box 55739
5 Clove Crescent
LONDON E14 2BG

For the attention of Paul Buckenham (case officer)

Dear Mr. Whalley

Town & Country Planning Act 1990 (as amended) ("1990 Act"); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

**London Fruit and Wool Exchange, Brushfield Street, 99-101 Commercial Street, 54
Brushfield Street and White's Row car park, Spitalfields
Local Planning Authority reference: PA/11/02220**

Direction under Section 2A of the 1990 Act

I refer to your letter of 8 June 2012 informing me that Tower Hamlets Council is minded to refuse planning permission for the above planning application. I refer you also to the notice that was issued on 13 June 2012 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case, reference PDU/1018a/02 (copy enclosed), I hereby direct (under the powers conferred by Section 2A of the 1990 Act) that I will act as the local planning authority for the purposes of determining the above planning application and the connected conservation area consent.

My reasons are as follows:

a) The development would have a significant impact on the implementation of the London Plan:

- The application would contribute to the delivery of Central Activities Zone (CAZ) priorities with regard to the need to ensure adequate office capacity to meet future demand. It would generate employment and contribute to increasing the offer presented by the CAZ, serving to increase London's world city status, a key economic policy objective of the London Plan. In addition, the provision of significant office floorspace on this site, within a constrained section of the CAZ, would ensure a major development site would fulfil its potential, as part of a finite number of opportunities within the City Fringe opportunity area.

- The application would give rise to a £2,026,716 contribution towards Crossrail, which the applicant has committed to pay. Therefore, the application has the potential to contribute towards the delivery of Crossrail, thus helping to deliver the principal transport policy priority within the London Plan.

b) The development would have a significant effect on more than one borough:

- The provision of high quality large-scale office floorspace in this constrained City Fringe location would complement the offer within the CAZ, and support an internationally competitive business cluster. The proposed development at this site, and the jobs and office floorspace it would deliver, has a clear relationship with the other City Fringe opportunity area and CAZ boroughs in ensuring that the Zone as a whole continues to maximise the strategic employment function of London to support its world city role.
- This application, by virtue of its financial contribution towards Crossrail, would assist in the delivery of a cross-borough strategic transport project vital to the longer-term development of the capital.

c) There are sound planning reasons for my intervention:

- The proposal would, in line with London Plan Policy 2.10 and associated policies, support the strategic objectives for the CAZ through the delivery of high quality large-scale office floorspace in an important yet constrained location, and contribute towards meeting London Plan projections for office space demand and employment growth within the Zone.
- The proposal would, in line with London Plan Policy 2.13, support the strategic policy direction for the City Fringe opportunity area, broadly deliver the indicative quantum of development and jobs expressed for the site within the consultation draft City Fringe opportunity area planning framework, and contribute towards meeting the indicative estimates for employment capacity within the City Fringe opportunity area.
- The principle of providing a high-quality, office-led mixed use development on this CAZ site, within an opportunity area, is strongly supported in strategic planning terms. Due to the constraints to large-scale office development in City Fringe locations, suitable development opportunities, on appropriate sites, must be promoted. The provision of a significant amount of high quality office accommodation in this location would help to meet the future demands of the business and financial sector, and will enable London to maintain and expand its world city role, in accordance with national, regional and local policies.
- Failure to promote appropriate development could potentially impact upon the economic health of the Central Activities Zone as whole.

In taking this decision, I have also taken account of the Council's current and past performance against relevant development plan targets, which in this instance include those relating to offices and employment. The Tower Hamlets Core Strategy (2010) does not identify specific policy targets for office and employment in the Borough's portion of the CAZ or City Fringe opportunity area, or across the Borough as a whole. Therefore, the only relevant policy targets are set out in the London Plan. London Plan Table 4.1 identifies demand for up to 3,070,000 sq.m. of office floorspace in the CAZ and the north of the Isle of Dogs by 2031. London Plan Table 1.1 projects a 46.4% growth in employment within Tower Hamlets by 2031, and provides an adjusted triangulated forecast benchmark for 2011 of

227,000 jobs. London Plan Table 1A.1 indicates the City Fringe Opportunity Area has capacity to provide 70,000 new jobs by 2031.

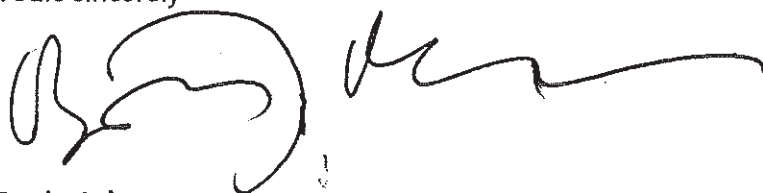
A detailed assessment of the Council's performance against these targets is set out within paragraphs 44 to 50, of my officer's report, which accompanies this letter. Based on this assessment it is clear that Tower Hamlets Council has a good historic record in assessing and permitting planning applications for office floorspace in the Borough and the CAZ area, and that the Borough has seen a good level of recent employment growth to offset a proportion of losses during 2008-09. However, recent trends indicate a decline in the delivery of new office floorspace both Borough-wide and in the Borough's portion of the CAZ, and the Council's self assessment within its Annual Monitoring Report (2010-11) finds that performance with respect to providing additional employment floorspace (including B1[a] office) is currently off target. It is also noted that employment levels within the Borough would currently fall short of the indicative employment projections forecast within the London Plan.

In my opinion it is likely that recent challenges to delivering office floorspace and employment growth are linked to broader economic trends, and within this context it is particularly important that strategic office development, in suitable but finite CAZ and City Fringe locations, is promoted to support London's globally competitive business cluster and promote growth.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. I have taken the environmental information made available to date into consideration in formulating my decision.

I would be grateful if you provide me, as soon as reasonably practicable, any information relevant to the above application, and to the connected application, which has not already been provided. In due course I will notify you of the date of the representation hearing (if one is requested) and I will consult you on any draft planning obligation and/or conditions.

Yours sincerely



Boris Johnson
Mayor of London

cc John Biggs, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning and Housing Committee
Ian McNally & John Pierce, DCLG
Alex Williams, TfL
Gerald Eve LLP, 72 Welbeck Street, London W1G 0AY

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Agenda Item 8.2

Committee: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No:
Report of: Director of Development and Renewal	Title: Town Planning Application		
Case Officer: Mandip Dhillon	Ref No: PA/11/03824		
			Ward: Blackwall and Cubitt Town

1. APPLICATION DETAILS

Location: Orchard Wharf, Orchard Place, London

Existing Use: Vacant/Brownfield Site

Proposal: Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.

1) Outline Application: All matters reserved

Jetty; and Ship to shore conveyor.

2) Full details

Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.

Drawing Nos/Documents: Drawings:
Figure 2.1 rev C
Figure 2.2 rev D
Figure 2.3 rev D
Figure 2.4 rev D
Figure 2.5 rev D
Figure 2.6 rev C
Figure 2.7 rev B
Drawing 2565/20 rev B
Figure 3

Documents:
Design and Access Statement dated December 2011
Energy Report (Planning Stage) dated December 2011
Sustainable Design and construction Statement dated December 2011
Non-Technical Summary (Environmental Statement) dated December 2011
Lighting Assessment dated December 2011
Statement of Community Involvement dated December 2011
Planning Statement dated December 2011
Environmental Statement dated December 2011

Applicant: Aggregate Industries UK Ltd & London Concrete Ltd

Ownership: Port of London Authority and Grafton Group.

Historic Building: None
Conservation Area: None

2. RECOMMENDATION

2.1 Members are not required to make any decision. The purpose of this report is to update Member's on the progress of this application.

3 Background

3.1 An Application for planning permission was reported to Strategic Development Committee on 31st May 2012 with an Officer recommendation for approval.

3.2 Member's expressed concern over the safeguarding status of the Orchard Wharf site, the impact of the development on the FAT walk, the impact from noise and general use on the biodiversity of the site and the East India Dock Basin, the impact of noise on neighbours, transportation impacts and design and impact on views. Member's voted to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision.

4 Safeguarded Wharves Review 2011/2012 Consultation Draft

4.1 Officers reported at the Strategic Development Committee that the GLA have recently reviewed the status of the safeguarded wharves within the London area through their Safeguarded Wharves Review 2011/2012 consultation draft document. Whilst the safeguarding of Orchard Wharf was not objected to at the time of the consultation, Members expressed that due to the changing nature of the area, objections should have been raised. In light of the comments received, Officers have submitted formal objections to the safeguarding status of Orchard Wharf and we await the GLA's view on our objection issued.

4.2 Officers anticipate an update on the status of the Safeguarded Wharves Review 2011/2012 document in July 2012. As such, Officers will be in a position to report this information back to Members, alongside the full reasons for refusal in August.

5 London Thames Gateway Development Corporation Planning Committee

5.1 Following the Committee Meeting of 31st May 2012, Officers have provided observations to the Corporation based on the concerns raised by Members. A copy of these representations is attached as an appendix to this report.

5.2 The LTGDC are therefore timetabling to take the Orchard Wharf application to their planning committee on the 9th August 2012.

6 LBTH Strategic Development Committee

6.1 Officers will present a full update of the Safeguarded Wharves Review 2011/2012 document at the August Strategic Development Committee.

6.2 Officers will also present full reasons for refusal for the Orchard Wharf application, for Members consideration at the August Strategic Development Committee.

7.0 APPENDICIES

7.1 Appendix One – Observations Issued to LTGDC

My ref: PA/11/03824

Stephen Allen,
Planning Development Officer,
London Thames Gateway Development Corporation,
10th Floor,
2 Exchange Tower,
Harbour Exchange Square,
London,
E14 9GE

Development & Renewal
Town Planning
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5 Clove Crescent
E14 1BY
www.towerhamlets.gov.uk

Tel 020 7364 6614
Fax 020 7364 5415

Mandip.dhillon@towerhamlets.gov.uk

8th June 2012

Dear Mr. Allen,

Town and Country Planning Act 1990 (As Amended)
Observations to London Thames Gateway Development Corporation

Location: Orchard Wharf, Orchard Place, London

Proposal: Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.

1) Outline Application: All matters reserved

Jetty; and Ship to shore conveyor.

2) Full details

Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.

I write with reference to the application made to the London Borough of Tower Hamlets on 22nd December 2011 which is also to be determined by the London Thames Gateway Development Corporation.

The London Borough of Tower Hamlets Planning Department presented the application to the Strategic Development Committee Members on 31st May 2012 with an Officer recommendation to Grant planning permission. A copy of the Planning Committee report is attached to this Observation Letter for information purposes.

Following much discussion at the planning committee meeting, Members resolved not to accept the officer recommendation. Members were minded to refuse the planning application due to concerns over:

- 1) The safeguarding status of Orchard Wharf;
- 2) The impact of the development on the FAT walk;

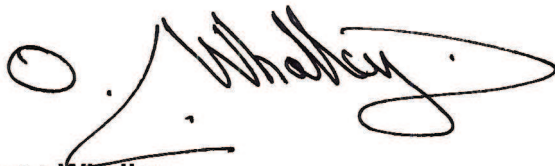
- 3) Impact from noise and general use on the biodiversity of the site and the East India Dock Basin;
- 4) Impact of noise on neighbours;
- 5) Transportation impacts; and
- 6) Design and Impact on Views.

In accordance with the Development Procedural Rules, the application has been deferred to enable Officers to prepare a supplementary report to be presented to a future planning committee meeting. This supplementary report will set out the proposed detailed reasons for refusal and the implications of the decision taken.

It is requested that the LTGDC Planning Committee takes the above concerns into account when considering the Planning Application at Orchard Wharf.

Should you have any further queries in relation to the above, please contact Mandip Dhillon on 020 7364 6614.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Owen Whalley', written over a horizontal line.

Owen Whalley
Head of Planning and Building Control

Agenda Item 8.3

Committee: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No: 8.3
Report of: Director of Development and Renewal		Title: Update on Planning Appeal Progress	
Case Officer: Richard Murrell		Ref No: PA/11/00163	
		Ward: St Katharine's and Wapping	

1. APPLICATION DETAILS

Location:	Tower House, 38-40 Trinity Square, London EC3N 4DJ
Existing Use:	Vacant construction site and Tower Hill Underground station ticket hall
Proposal:	Erection of a 9-storey building with basement, comprising a 370-room hotel (Use Class C1) with associated ancillary hotel facilities including cafe (Use Class A3), bar (Use Class A4) and meeting rooms (Use Class B1) with plant and storage at basement and roof level. The application also proposes the formation of a pedestrian walkway alongside the section of Roman Wall to the east of the site; the creation of a lift overrun to facilitate a lift shaft from ticket hall level to platform level within the adjacent London Underground station and associated step free access works; works of hard and soft landscaping; and other works incidental to the application
Applicant:	CitizenM Hotels
Ownership:	Various, including London Underground Ltd, TfL, Historic Royal Palaces, The Corporation of London, Tower Hill Improvement Trust, DEFRA and EDF

2. PURPOSE

- 2.1 The purpose of this report is to update members of the Strategic Development Committee on the progress of this appeal.

3. RECOMMENDATION

- 3.1 The Committee is requested to note the contents of the report and is not required to make a decision.

4. BACKGROUND

- 4.1 On 8th March 2012 the Council refused planning permission for the above-mentioned development. In-line with the resolution made by Members at

Strategic Development Committee on 1st March 2012, the decision notice specified three reasons for refusal:-

1. The proposal, in terms of its height, scale, bulk, design and elevational treatment represents an inappropriate form of development and fails to preserve or enhance the character, appearance and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, adjacent listed buildings and the adjacent Scheduled Ancient Monument. As such, the proposal fails to accord with Planning Policy Statement 5 (2010), policies 7.6, 7.7, 7.8, 7.9 and 7.10 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010), saved policy DEV1 of the Unitary Development Plan (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007) and policies DM24, DM26, DM27 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) which seek to protect the character, appearance and setting of heritage assets. The proposal also fails to accord with the aims and objectives of Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

2. The proposal will have a detrimental impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and would fail to maintain local or long distance views in accordance with policies 7.10, 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) which seek to ensure large scale buildings are appropriately located and of a high design standard, whilst also seeking to protect and enhance regional and locally important views

3. The proposal will provide inadequate arrangements for site servicing and coach drop off which will result in unacceptable vehicular and pedestrian conflict within the immediate locality to the detriment of highway safety, contrary to policy 6.7 of the London Plan (2011), policy SP09 of the Core Strategy Local Development Framework (2010), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy DEV17 of the Council's Interim Planning Guidance (October 2007) and policies DM20, DM21 and DM22 of the draft Managing Development DPD (Proposed Submission Version January 2012)

4.2 The Applicant has lodged an appeal against the decision of the Council. The Appeal will be dealt with by way of a Public Inquiry. The Inquiry will take place in the Council chamber and will commence at 10.00am on 18th September 2012.

4.3 Copies of any representations already made in relation to the application have been sent to the Planning Inspectorate. Any further comments need to be sent directly to the Planning Inspectorate by 12th July 2012.

5. PROGRESS OF APPEAL

5.1 The Council is in the process of preparing its case to defend the appeal. As part of this process the Council has sought expert advice in relation to each of the

reasons for refusal. This advice included a review of matters relating to design and protected views, which was carried out by planning consultants at Nathaniel Lichfield and Partners. The Council also appointed transport consultants at Steer Davies Gleave to give advice on issues around site servicing and highway safety.

- 5.2 The Director of Development and Renewal has reviewed this advice and has concluded that the Local Planning Authority cannot substantiate the 2nd and 3rd reasons given for refusing the planning permission and to maintain such reasons is highly likely to expose the Council to an award of costs. The Planning Authority has therefore written to the main appeal parties stating that it will not be presenting evidence to defend these reasons at the appeal.
- 5.3 This approach follows the guidance given at paragraph A28 of Circular 03/09 'Costs and Awards in Appeals and other Planning Proceedings' which states that 'parties should be willing to accept the possibility that a view taken in the past can no longer be supported and act accordingly at the earliest opportunity'.
- 5.4 The same advice also concluded that the Council had good grounds to defend the first reason for refusal. The Council will submit its Statement of Case, which will outline the main arguments that will be advanced in defence of this reason to the Planning Inspectorate by the appeal timetable deadline of 9th July 2012. The appeal will be robustly defended by officers and Committee members are invited to attend the Inquiry commencing on 18th September 2012.

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