

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 16 August 2012 at 5.30 p.m.

A G E N D A

VENUE

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

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

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, 16 August 2012

5.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

| | PAGE NUMBER | WARD(S) AFFECTED |
|--|------------------------|-----------------------------|
| 3. UNRESTRICTED MINUTES | | |
| To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 5th July 2012. | 5 - 18 | |

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.

19 - 20

The deadline for registering to speak at this meeting is 4pm Tuesday 14th August 2012

| | | | |
|-------------|--|--------------------|---|
| 6. | DEFERRED ITEMS | 21 - 24 | |
| 6 .1 | Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Outline Application (PA/10/00373) | 25 - 72 | Bromley-By-Bow |
| 6 .2 | Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Full Planning Application (PA/10/00374) | 73 - 104 | Bromley-By-Bow |
| 7. | PLANNING APPLICATIONS FOR DECISION | 105 - 108 | |
| 7 .1 | Cayley Primary School, Aston Street, London, E14 7NG PA/12/00920 | 109 - 124 | St Dunstan's & Stepney Green |
| 7 .2 | Orchard Wharf, Orchard Place, London (PA/11/03824) | 125 - 194 | Blackwall & Cubitt Town |
| 7 .3 | ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670) | 195 - 274 | Blackwall & Cubitt Town |
| | | PAGE NUMBER | WARD(S) AFFECTED |
| 8. | OTHER PLANNING MATTERS | | |

Nil items.

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

| Subject | Prescribed description |
|---|---|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.10 P.M. ON THURSDAY, 5 JULY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Carlo Gibbs
Councillor Judith Gardiner
Councillor Bill Turner (Vice-Chair)
Councillor Zara Davis
Councillor Stephanie Eaton

Councillor Peter Golds
Councillor Denise Jones

Other Councillors Present:

Councillor Khaled U. Ahmed

Officers Present:

| | |
|-----------------|---|
| Megan Nugent | – (Legal Services Team Leader, Planning, Chief Executive's) |
| Jerry Bell | – (Strategic Applications Manager, Development and Renewal) |
| Amy Thompson | – (Strategic Applications Planner) |
| Jane Jin | – (Planning Officer, Development and Renewal) |
| Richard Murrell | – (Deputy Team Leader, Development and Renewal) |
| Paul Buckenham | – (Interim Team Leader Development Schemes, Planning & Building Control, Development & Renewal) |
| Pete Smith | – (Development Control Manager, Development & Renewal) |
| Alan Ingram | – (Democratic Services) |

COUNCILLOR HELAL ABBAS (CHAIR), IN THE CHAIR

On opening the meeting, the Chair proposed and it was **agreed** to hold a brief adjournment as a Member had been delayed by traffic. The meeting reconvened at 7.10 p.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Dr Emma Jones and Helal Uddin, for whom Councillors Peter Golds and Denise Jones deputised respectively.

2. 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 |
|-------------------|---------------------|-------------------------|--|
| Helal Abbas | 8.1 | Personal | Ward Councillor. |
| | 7.1, 7.2, 8.2,8.3 | Personal | Had received representations from interested parties for and against the applications but had not responded to them. |
| Judith Gardiner | 7.1, 7.2, 8.1 & 8.2 | Personal | Had received representations for and against the applications from interested parties but had not responded to them |
| | 7.1, 7.2 | Personal | Had formerly been a member of the Poplar HARCA Board. |
| Denise Jones | 7.1, 7.2, 8.1 & 8.2 | Personal | Had received representations from interested parties relating to the applications but had not responded to them. |
| | 8.2 | Personal | Was a Trustee of Trinity Buoy Wharf Board and was a |

| | | | |
|-------------|---------------------|----------|---|
| | | | Council representative on the Lower Lea Valley Board. |
| Carlo Gibbs | 7.1, 7.2, 8.1 & 8.2 | Personal | Had received representations for and against the applications from interested parties but had not responded to them. |
| Bill Turner | 7.1, 7.2, | Personal | Had received representations for and against the applications from interested parties and from people he knew, including Members of Poplar HARCA Board, but was not predetermined on these matters. |
| | 8.1, 8.2, 8.3 | Personal | Had received many representations for and against the matters but had not responded to them. |
| Zara Davis | 7.1, 7.2, 8.1 & 8.2 | Personal | Had received many representations for and against the applications but had not responded to them. |
| Peter Golds | 7.1, 7.2 | Personal | Had received many representations for and against the applications but had not responded to them. |
| | 8.1 | Personal | A number of personal contacts had been made to him but he had not |

| | | | |
|-----------------|---------------------|----------|--|
| | 8.2 | Personal | expressed an opinion. |
| | 8.2, 8.3 | Personal | Ward Councillor. Had received many representations for and against the matters but had not responded to them. |
| Stephanie Eaton | 7.1, 7.2, 8.1 & 8.2 | Personal | Had received representations for and against the applications but had not responded to them. |

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 31st May 2012 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Outline Application (PA/10/00373)

The Chair indicated that the planning applications set out in agenda items 7.1 and 7.2 would be considered concurrently, as they related to the same site, but with a separate vote on each.

Mr Pete Smith, Development Control Manager, introduced the Committee reports and update reports regarding planning applications for the redevelopment of Stroudley Walk Market, London, E3 3EW (PA/10/00373 and PA/10/00374).

The Chair invited registered speakers to address the Committee.

Mr Atta, a local shopkeeper, spoke in objection to the application, expressing the view that the applications showed no consideration for the needs of local residents and contained inadequate space for children to play or the elderly to meet. Such space should be protected. More business units were needed, rather than less, and it was unclear if existing businesses would be able to return after works were completed. People did not want another Manhattan but it would be possible to accommodate everyone if space was used properly. The present proposal meant that people would be crammed into the area like sardines. He commented that he was making general criticisms of the scheme but there were many matters of detail that were unsatisfactory, including parking and other issues. A number of petitions had been raised against the proposals and people were not happy with the scheme. He stated that he was not against redevelopment of the area but a wise development was needed.

In response to questions from Members, Mr Atta stated that:

- There would be less retail units than at present and the proposals showed no interest in the business sector, just housing. In addition, his premises were next to a school with 800 pupils but there was nowhere for them to meet.
- Present parking problems included the fact that it was not even possible to load and unload vehicles. His car could be clamped and towed away after four minutes. Only Poplar HARCA took such action and more flexibility was needed rather than simply ticketing or towing vehicles.
- More working people were needed in the area, as 70-90% unemployment rates was no good for trade. If more businesses were allowed to operate, they would generate employment.

Ms Shopna Begum, speaking in support of the applications, stated that she had been a resident in the area for over 15 years and had three children in an overcrowded property. It was common to see from her home crowds of drunken people on Stroudley Walk. The area was run down and residents were afraid to walk there after dark because of groups of youths, vandalism and anti-social behaviour. There needed to be regeneration as people could not continue to live like that. The place was a slum, with dilapidated buildings. The scheme must go through and a new look to the area would help address anti-social behaviour. Local residents had lost hope with no action having been taken despite over five years' discussions. She asked the Committee to approve the applications accordingly.

In response to questions from members, Ms Begum stated that:

- She had not been promised a larger home if the redevelopment went ahead.
- Her block was damp and overcrowded. Youths took drugs in the lobby and there was never any action taken against that. The number of drunks with dogs made it unsafe to walk on the estate in the evenings.
- If there was regeneration of housing and many people lived there, space could be opened up to address anti-social behaviour and children would have access to open areas.
- She would prefer the provision of 100% social housing for local residents but understood that private housing had to be built to pay for the scheme.

Councillor Khales U. Ahmed, speaking in support of the applications, stated that he was not just a Ward Councillor but had been a local resident for 22 years. He was supporting the scheme to enable the provision of new shops and homes. The conditions in Stroudley Walk were currently severe and this area had remained isolated and undeveloped over the last 30 years. He felt that the position had been allowed to persist for far too long and the opportunity for redevelopment must not be lost. In order to obtain better housing, retail and community facilities for residents, the scheme must be supported. He had attended several meetings with Poplar HARCA to secure residents' interests, with local issues being addressed. He was surprised that some Cabinet and Executive members appeared to be against the proposals, which would result in the area remaining isolated for another couple of decades. He asked the Committee to resist the recommendations of Officers and approve the scheme. He had already dealt with Poplar HARCA on matters including parking, housing and environmental proposals and residents were very happy with the proposals.

Members sought legal clarification on the statements made by Councillor Khales U. Ahmed, in that these might enable individual Councillors to be identified, and expressing the opinion that any claims of wrongdoing should be made clear. Ms Megan Nugent, Principal Planning Lawyer, reminded Members that any allegations of misconduct should be referred to the Monitoring Officer. However, the statements made did not warrant any interruption to the business of the meeting.

The Chair invited Members to put questions to Councillor Khales U. Ahmed and, during the course thereof, reminded them to restrict questions to the statement he had made before the Committee.

Councillor Ahmed responded that:

- Warren House was now empty and tended to be a focal point where bored youths would hang around. Demolition was therefore urgently needed.
- His previous concerns over provision of social housing units and the new service road had now been resolved with the developers and HARCA. It was now time to proceed with the scheme.
- He was fully satisfied relating to the proposals in both the outline and detailed schemes.

Mr Jerry Bell, Strategic Applications Team Leader, presented the detailed reports and the updates assisted by a powerpoint presentation, regarding the outline and detailed planning applications. Mr Bell gave details of the proposed provision of residential units, as set out in the circulated report. Officers had met the applicants many times over a long period and it was accepted that the scheme would provide some regeneration benefits including community space and child space. However, the main reasons Officers were recommending refusal of the schemes related to loss of social housing and lack of S106 mitigation.

Overall, there would be only one less habitable room over the entire scheme. However, current policy required a 35% increase over and above re-provision of social housing and the scheme only provided an 11% increase. In addition, a total S106 financial contribution of £894,757 plus fees would normally be required for the size of the development, whilst a contribution of £143,420 was being proposed by the developer. Despite this, in terms of Residual land Value, the scheme was considered not financially viable by Officers. Mr Bell indicated that the applications were not supported due to impacts on health, education and open space provision.

The Chair then invited queries from Members and an extended and very detailed question and answer session ensued, with Members' questions including:

- Current policy on the levels for re-provision of social housing.
- Consequences for the Council and residents if S106 contributions for school places were not met.
- Concerns arising from the proposed reduction in parking bays and consultations between Poplar HARCA and residents.
- Concerns expressed about the level of anti-social behaviour on the estate.
- Whether accepting a reduced level of S106 contributions for the scheme would set a disadvantageous precedent for the Council.
- What factors would make the scheme financially unviable.
- Why protracted deliberations with the developer had still resulted in the submission of a scheme that Officers did not support.

- The lack of Housing Officers at the meeting, despite their support for the scheme.
- Issues around Residual Land Values in the context of the present economic climate.
- The position regarding tests carried out on daylight and sunlight.
- The relative height of the tallest building in the scheme in relation to other local developments.
- The proposed mix of tenures on the estate and whether this was considered satisfactory
- Policy on minimum floor space standards and whether the proposals could result in further overcrowding.
- Reasons for Officers' recommendations for three retail units when there were currently 11 on site and how this might be expected to encourage regeneration.
- Whether proposed parking provision would be adequate.
- Considerations for addressing noise nuisance and appropriate insulation.
- Whether all family units would be at ground level with gardens.
- Clarification regarding the focus on habitable room requirements, when flexibility had been shown in other schemes.
- The impact of the scheme's financial viability and the consequences for Poplar HARCA.
- Whether any other similar scheme in the area could be viable as it would also struggle to deliver the level of social housing required.
- What would be the implications for the local area and residents if the scheme did not proceed.

A summary of Officers' replies included information that:

- Social housing provision was an element which was taken into account but the scheme had been considered mainly on development merits and also existing planning policies.
- New affordable housing units provided by the scheme would be available to persons on the Borough-wide housing waiting list. Stroudley Walk had issues with overcrowding and some families there needed larger accommodation but allocation of units was not a Planning role.
- Implications for the Council of reduced S106 contributions for education would mean that additional school places would have to be funded from the central education funds. Children would have to be accommodated in existing schools.
- Police comments regarding personal security had been noted during the design stage of the scheme.
- Acceptance of a reduced level of S106 contributions would not set a disadvantageous precedent as all applications were considered on their individual merits and were viability-tested. Residual land values would always vary between sites in the Borough.
- Only 18 estate parking permits had been issued to existing residents, and therefore the existing parking spaces were not fully utilised. All

spaces on the estate were controlled by the HARCA. New homes on the estate would also be car free developments.

- The size of retail units under Warren House could be controlled by planning conditions, if required.
- Housing staff had been unable to attend the meeting because of personal reasons but they had been fully involved in discussions at all stages of the applications and fully appreciated the need to improve Stroudley Walk. They were aware of viability issues that could affect housing aspirations. There was a need to achieve balance between various elements of the development and Housing Officers recognised that there were other implications than housing issues arising from S106 contributions. The requirement for an infrastructure to support the community was appreciated.
- An explanation of the manner in which viability assessments were carried out was provided as detailed in the circulated documentation.
- Council and HARCA officials had been working together for some two years but there would always come a time when opinions did not always agree. Council Officers had taken the view that housing and regeneration benefits did not outweigh problems such as lack of education and health facility contributions. Recommendations for refusal of such schemes were not made lightly but an overall view had to be taken on its merits. It was appreciated that Poplar HARCA had worked hard to achieve social housing provision but, looked at in the round, the necessary balance was not there. Negotiations on this complex scheme had taken a long time but in the end it was found not to be viable. (The Chair added that the scheme could have been submitted to Committee at an earlier date but he had not been satisfied that it was suitable at the time.)
- There had been insufficient daylight and sunlight assessment. However, it had been considered pointless to ask for further testing on this point as Officers were not minded to support the application.
- Given the proximity of the tallest building to Bow Road and in the context of the Crossways Estate, the 16 storey tower was not felt to be too tall.
- Minimum floor space standards were set out in the GLA in the London Plan. There could be flexibility in applying these, depending upon particular circumstances, and floor space was not a factor in recommending refusal for this scheme.
- A variety of retail provision was being sought to create a vibrant local area and neighbourhood centre. Currently the only area for retail units was beneath Warren House and it was not viable to have 11 units there.
- The noise category was level C and there could be conditions relating to noise remedy measures, should the application be agreed.
- Ground floor units for families only could be considered as a reserved planning matter.
- Viability of schemes was decided on the merits of each individual project. Officers had to ask whether there was a balance of infrastructure delivery and whether the scheme could deliver

regenerative benefits with a lower level of affordable housing and lower S106 contributions. There was a difference of opinion between Officers and the developer on whether that provision was adequate and Officers felt unable to support the scheme, despite the HARCA absorbing the financial deficit.

- The scheme provided intermediate and social rented accommodation to cater for a range of people with different lifestyles.

Following further discussion, the Chair remarked that, after a two and a half hour debate, it was accepted that much work had gone into the scheme. Despite the feeling of some Members that there might be a case for deferral, it could well be that there might be no real change in Officers' opinion that the scheme should be refused. He felt that it was necessary to come to a decision at the meeting accordingly.

Councillor Judith Gardiner moved, and Councillor Denise Jones seconded, a motion – "That the question be now put." The motion was agreed.

The Chair then indicated that there would be a vote on whether or not to accept the Officer recommendation. On a vote of 3 for and 5 against, the Committee **RESOLVED**

That the Officer recommendation to refuse outline planning permission (PA/10/00373) at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, be **NOT ACCEPTED** for the following reasons:

- (1) The need to carry out improvements to the existing housing stock on the estate is paramount for the benefit of residents.
- (2) Whilst current market conditions are not ideal to ensure viable education and health provision, the applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.
- (3) The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations, is enough to help address the current housing problems in the Borough.
- (4) The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.
- (5) The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with this particular estate is not sustainable and neither is it sustainable for existing residents if the site is left undeveloped.

NOTE: The Committee further agreed that a condition should be added to the proposed scheme requiring retail units to be retained in the current format of several smaller units, rather than amalgamating them into one large unit.

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 approval, S106 details and conditions, along with the implications of the decision.

7.2 **Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Full Planning Application (PA/10/00374)**

For commentary see agenda item 7.1.

On a vote of 3 for and 6 against, the Committee **RESOLVED**

That the Officer recommendation to refuse full planning permission (PA/10/00374) at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, be **NOT ACCEPTED** for the following reasons:

- (1) The need to carry out improvements to the existing housing stock on the estate is paramount for the benefit of residents.
- (2) Whilst current market conditions are not ideal to ensure viable education and health provision, the applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.
- (3) The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations, is enough to help address the current housing problems in the Borough.
- (4) The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.
- (5) The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with this particular estate is not sustainable and neither is it sustainable for existing residents if the site is left undeveloped.

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 approval, S106 details and conditions, along with the implications of the decision.

Adjournment

At this point (10.05 p.m.) the Chair proposed and it was

RESOLVED that the proceedings be adjourned for a five minute break.

(N.B. Councillor Stephanie Eaton left the meeting at this juncture owing to other commitments.)

8. OTHER PLANNING MATTERS

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)

The Committee received an update report on the progress of the planning applications that had previously been refused, following the subsequent decision of the Mayor of London to “call in” the applications for his own determination.

Following concerns raised by Members, Mr Pete Smith, Development Control Manager, confirmed that he would enquire as to whether individual Members could address the hearing that would be held at City Hall.

RESOLVED

That the report be noted.

Extension to time

At this stage of the meeting (10.10 p.m.) the Chair proposed and it was

RESOLVED

That, in accordance with Procedural Rule 9.1, the meeting be extended for up to one hour to enable consideration of the remaining business on the agenda.

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

The Committee received a progress report on the application, which had been previously deferred so that Members’ concerns could be addressed. Officers had also subsequently submitted an objection to the safeguarding status of Orchard Wharf to the GLA, whose response was awaited.

RESOLVED

That the report be noted.

8.3 Tower House, 38-40 Trinity Square, London EC3N 4DJ (PA/11/00163)

The Committee received an update report regarding the decision notice issued in connection with the previous refusal of planning permission.

RESOLVED

That the report be noted.

The meeting ended at 10.30 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Agenda Item 6

| | | | |
|---|----------------------------------|--|-----------------------------|
| Committee: Strategic Development | Date: 16th August 2012 | Classification: Unrestricted | Agenda Item No: 6 |
| Report of: Corporate Director 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. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

| Date deferred | Reference number | Location | Development | Reason for deferral |
|---------------------------|------------------|---|---|--|
| 5 th July 2012 | PA/10/00373 | Stroudley Walk market, Stroudley Walk, London, E3 3EW | 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. | That the Officer recommendation to refuse outline planning permission (PA/10/00373) at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, be NOT ACCEPTED for the following reasons: (1) The need to carry out improvements to the existing housing stock on the estate is paramount for the benefit of residents. |
| 5 th July 2012 | PA/10/00374 | Stroudley Walk market, Stroudley Walk, London, E3 3EW | 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. | (2) Whilst current market conditions are not ideal to ensure viable education and health provision, the |

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

| | | | | |
|--|--|--|--|--|
| | | | | <p>applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.</p> <p>(3)The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations, is enough to help address the current housing problems in the Borough.</p> <p>(4) The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.</p> <p>(5) The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with this particular estate is not sustainable and neither is it</p> |
|--|--|--|--|--|

| | | | | |
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| | | | | <p>sustainable for existing residents if the site is left undeveloped.</p> <p>NOTE: The Committee further agreed that a condition should be added to the proposed scheme requiring retail units to be retained in the current format of several smaller units, rather than amalgamating them into one large unit.</p> |
|--|--|--|--|---|

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.

- Stroudley Walk market, Stroudley Walk, London, E3 3EW PA/10/00373
- Stroudley Walk market, Stroudley Walk, London, E3 3EW PA/10/00374

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council’s Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the “Planning Applications for Decision” part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

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Agenda Item 6.1

| | | | |
|--|--|---|------------------------|
| Committee: Strategic Development | Date: 16 th August 2012 | Classification: Unrestricted | Agenda Item No: |
| Report of: Director of Development and Renewal | | Title: Application for Planning Permission | |
| Case Officer: Jane Jin | | Ref No: PA/10/373 | |
| | | Ward: Bromley by Bow | |

1. APPLICATION DETAILS

Location: Stroudley Walk Market, Stroudley Walk, London E3

Existing Use: Mixed use retail and residential

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 380sq.m. of retail space (Use Classes A1, A2 and A3), up to 127sq.m. community space (Use Class D1) and 130 new dwellings comprising 45 x 1bed, 44 x 2bed, 27 x 3bed, 10 x 4bed and 4 x 5bed flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking.

Matters to be determined: Access, layout and scale.

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;

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 revised -
- 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; and
- Pedestrian Level Wind Microclimate Desk Study with reference RWDI # 10-10867-B-PLW-DSK dated February 2010;

Applicant: Poplar HARCA

Owner: Poplar HARCA

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

Conservation Area: N/A

2. BACKGROUND

- 2.1 This application for outline planning permission was reported to Strategic Development Committee on 5th July 2012 with an Officer recommendation for Refusal. A copy of the report is attached at Appendix A for ease of reference.
- 2.2 After consideration of the report and the update report, the committee resolved to Approve the application for the following reasons:
1. The proposal will deliver improvements to the existing housing stock on the estate is paramount for the benefit of residents.
 2. Whilst current market conditions are not ideal to ensure viable education and health provision, the applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.
 3. The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations is enough to help address the current housing problems in the Borough.
 4. The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.
 5. The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with in this particular estate is not sustainable for existing residents if the site is left undeveloped.
- 2.3 It was noted that Officers will bring further report back to the Committee setting out the detailed reasons for approval, list of planning conditions and Heads of Terms for s106.

3.0 REASONS FOR APPROVAL

- 3.1 The following detailed reasons for approval are recommended.
1. On balance, the benefits of regenerating Stroudley Walk and the proposed amount of affordable housing, replacement of existing affordable housing stock

and mix of units, as demonstrated through viability assessment is considered acceptable. As such, the proposal is in line with policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Draft Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.

2. Whilst the s106 package falls significantly short of the required amount for a development of this scale, the Council accept that the applicant's offer in light of the viability constraints identified in this proposal. The provision of affordable housing, alongside other regenerative benefits, the s106 package is considered to be acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, saved policy DEV4 of the Council's Unitary Development Plan 1998, policies SP02 and SP13 of the Core Strategy 2010, which seek to secure contributions towards infrastructure and services required to facilitate the proposed development.

3.0 LIST OF PLANNING CONDITIONS

- 3.1 Following conditions and informatives on the Outline Permission should be secured and that the Corporate Director Development & Renewal is delegated to impose the following matters:

3.2 Conditions

1. Reserved Matters Condition – details for Landscaping and Appearance to be submitted
2. Approved Plan numbers
3. Details for Material
4. Details for ground floor elevations for residential and commercial
5. Ground Contamination site investigation
6. Verification report
7. Water supply impact study
8. Scheme of highway works
9. Delivery and servicing plan
10. Construction environmental management plan
11. Construction logistics plan
12. Details of car parking, disabled car parking, electrical charging points, servicing and loading bay
13. Details for a site wide landscape strategy
14. Details for landscaping
15. Details for lighting and CCTV
16. 10% wheelchair provision within each phase
17. Life time Homes
18. Sound insulation
19. Refuse and recycling
20. Final Code for Sustainable Homes
21. Final BREEAM Certificate
22. Archaeology
23. Home zone details
24. No Amalgamation of A1 units
25. Cycle parking provision in each phase
26. Energy Strategy
- 27.

3.3 Informatives

1. Definition
2. S106
3. s278 Agreement
4. Community Infrastructure Levy

4.0 **S106**

4.1 As stated in the original main report, the applicant can offer a total of £139,500 (£1,500 per private unit) for the site-wide development. The apportioning of the financial contribution was discussed at an internal meeting by the Planning Contribution Obligation Panel and considers that the amounts should be allocated to the following heads of terms and that Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated below.

4.2 Financial Contribution

It is considered that, due to the on-site community facility, improvement of public realm, and proposal to include communal amenity space which is accessible to public, and securing non-financial contribution to employment, the financial contribution towards Education Facilities is a priority in this instance and that the £139,500 should be afforded to education facilities for the borough.

4.3 Given that the total sum of **£52,007** is required to fully mitigate the impact arising from this development towards demand for education places, £52,007 shall be secured towards **education facilities** upon commencement of the development.

4.4 Within 2 years following practical completion of the development (full planning permission scheme/or phase 1) and/or on commencement of Phase 2 of development (which ever is sooner) the remaining **£87,493** is to be paid towards **education facilities**.

4.5 2% monitoring fee of £420.00 is also required.

4.6 Non-financial Contribution

- Delivery of 5 affordable housing units within Phase 1;
- Delivery of 22 affordable housing units within Phase 2;
- Delivery of 10 affordable housing units within Phase 3;
- Car Free;
- 20% of construction phase force to be local residents through Skillsmatch;
- 20% local goods/services procured during construction phase;
- 10% wheelchair units within each phase and schedule to be submitted and approved;
- 1 car club space
- Review of viability prior to commencement of Phase 2 and 3 to assess delivery of additional affordable housing and contribution to mitigate the impact arising from the development.

5.0 **OFFICERS' RECOMMENDATION**

5.1 The officers' recommendation as at 5th July 2012 to refuse planning permission remains unchanged. As it can be seen above, the proposed amount of financial planning contribution is insufficient to fully mitigate the impact arising from this development. Accordingly, the Committee are recommended not to approve the application and to resolve to **REFUSE** planning permission as previously detailed within the published report and addendum report at the Strategic Development Committee meeting held on 5th July 2012. The suggested reasons for refusal are outlined in the main report, appended as Appendix A of this report.

| | | | |
|--|---|---|-------------------------------|
| 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 |
|-----------|----------------------|

| | |
|-------|---|
| 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 confirm 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

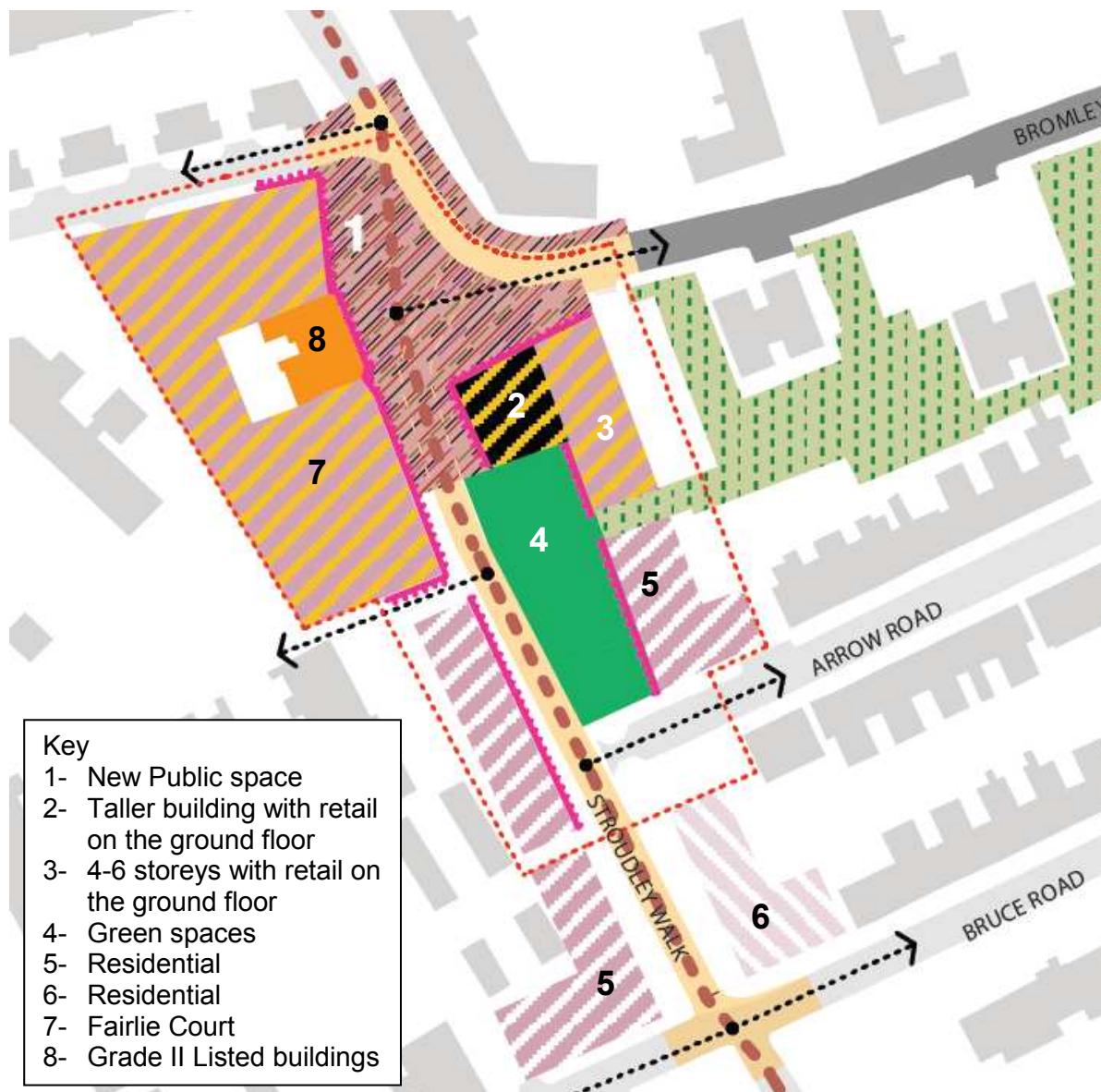
8.9 Stroudley Walk is a Neighbourhood Centre with small individual shops lining Stroudley Walk parade. A cluster of shops are concentrated to the northern end of the parade, mainly on the ground floor of Fairlie Court, which does not form part application boundary. There is also a small cluster of retail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



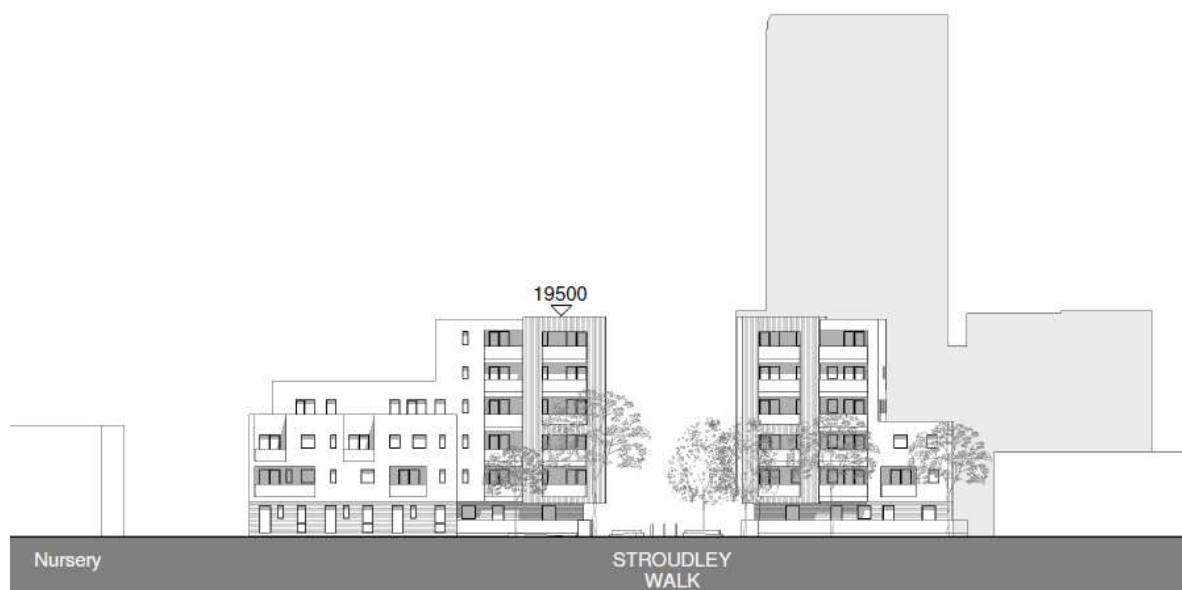
Western linear block – Stroudley Walk Street elevation

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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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

5th July 2012

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

| Agenda item no | Reference no | Location | Proposal |
|-----------------------|---------------------|---|---|
| 7.1 | PA/10/00373 | Stroudley Walk market, Stroudley Walk, London, E3 3EW | <p>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.</p> <p>Matters to be determined: Access, Layout and Scale.</p> |
| 7.2 | PA/10/00374 | Stroudley Walk market, Stroudley Walk, London, E3 3EW | <p>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.</p> |

| | |
|----------------------------|--|
| Agenda Item number: | 7.1 |
| Reference number: | PA/10/373 |
| Location: | Stroudley Walk market, Stroudley Walk, London, E3 3EW |
| 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. |

1.0 FURTHER REPRESENTATIONS

- 1.1 Since the writing of the main report, further representations have been received. On 25th June 2012, the Council received photocopies of a petition with 156 signatures and 26 letters of support. These are re-produced copies of the letters and petition that have already been received previously and therefore have already been addressed in the main report.
- 1.2 A petition with 56 signatures was also received in support of the proposal.
- 1.3 On 4th July 2012, a letter with three signatures was received in support of the proposal. The signatories are retail traders from Nos 30, 33 and 37 Stroudley Walk and state that the petitions which were generated by them initially should be made void as now they have worked closely with the applicant (Poplar HARCA). Whilst their individual support of the proposal is acknowledged, the petitions cannot be made void due to the number of signatories on the submitted petitions.
- 1.4 On 5th July 2012, a letter from a shop trader representing residents and businesses objecting to the proposal was received. Photocopies of a petition and letters objecting to the proposal were also attached to the letter. These petition and letters have already been received previously and therefore already have been addressed in the main report.
- 1.5 Representation has been received from the Applicant (Poplar HARCA) and has commented on relevant paragraphs of the Officer's main report. Whilst it is considered that all the points raised were satisfactorily addressed throughout the main report, the following provide individual responses.
- a) In response to Paragraphs 8.26 & 8.28: The scheme provides 40% affordable housing overall and replaces social rented units with social rented family homes. The scheme achieves a wider regeneration of the local area with significant investment in environmental works and better quality spaces. As such the scheme cannot be compared to an empty, brownfield site and its regeneration necessitates a balanced be struck with the level of affordable homes.

[Officer's comment: Paragraph 8.25 of the main report states that the scheme provides 39.6% of affordable housing overall. Paragraphs 8.37, 8.40 and table 6 show the proposed dwelling mix and it acknowledges that there are high proportion of family sized units within the Social and affordable rent sector. As set out in the report, it is considered that, in the officers' view, the regenerative benefits of the scheme do

not outweigh the shortfalls of the proposal, on balance.]

- b) In response to Paragraph 8.26: The reason why the scheme provides fewer social rented units than is currently on the site is because it replaces the existing 1 and 2 bed units with 3, 4 and 5 bedroom homes. As such, the proposal has deliberately chosen to create family homes to match the housing need of the area.

[Officer's comment: Paragraph 8.26 clarifies that the proposal results in the loss of 1 habitable room.]

- c) In response to Paragraph 8.11: The Applicant prepared and submitted a planning application for the refurbishment of Fairlie Court. This is supported by planning officers and should be determined as a delegated application within the next few days.

[Officer's comment: Paragraph 4.11 acknowledges the application received by the Council for the refurbishment of Fairlie Court, and Paragraph 8.11 explains Bromley By Bow Masterplan's vision.]

- d) In response to Paragraph 8.40: The scheme exceeds the Council's policy target to achieve 30% family homes overall and provides 94% family units in the affordable tenures. The Applicant has chosen to over-provide' family units within the affordable tenure where there is greatest needs.

*[Officer's comment: The Council's policies seek for developments to provide a **balance** of housing types within different tenures in accordance with most up to date housing needs assessment].*

- e) In response to Paragraphs 8.55 and 8.56: Paragraphs 8.55 and 8.56 contradict each other but conclude that the building height is acceptable. The proposed replacement tower lies between the existing 11 storey and 25 storey towers within the Bromley Estate and the Crossways Estate respectively. This site has an excellent PTAL rating where high density is desirable.

[Officer's comment: The two paragraphs sets out the building height in the context and the location and comes to a conclusion that, on balance, the proposed height on the tower is considered to be acceptable in this instance.]

- f) In response to Paragraph 8.60: This relates only to a portion of the Phase 1 west phasing façade which has been deliberately design to preserve the privacy of existing dwellings in Regent Square. The façade is not readily visible from the street but the building that results provides an important edge to Stroudley Walk.

[Officer's comment: The flank facades relate to various elements of the proposal. That is, Northern and western elevations of Phase 3 development; and west elevation of Phase 1 development as mentioned. These elements are likely to create sense of enclosure as explained in Paragraph 8.97.]

- g) In response to Paragraph 8.131: The Applicant can progress the scheme but not with the additional contributions sought by the Council. However this regeneration project is dedicated to transforming a poorly performing neighbourhood centre and replacing obsolete one and two bed flats that are not compatible with the housing needs defined by the Council. As such, it achieves significant benefits for the Borough.

- h) In response to paragraph 4.26 the area un-regenerated is a drain on

valuable resources, including human cost and is completely unsustainable.

[Officer's comment: On balance, the proposed regeneration cannot make the necessary and adequate contributions to social and physical infrastructure adding significant pressure to the existing resources and infrastructure. Therefore whilst regeneration itself is supported in principle, developments which cannot make necessary contributions to mitigate against its impact on local services and infrastructure is unacceptable and unsustainable. This is set out in officer's reason for refusal No 2 in paragraph 2.2.]

- 1.6 The Applicant raised concerns that the main report misrepresents the position with petitions for and against the proposal due to the excessively long period that the Stroudley Walk application has been with the Council. The Applicant states that they are aware that there have been a lot of representations in recent weeks to the Council supporting the proposals, and original petitions against the proposal was organised by shop keepers a long time ago and were before the Applicants had the chance to start proper consultation with them. The Applicants assures that many of the shop keepers are now in support of the proposal.

[Officer's comment: The Council initially consulted the neighbouring residents on 15th March 2010 when the application was first received. Following extensive discussions with the applicant, an amendment to the scheme was received and re-consultation took place in October 2011. As discussed in paragraphs 1.1, 1.2 and 1.3 of this Update Report further representations have been received to date. It is also worthwhile to note that 3 out of 11 shop traders have written to the Council now in support of proposal.]

2.0 ADDITIONAL INFORMATION

- 2.1 The report is absent in relation to the proposed Affordable Rented provisions and its proposed rent levels.
- 2.2 As a background, 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 proposed rent levels will be secured in accordance with the levels stated in the Managing Development DPD.
- 2.3 The rent levels for the proposed 10 Affordable Rented units are below POD levels and therefore acceptable.

3.0 CLARIFICATION AND CORRECTIONS

- 3.1 As this application is a referable to the London Mayor, paragraph 3.1 should have been set out as follows:

3.1. That planning permission is REFUSED for the reasons outline in Section 2 above subject to:

A. Any direction by The Mayor of London

- 3.2 The following paragraphs are corrected in **bold** for typographical errors and should read as follows:

Paragraph 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).

Paragraph 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 **considered**, 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 **Section 8** of the report]*

Paragraph 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 220 signatures

Paragraph 8.37

The unit mix for the **social/affordable** rent tenures sees a 0% provision of one bed units against a policy target of **30%**, 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%.

4.0 RECOMMENDATION

4.1 Officer's recommendation remains Refusal.

| | |
|----------------------------|--|
| Agenda Item number: | 7.2 |
| Reference number: | PA/10/00374 |
| Location: | Stroudley Walk market, Stroudley Walk, London, E3 3EW |
| 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. |

1.0 FURTHER REPRESENTATIONS

- 1.1 Representation has been received from the applicant (Poplar HARCA) and has commented on the Officer's main report.

In response to Paragraph 8.35: There is only a lack of space at Phase 1. The completed development provides sufficient communal space and play space.

[Officer's comment: Paragraphs 8.35 and 2.2 sets out the reasons why nil on-site play space is unacceptable without an acceptable and appropriate site wide estate regeneration scheme. Furthermore, as explained in paragraph 4.2, 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. This is evident from another site owned by the same Applicant whereby the full planning application, Phase 1 of the development have been implemented, and the outline, the site wide have not been implemented and the consent lapsed at the time of writing.]

2.0 ADDITIONAL INFORMATION

- 2.1 The report is absent in relation to the proposed Affordable Rented provisions and its proposed rent levels.
- 2.2 As a background, 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 proposed rent levels will be secured in accordance with the levels stated in the Managing Development DPD.
- 2.3 The rent levels for the proposed 10 Affordable Rented units are below POD levels and therefore acceptable.

3.0 CLARIFICATION AND CORRECTIONS

3.1 Paragraph 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: 29 Supporting: 21
 No of petitions received:
 Objecting: 5 petitions totalling 486 signatures
Supporting: 1 petition with 220 signatures

4.0 RECOMMENDATION

4.1 Officer's recommendation remains Refusal.

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Agenda Item 6.2

| | | | |
|--|--|---|------------------------|
| Committee: Strategic Development | Date: 16 th August 2012 | Classification: Unrestricted | Agenda Item No: |
| Report of: Director of Development and Renewal | | Title: Application for Planning Permission | |
| Case Officer: Jane Jin | | Ref No: PA/10/374 | |
| | | Ward: Bromley by Bow | |

1. APPLICATION DETAILS

Location: Stroudley Walk Market, Stroudley Walk, London E3

Existing Use: Mixed use retail and residential

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.

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;

Applicant: Poplar HARCA

Owner: Poplar HARCA

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

Conservation Area: N/A

2. BACKGROUND

2.1 This application for full planning permission was reported to Strategic Development Committee on 5th July 2012 with an Officer recommendation for Refusal. A copy of the report is attached at Appendix B for ease of reference.

2.2 After consideration of the report and the update report, the committee resolved to Approve the application for the following reasons:

1. The proposal will deliver improvements to the existing housing stock on the estate is paramount for the benefit of residents.
2. Whilst current market conditions are not ideal to ensure viable education and health provision, the applicant has indicated a willingness to accept the financial risks involved in completing the scheme and the other benefits associated with the scheme outweigh the failure to meet the planning obligation requirements associated with the development.

3. The overall gain in social housing provision that will accrue from this particular proposal, taking account of viability considerations is enough to help address the current housing problems in the Borough.
4. The Committee takes the view that weight should be afforded to other non-financial considerations the development can bring as mitigating factors and is prepared to accept the current S106 offer accordingly.
5. The Committee accepts that it must be mindful of its responsibilities to ensure that proposed development is sustainable but considers that maintaining current housing conditions associated with in this particular estate is not sustainable for existing residents if the site is left undeveloped.

2.3 It was noted that Officers will bring further report back to the Committee setting out the detailed reasons for approval, list of planning conditions and Heads of Terms for s106.

3.0 REASONS FOR APPROVAL

3.1 The following detailed reasons for approval are recommended.

1. Whilst the s106 package falls significantly short of the required amount for a development of this scale, the Council accept that the applicant's offer in light of the viability constraints identified in this proposal. The provision of affordable housing, alongside other regenerative benefits that will come forward with the side wide outline scheme, the s106 package is considered to be acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, saved policy DEV4 of the Council's Unitary Development Plan 1998, policies SP02 and SP13 of the Core Strategy 2010, which seek to secure contributions towards infrastructure and services required to facilitate the proposed development.
2. The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.

4.0 LIST OF PLANNING CONDITIONS

4.1 Following conditions and informatives on the Full Planning Permission should be secured and that the Corporate Director Development & Renewal is delegated to impose the following matters:

4.2 Conditions

1. Time Limit
2. Approved Plan numbers
3. Details for Material
4. Details for ground floor elevations for residential
5. Ground Contamination site investigation
6. Verification report
7. Water supply impact study
8. Scheme of highway works
9. Delivery and servicing plan
10. Construction environmental management plan

11. Construction logistics plan
12. Details for a site wide landscape strategy
13. Details for landscaping
14. Details for lighting and CCTV
15. 10% wheelchair provision
16. Life time Homes
17. Sound insulation
18. Refuse and recycling
19. Final Code for Sustainable Homes
20. Archaeology
21. Revised plan showing no roof top terrace
22. Energy Strategy
- 23.

Informatives

- 3.3
 1. Definition
 2. S106
 3. s278 Agreement
 4. Community Infrastructure Levy

5.0 **S106**

- 5.1 As stated in the original main report, the applicant can offer a total of £139,500 (£1,500 per private unit) for the site-wide development. The apportioning of the financial contribution was discussed at an internal meeting by the Planning Contribution Obligation Panel and considers that the amounts should be allocated to the following heads of terms and that Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated below.

5.2 Financial Contribution

It is considered that, due to the on-site community facility, improvement of public realm, and proposal to include communal amenity space which is accessible to public, and securing non-financial contribution to employment, the financial contribution towards Education Facilities is a priority in this instance and that the £139,500 should be afforded to education facilities for the borough.

Given that the total sum of **£52,007** is required to fully mitigate the impact arising from this development towards demand for education places, £52,007 shall be secured towards **education facilities** upon commencement of the development.

Within 2 years following practical completion of the development (full planning permission scheme/or phase 1) and/or on commencement of Phase 2 of development (which ever is sooner) the remaining **£87,493** is to be paid towards **education facilities**.

2% monitoring fee of £420.00 is also required.

5.3 Non-financial Contribution

- Delivery of 5 affordable housing units;
- Car Free;
- 20% of construction phase force to be local residents through Skillsmatch;
- 20% local goods/services procured during construction phase;
- 10% wheelchair units;
- Review of viability prior to commencement of Phase 2 and 3 to assess delivery of additional affordable housing and contribution to mitigate the impact arising from the development.

6.0 **OFFICERS' RECOMMENDATION**

- 6.1 The officers' recommendation as at 5th July 2012 to refuse planning permission remains unchanged. As it can be seen above, the proposed amount of financial planning contribution is insufficient to fully mitigate the impact arising from this development. Accordingly, the Committee are recommended not to approve the application and to resolve to **REFUSE** planning permission as previously detailed within the published report and addendum report at the Strategic Development Committee meeting held on 5th July 2012. The suggested reasons for refusal are outlined in the main report, appended as Appendix B of this report.

| | | | |
|--|---|---|-------------------------------|
| 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 fail 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. 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.

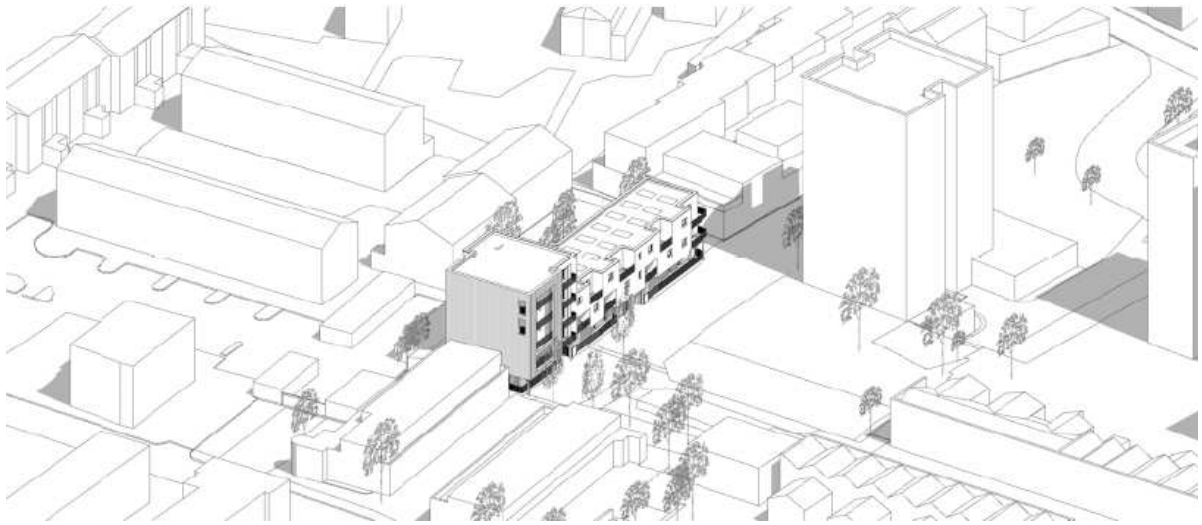
- 8.33 As iterated above, the applicant submitted these applications separately, and as such the detailed scheme being considered should stand up against policy in its own right. Initially, the applicant has suggested an off-site contribution toward play space, however the application is accompanied 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.

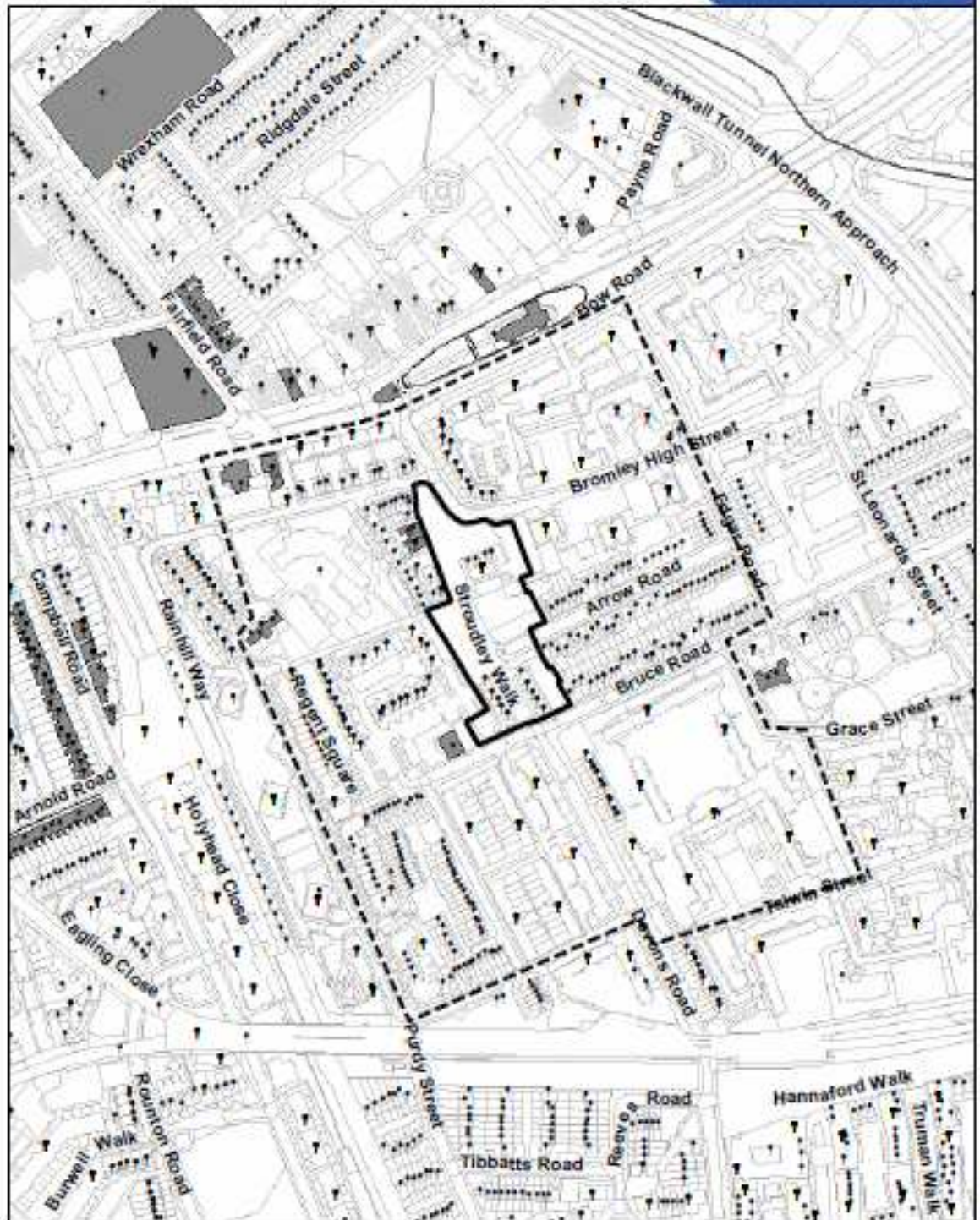
- § Education - Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions 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 7

| | | | |
|---|----------------------------------|--|-----------------------------|
| Committee: Strategic Development | Date: 16th August 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:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

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

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

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Agenda Item 7.1

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|---|--|--|----------------------------|
| Committee: Strategic Development | Date: 16 th August 2012 | Classification: Unrestricted | Agenda Item Number: |
|---|--|--|----------------------------|

| | |
|---|---|
| Report of: Director of Development and Renewal | Title: Town Planning Application |
| Case Officer: Beth Eite | Ref No: PA/12/00920 |
| | Ward: St Dunstan's and Stepney |

1. APPLICATION DETAILS

Location: Cayley Primary School, Aston Street, London, E14 7NG
Existing Use: School
Proposal: 4-storey extension to adjoin southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.

Drawing Nos: P.05.01 rev A, P.12.01 rev B, P.14.01 rev C, P.14.02 rev B, P.14.03 rev A, RSS_SK_08, RSS_SK_09, 28.101, 28.102, P.05.02 rev A, P.90.01, P.10.01, P.10.02, 10.03, P.10.04, P.10.05, P.10.06, P.10.07, P.10.08, P.12.02, P.13.01, P.13.02, P.11.50, P.11.51, P.11.52, P.11.53, P.12.03 rev D, P.12.04, P.12.05 rev B, P.12.06, P.12.07 rev B, P.12.08 rev B, P.12.09, P.10.20, P.10.21, P.10.10, P.10.11 and drainage drawing.

Documents: Design and Access Statement, Draft School Travel Plan 2012, Building Services renewable report, Initial report on the potential impact on available daylight and Flood risk assessment.

Applicant: London Borough of Tower Hamlets
Ownership: London Borough of Tower Hamlets
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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 Adopted Core Strategy (2010), Saved Unitary Development Plan, the Council's Interim Planning guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- 2.1 The principle of the extension to the existing school is acceptable and would accord with

policy SP07 of the Core Strategy 2010, DM18 of the Managing Development 'Development Plan Document' submission version May 2012, policy 3.18 of the London Plan 2011 and the National Planning Policy Framework which seeks to support the development of existing schools.

- 2.2 The proposed development would be of an appropriate design in keeping with the existing site, its surroundings and the character and appearance of the adjacent York Square Conservation Area. As such, the proposal is in accordance with Saved Policies DEV1 and DEV27 of the Unitary Development Plan (1998) and Policies DEV2, and CON2 of the Interim Planning Guidance (2007), Policy SP10 of the Adopted Core Strategy (September 2010) and policies DM24 and DM25 of the Managing Development 'Development Plan Document' submission version 2012 which seeks to ensure development are of a high quality and respect the local context and character of the surrounding area.
- 2.3 The proposed development would have no significant adverse impacts upon the amenity of neighbouring properties in terms of a loss of daylight/sunlight or an increased sense of enclosure or loss of privacy. This is in accordance with Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policy DEV1 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007), policy SP10 of the Adopted Core Strategy 2010 and DM25 of the Managing Development 'Development Plan Document' submission version May 2012 which seek to safeguard the amenities of residential occupiers of the Borough and to minimise noise disturbance.
- 2.4 The proposal would have no adverse impacts upon the existing and future users of the highway and their safety and would provide adequate measures to increase cycle use and reduce reliance on private vehicles. This is in accordance with Saved Policy T16 of the Unitary Development Plan (1998), policy SP09 of the Adopted Core Strategy 2010 and Policies 6.9, 6.10 and 6.11 of the London Plan 2011 which seek to ensure highway safety and promote cycle usage.
- 2.5 The proposals would create an overall reduction on site of carbon emissions. This is in accordance with Policies 5.1-5.8 of the London Plan 2011 as well as Policy SP11 of the Adopted Core Strategy (September 2010) which seek development to be energy efficient and to reduce carbon emissions.

3. RECOMMENDATION

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

Conditions

1. Time limit – 3 Years
2. Proposal to be built in accordance with the approved plans
3. External materials to be submitted.
4. Hours of construction 8.30am – 17.00pm Monday to Friday and 8.30am – 1pm Saturday
5. Construction management plan.
6. Travel plan compliance
7. Energy efficiency including details of where the photovoltaic panels will be located.
8. Sustainability
9. Servicing to be carried out outside of drop-off and pick-up times.

10. Pupil entrance permanently retained on Repton Street.
11. Scheme of highways works including details of pedestrian crossing on Aston Street and improvements to Repton Street.
12. Cycle parking
13. Removal of temporary portacabins on expiry of temporary consent or completion of extension whichever is the sooner.

Informatives

1. It will be necessary for a scheme of highway works to be agreed with the Council's Highway Department to provide for a new pedestrian crossing on Aston Street, improvements to Repton Street and to make good any damage caused as a result of the development. Such works are to be carried out at the applicant's expense.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks permission to erect a four storey extension to the southern side of Cayley Primary School to allow the school to expand from a two to a three form entry school, resulting in an additional 150 pupils and 20 nursery children. The extension would provide additional staff facilities, a new hall, kitchen and eight classrooms. This extension would replace an existing single storey extension and would therefore not reduce the amount of playground space.
- 4.2 A single storey extension is also proposed to the front of the building to provide a new nursery room and associated facilities.
- 4.3 The extensions are of a contemporary design using a range of modern external materials such as metal mesh solar shading panels, metal cladding panels, aluminium windows and through colour render.
- 4.4 The car parking within the site would be reduced and cycle parking would be introduced in front of the visitor entrance. The main vehicle access would be from Aston Street, as would the visitor entrance. The pupil entrances would be on Aston Street and Repton Street.
- 4.5 There are currently two temporary classrooms on site providing accommodation for the "bulge classes", three additional temporary classrooms would be required to facilitate the construction works. Once completed the proposed extensions would provide sufficient internal space to allow the removal of all of the temporary accommodation which would benefit the school in terms of additional play space, and the conservation area in terms of the improved visual appearance.

Site and Surroundings

- 4.6 The school is located on the eastern side of Aston Street. It also borders Hernshaw Street, Repton Street and Camdenhurst Street to the east. The main school building is a three storey Victorian Building, constructed in 1878 and is located to the northern end of the site. The playgrounds and multi-use game area (MUGA) are located to the south.
- 4.7 The school is within a residential area and is surrounded by predominantly two storey, single family dwelling houses. Immediately across from the school is Stutland House which is an 11 storey block of flats.
- 4.8 To the south and west of the site is the York Square conservation area. The school is not

within the conservation area but has an impact upon it as it is immediately adjacent to it. 27 Aston Street is a grade II listed building and is located opposite and to the south of the school.

Planning History

4.9 The following planning decisions are relevant to the application:

- PA/86/00892 Refurbishment works and ground floor extension to existing school, provision of new play areas and improvements to existing play area. Granted 25/9/1987.
- PA/02/1102 Creation of a steel framed covered walkway with polycarbonate roof plus removal and replacement of trees. Granted 7/2/2003
- PA/03/677 Enclosing the existing entrance porch area and creating new opening in brick wall. Granted 7/7/2003
- PA/07/1840 Retrospective application for the installation of portable cabin building to accommodate two classrooms to remain for a temporary period. Granted 7/9/2007 – Temporary for 3 years
- PA/09/1102 Erection of a single storey portakabin building for use as classroom accommodation and pupil referral space. Granted 25/8/2009 – Temporary for three years. (These classrooms would be removed if the extensions are approved and constructed.)
- PA/12/01083 The erection of three temporary cabins to provide classroom accommodation, with associated ramps, and two temporary cabins to provide toilet accommodation. Approved 19/7/2012
(These classrooms would be required if planning permission is granted for the main extension which is the subject of this application).

5. POLICY FRAMEWORK

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

Government Planning Policy Guidance

5.2 National Planning Policy Framework (2012)

London Plan 2011

- 5.3 Policies:
- 3.18 Education facilities
 - 5.1 Climate change and mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.6 Decentralised energy in development proposals
 - 5.7 Renewable energy
 - 5.9 Overheating and cooling
 - 6.9 Cycling
 - 6.10 Walking
 - 6.11 Smoothing traffic flow and tackling congestion

- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

Adopted Core Strategy (2010)

- 5.4 Policies:
 - SP07 Improving education and skills
 - SP10 Creating Distinct and Durable Places

Unitary Development Plan 1998 (as saved September 2007)

- 5.5 Policies:
 - DEV1 Development requirements
 - DEV2 Environmental Requirements
 - DEV50 Noise
 - EDU7 Education facilities
 - T16 Traffic priorities for new development

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

- 5.6 Policies:
 - DEV1 Amenity
 - DEV2 Character and Design
 - DEV10 Disturbance from Noise Pollution
 - SCF1 Social and community facilities
 - CON2 Conservation Areas

Emerging Policy

- 5.7 Managing Development DPD Proposed Submission Version May 2012
 - DM18 Delivering schools and early learning
 - DM24 Place-sensitive Design
 - DM25 Amenity
 - DM27 Heritage and the Historic Environment

Supplementary Planning Guidance

- 5.8 N/A

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Highways team.

6.3 The applicant has submitted revised plans showing a second pupil entrance on Repton Street as previously requested.

Revised conclusion

6.4 Subject to the recommended conditions being attached to any planning permission and the appropriate s106 and s278 agreement being in place, Highways does not object to the application.

Car Parking

6.5 The proposals will result in a reduction of eight on site parking spaces which are currently

allocated to staff. This reduction is welcomed as it accords with the Council's sustainable transport objectives. Staff members losing their parking spaces may be eligible for public service on-street parking permits, resulting in increased pressure on local parking. However, the maximum level of take up would result in an increase of eight additional vehicles parked in the local residential bays. Our most recent day time parking occupancy level data shows that there is capacity in surrounding streets with 34% and 28% of spaces free on Aston Street and Matlock Street respectively.

Traffic Management and Mitigation

- 6.6 The school day start and finish 'peaks' result in a considerable amount of informal vehicle parking and waiting on the streets approaching and outside the school entrance on Aston Street. The result of this is reduced parking availability for local residents, serious traffic congestion due to the high number of vehicles manoeuvring in and out of parking spaces and increased risk of road traffic accidents.
- 6.7 The current mode share for pupils arriving by car is 22% meaning around 100 cars drop off/pick up pupils each day. The proposal would result in an increase in pupil population to 690. Extrapolating the mode share of car trips would increase the number of car trips by around 30-40. Given the issues raised above this is likely to lead to unacceptable impacts on the local highway network and may compromise the safety of pupils, staff and chaperones accessing the school.
- 6.8 Given the severity of the issue, a transport strategy must be implemented as part of any planning permission that reduces the pressure on the highway network while providing safe, convenient access for all pupils in line with Core Strategy SO19, SO20, SP09 and DM20.
- 6.9 *(Response: Officers have previously stated their preference for a second school entrance on Repton Street. This has been incorporated into the design of the scheme and a condition would be placed on any approval requiring this entrance to be used as a pupil entrance in addition to the Aston Street entrance thus reducing the pressure on the highway network).*
- 6.10 Highways also supports a new zebra crossing on Aston Street, formalising the existing traffic island crossing point outside the school entrance. This would improve pedestrian safety at the start and end of the school day, when the chance of collision is highest. It would also be appropriate for a contribution to be made to improve cycling infrastructure in the area to support parent and children who may wish to cycle to and from school in future. Highways would expect this to be funded by s106 contribution.
- 6.11 *(Response: The school has agreed to fund these works. It is not necessary to enter into a s106 agreement for these works as they can be secured by the condition recommended which would require a scheme of highway works to be agreed prior to the commencement of development with the costs to be met by the developer. Given the limited number of pupils and staff which cycle to the school it is not considered necessary or reasonable to request that the school contribute towards improvements in cycling infrastructure).*
- 6.12 **Cycle Parking**
Current Tower Hamlets and London Plan standards require at least one cycle parking space per ten staff and pupils. As information on the number of staff is not presented in the application submission it is not possible to say what this number should be but with the number of primary school pupils increasing by 150, at least 15 secure, covered spaces should be provided. It should be noted that this is a minimum requirement and the applicant is encouraged to use this redevelopment as an opportunity to supply significantly more cycle parking. Ideally, this would be at a level that provided a cycle space for 10% of the primary school pupils and staff.

- 6.13 *(Response: The revised site plan shows 20 cycle parking spaces located in an accessible, covered area at the front of the building. This is considered to exceed the minimum provision and is acceptable.)*
- 6.14 Staff will also be encouraged to cycle by the provision of shower and changing facilities which regrettably are not shown on the plans.
- 6.15 *(Response: A shower is provided within the accessible WC on the ground floor.)*
- 6.16 Visitor cycle parking stands should also be provided within the school grounds to support parents/guardians who wish to cycle with their children to the school.
- 6.17 *(Response: A total of 20 cycle parking spaces are proposed to the front of the building. 18 of these are required to be provided for the increase in pupils and staff leaving 2 spaces for visitors.)*
- 6.18 **Travel Plan**
A School Travel Plan should be secured by condition and must be agreed by Highways prior to occupation or increase in student population above the existing maximum levels. The travel plan will commit the school to a range of measures designed to reduce the number of car trips generated by the pupils and staff at the school and will replace the extant School Travel Plan.
- 6.19 *(Response: A condition is included in the recommendation.)*
- 6.20 **Servicing**
The expanded school would generate a relatively low level of service and delivery activity. The applicant has indicated that vehicle associated with servicing would park on-street. This is acceptable, provided the deliveries are managed to take place outside of the school drop off and pick up 'peak' periods and a condition should be place to this end.
- 6.21 *(Response: A condition is included in the recommendation.)*
- 6.22 **Construction**
The proposal will generate a significant level of construction traffic that will require careful management, particularly as the approach roads to the school are relatively narrow. A construction management plan should be secure by condition and submitted for Highways' approval prior to the commencement of construction in line with policy DM21.
- 6.23 *(Response: A condition is included in the recommendation.)*
- 6.24 A condition should be placed on any planning permission requiring the applicant to enter into a s278 agreement to make good any damage caused to the highway during the construction of the development.
- 6.25 *(Response: A condition is included in the recommendation.)*

Energy team

- 6.26 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic

level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 6.27 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 6.28 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).
- 6.29 The Managing Development 'Development Plan Document' emerging Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential developments to achieve a minimum BREEAM Excellent rating where feasible.
- 6.30 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.
- 6.31 The 'Building Services Renewables Report' (Version 3 - 4th July 2012), follows the Mayor's energy hierarchy as detailed above. The replacement of the current communal boiler system with a Combined Heat and Power (CHP) system to serve the whole site (existing building and extension) is supported and will improve the site wide CO2 emissions through improving the space heating and hotwater systems used to supply to the whole school. This is in accordance with policy 5.6 of the London Plan and is anticipated to reduce CO2 emissions by 13% (Be Clean).
- 6.32 The current proposals for delivering the space heating and hotwater are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure development is supplied by the CHP following completion and prior to occupation.
- 6.33 Photovoltaic cells are proposed to provide a source of on-site renewable energy (Be Green). The applicant has demonstrated that the proposed CO2 emission reduction through PV's (59m2 PV array with peak output of 7.6kWp) is appropriate for the site and will result in an anticipated CO2 emission saving of 25% through the cumulative measure of the energy hierarchy. Therefore, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate decentralised technologies and on-site renewable energy technologies where feasible. The delivery of the on-site renewable energy technologies should be secured via an appropriately worded condition.
- 6.34 Whilst the proposed energy strategy therefore falls short of the requirements of emerging Policy DM29 which seeks a 35% reduction in CO2 emissions, the proposals are in accordance with the London Plan 2011 CO2 emission requirements.
- 6.35 The applicant has also ensured that through the design of the school and replacing the

current hotwater and space heating system the carbon footprint of the whole school will be significantly reduced following completion of the extension. The area of the school is to be increase by approximately 45%, however the overall CO2 emissions of the school are anticipated to be reduced by 44%. Therefore the CO2 savings proposed for this development are considered acceptable and it is recommended that the strategy is secured by Condition.

- 6.36 In terms of sustainability, London Borough of Tower Hamlets requires all non-residential development to achieve a BREEAM excellent rating where feasible. The applicant has investigated all options through the design process and the current rating achieved is BREEAM Very Good. Further information is required for a number of the credits that are currently not attained within the assessment. This information will not be available until post decision of the planning application. It is therefore recommended that the achievement of a Very Good rating is secured as the minimum level for the development but with a requirement to seek to achieve an excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD

7. LOCAL REPRESENTATION

- 7.1 A total of 81 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

| | | | | | |
|-----------------------------|----|------------|----|-------------|---|
| No of individual responses: | 21 | Objecting: | 21 | Supporting: | 0 |
| No of petitions received: | 0 | | | | |

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

- 7.3
- The building is unsympathetic to the character of the conservation area and to the historic character of the Victorian school building.
(Officer response: The applicant has demonstrated that whilst creating a modern extension, some elements of the conservation area's character are visible within the proposed design. It is considered that a modern extension is an acceptable way to address an extension to this school, and the use of sensitive materials together with a height and design on balance conserves the character of the conservation area.)
- 7.4
- The scale of the building is out of keeping.
(Officer response: The extension is subordinate to the main school in terms of its height and width. The wider element of the extension is set back from the front elevation helping to reduce the appearance of bulk when viewed from the conservation area.)
- 7.5
- The building will block out light to the surrounding properties.
(Officer response: A daylight study has been conducted to understand what the impact will be on the surrounding properties which found that there would be no significant detrimental loss of light).
- 7.6
- There will be a loss of privacy caused by the extension.
(Officer response: The extension would not lead to any significant loss of privacy to neighbouring residents as it has no windows which are within 18m of any neighbouring facing habitable room windows.)

- 7.7 • There will be additional noise and disturbance including an increase in litter dropping.
(Officer response: There is likely to be an increase in noise emanating from the playground at play times and potentially at pick-up and drop off times. These are noises which are to be expected within close proximity of a school and would only be for limited periods of the day and not during the noise sensitive night-time hours. In light of the development plan policies it is not considered that this, along with a potential for increased litter dropping, would outweigh the desirability of providing new school places so as to support a refusal.)
- 7.8 • There is insufficient parking and this will be exacerbated by the additional children being dropped off. Also the additional cars will have an impact upon safety for the children. The pavements are also not wide enough to cope with additional pupils and parents.
(Officer response: The parking stress survey has shown that there is between 34% and 28% of spaces free on Aston Street and Matlock Street respectively during the daytime. The school travel plan seeks to encourage parents and staff to use sustainable methods of travel to reach the school and a condition will be placed on the development to ensure that this is annually updated. In order to relieve some of the congestion around the school at morning and afternoon peaks the school has agreed to open a second pupil entrance on Repton Street which would be available for children arriving from the east.)
- 7.9 • Cycle lanes should be installed along Aston Street.
(Officer response: This is considered to be outside of the scope of this planning application as the transport study has shown that the increase in pupils resulting from this expansion would (requiring an additional 17 cycle spaces) not generate a sufficient number of cyclists onto the network to justify an additional cycle lane.)
- 7.10 • Disruption caused by the construction works will impact upon the amenities of residents.
(Officer response: A condition requiring a construction management plan would be placed on the approval which would include methods to control construction traffic approved by the highways authority and any statutory noise or air pollution will be controlled by the environmental health department.)

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of the development
 2. Character and appearance of the proposal
 3. Impact upon amenity
 4. Highways implications
 5. Renewable energy.

Land Use

Education provision

- 8.2 Policy 3.18 of the London Plan states that the Mayor will support the provision of primary school facilities which meet the demand of a growing and changing population. The policy then goes on to state that development proposals which enhance education and skills provision will be supported, including new build, expansion of existing facilities or change of use to education purposes. Those which address the current projected shortage of primary school places will be particularly encouraged. Proposals for new schools should only be

refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school.

- 8.3 Policy SP07 of the adopted Core Strategy (2010) also seeks to deliver the policy requirements of the London Plan. These policies also seek to increase the provision, both to deal with increased population and to meet existing deficiencies in order to achieve the best schools and facilities to support education excellence.
- 8.4 Policy DM18 of the Managing Development DPD states that the Council will support extensions to existing schools where:
- 1) The site has been identified for this use or a need for this use has been demonstrated.
 - 2) The design and layout accords with the relevant standards
 - 3) There is no net loss of school play space
- 8.5 The application seeks to provide additional space to accommodate an extra form of accommodation within the site. This would provide teaching space for an additional 150 pupils and 20 nursery aged children. The site has been identified by the Local Education Authority as a site which is suitable for expansion as it has land available on site, a building which can be extended and is already an academically strong school.
- 8.6 It is considered that the proposal is in accordance with the aforementioned policies and as such the principle of the school's expansion is acceptable as it would provide better quality teaching facilities for the existing pupils and additional capacity to accommodate more pupils. The extension would be constructed in the place of an existing ground floor extension, resulting in no loss of playground space within the site.

Character and design

- 8.7 Policy SP10 of the Core Strategy seeks to ensure that buildings promote good design principles to ensure that they represent a high quality development and are sustainable, accessible, attractive, durable and well-integrated with their surroundings. They should respect local townscapes and context and contribute to enhancing local distinctiveness. These requirements are also echoed in policy DEV1 of the UDP and DEV2 of the IPG.
- 8.8 The site lies adjacent to the York Square conservation area, the boundary of the conservation area is to the west of the school site. The majority of the houses within the immediately adjacent area to the school are locally listed with no. 27 Aston Street being grade II listed. Whilst not in the conservation area itself, consideration needs to be given to the impact on views into and out of the conservation area, as well as the impact on the setting of the listed building.
- 8.9 The school is set back from the main row of properties on Aston Street and therefore views towards the school from the north and south are restricted until a position close to the school is reached. The extension would be visible from Matlock Street which runs east to west and terminates opposite the school entrance.
- 8.10 The extension is of a contemporary design which uses modern materials. Rather than trying to re-create the existing fabric of the Victorian school building, the extension seeks to combine features of the existing school and surrounding conservation area with modern materials and architectural style. The external materials for the upper floors of the extension would comprise a number of complementary shades of metal cladding with, metal mesh and solar shading panels.
- 8.11 The verticality of the Victorian school windows and the windows on the surrounding two storey terrace houses has been incorporate into the treatment of the façade. The roofline of

the extension would be the same as the eaves on the main school which also gives the appearance of a continuation of a similar proportions but in a modern style. The height of the extension has also been designed in this manner to allow views of the chimneys and roof of the Victorian school to be maintained.

- 8.12 The general massing pattern of the school includes the large mass of the three storey gable features with set back circulation space between, this is repeated with the proposed extension which includes a set back area between the existing school and the proposed extension. This would be constructed of glazing and fibre-cement panels which would be a darker colour than the metal cladding to be used on the main extension. This recessed section allows the building to be read as three separate sections and also allows sections of the original south elevation to be maintained and remain visible internally.
- 8.13 Whilst the elevations do appear to show an extension which is considerably wider than one of the gable roofed elements, the wider section of the extension would be set back into the site some 12m behind the forward most part of the extension. This allows a gap to be maintained between the proposed extension and the two storey school house to the south.
- 8.14 It is considered that the contemporary approach to the extension is acceptable and suitable for this site. Whilst the extension is substantial in scale, a number of measures have been applied to ensure the impact upon the conservation area is minimised such as keeping the roof level in line with the existing eaves, incorporating the verticality of the windows and using a variety of textures and shades for the external materials.
- 8.15 The view towards the school from the east is also important to consider, whilst there is no conservation area present to the east of the site the school building is still prominent from Repton and Hernshaw Street. The stair core would project furthest at the rear and would be constructed from the same fibre-cement panels as the circulation area to the front of the building. The same materials and verticality to the windows and cladding panels would be present as viewed from the front elevation, the extension would also appear as a similar width to that at the front even though it covers a greater floor area, this is achieved through an increase width of the circulation space between the Victorian building and the main extension. It is considered that the view of the school from the east would be acceptable and would not significantly harm the views from this location.
- 8.16 The application also proposes to include a single storey extension to the front of the building. This would project 11.2m from the front of the Victorian building towards the northern end of the building. It would follow the removal of the existing single storey kitchen which is wider than the proposed extension but not as deep. The proposed extension would fill in the space between the front boundary wall and the front elevation of the building. It would essentially be a flat roofed building with a small peak in the centre reaching up to 3.8m in height. This would project 1.8m above the boundary wall but the tallest section would be 3.2m back from the boundary. This extension would provide accommodation for the new nursery classroom and would allow the nursery children to have their own playground. There are no objections to the design and appearance of this extension, however details of the materials to be used in the construction would be requested via a condition.
- 8.17 The school is also within the setting of the grade II listed property at 27 Aston Street. This is diagonally opposite the application site. Developments should preserve the setting of listed buildings, in this case, the listed building is a two storey dwelling house which is at the end of a terrace of similar properties. The modern extension of the school is not considered to have any significant impact upon the setting of this property or its historical and architectural importance.
- 8.18 It is also important to note that the proposed extension would result in the removal of all of

the temporary classrooms on the site. There are currently two classrooms which benefit from a temporary consent to provide accommodation for the 'bulge classes' that the school is currently experiencing. During the works an additional three temporary classrooms and temporary toilet facilities would be required, these would all be removed following the completion of the works. It is considered that this would be of benefit to the setting of the building within the conservation area context and providing an enhanced playground area for the pupils.

- 8.19 Overall it is considered that the proposed extensions and alterations to Cayley Primary School are acceptable and would not be harmful to the adjacent York Square conservation area or the general appearance of the surrounding locality in accordance with policies 3.18 of the London Plan, SP07 and SP10 of the Core Strategy and DM18 of the Managing Development 'DPD'.

Impact on amenity

- 8.20 Policy DEV2 of the UDP and policy DEV1 of the IPG require all developments to protect the amenity of residential occupiers and ensure that adjoining buildings are not adversely affected by a loss of privacy, a material deterioration of their daylighting and sunlighting conditions or create an inappropriate sense of enclosure. Policy DM25 of the Managing Development DPD requires all developments to protect and where possible enhance neighbouring amenity.
- 8.21 The proposed extensions should also be considered in light of policy 3.18 of the London Plan which states that applications for new schools should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school. It is considered that a similar test can be applied to extensions to schools where there is a need for additional school places.
- 8.22 The school is surrounded by residential properties on all sides. To the south is the school house and beyond this is a terrace of two storey properties. The nearest non-school property to the south is no. 34 Aston Street. There would be 12m from the wall of the outrigger which faces the school and the nearest point of the extension, the extension would be situated to the north and west of the property. The main windows of this property face eastwards and would therefore not suffer from any significant loss of light or outlook as a result of this proposal.
- 8.23 On Repton Street to the east the closest property is no. 9. This is a residential property which has windows looking out onto the application site and is 18m away from the proposed extension, therefore officers are satisfied that the proposal would not result in a material loss of privacy.
- 8.24 A daylight and sunlight report has been submitted which has looked at the impact of the extension on these windows. The report was carried out in accordance with the BRE guidelines and it was found that with the proposed extension in place, the windows facing the site would have a vertical sky component (VSC) higher than 27% and the reduction in VSC compared with the existing situation would be less than 20%. The BRE guidelines suggest that these figures would ensure that the level of daylight available to the rooms facing the site would not be significantly reduced. The impact upon these residents is therefore considered to be acceptable.
- 8.25 To the west of the site is no. 29 Aston Street. This property is 22m from the location of the proposed extension, the flank wall of the property faces out towards the application site with the main habitable windows facing north and south. Due to the orientation of the property it is

not considered that there would be any significant impact upon the light or outlook currently enjoyed by these occupants.

- 8.26 A number of residents have objected to the scheme on the grounds that the additional pupils will cause increased congestion and noise and disturbance within the locality to the detriment of their amenities. The issues regarding congestion and safety are addressed within the highways section.
- 8.27 Concerns relating to additional noise and disturbance during play times are not considered to be sufficiently detrimental to warrant a refusal of the application. The site is an existing school and already has children using the playground during for the day for play and for sport, whilst the additional pupils would potentially increase the noise levels, this would be during the day time and would be only be for certain periods of the day. There is not considered to be any substantial reason for refusal on this basis particularly as schools are traditionally located in residential areas.

Highways

- 8.28 Policy T16 of the UDP requires consideration to be given to the operational requirements of the proposed use and the impact of the traffic that is likely to be generated. Policy SP09 of the Core Strategy seeks to ensure that all new development has no adverse effect of the safety and capacity of the road network and the promotion of car free developments is encouraged in order to minimise on-site and off-site car parking.
- 8.29 The London plan has a number of transport related policies which generally seek to encourage uses which would reduce the need to travel, particularly by car by minimising on-site car parking provision and ensuring sufficient cycle parking is provided.
- 8.30 The school has an excellent PTAL (5) and therefore minimal car parking is required in order to be in accordance with the policies outlined above.
- 8.31 The proposal would seek to increase the capacity of the school by a total of 150 pupils (plus 20 nursery children) and 13 members of staff.
- 8.32 A transport assessment has been submitted in support of the application. It finds that the 68% of pupils and staff currently walk to the site, 2% cycle and 5% use public transport, the remaining 24% arrive by car.

Parking

- 8.33 There are currently 14 parking spaces available on site, these are not formally laid out but the car parking area is accessed from Aston Street. The car parking levels would be reduced to a total of four spaces, one of these would be a disabled space. The reduction of on-site car parking is welcomed and in accordance with the above mentioned policies
- 8.34 This would potentially leave a maximum of eight members of staff without a car parking space and entitled to apply for a public service on-street parking permit which can be used in the residents car parking bays. The daytime parking stress survey shows that there is capacity within the surrounding streets as there is between 34% and 28% of spaces free on Aston Street and Matlock Street respectively. Whilst it is considered that there is adequate on-street spaces for the staff it is unlikely that all of the staff members would apply for the permits as there is a fee attached. The parking team also have powers to restrict the use of service parking permits within a certain area if parking stress becomes too high.

Cycle parking

- 8.35 The London Plan requires that cycle parking provision be made for 10% of staff and pupils of a school. The existing cycle shelter would be maintained in the north west corner of the site, in front of the entrance on Aston Street a new cycle shelter is proposed which would contain parking for 20 bicycles. A total of 163 additional pupils and staff (excluding the nursery age children) would result from the proposed expansion of the school, therefore 17 additional cycle parking spaces should be provided. The total of 20 also allows for visitor space and is considered to be acceptable.
- 8.36 Details of the enclosures for the cycle provision and the type of stand to be used would be requested by condition to ensure that they are secure and weatherproof.

Servicing

- 8.37 There are no changes proposed to the existing servicing arrangements. Service vehicles would park on-street, outside the school. This would occur outside of the morning and afternoon peaks and a condition would be placed on the approval to ensure this is the case.

Pedestrian crossing

- 8.38 The highways department have indicated that a pedestrian crossing should be installed on Aston Street to improve safety. The education department have agreed to fund these works, and the safety improvements which are required for the new pupil entrance on Repton Street. This would include safety railings and yellow zig-zag lines. The details of this would be dealt with via a condition, in agreement with the highways department.

Renewable energy

- 8.39 The London Plan sets out the requirement for all major developments to reduce their carbon emissions by a minimum of 25%, after energy efficiency measures have been taken into account.
- 8.40 The measures which are proposed for the reduction on carbon emissions is a CHP plant within the basement and photovoltaic panels on the roof of the extension. The roof plan does not show these at present and therefore a condition would request details of their location.
- 8.41 A condition requesting that the applicant demonstrate compliance with the BREEAM 'very good' or 'excellent' standard is also recommended.

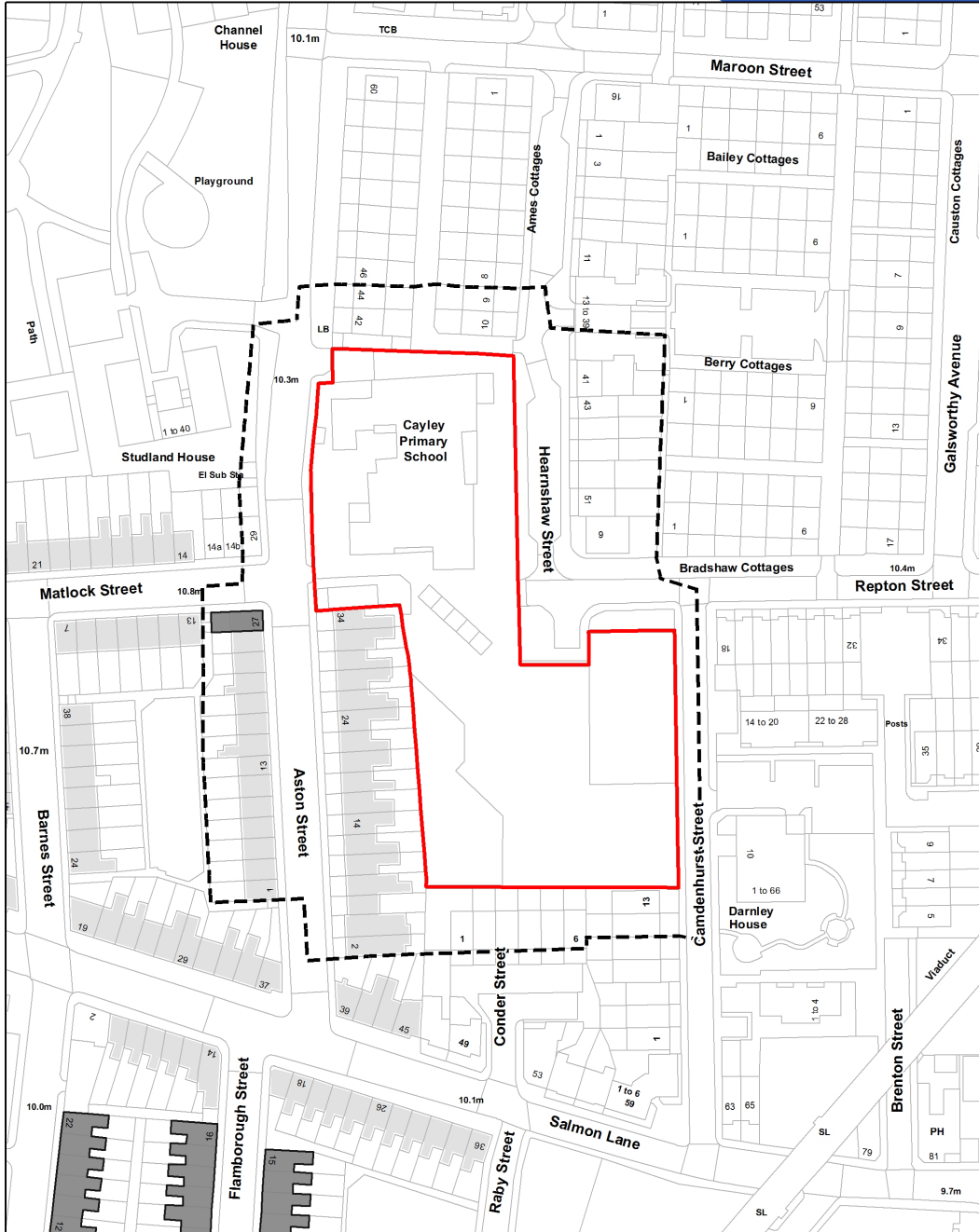
Other Planning Issues

None

9 Conclusions

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

Planning Application Site Boundary



| | | | | | | |
|--|------------------------------------|--|----------------------------|--|---------------------|--|
| | PA/12/00920 | | Locally Listed Buildings | | Land Parcel Address | |
| | Planning Application Site Boundary | | Statutory Listed Buildings | | | |

0 30 m
1:1,250

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

| | | | |
|--|--|--|------------------------|
| Committee: Strategic Development | Date: 16 th August 2012 | Classification: Unrestricted | Agenda Item No: |
| Report of: Corporate Director Development & Renewal Case Officer: Mandip Dhillon | | Title: Planning Application for Decision Ref No: PA/11/03824 Ward(s): 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: 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

Owner: Port of London Authority and Grafton Group.

Historic Building: None

Conservation Area: None

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- In land use terms, the national safeguarding of the application site supports the principle of re-activating the site for aggregate storage and concrete batching. The proposal therefore accords with policies 7.24, 7.26 and 7.30 of the London Plan 2011, Safeguarded Wharves Review 2011/2012 Consultation Draft July 2012, policy SP12 of the Core Strategy 2010 and site allocation LS22 of the Leaside Area Action Plan 2007.
- Given the safeguarded wharf status of the site, the proposed development is considered appropriate in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This accords with saved policy DEV1 of the Unitary Development Plan 1998; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy 2010, policies DM23 and DM34 of the Managing Development DPD Submission Version May 2012 and DEV2 of the Interim Planning Guidance 2007.
- Given the safeguarded wharf status of the site, the proposals are considered to be acceptable in relation to local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the Unitary Development Plan 1998, CON5 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy 2010.
- Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the Interim Planning Guidance 2007, SP10 of the Core Strategy 2010 and DM27 of the Managing Development DPD Submission Version May 2012.
- On balance, the buffer zone and noise mitigation measures proposed are considered to provide adequate measures to ensure the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policies 7.14 and 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD Submission Version May 2012 which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.
- The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the Unitary Development Plan and policy DM25 of the Managing Development DPD Submission Version May 2012 which seek to protect the amenity of existing a future occupiers.
- On balance, it is considered that the proposed works both on-site and off-site

sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent East India Dock Basin (EIDB). If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the National Planning Policy Framework. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the Unitary Development Plan 1998, policy DEV21 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy 2010.
- On balance, it is considered that sustainability matters, including energy are acceptable and accord with policies 5.2 to 5.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010, policy DM29 of the Managing Development DPD Submission Version May 2012 and policies DEV5 to DEV9 of the Interim Planning Guidance 2007, which seek to promote sustainable development practices.
- On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy 2010 and DM20 and DM22 of the Managing Development DPD Submission Version May 2012, which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed development will provide appropriate contributions towards the provision of biodiversity enhancements, noise insulation works, highway improvement works, the extension of the Thames Path and employment and enterprise initiatives in line with policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance 2007 and the Planning Obligations SPD 2012, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3 RECOMMENDATION

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

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

B The decision of **London Thames Gateway Development Corporation** to grant planning permission

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

Financial Obligations

- a) £250,000 towards biodiversity enhancements at the East India Dock Basin
- b) £14,768 towards Employment and Enterprise

Total Financial Contribution

£264,768

Non-Financial Obligations

- a) Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- b) Highway Works including the resurfacing of Orchard Place;

- c) Travel Plan;
- d) Employment and Training;
- e) Thames Path extension through the application site; and
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

Conditions

- Submission of reserved matters within 3 years
- Commencement of development no later than 2 years from final approval of reserved matters
- Development not to be implemented without LTGDC planning permission also granted
- Approved plans
- No works carried out until S106 agreement entered into
- Details of materials
- Details of landscaping
- Strategy to maximise the use of the River Thames for construction and waste
- All aggregates (including sand) and cement to enter the site by river
- Cycle storage
- Staff and visitor parking
- All parking relating to operation, servicing, delivery, visitation and/or staffing to be within the site boundaries
- Hours of operation
- Noise management strategy
- Dust management strategy
- Programme of archaeological work
- Four stage contamination assessment
- Contamination verification report
- Actions if contamination not previously identified is found
- Report into the condition of river wall/flood defences
- Safe flood refuge area
- Hydraulic engineering reports to inform jetty design
- Surface water drainage scheme
- Details of roof runoff
- Development to be carried out in accordance with the Flood Risk Assessment
- Piling or other foundation designs to be submitted and approved
- Ecological management plan
- Minimisation of light spill onto the River Thames
- Working method statement for all works on the river side of the site
- Details of refuse storage area
- Construction environmental management plan
- Deliveries and servicing plan
- Energy strategy

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives:**

- 1) S106 agreement
- 2) S278 agreement
- 3) Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) London City Airport informative: It should be noted that this informative applies to the completed structure at a maximum of 23.5m AOD. In the event that during construction, carnage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation to London City Airport. It is advised that the attention of crane operators be brought to the British Standard Code of Practice for the same use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- 5) Applicant is advised to contact LBTH Building Control to ensure the development meets Building Regulation Approval.

3.6 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.8 That, if within 3 months of the date of this committee, the LTGDC committee or any direction by the Mayor of London (whichever is later) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4.0 BACKGROUND

4.1 This planning application was reported to Strategic Development Committee on 31st May 2012 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendices 1 & 2 to this item.

4.2 After consideration of the report and the update report at the 31st May 2012 Strategic Development Committee, the committee resolved not to accept the officers' recommendation and was minded to refuse planning permission because of concerns over:

- The safeguarded status of Orchard Wharf.
- The impact of the development 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.

4.3 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred on the 31st May 2012 to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

- 4.4 An Information Report was issued to the Strategic Development Committee on 5th July 2012 (Appendix 3) to advise Members that a letter of objection had been submitted to the GLA Safeguarded Wharves Review 2011/2012 Consultation Draft document. The letter of objection raised formal objection to the safeguarding status of Orchard Wharf due to the changing nature of the area around the application site. A copy of the Comments Submitted is provided at Appendix 4.
- 4.5 On the 16th July 2012, the GLA released a further consultation draft of the Safeguarded Wharves Review 2011/2012 and provided a formal response to the objections lodged with regard to the safeguarded status of Orchard Wharf. A copy (extracts only) of the formal response received from the GLA to the LBTH comments/representations is provided at Appendix 5.
- 4.6 It is considered that the further consultation draft of the Safeguarded Wharves Review 2011/2012 alongside the formal response from the GLA to the objections lodged are fresh material considerations in the determination of the proposed development which warrant consideration by the Committee. As such, the application is presented afresh to the Strategic Development Committee for consideration, in light of additional information and clarifications.

London Thames Gateway Development Corporation (LTGDC)

- 4.7 This cross boundary planning application straddles the planning boundaries of the LB Tower Hamlets and the LTGDC. The LTGDC planning application will be presented to LTGDC members on the 16th August. Officers have recommended the application for approval and a copy of the LTGDC committee report is due to be released on the 8th August 2012. As the report is currently not available to view, a copy will be made available for all Members at the LBTH Strategic Development Committee meeting on the 16th August 2012.
- 4.8 Officers will provide an update to Members of any resolution taken by the LTGDC committee on the 16th August 2012, should the details be available.

5.0 POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. In addition to the policies listed within the Committee Report of the 31st May 2012 (Appendix 1), the following policies are relevant to the application:

Supplementary Planning Guidance/Documents

London Plan

Safeguarded Wharves Review 2011/2012 Consultation Draft July 2012

6.0 ADDITIONALCONSULTATION RESPONSES

- 6.1 These additional consultation comments should be read in conjunction with the original Committee Report of the 31st May 2012 (Appendix 1 and 2)

Greater London Authority – Mayor of London

- 6.2 The GLA have issued further comments following their Stage 1 report which was submitted on 29th February 2012. The overall conclusion of the further comments advise that all matters raised at Stage 1 have been satisfactorily dealt with. A summary is provided below.

Land Use

- 6.3 The reactivation of the Wharf is strongly supported. The further consultation of the Safeguarded Wharves Review 2011/2012 (July 2012) retains the safeguarding of Orchard wharf.

Biodiversity

- 6.4 The contribution of £250,000 offered by the applicant to de-silt the East India Dock Basin (EIDB) is sufficient to address the need for off-site mitigation.

Noise

- 6.5 The applicant has accepted to provide for the re-surfacing of Orchard Place and noise insulation at 42-44 Orchard Place, this is considered sufficient to address noise impacts.

Urban Design

- 6.6 Further details have been provided of the proposed materials, boundary treatments and landscaping and therefore strategic design issues have been satisfactorily addressed.

Inclusive Design

- 6.7 Whilst all accessibility measures have not been provided, such as a lift within the office, other measures including DDA WC's and disabled parking spaces are provided. On balance, due to the limited number of office based employees the absence of a lift does not warrant a recommendation for refusal and inclusive design matters have been satisfactorily resolved.

Climate Change Mitigation

- 6.8 On balance it is accepted that the nature of the use is unable to meet the policy requirements however the 6% carbon savings by photovoltaics is welcomed.

Employment and Training

- 6.9 The applicants financial and non-financial employment and procurement obligations is welcomed and satisfactorily addresses the issues raised at Stage 1.

Transport

- 6.10 Additional information has been provided with regard to cycle parking, delivery and servicing, the overhead conveyor and the waterbourne movements during the construction phase.

- 6.11 In conclusion the principle of the development continues to be supported by the GLA.

7.0 **LOCAL REPRESENTATION**

In addition to the comments reported within the Committee Report of the 31st May (Appendix 1 and 2), 2 further letters of objection have been received from local residents. The following issues were raised in representations that are material to the determination of the application.

7.1 Objections

- Whilst road widening is proposed outside the application site, road widening is required outside the East India Dock Basin where the pavement is narrowest;

(Officer comment: This area is outside of the control of the applicant and therefore road widening is not possible through this application.)

- The development will result in vehicular and pedestrian conflict;
(Officer comment: This was discussed in detail in the original committee report (Appendix 1 and 2) and is detailed further within Material Planning Considerations below.)
- Queries have been raised as Officers advised that road traffic noise cannot be taken into consideration
(Officer comment: This is detailed further in the Material Planning Considerations below.)
- Noise impact from barges on Virginia Quay residents
(Officer comment: This is detailed further in the Material Planning Considerations below.)
- Residents requested that Officers supported their request to de-designate the Orchard Wharf site through the Safeguarded Wharves Review 2011/2012.
(Officer comment: LBTH formally issued a letter of objection to the GLA, full details of which are provided within Background (above) and Material Planning Considerations below.)

8.0 MATERIAL PLANNING CONSIDERATIONS

Land Use/Safeguarded Wharf

- 8.1 A further consultation draft of the Safeguarded Wharves Review 2011/2012 has been released by the GLA. This consultation draft proposes no changes to the status of Orchard Wharf. The application site remains a safeguarded wharf and is considered to be viable and well located to serve central and inner London locations and can satisfy an element of the forecast shortfall of aggregate supply in the sub region.
- 8.2 The further consultation period is currently on-going however comments are only invited on the changes which have been made to the document. The changes which have been made to the document reflect some consultation comments received and provide clarifications and updates in terms of national policy, particularly relating to the National Planning Policy Framework.
- 8.3 As set out above, there have been no changes made in the Safeguarded Wharves Review (July 2012) to any of the details relating to the Orchard Wharf site, which remains safeguarded. On the basis of the Further Consultation draft (July 2012) and the formal response received to the objection submitted by LBTH to the status of the site, it is considered that this site will be retained as a Safeguarded Wharf.
- 8.4 The GLA have considered the late representations submitted by the LB Tower Hamlets which objected to the safeguarding of Orchard Wharf. An extract setting out the GLA response is provided at Appendix 4. It is clear from the comments issued that the status of the application site is considered viable and appropriate for a concrete batching and aggregate storage use. The GLA do not support the de-designation of Orchard Wharf.
- 8.5 In light of the confirmation provided by the further consultation draft of the Safeguarded Wharves Review 2011/2012 to retain the Orchard Wharf site as a safeguarded wharf, the re-activation of the site for aggregate storage, concrete batching and cement storage is considered to be acceptable.
- 8.6 Members indicated that they considered that the changing nature of the area due to recent

residential consents and the move towards mixed use development in the area should provide grounds to refuse the planning application in land use terms. Officers have submitted formal objections to the Safeguarded Wharves Review 2011/2012 which have been considered but have not changed the status of this application site. The site has been retained as a safeguarded wharf.

- 8.7 While the above reason has been derived on the basis of the Members' concerns, given the retention of the application site as a safeguarded wharf within the GLA's most recent consultation draft, officers do not consider that land use constitutes a defensible reason for refusal on this planning application.

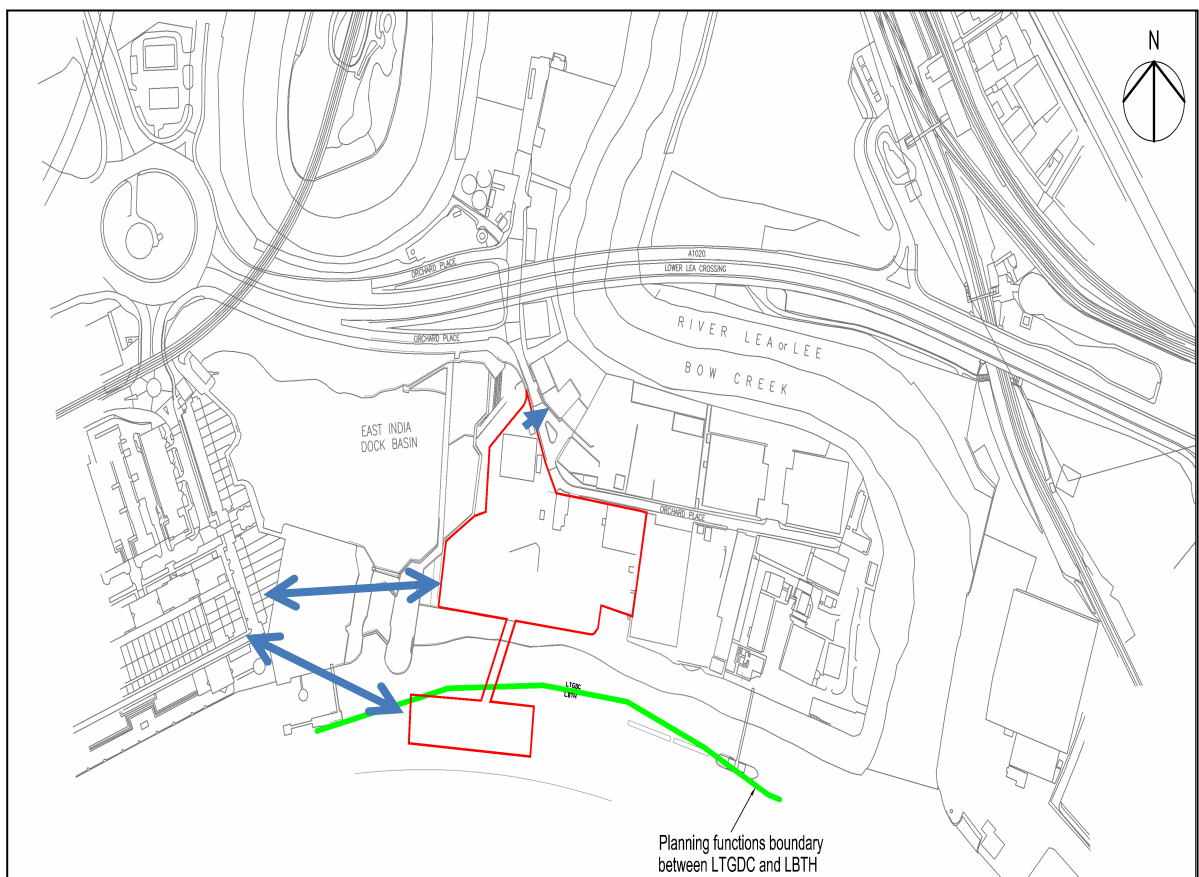
Biodiversity

- 8.8 The applicants included a full Biodiversity Survey within their Environmental Statement which considered the impacts of the development on both the application site and the East India Dock Basin. In most years up to 2009, the application site held breeding black redstarts, a bird protected under Schedule 1 of the Wildlife & Countryside Act 1981 (as amended). The development would remove all existing black redstart habitat from the site. The proposed development includes extensive on-site mitigation for this loss of habitat, through the creation of brownfield-style habitat on roofs and throughout the landscaping of the site.
- 8.9 To reduce the risk of noise disturbance to teal and other birds on East India Dock Basin, and to secure overall enhancements for biodiversity, the Local Planning authority in consultation with the Lea Valley Regional Park Authority sought off-site mitigation to provide enhancements and de-silting works for the East India Dock Basin, to encourage an environment at the East India Dock Basin which was more favourable to less noise-sensitive birds.
- 8.10 Members indicated that they considered the development would impact adversely on the protected black redstart, cause disturbance to teal at the East India Dock Basin and also impact on the enjoyment of nature at the Basin by visitors to the area.
- 8.11 In terms of the black redstart, any development of the application site would remove the existing habitat. The existing habitat also may be deteriorating in its appeal to black redstarts, as no black redstarts have been seen on the application site in 2012, despite a pair attempting to breed only a few hundred metres away. The nature of the proposed development allows extensive inclusion of suitable habitat for black redstarts within the landscaping. This is less likely to be possible with some other types of development, notably residential, as black redstart habitat tends to look untidy and does not fit well with traditional landscapes. Therefore, it is difficult to envisage a development outcome on this site which is more favourable to the black redstart than the current proposals.
- 8.12 There is a possibility of noise disturbance to birds and people using East India Dock Basin, However, this needs to be considered in the light of ever-increasing siltation which is gradually reducing the value of the Basin for birds and as a natural amenity for people. The improvement to the Basin through de-silting, funded through planning obligations, would more than compensate for any disturbance, leading to an overall gain for biodiversity and access to nature.
- 8.13 Officers do not, therefore, consider that impacts on biodiversity constitute a defensible reason for refusal on this planning application.

Noise

- 8.14 The application included a Noise Assessment which formed part of the Environmental Assessment.

- 8.15 The proposed industrial use has associated noise levels which potentially impact upon local residential amenity. Officers would however note that it has been demonstrated within the application that the impacts of the proposed noise can be appropriately mitigated through sound insulation and ventilation measures.
- 8.16 Concerns were raised with regard to the impact of potential noise disturbance at Virginia Quay from the development and waterbourne movements. The Virginia Quay residential development is located some distance from the proposed development and the proposed jetty. A plan is provided below to show the exact locations of the closest noise receptors which are those at 42-44 Orchard Place. The development at Virginia Quays (west of the application site) is not considered to be a sensitive noise receptor and the Councils Environmental Health team have advised that any noise impact on the residents of Virginia Quay would be negligible.



- 8.17 Members raised concerns over the increased noise from the vehicular movements associated with the proposed development. The concerns raised however related to the increased road traffic noise on the local highway and surrounding roads. The Councils Environmental Health Officer has advised that road traffic noise arising from the increased vehicular movements are not considered in noise assessments for proposed developments.
- 8.18 Environmental Guidance which has been used in the assessment of this application has not taken into account the road traffic noise on the local highway, resulting from the vehicular movements associated with this development. The Guidance only permits the assessment of noise generation from within the development. Noise generation on an existing public road and an existing highway network is not taken into account. The reason behind this is because the surrounding highway network already exists and already generates a level of noise that the development cannot be expected to mitigate against. Notwithstanding this, the applicants have agreed to re-surface the highway adjacent to 42-44 Orchard Place to reduce the level of immediate road noise.

- 8.19 As a result of works to extend London City Airport, it was reported to the planning committee in May that all residents within 42-44 Orchard Place are entitled to additional ventilation works from the London City Airport ventilation Scheme. This will involve the installation of a ventilation pipe to allow units to be ventilated without the need to open their windows. This ventilation scheme is also proposed to be provided by the applicant. The residents of 42-44 Orchard Place are able to take the scheme from either London City Airport or the applicants, should consent be granted.
- 8.20 While the impacts of potential noise disturbance have been raised as a concern by Members, given the ability to mitigate the concerns of the noise impact through the imposition of conditions and planning obligations, officers do not consider that the impacts of noise associated with the development and the vehicular movements constitute a defensible reason for refusal on this planning application.

Transport

- 8.21 Members indicated that they considered that the number of vehicular movements arising from this development was excessive and would cause an unacceptable impact on the vehicular and pedestrian movements on Orchard Place. It was also considered that as a high number of people use Orchard Place to access Trinity Buoy Wharf, there was the potential to cause conflict on the road.
- 8.22 The current base vehicular trip rate along Orchard Place has been surveyed and is taken to be at a very low level. The main reason associated within this low level of existing vehicular movement is the low density development within Orchard Place and the surrounding area. Even when the cumulative trips for the Orchard Wharf north consented scheme and an estimate for residential use zoned for elsewhere in Orchard Place are accounted for, vehicular flows would be still considerably below the capacity of the highway network. Whilst new trip generation on Orchard Place would appear to be a large quantitative increase in vehicular movements, these movements are added to a highway that has limited vehicular movements and as a result the total flow will remain low in absolute terms. The flows of this development will be spread across the 14 daily hours of opening and such small peaks as will occur are not anticipated to overlap with existing highway peak use hours.
- 8.23 Trips to Trinity Buoy Wharf are likely to currently comprise pedestrians, cyclists and motorists. Whilst concerns have been raised over potential conflict between users of Trinity Buoy Wharf, it should be clarified that the following measures are proposed through the proposed development.
- Extension of the Riverside Walkway
- 8.24 It is proposed to create a riverside walkway for pedestrians and cyclists. This would lead from a new gateway into the nature reserve which adjoins the western boundary of the site, along the river edge of the development, to the Causeway which runs from the river northwards back to Orchard Place along the eastern boundary of the site. This route would be open at all times and securely fenced from the application site.
- 8.25 The proposed route would give pedestrians and cyclists an off-road option from the Virginia Quays area, including East India station, through to Orchard Place, east of the point where the HGV vehicular movements generated by the development joins that road. This would allow for pedestrians and cyclists to use the new route created and not interface with the additional traffic generated. This route would increase the journey length by 250metres, or a 3 minute walk, which is considered to be negligible.
- Footpath Widening and Road Resurfacing
- 8.26 As part of the development, the site boundary to Orchard Place will be set back to give a

consistent footway width of 2metres along the frontage. Where that footway crosses each of the two site accesses, full dropped kerb crossing facilities with tactile paving will be provided and see through railings along this boundary will seek to improve visibility between pedestrians and cyclists and HGV drivers.

- 8.27 It also proposed to resurface the section of Orchard Place between the A1020 slip road and the site accesses. Given the existing poor condition of this section of carriageway, the works will reduce noise and vibration generated by HGV traffic.
- 8.28 The proposed highways and transportation impacts of this development have been considered in detail by the LBTH and also transport engineers at TfL. Officers do not consider that the impacts of the highways and transportation constitute a defensible reason for refusal on this planning application.

Design and the FAT Walk

- 8.29 At the planning committee of the 31st May 2012, Members indicated that as the FAT Walk terminates at the East India Dock Basin, it is not considered that the proposed concrete batching plant and aggregate storage depot, which would be located at the end of the walkway, would enhance the quality and usability of the FAT Walk.
- 8.30 At the planning committee of the 31st May 2012, Members indicated that they considered that the proposal failed to provide an appropriate design solution in this prominent riverfront location. Whilst the design is typical of an industrial site and building, it is not considered that this is appropriate in this location.
- 8.31 The principle concern raised by Members with regard to the impact upon the enjoyment of the FAT Walk arises from the design and appearance of providing an industrial building at the final point of the FAT Walk.
- 8.32 Officers would advise that given the development sites' designation as a safeguarded wharf any future development is likely to have an industrial/warehouse appearance, similar to that of the current proposals. Whilst design is subjective, officers consider the safeguarded status of this site, would render a reason for refusal based on these grounds difficult for officers to defend on appeal.

9.0 SUMMARY

- 9.1 In light of the clarification that is provided by the Safeguarded Wharves Review 2011/2012 Consultation Draft July 2012, it is considered that the re-activation of this site for aggregate storage and concrete batching is to be retained at the application site and is therefore acceptable. The land use proposal is supported by national and regional policies. Officers do not therefore consider that the land use proposals of this planning application constitute a reason for refusal of planning permission.
- 9.2 By virtue of the continued safeguarding of the application site, the nature of this use and its impact on local amenity have been considered by the GLA and has also been assessed as part of this planning application. As detailed within the body of this and the earlier Committee Reports (Appendices 1, 2 and 3), the current proposals provide sufficient on and off-site mitigation to secure overall enhancements for biodiversity, noise and ventilation mitigation for local residents and an appropriate landscaping buffer zone. The application has also been fully assessed in light of all material considerations raised by Members as concerns at the 31st May 2012 planning committee, however Officers do not consider that the issues raised constitute reasons for refusals that strong enough for Officers to defend.
- 9.3 On balance, the development which is presented at Orchard Wharf proposes works which accord with national, regional and local planning policies and on balance are supported in

light of the mitigation provided both on and off site.

10.0 **CONCLUSION**

10.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report and as set out within the previous report and addendum report presented to the Strategic Development Committee on 31st May 2012 and the Information Report presented on the 5th July 2012 (see Appendix one, two and three).

APPENDICES

Appendix One - Committee Report to SDC dated 31st May 2012

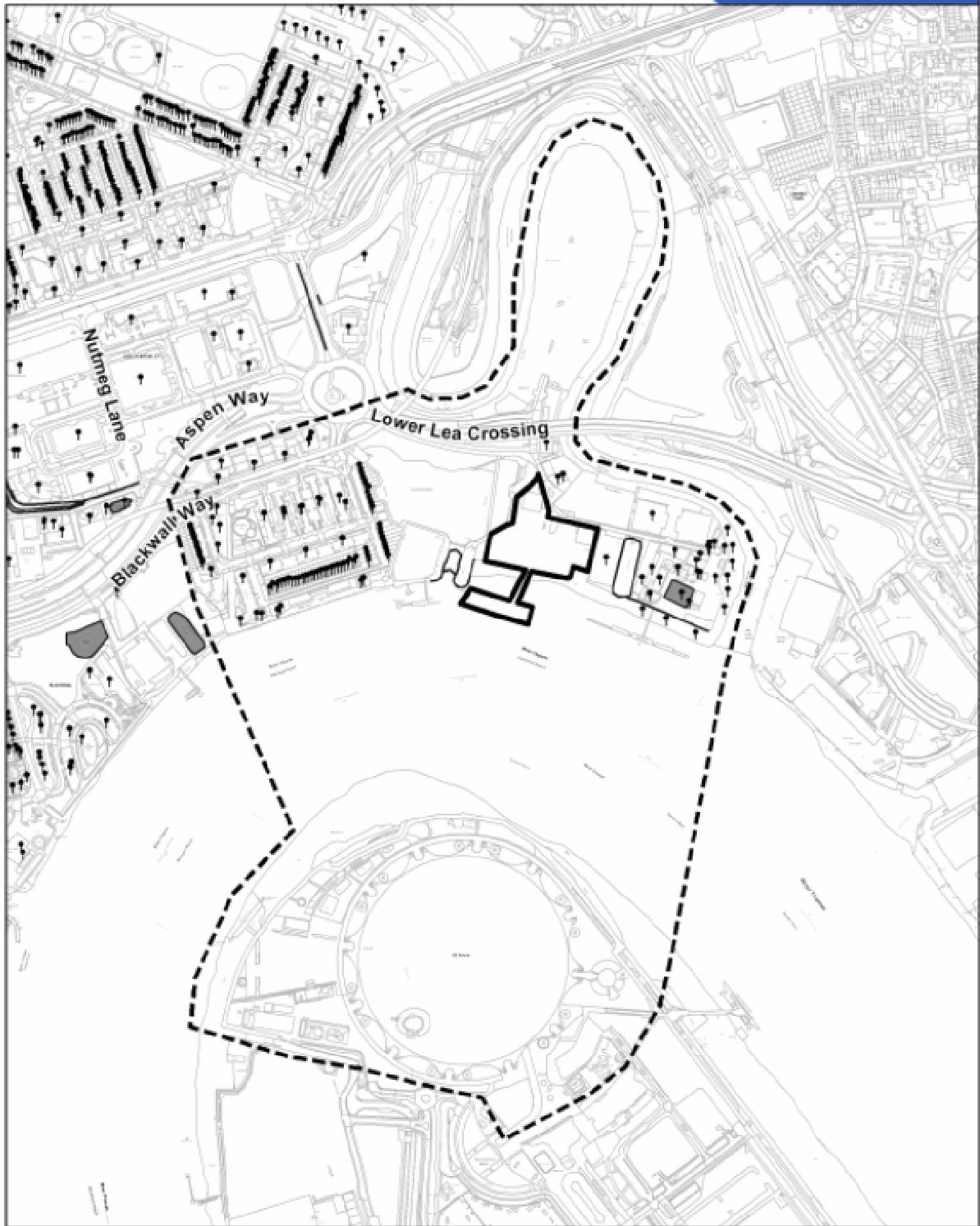
Appendix Two – Addendum Report to SDC dated 31st May 2012.








Appendix Three – Information Report to SDC dated 5th July 2012

Appendix Four - LBTH Objection Letter Issued to the GLA on the Safeguarded Wharves Review 2011/2012

Appendix Five – Safeguarded Wharves 2011/2012- GLA Response to representations submitted (Extracts only)

Planning Application Site Map



| | | | |
|--|--|---|--|
|  Planning Application Site Boundary |  Locally Listed Buildings |  Land Parcel Address |  1:8,000 |
|  Consultation Area |  Statutory Listed Buildings | 0 30 m  | |

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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| | | | |
|---|---|---|--------------------------------|
| Committee: Strategic Development | Date: 31 st May 2012 | Classification: Unrestricted | Agenda Item No: 9. 1 |
| Report of: Corporate Director Development & Renewal | | Title: Planning Application for Decision | |
| Case Officer: Mandip Dhillon | | Ref No: PA/11/03824 | |
| | | Ward(s): 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: 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

Owner: Port of London Authority and Grafton Group.

Historic Building: None

Conservation Area: None

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- In land use terms, the national safeguarding of the application site supports the principle of re-activating the site for aggregate storage and concrete batching. The proposal therefore accords with policies 7.24, 7.26 and 7.30 of the London Plan 2011, policy SP12 of the Core Strategy 2010 and site allocation LS22 of the Leaside Area Action Plan 2007.
- Given the safeguarded wharf status of the site, the proposed development is considered appropriate in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This accords with saved policy DEV1 of the Unitary Development Plan 1998; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy 2010, policies DM23 and DM34 of the Managing Development DPD Submission Version May 2012 and DEV2 of the Interim Planning Guidance 2007.
- Given the safeguarded wharf status of the site, the proposals are considered to be acceptable in relation to local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the Unitary Development Plan 1998, CON5 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy 2010.
- Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the Interim Planning Guidance 2007, SP10 of the Core Strategy 2010 and DM27 of the Managing Development DPD Submission Version May 2012.
- On balance, the buffer zone and noise mitigation measures proposed are considered to provide adequate measures to ensure the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policies 7.14 and 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD Submission Version May 2012 which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.
- The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the Unitary Development Plan and policy DM25 of the Managing Development DPD Submission Version May 2012 which seek to protect the amenity of existing a future occupiers.
- On balance, it is considered that the proposed works both on-site and off-site

sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent East India Dock Basin (EIDB). If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the National Planning Policy Framework. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the Unitary Development Plan 1998, policy DEV21 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy 2010.
- On balance, it is considered that sustainability matters, including energy are acceptable and accord with policies 5.2 to 5.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010, policy DM29 of the Managing Development DPD Submission Version May 2012 and policies DEV5 to DEV9 of the Interim Planning Guidance 2007, which seek to promote sustainable development practices.
- On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy 2010 and DM20 and DM22 of the Managing Development DPD Submission Version May 2012, which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed development will provide appropriate contributions towards the provision of biodiversity enhancements, noise insulation works, highway improvement works, the extension of the Thames Path and employment and enterprise initiatives in line with policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance 2007 and the Planning Obligations SPD 2012, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATIONS

RECOMMENDATION 1

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

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

B The decision of **London Thames Gateway Development Corporation** to grant planning permission

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

Financial Obligations

- a) £250,000 towards biodiversity enhancements at the East India Dock Basin
- b) £14,768 towards Employment and Enterprise

Total Financial Contribution **£264,768**

Non-Financial Obligations

- a) Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- b) Highway Works including the resurfacing of Orchard Place;
- c) Travel Plan;
- d) Employment and Training;
- e) Thames Path extension through the application site; and
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

CONDITIONS & INFORMATIVES

- Submission of reserved matters within 3 years
- Commencement of development no later than 2 years from final approval of reserved matters
- Development not to be implemented without LTGDC planning permission also granted
- Approved plans
- No works carried out until S106 agreement entered into
- Details of materials
- Details of landscaping
- Strategy to maximise the use of the River Thames for construction and waste
- All aggregates (including sand) and cement to enter the site by river
- Cycle storage
- Staff and visitor parking
- All parking relating to operation, servicing, delivery, visitation and/or staffing to be within the site boundaries
- Hours of operation
- Noise management strategy
- Dust management strategy
- Programme of archaeological work
- Four stage contamination assessment
- Contamination verification report
- Actions if contamination not previously identified is found
- Report into the condition of river wall/flood defences
- Safe flood refuge area
- Hydraulic engineering reports to inform jetty design
- Surface water drainage scheme
- Details of roof runoff
- Development to be carried out in accordance with the Flood Risk Assessment
- Piling or other foundation designs to be submitted and approved
- Ecological management plan
- Minimisation of light spill onto the River Thames
- Working method statement for all works on the river side of the site
- Details of refuse storage area
- Construction environmental management plan
- Deliveries and servicing plan
- Energy strategy

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives:**

- 1) S106 agreement
- 2) S278 agreement
- 3) Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) London City Airport informative: It should be noted that this informative applies to the completed structure at a maximum of 23.5m AOD. In the event that during construction, carnage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation to London City Airport. It is advised that the attention of crane operators be brought to the British Standard Code of Practice for the same use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- 5) Applicant is advised to contact LBTH Building Control to ensure the development meets Building Regulation Approval.

3.6 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.8 That, if within 3 months of the date of this committee, the LTGDC committee or any direction by the Mayor of London (whichever is later) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

RECOMMENDATION 2

3.9 The London Borough of Tower Hamlets has received a request for Observations from LTGDC for the duplicate application submitted within its boundary area.

3.10 Should Members be resolved to grant planning permission for the development, it is recommended that the Council writes to the LTGDC to **formally support** the duplicate application submitted in respect of the LTGDC boundary area.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The application site

4.1 The site is a 1.72ha parcel of land located on the southern side of Orchard Place. The application straddles two planning boundaries, located partly within the LB of Tower Hamlets and partly within the London Thames Gateway Development Corporation (LTGDC). Identical planning applications have been submitted to both planning authorities for determination, and both authorities are to determine the application as a whole, regardless of their respective boundaries. Any consent granted at the site would be subject to the imposition of Grampian condition which requires both authorities, LB Tower Hamlets and LTGDC issuing planning consent before the development can proceed.

4.2 Part of the site is currently in the ownership of the Port of London Authority and part of the site is in the ownership of the Grafton Group. To date the Grafton Group have objected to the proposed works at the application site. The Port of London Authority have therefore

advised that should the objection be retained, following the grant of any consent issued at the site, they will invoke their statutory powers to re-activate the wharf through Compulsory Purchase of the site (CPO).

- 4.3 The site is unoccupied and mostly cleared of structures with the exception of a few buildings. The first comprises a large industrial building of brick and sheet metal construction roughly two storeys in height located in the northern corner of the site. A second brick built industrial building (of roughly the same size as the first) is located in the north eastern corner of the site, and a single storey brick building is located along the northern boundary of the site fronting Orchard Place.
- 4.4 The site was safeguarded as a wharf by Direction of the Secretary of State in 1997. Whilst the site has been safeguarded since 1997, the use of the site for aggregate storage and handling ceased in 1993 and the site has been vacant since then.
- 4.5 Along the southern boundary of the site run flood defence walls alongside the River Thames. These have recently been upgraded by the Environment Agency and occupy the entire length of the southern boundary. Beyond these defences are the inter-tidal mudflats of the River Thames and the River Lea.
- 4.6 Directly adjacent to the west of the site is East India Dock Basin (EIDB), which was converted by the London Docklands Development Corporation in the 1990s from a disused dock into an area of parkland and natural habitat now designated as Metropolitan Open Land (MOL). The works to the Basin have resulted in its designation as a Site of Interest for Nature Conservation (SINC). The Basin also features Grade II listed lock structures and the entire space is managed by the Lea Valley Regional Park Authority.
- 4.7 Beyond the EIDB, approximately 100 metres to the west of the site is the Virginia Quay development. Virginia Quay is characterised by circa 1990s residential buildings ranging from terraced housing to flatted development between four and 12 storeys in height.
- 4.8 To the east of the site, the areas are predominantly industrial and business use in character. Directly adjacent is a large industrial shed that occupies the site's entire eastern boundary. Other uses to the east include open yards for vehicle storage, bespoke office accommodation, gallery space, a day care centre, café uses and ferry maintenance and storage. At the eastern end of Orchard Place is Trinity Buoy Wharf which contains two Grade II listed buildings and a school.
- 4.9 To the north of the site is a converted live work development, known as 42-44 Orchard Place. The building is located on the northern side of Orchard Place and sits opposite the application site. Originally intended as a live/work scheme, it is understood to now be in full residential occupation. The building is part four, part five storeys containing 20 residential units. Planning permission for this scheme was granted on 7th October 1999 (LBTH reference: PA/09/00170).
- 4.10 Further to the north of the site is the Leamouth Peninsula, formerly the Pura Foods site. This site has outline planning permission for up to 1,706 residential units as well as office, leisure, retail and community uses which was granted planning permission by LTGDC on 28th November 2011 (LBTH reference PA/10/01864).
- 4.11 The site is connected to the surrounding area via the junction of Orchard Place with the A1020 Lower Lea Crossing. This route provides links into Central London to the west, the Royal Docks and Essex to the east, north London via connections to the A12 and south London via the Blackwall Tunnel.
- 4.12 The nearest public transport facilities are the East India DLR station, roughly 500 metres to the west and the bus services associated with the residential developments around Virginia

Quay and the Tower Hamlets Civic Centre. In future, an additional bus route will serve the Leamouth Peninsula site to the north, once this development has been implemented.

- 4.13 Whilst pedestrian and cycle routes are provided along the Lower Lea Crossing the pedestrian environment is poor due to the high volume of vehicular traffic.

Proposal

- 4.14 The application is submitted on behalf of Aggregate Industries UK and London Concrete Ltd and seeks planning consent for a cross boundary, part outline, part full planning permission for the 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.
- 4.15 The full detail of this planning application relates to landside activities including the batching plant, cement storage and aggregate storage. The outline element of the scheme relates to all riverside structures including the jetty and ship to shore conveyor.
- 4.16 The layout of the site is arranged with the concrete batching plant on the western boundary and the cement storage structure occupying the eastern third of the site. The aggregate storage facilities are positioned along the southern site boundary and the office accommodate in the northern corner of the site.
- 4.17 The concrete batching plant is proposed to be contained within two primary buildings linked by enclosed conveyors to a feed hopper.
- 4.18 The cement storage facilities comprise six cement storage silos. The building is flanked on its eastern and western sides by cement loading stations with weighbridges. An additional weighbridge with an office and wheel washing facilities is located to the west of the cement storage facilities.
- 4.19 The aggregate storage facilities are positioned on the southern boundary of the site in order to receive imported aggregates arriving to the site from the River Thames.
- 4.20 The office accommodation in the northern corner of the site comprises a two storey building including toilets, catering facilities and a brown roof. The northern area of the site also comprises of a covered parking area with a brown roof, cycle parking facilities are also provided on-site.
- 4.21 The outline element of the proposal allows for a 63 metre jetty arm to extend out into the River Thames to an unloading area capable of handling a 90 metre aggregate barge. The jetty element envisages a mobile grab unloader, discharge hopper, cement pipeline and ship to shore conveyor. The specific details of these facilities do not form part of this application and will be the subject of related reserved matters.
- 4.22 The proposed operating hours for the development varies for the different facilities/operations and are set out below:
- Concrete batching plant: 0700-1900 Monday to Friday and 0700-1300 Saturday;
 - Shovel loaders associated with the aggregate storage facility: 0700-1800 Monday to Friday and 0700-1300 Saturday;
 - Cement terminal: 0600-1800 Monday to Friday and 0600-1300 Saturday;
 - Loading and unloading of barges and ships: 0700-2300 Monday to Saturday.

No operation shall occur on Sundays or Bank Holidays.

- 4.23 The proposal intends to utilise the existing site entrance for access to the aggregate and

cement storage facilities. A second, new access is to be provided to the west of the existing entrance for access to the concrete batching plant and site office.

- 4.24 The application also proposes a 10 metre wide extension of the Thames Path from East India Dock Basin to Orchard Place along the southern and eastern boundaries of the site.
- 4.25 In addition the proposals include landscaping and buffer zones to the northern, western and southern boundaries of the site. Provision of boundary treatments which preserve habitat and species which exist on the site are also incorporated into the design.

Relevant Planning History

Application Site

- 4.26 PA/10/2788 In 2010, the LTGDC received an application similar to the current proposals 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 (except for layout)

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.

The planning application was withdrawn on 15th December 2011 because the planning application boundary did not fall wholly within LTDGC's jurisdiction, part of the site was also with the LB Tower Hamlets.

Adjoining sites

42-44 Orchard Place, London

- 4.27 ID/89/00109 Planning permission was granted on 21st September 1989 for the conversion of the existing warehouse to an arts centre and entertainment facility with public bar.
- 4.28 PA/99/00170 Planning permission was granted on 7th October 1999 for the renovation, extension and conversion of existing warehouse buildings into mixed use B1 office (360 sq.m) and 20 no. live/work units with ancillary car parking.

Leamouth Peninsula North, Orchard Place

- 4.29 PA/10/1864 Consent was granted by the LTGDC on 28th November 2011 for a hybrid planning application for the comprehensive redevelopment of the site for mixed-use purposes to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:
- 1) Full planning application for development of Phase 1, at the southern end of the site, comprising buildings G, H, I, J & K, including alterations to existing building N, to provide:
 - 537 residential units (use class C3)
 - 5,424sqm of office and flexible business workspace (use class B1)
 - 382sqm retail, financial and professional services, food and drink (use

class A1, A2, A3, A4 A5)

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

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

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

4.30 PA/07/1730 Planning permission was granted on 11th April 2008 for the erection of a building (25.5m) in the south-western part of the Leamouth Peninsula North to accommodate the proposed community centre (with a temporary interim use as a marketing suite) and electrical sub-station. 22 temporary car parking spaces and associated temporary and part permanent landscaping.

5. POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan 2011)

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London’s economy
- 4.4 Managing Industrial Land and Premises
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management

- 5.13 Sustainable drainage
- 5.14 Water quality and waste infrastructure
- 5.15 Water use and supplies
- 5.20 Aggregates
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-led regeneration
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.17 Metropolitan Open Land
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 7.24 Blue Ribbon Network
- 7.26 Increasing the use of the Blue Ribbon Network for Freight Transport
- 7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use
- 7.29 The River Thames
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Industrial Employment Area
Archaeological Priority Area
Flood Risk Zone

Policies: DEV1 Design Requirements
DEV2 Environmental Requirements
DEV4 Planning Obligations
DEV8 Protection of Local Views
DEV12 Provision of Landscaping in Development
DEV15 Retention/Replacement of Mature Trees
DEV43 Protection of Archaeological Heritage
DEV44 Preservation of Archaeological Remains
DEV46 Protection of Waterway Corridors

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| DEV48 | Strategic Riverside Walkways and New Development |
| DEV49 | Moored Vessels and Structures |
| DEV50 | Noise |
| DEV51 | Soil Tests |
| DEV55 | Development and Waste Disposal |
| DEV56 | Waste Recycling |
| DEV57 | Development Affecting Nature Conservation Areas |
| DEV63 | Designation of Green Chains |
| DEV64 | Strategic Riverside Walkways |
| DEV65 | Protection of Existing Walkways |
| DEV66 | Creation of New Walkways |
| DEV69 | Efficient Use of Water |
| EMP1 | Encouraging New Employment Uses |
| T7 | The Road Hierarchy |
| T10 | Priorities for Strategic Management |
| T16 | Traffic Priorities for New Development |
| T18 | Pedestrians and the Road Network |
| T19 | Priorities for Pedestrian Initiatives |
| T21 | Pedestrian Needs in New Development |
| T26 | Use of the Waterways for Freight |
| T27 | New Aggregate Handling Facilities |
| OS1 | Reservation of Sites |
| OS6 | Designation of Metropolitan Open Land |
| OS14 | Lee Valley Regional Park |
| U2 | Tidal and Flood Defences |

Core Strategy Development Plan Document (September 2010)

| | | |
|-----------|------|---|
| Policies: | SP02 | Urban living for everyone |
| | SP03 | Creating healthy and liveable neighbourhoods |
| | SP04 | Creating a green and blue grid |
| | SP05 | Dealing with waste |
| | SP06 | Delivering successful employment hubs |
| | SP08 | Making connected places |
| | SP09 | Creating attractive and safe streets and spaces |
| | SP10 | Creating distinct and durable places |
| | SP11 | Working towards a zero-carbon borough |
| | SP12 | Delivering Placemaking – Leamouth (LAP 7&8) |
| | SP13 | Delivering and implementation |

Managing Development Development Plan Document – Proposed Submission Version May 2012

| | |
|------------|------------------------------|
| Proposals: | Archaeological Priority Area |
| | Flood Risk Zone |
| | Safeguarded Wharf |
| | Thames Policy Area |

| | | |
|-----------|------|--|
| Policies: | DM9 | Improving air quality |
| | DM10 | Delivering open space |
| | DM11 | Living buildings and biodiversity |
| | DM12 | Water spaces |
| | DM13 | Sustainable drainage |
| | DM14 | Managing waste |
| | DM15 | Local job creation and investment |
| | DM20 | Supporting a sustainable transport network |
| | DM21 | Sustainable Transport of Freight |

| | |
|------|---|
| DM22 | Parking |
| DM23 | Streets and public realm |
| DM24 | Place-sensitive design |
| DM25 | Amenity |
| DM26 | Building heights |
| DM27 | Heritage and the historic environment |
| DM29 | Achieving a zero-carbon borough and addressing climate change |
| DM30 | Contaminated land |

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

Proposals: Archaeological Priority Area
Leaside Area Action Plan
Flood Risk Zone

Policies:

| | |
|-------|--|
| IMP1 | Planning Obligations |
| DEV1 | Amenity |
| DEV2 | Character and Design |
| DEV3 | Accessibility and Inclusive Design |
| DEV4 | Safety and Security |
| DEV5 | Sustainable Design |
| DEV6 | Energy Efficiency and Renewable Energy |
| DEV7 | Water Quality and Conservation |
| DEV8 | Sustainable Drainage |
| DEV9 | Sustainable Construction Materials |
| DEV10 | Disturbance from Noise Pollution |
| DEV11 | Air Pollution and Air Quality |
| DEV12 | Management of Demolition and Construction |
| DEV13 | Landscaping and Tree Preservation |
| DEV15 | Waste and Recyclables Storage |
| DEV16 | Walking and Cycling Routes and Facilities |
| DEV17 | Transport Assessments |
| DEV18 | Travel Plans |
| DEV19 | Parking for Motor Vehicles |
| DEV20 | Capacity of Utility Infrastructure |
| DEV21 | Flood Risk Management |
| DEV22 | Contaminated Land |
| DEV25 | Social Impact Assessment |
| OSN1 | Metropolitan Open Land |
| OSN3 | Blue Ribbon Network and the Thames Policy Area |
| CON1 | Listed Buildings |
| CON4 | Archaeology and Ancient Monuments |
| CON5 | Protection and Management of Important Views |
| U1 | Utilities |

Interim Planning Guidance – Other Leaside Area Action Plan, November 2007

Site Allocation : LS22 Orchard Wharf

Policies:

| | |
|----|--|
| L1 | Leaside Spatial Strategy (partially retained – parts 1, 2, 3a, 3c, 3d and 5) |
| L2 | Transport |
| L3 | Connectivity |
| L4 | Water Space |
| L5 | Open Space |

| | |
|-----|--|
| L6 | Flooding |
| L9 | Infrastructure and services |
| L10 | Waste |
| L38 | Employment Uses in Leamouth sub-area |
| L41 | Local Connectivity in Leamouth sub-area |
| L42 | Design and Built form in Leamouth sub-area |
| L43 | Site Allocations in Leamouth sub-area |

Supplementary Planning Guidance/Documents

London Plan

London View Management Framework (LVMF) Supplementary Planning Guidance (July 2011)

Safeguarded Wharves on the River Thames- Jan 2005

Sub Regional Development Framework: East London- May 2005

Lower Lea Valley Opportunity Area Planning Framework – Jan 2007

Safeguarded Wharves Review 2011/2012- Consultation draft October 2011

LBTH

Planning Obligations SPD 2012

English Heritage

The Setting of Heritage Assets: English Heritage Guidance (May 2011)

Government Planning Policy Guidance/Statements

| | |
|-------|--|
| NPPF | National Planning Policy Framework |
| PPS10 | Planning for Sustainable Waste |
| MPG14 | Environment Act 1995: Review of Mineral Planning Permissions |
| | National and regional guidelines for aggregates provision in England 2005-2020 |

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 & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Transport and Highways

6.3 Highways have no objection to the scheme, subject to the imposition of conditions to secure:

- Construction Management Plan
- All private forecourt areas to be drained within the site and not onto the public highway
- A scheme of highway improvement works
- S278 agreement to be secured

(Officer comment: Conditions and informatives will be imposed on any planning consent issued)

LBTH Biodiversity

6.4 The Ecology chapter of the Environmental Statement is considered to be a fair and accurate assessment of importance and impacts.

The ES conclusion that the proposal will not have a significant residual ecological impact if all mitigation is implemented relies on all the proposed habitat creation being successful, and noise reduction measures preventing disturbance to birds on East India Dock Basin. The reaction of birds to disturbance is unpredictable so the potential for significant adverse impacts cannot be totally ruled out.

A further impact upon East India Dock Basin is envisaged to people's enjoyment of the nature of the area.

The Biodiversity Officer recommends that further mitigation is required if planning permission is to be granted. Paragraph 6.8.6 of the ES is referred to where it states that all possible measures to reduce impacts and create new habitat within the application site are included in the proposal. Therefore, an off site contribution toward the de-silting of East India Dock Basin is recommended as a way of compensating the loss of enjoyment of nature and to ensure an overall gain in biodiversity.

(Officer Comment: Biodiversity Enhancement and mitigation have been secured through off-site enhancements at the East India Dock Basin.)

LBTH Energy

6.5 Whilst the development is not achieving the policy DM29 requirement of 35% reduction in CO2 emissions, it is acknowledged that this target is not achievable due to the type of development and constraints of the site. Therefore, the 6% reduction in CO2 emissions proposed through the use of PV cells is considered to be acceptable.

(Officer Comment: A condition will be imposed to secure the energy strategy at the site).

LBTH Environmental Health

6.6 Contaminated Land

The Phase 1 desk study report has been reviewed and a contamination condition recommended.

(Officer Comment: A condition to secure further survey work is proposed to be imposed on any consent issued.)

Noise/Acoustics

Following a review of Sharps Acoustic report, if the proposed mitigation (road resurfacing

and provision of noise insulation); no objections are raised.

(Officer Comment: The mitigation measures proposed will be secured through the S106 agreement.)

LBTH Employment and Enterprise

- 6.7 Due to the unique nature of the site and its employment density the council will consider an alternative to financial contributions. The alternative provision should produce suitable outputs that exceed that of the financial investment. It is proposed that as an alternative to the £14,768 contribution (this includes construction phase £10,459K and end-phase £4,309K), the council will be seeking the following in-kind offer:

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

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

Suggested in-kind offer:

The developer offers an employment training package/apprenticeship which enables 6 local LBTH residents to undertake construction pre-employment training which would include obtaining a CSCS card. As well as this, they receive plant operative specific training (CPCS) and complete an on-site assessment to achieve a NVQ level 2 qualification.

The developer commits to employing 6 local LBTH residents (20% of the 30 FTE positions) within the operation phase of the development. Lastly, we request that all 30 vacancies are advertised via the council's Access to Employment service Skillsmatch.

(Officer Comment: The applicants have agreed to provide a financial contribution of £14,768 and all non financial commitments.)

LBTH Access Officer

- 6.8 Comments query the level of information provided by the applicant. The proposal mentions DDA compliant parking spaces however the applicant should note that where there are no standards in place, Tower Hamlets will require compliance with Part M of the Building Regulations.

The use of tactile paving has been noted. Where this is used the paving should be correctly designed and installed. Further, all surface treatments should be compacted to ensure they are suitable for all users.

No details have been provided on the specific location of the WC facilities or the mess room.

All stairs, doors and corridors of the office accommodation need to comply with Part M of the Building Regulations.

(Officer comment: Further drawings have been received to show the DDA compliant facilities

at the site and an informative will be imposed requiring the applicants to contact the Councils Building Control team to ensure the development meets the Building Regulation standards. Site entrance widths and geometry, and tactile positioning on the public footpath adjoining the site were developed in conjunction with the LBTH Access Officer.)

Crime Prevention Officer

6.9 In principle, no objection has been received to the proposal, however the following comments were provided:

- Planting to the front of the site should be of a defensive variety such as Pyracantha.
- Light levels, CCTV and monitored alarms are all recommended.
- The Thames side pathway has been identified as a particularly vulnerable part of the site. CCTV, lighting and potentially closing at dusk has been recommended.

(Officer Comment: The landscaping, lighting and CCTV details would be the subject of a condition for approval at a later date. With regard to the Thames Path, whilst the comments are noted, the current proposals to provide unrestricted access are compliant with planning policy.)

LBTH Waste Officer

6.10 As this is a non-residential development with no impact on municipal waste collections, there are no objections to the application.

Greater London Authority – Mayor of London

6.11 The London Mayor's Stage 1 response was received on the 29th of February 2012. The overall conclusion of the response is that the scheme does not comply with the London Plan. However the stage 1 letter advises that these deficiencies could potentially be resolved.

Land Use

6.12 The Stage 1 report highlights the site's allocation as a safeguarded wharf and states that the principle of the proposal is strongly supported in terms of the London Plan's policies regarding safeguarded wharves (7.24) and freight transport (7.26). The report goes on to identify the support for this land use in connection to the safeguarded wharf contained within the Lower Lea Valley Opportunity Planning Framework and Tower Hamlet's Core Strategy.

Biodiversity

6.13 The report turns to biodiversity, acknowledging that although the site is not of strategic nature conservation value, the proposed use is likely to have an impact upon the adjacent East India Dock Basin nature reserve. In particular, the proposed use is considered to be detrimental to both birds and invertebrates that utilise the Basin and would reduce the amenity value of the site to local residents. In order to remedy this situation, it has been recommended that off site mitigation is secured to minimise the negative impact upon East India Dock Basin.

Noise and Vibration

6.14 In terms of noise and vibration, the construction impact of the proposal has been noted to be in line with BS5228 and that the construction contractor will be required to enter into a Section 61 consent with the Local Authority for the construction works.

- 6.15 The operational noise impact of the development have been considered and are noted to be 'minor negative' at 42-44 Orchard Place and negligible at Virginia Quays. In terms of vibration, the movement of vehicles has been identified as a potential source of disturbance for residents of 42-44 Orchard Place. It has been suggested that the application proposal include the resurfacing of the road to mitigate this potential vibration issue.

Urban Design

- 6.16 In urban design terms, the location of the structures are considered to be appropriate, particularly as the River Thames is a limiting factoring in locating structures on site.
- 6.17 The proposals vehicular access arrangements are noted and it is suggested that sufficient design measures are implemented to ensure a good pedestrian environment for those accessing facilities at the eastern end of Orchard Place.
- 6.18 The Thames Path proposals are supported, particularly the inclusion of an ecology habitat. As the specific design proposals are not clear, it has been recommended that further detail is submitted to coordinate this path with other public realm improvements in the area.
- 6.19 The scale and massing of the buildings are considered to be appropriate to the context of the surrounding area. However, further detail of the materials has been requested.
- 6.20 Boundary treatments are identified as being critical for the successful integration of the scheme with the surrounding area and should be considered in the context of the boundary environment, i.e. green elements along the western edge and brick to the northern and eastern edge.
- 6.21 In terms of access, a lift and disabled toilet has been requested for the office accommodation.

Energy

- 6.22 The energy statement has been reviewed and is considered to be in line with London Plan requirements. The use of 420sqm of photovoltaic cells is supported by the GLA and is estimated to reduce carbon emissions by 24 tonnes per year.
- 6.23 The approach to surface water drainage is accepted and it has been suggested that residual water overflow is discussed with Thames Water.

Legal Agreement and Obligations

- 6.24 Construction training has been requested and is suggested to be secured in a S106 agreement.
- 6.25 The GLA advise of the scheme liability to pay Crossrail CIL, which equates to £35 per square metre of floor area.

Transport and Access

- 6.26 Transport for London have provided comments through the Stage 1 report. The 14 car parking spaces are considered to be acceptable however cycle parking facilities have been requested for staff.
- 6.27 TfL encourage the developer to use reasonable endeavours through a Delivery and Servicing Plan to encourage off-peak journeys. This is intended to assist in preventing queuing onto the A13 or A1216.

6.28 TfL have also commented that they support the commitment to using water based transport.

(Officer Comment: The applicant has responded to all of the points raised and all issues are addressed with the body of the report.)

Environment Agency

6.29 The Environment Agency confirm that the scheme will be acceptable if conditions are imposed to secure:

- 6.30
- Engineering reports to establish the condition of the river wall/flood defences;
 - A safe refuge area for workers above 4.75 metres AOD;
 - Hydraulic engineering reports to establish the impact on river flows, bed sediment conditions;
 - A surface water drainage scheme
 - Details of roof runoff in separate sealed systems
 - Demonstration that the surface water drainage scheme will not require pumping;
 - Development to be carried out in accordance with the approved flood risk assessment;
 - A drainage scheme detailing the layout of foul and surface water drains.
 - A four stage contamination strategy;
 - Verification report following the contamination strategy;
 - Actions if contamination previously not identified is found;
 - No piling or other foundation designs without permission;
 - Provision and management of a landscaped buffer zone along the Thames foreshore;
 - An ecological management plan;
 - A plan for minimising light spill onto the Thames;
 - A scheme to prevent riverward pollution;
 - A working method statement to cover all river works;
 - Provision and management of compensatory habitat

(Officer Comment: All of the above recommended conditions are to be imposed, however some conditions have been amalgamated with others to avoid overlap and repetition.)

English Heritage Archaeology

6.31 In light of the Cultural Heritage chapter of the Environmental Statement, English Heritage do not consider that any further archaeological work needs to be undertaken prior to the determination of the planning application. A condition has been recommended to secure a written scheme of investigation for a programme of archaeological mitigation.

(Officer Comment: The requested condition is proposed to be imposed on the planning approval.)

Lee Valley Regional Park Authority

- 6.32 The Park Authority objects to the proposal on the following grounds:
- There would be unacceptable noise impact from the proposed facility and from large numbers of heavy goods vehicle movements per day on access to the East India Dock Basin;
 - The adverse impact of 280 heavy good vehicles movements per day on access to the East India Dock Basin;
 - Although the provision of more brown roofs in the revised submission is acknowledged, it remains the Authority's position that the ecological mitigation measures proposed would not be sufficient to compensate for the habitat that will

be lost on the application site;

- Although the provision of a wider landscaping strip in the revised submission is acknowledged, it remains the Authority's position that the landscaping proposed along the boundary of the site with East India Dock Basin is not of sufficient width to provide a meaningful landscape buffer to soften the considerable visual impact of the development upon East India Dock Basin.

6.33 However, the Park Authority has requested that if the Local Planning Authority are minded to approve the application despite the objection raised, mitigation should be secured as follows:

- The provision of a 10 metre landscape buffer strip along the whole length of the boundary with East India Dock Basin;
- Funding to contribute to the cost of habitat enhancement works at East India Dock Basin by de-silting the basin, or other enhancement projects at East India Dock Basin deemed appropriate following discussions between the applicants, the Local Planning Authority and the Park Authority, in the region of £250,000;
- Mitigation measures in relation to air quality, noise and vibration as set out in the Environmental Statement, and any other necessary measures to the satisfaction of the local Environmental Health Officer;
- Highway improvement works including provision of new riverside path, two metre wide footway at Orchard Place and see-through railings adjacent to site entrances;
- Funding for a new pedestrian crossing on Orchard Place, adjacent to the entrance to East India Dock Basin.

6.34 The Park Authority conclude by stating that if a resolution to grant planning permission occurs without significant changes which adequately address the concerns, the Park Authority will refer the application to the Secretary of State for his consideration under the provisions of S14 of the Lee Valley Regional Park Act 1966.

(Officer Comment: The applicant has agreed to provide a contribution of £250,000 towards the biodiversity enhancements at the East India Dock Basin, by virtue of the de-silting of the dock to enhance the value of the basin. In principle the LVRPA are happy with the enhancements proposals achieved, the application is due to be heard before LVRPA board members shortly and an update of comments from this meeting will be issued at the committee meeting if they are available.)

LB of Greenwich

6.35 No objections raised.

Natural England

6.36 No detailed comments have been provided in support or objection to the proposals. The following general comments have been provided:

- Natural England (NE) welcomes the proposed landscape and ecology zones; and
- Works to secure Biodiversity enhancement should be secured.

(Officer comment: The applicants are unable to provide further on-site biodiversity enhancements, therefore off-site planning obligations have been secured to provide biodiversity enhancements at the adjoining East India Dock Basin.)

National Air Traffic Services (NATS)

6.37 No objections raised.

Port of London Authority

6.38 The Port of London Authority (PLA) support the current proposal. In turn the proposal is supported by policy 7.26 of the London Plan which seeks to secure the protection of existing facilities for waterbourne freight traffic and increase the use of safeguarded wharves for waterbourne freight transport. The consultation draft of the Safeguarded Wharves Review 2011/2012 is also relevant as it highlights Orchard Wharf as a viable location for aggregate storage.

(Officer Comment: The Port of London Authority own part of the application site and will therefore be party to any legal agreement secured at the site.)

London Fire and Emergency Planning Authority

6.39 No objections raised.

British Waterways

6.40 The application site falls outside of the British Waterways consultation area, therefore no comments received.

Transport for London

6.41 In principle, the proposal which will re-instate the use of waterbourne freight movements is supported subject to the following:

- Provision of adequate cycle parking spaces on site

(Officer comment: ground floor layout plans have been updated to show the location of cycle stands)

- The applicants Delivery and Servicing Plan should seek to encourage off-peak journeys to ensure the smooth operation of the Leamouth Roundabout;

(Officer comment: A condition requiring the submission of a delivery and servicing plan has been attached to the decision notice)

- Details of the design of the ship to shore conveyor require further consideration to ensure they do not compromise the safety of users of the extended pathway.

(Officer comment: The design of the ship to shore conveyor is to be considered as part of the reserved matters and therefore is not a matter for consideration under the current scheme.)

Thames Water

6.42 No objection raised. It has been requested that an informative regarding water pressure is imposed on any consent issued.

(Officer comment: The requested informative is proposed to be imposed on the planning approval.)

London City Airport

6.43 No objection raised. An informative has been requested regarding the maximum AOD heights of structures at the site.

(Officer comment: The requested informative is proposed to be imposed on the planning approval.)

Olympic Delivery Authority

6.44 No objections received.

LB Newham

- 6.45 No comments received to date.
- 6.46 A full copy of all comments received will be available to view by Members prior to the committee meeting.

7. LOCAL REPRESENTATION

- 7.1 A total of 102 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life, the Evening Standard and on site.
- 7.2 The application was consulted on in January 2012 and a re-consultation was undertaken in February 2012. In February 2012 the applicants sought to amend the scheme by proposing to seek outline consent with all matters reserved (previously the layout had been detailed) for the Jetty and Ship to Shore Conveyor.
- 7.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 50 Objecting: 50 Supporting: 0 Neither: 0
No of petitions received: 0

- 7.4 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

Land Use

- Area is zoned for residential development
- Inappropriate land use adjoining a school and a nature reserve
- The proposal is not considered to complement the Lower Lea Valley regeneration
- This decision should await the GLA review of Safeguarded Wharves/Development is premature
- Risk of failures at the plant causing increased odour and chemical releases
- The proposal puts at risk future investment and regeneration in the area
- Potential impact on employment generation at local regeneration sites
- Overconcentration of use proposed at the Site

(Officer comment: The above issues are addressed in paragraphs 8.2-8.14 of this report.)

Design

- Obstruction of views from the East India Dock Basin
- Visual blight
- Impact on Metropolitan Open Land

(Officer comment: The above issues are addressed in paragraphs 8.15-8.33 of this report.)

Amenity

- Noise generation
- Increased pollution (general)
- Increased smell
- Long hours of operation
- Dust generation
- Impact on Health and Safety of School children
- Existing noise from London City Airport is a concern for the area
- Vibrations from vehicle movements

(Officer comment: The above issues are addressed in paragraphs 8.34-8.49 of this report.)

Transport

- Traffic generation
- Narrow streets of Orchard Place unable to cope with site vehicles
- Impact of public footpath used by children to access local school
- Safety of pedestrians and cyclists
- Cumulative impact on local road network

(Officer comment: The above issues are addressed in paragraphs 8.63-8.83 of this report.)

Biodiversity

- Impact of noise on nature reserve
- The proposal impacts upon the likely use of the FAT walk
- Impact of the development on the Lea River Park

(Officer comment: The above issues are addressed in paragraphs 8.84-8.87 and 8.50-8.62 of this report.)

Other

- Details of the Jetty should not be provided in outline, but should be put forward in detail

(Officer comment: The Jetty details are submitted in outline at the request of the Environment Agency.)

A full copy of all comments received will be available to view by Members prior to the committee meeting.

7.5 The following issues were raised in representations, but should not be given any weight in the determination of the application:

- Impact on the view from the local residential properties;
- Reduction in property prices.

8. MATERIAL PLANNING CONSIDERATIONS

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

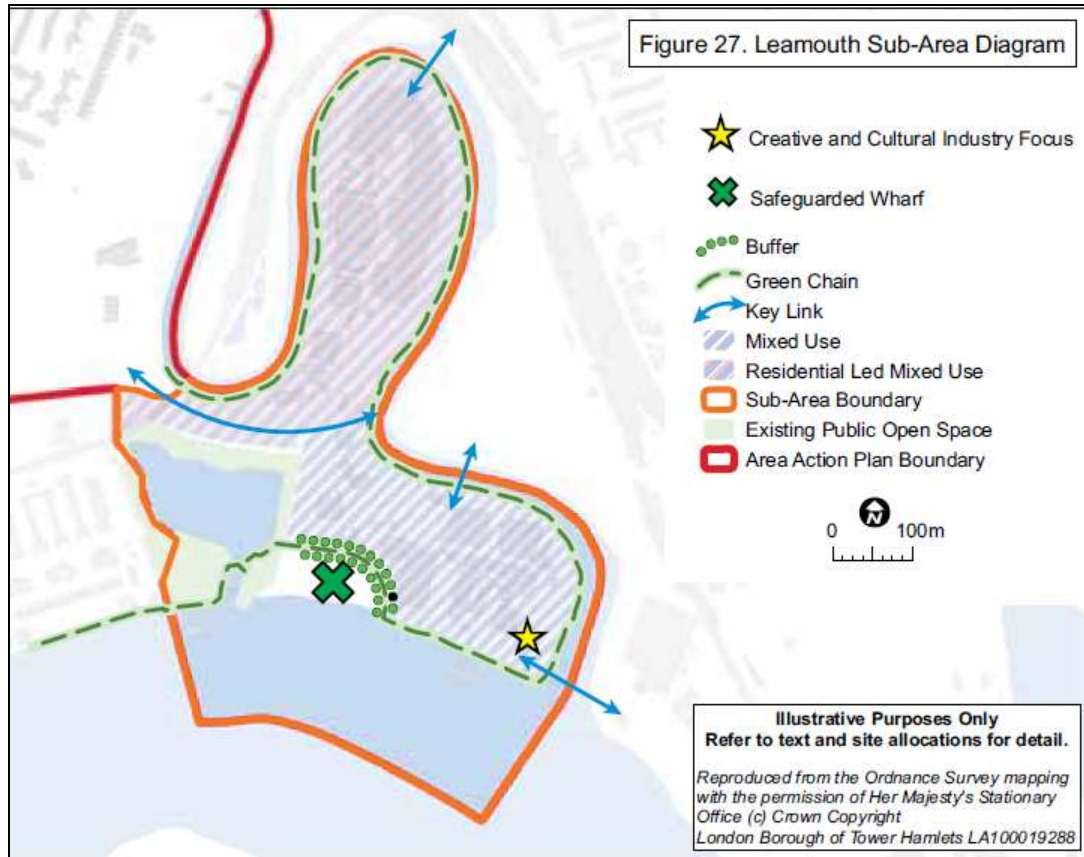
- Principle of Development and Land Uses
- Design, Views, Heritage & Conservation
- Amenity
- Biodiversity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

Principle of Development and Land Uses

8.2 The application site was last used for aggregate storage and handling, with this previous use having ceased in 1993. The site has subsequently been vacant for 19 years. Historically the Leamouth area has been characterised by industrial uses, of which the former aggregate storage and handling facility formed a key part.

8.3 In more recent years, the industrial uses across the wider Leamouth Peninsula have come to an end and there have been changes to the character and land use of the wider Leamouth Peninsula area. Most notably Leamouth North is the focus for residential led mixed-use development and the area immediately around the application site is the focus of future mixed use developments. This is illustrated in Diagram 1 which is taken from the Leaside Area Action Plan 2007. It is also noted that this document highlights the application site as a safeguarded wharf.

Diagram 1



8.4 In accordance with the Leaside Area Action Plan and the changing characteristics of the Leamouth Peninsula area, a number of consents have been issued around the application site which reflect the changing character of the area from industrial mixed uses including residential. The Leamouth North development which is also known as the Pura Food site, recently gained consent for 1,706 residential units and 185,077sq.m of mixed use commercial floorspace (ref: PA/10/01864 dated 28th November 2011). This proposal will lead to a significant change to the character and vibrancy of the Leamouth Peninsula area.

8.5 The Leaside Area Action Plan also identifies Trinity Buoy Wharf for its Creative and Cultural focus within the Leamouth Peninsula (yellow star). It is evident that the once industrial area is moving away from this land use, although there are some remaining industrial and employment uses along Orchard Place, adjoining the application site.

8.6 The application site was designated as a safeguarded wharf following the recommendations of the Thames Strategy of 1995. The Thames Strategy recommended that all remaining commercial wharves along the Thames should be retained and any development proposals resulting in their loss should be referred to the Secretary of State for the Environment. The referral of proposals is now the role of the Mayor of London by way of Part IV of the Town and Country Planning (Mayor of London) Order 2000.

8.7 Policy 7.24 of the London Plan 2011 seeks to prioritise the use of London's water spaces for

the transportation of freight. Policy 7.26 specifically deals with safeguarded wharves in supporting their reactivation and resisting their loss unless the wharf is no longer viable or capable for waterborne freight handling. Policy 7.30 goes further to state that sites alongside canals and rivers should activate water spaces, particularly for transport.

- 8.8 In 2005, a London Plan Implementation Report reviewed all safeguarded wharves on the River Thames and recommended that Orchard Wharf's safeguarding status remain in place. The report identified Orchard Wharf as being capable of being made viable for cargo handling, particularly for transhipped aggregates.
- 8.9 Policy 7.26 of the London Plan 2011 states that the Mayor will review the designation of safeguarded wharves prior to 2012. The GLA are currently undertaking a further safeguarded wharves review. The consultation draft was released in October and consultation closed in January 2012. Within this consultation draft, Orchard Wharf had been retained as a safeguarded wharf. The site was considered to be viable and well located to serve London and satisfy the forecast shortfall of aggregate supply in the sub-region. Officers have therefore given weight to the retention of the safeguarding of Orchard Wharf within the Review document.
- 8.10 The draft Safeguarded Wharves 2011 document is currently being reviewed in light of comments received during the consultation period. The final safeguarded wharves document will now be produced and was expected to be sent to the Secretary of State with recommendations in early Spring 2012. The draft document has therefore been afforded some weight due to the retention of the safeguarded wharf status of the site and is a material consideration in the determination of this planning application.
- 8.11 The Lower Lea Valley Opportunity Area Planning Framework 2007 identifies the application site as a safeguarded wharf and protects its use for cargo-handling uses, including waste and aggregates in line with national and strategic policy.
- 8.12 At a local level, the safeguarded wharf status of the application site is identified within policy SP12 of the Core Strategy 2012 and site allocation LS22 of the Leaside Area Action Plan which seeks to protect the safeguarded status of Orchard Wharf for cargo handling operations and states that development which may prejudice these operations will not be supported. The Core Strategy goes on to state that effective buffers are needed to protect the amenity of nearby residential uses.
- 8.13 In land use terms, the national safeguarding of the application site has informed the regional and local policy documents of the Leamouth Peninsula area. Whilst the area in general is moving away from a principally industrial use, the safeguarding direction has been retained and therefore the principle of re-activating the site for aggregate storage and concrete batching on balance accords with planning policies.
- 8.14 Representations have been received raising concerns regarding the impact of the development on the regeneration of the Lower Lea Valley, future investment in the local area and the impact on employment generation at local regeneration sites. On balance, it is considered that the safeguarded status of the site outweighs the potential future impacts on the surrounding area.

Design, Views, Heritage & Conservation

- 8.15 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number criterion aimed at achieving good design. These criterion are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policies DEV1 and DEV2.

- 8.16 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.17 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the CS and DM24 of the MD DPD (proposed submission version January 2012) also seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.

Design

- 8.18 The approach to the design of the development has taken account of the industrial context of the existing site and the history of the surrounding area. Consideration has also been given to the sites prominent location on the River Thames and adjacent to the EIDB. The buildings are designed simply for function and enclose the machinery and storage areas associated with the proposed use. More traditional features that would be associated with the historic warehouse buildings have also been incorporated into the design, such as dual pitched roofs and earthen colours. A condition is to be imposed to ensure the final materials used on the building facades are agreed prior to the commencement of development.
- 8.19 The layout, bulk and scale of the development is considered to relate to the existing buildings located to the north and east of the site. Whilst the EIDB does not comprise any buildings, the proposal has been set away from the western boundary and a landscaped buffer zone provided to minimise the visual impact of the proposal from the EIDB. The image below shows an artists impression of the proposal juxtaposed against the EIDB.



- 8.20 On balance due to the safeguarding of the Wharf, the proposed development is considered acceptable in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This is in line with saved policy DEV1 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policy DEV2.
- 8.21 In respect of the outline part of this development, the detailed design and appearance of the jetty and ship to shore conveyor will be a reserved matter. The quality of design secured as part of the detailed development will act a benchmark to ensure that the remaining development is in keeping with the appearance of the landward development in order to

ensure an appropriate design solution for the site.

Views Assessment

- 8.22 A townscape and visual assessment of the proposed development has been undertaken and forms part of the Environmental Statement. This has analysed both the landscape and visual effects of the development compared to the existing situation.
- 8.23 The landscape character areas most likely to be effected by the development are the areas around the River Lea and River Thames.
- 8.24 The River Thames is considered to be a high sensitivity landscape area and will be directly affected by the jetty, conveyor and aggregate storage building. However, the buildings and jetty are considered to be appropriate in their scale and function given the type of other industrial infrastructure along the River Thames.
- 8.25 The visual affects of the proposal on surrounding areas has been assessed from 15 separate vantage points, including the East India Dock Basin, the Canning Town DLR station and also views from the LB Greenwich. The Environmental Statement concludes that three points are considered to be effected by a moderate to substantial degree but to a positive extent. These views are from the east side of the Virginia Quay development and from two points within East India Dock Basin.
- 8.26 The proposed development is of a larger scale than the buildings which exist on the site at present. However, on balance it is not considered that the proposals cause an adverse impact on the setting of the site within the local views afforded to the site. Whilst the site is within a prominent riverfront location, views from the LB Greenwich and the EIDB are considered to provide a vista which is not altered to a degree that it overrides the safeguarding status of the Wharf.
- 8.27 On balance, the proposals are considered to be acceptable in relation to the local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the UDP 1998, CON5 of the IPG 2007 and SP10 of the Core Strategy 2010.

Heritage Assessment

- 8.28 Policies CON1 and CON2 of the IPG 2007, policy SP10 of the Core Strategy 2010 and DM27 of the MD DPD 2012 seek to ensure that development preserves or enhances the distinctive character or appearance of an areas heritage assets in terms of scale, form, height, materials, architectural detail and design.
- 8.29 The applicant has submitted a Cultural Heritage Desk Based Assessment in support of the application and Environmental Statement. The Assessment analyses surrounding statutory listed structures, the unlisted structures on site for historic interest and archaeological assessments of the site
- 8.30 The closest listed structures to the site are the Grade II listed Blackwall Pier and entrance lock to East India Dock Basin. These are located to the west of the application site and its setting primarily relates to the River Thames, as most of its landside dock setting has been removed and surrounded by modern residential development, road infrastructure and open space. The proposed development is not considered to impact on the setting of these listed structures due to the distance from the site and the orientation of the structures.
- 8.31 Further to the east of the site, further Grade II structures are present at Trinity Buoy Wharf. These are the Trinity House Buoy Wharf and Orchard Dry Dock, and Trinity House Chain Locker and Lighthouse Block. The distance from the site coupled with the obstruction of

direction sight lines between the two locations mean that the development of Orchard Wharf will have little to no impact upon these listed structures at Trinity Buoy Wharf.

- 8.32 Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the IPG, SP10 of the CS and DM27 of the MD DPD.
- 8.33 In terms of archaeological remains on the site, the assessment has indicated that there remains a high potential for post-medieval and palaeo-environmental remains to be on site. There is also considered to be a moderate potential for Neolithic and Bronze Age evidence remaining within the site. English Heritage has reviewed the assessment and has recommended a condition to secure archaeological investigations on site.

Amenity

Noise and Vibration

- 8.34 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the Core strategy and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise, minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.35 The application site is located opposite 42-44 Orchard Place which comprises live work units, which face directly onto the application site. The Virginia Quays residential area is located approximately 100 metres to the west of the site. Directly adjoining the western boundary of the site is the EIDB nature reserve and other sensitive receptors within the area include commercial premises along Orchard Place. A full noise and vibration assessment has been undertaken by Sharps Acoustic and is submitted within the Environmental Statement.
- 8.36 The Environmental Statement reviews the impact of the proposed construction phase of the development alongside the operational phase of the development which includes the aggregate handling facility, concrete batching plant and cement terminal.
- 8.37 The demolition and construction phase of the development is anticipated to be approximately 6-9 months and the hours of working during the construction phase will be conditioned to minimise a nuisance to local residents. It has been identified within the Environmental Statement that only works of piling within the landward part of the site (excluding piling works proposed at the quay wall/riverside) could exceed the LBTH noise and vibration limits and impact on local residents. At the time of submission, it was not known the extent of piling required within the landward part of the site, therefore a condition has been imposed which requires the applicants to submit and have approved details of any piling works within the landward area of the site. The applicants also propose to use localised screening to mitigate noise impacts in the event that piling is required.
- 8.38 A detailed assessment of the noise and vibration levels for the proposed development during the operation phases are contained within the Environmental Statement submitted. The assessment reviews the impact of the proposed works throughout the proposed operating hours of the development. The proposed works are identified as having a minor adverse impact on the live work units at 42-44 Orchard Place. On site mitigation measures proposed include the enclosure of the concrete and cement plants, ancillary equipment and conveyors, screening and road re-surfacing at Orchard Place. The on-site mitigation measures are considered to minimise the impacts on adjoining occupiers of Virginia Quay and Trinity Buoy Wharf. Full details of the proposed impact on the East India Dock Basin are set out within the 'Biodiversity' section below.

- 8.39 As a result of the identified minor adverse impact on residents of the live work units at 42-44 Orchard Place, the Local Planning Authority sought mitigation measures for residents within the live work units most affected, on the south east and south west facades. As a result, the applicants propose to provide a scheme of works for all residents of the live works units which have a habitable room (bedrooms and living rooms/kitchen dining areas) of the south east and south west façade, to install secondary glazing and passive ventilation at the property. This will enable residents to install glazing and ventilation to provide adequate mitigation against the impacts of the development. The scheme of works will be secured through a legal agreement and the applicants are required to approach all residents of the live work unit as part of the legal agreement. In addition, the potential vibration impacts from the vehicular traffic entering and leaving the site is proposed to be mitigated through the re-surfacing of Orchard Place.
- 8.40 The Local Planning Authority has also been made aware that the London City Airport proposals include mitigation measures to provide all properties at 42-44 Orchard Place with double glazing and passive ventilation. Residents who already have double glazing would not however benefit from the upgrade works to glazing, but could receive the passive ventilation proposed through the London City Airport proposals. Nevertheless, residents would remain entitled to the Noise Insulation Works fund proposed by the applicants to provide a secondary glazing installation at the affected rooms on the south east and south west facade.
- 8.41 A Noise Management Strategy condition is also proposed as part of any consent issued at the site in order to monitor the noise levels following the implementation of the aggregate storage and concrete batching plant.
- 8.42 The measures proposed seek to provide reasonable mitigation to address the impacts on the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the Core strategy and policy DM25 of the MD DPD which seek to ensure that development proposals reduce noise minimising the existing and potential adverse impact.

Air Quality

- 8.43 Policy 7.14 of the London Plan 2011 seeks to ensure that design solutions are incorporated into the new development to minimise exposure to poor air quality. Saved policy DEV2 of the UDP, policy SP02 of the Core strategy and policy DM9 of the MD DPD seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent air pollution in line with the Clear Zone objectives.
- 8.44 The development is located within the Tower Hamlets Air Quality Management Area (AQMA). The main sources of pollution impacting air quality are traffic emissions and dust and fine particulates from the proposed use. The submitted Environmental Statement advises that as a result of the enclosure of much of the site, including the aggregates depot which is enclosed except above the loading apron and through the provision of fixed water sprays, the development seeks to ensure that cement dust is not released at any stage of the process. Much of the requirements for ensuring the air quality in and around the site are imposed through separate conditions under the Environmental Permit, which the site is required to apply for.
- 8.45 Departing aggregates and cement lorries will pass through the wheel-wash and departing aggregate lorries will be covered prior to leaving the site to seek to prevent dust leaving the site. A road sweeper will also be deployed on a weekly basis and duties may also include the cleaning of Orchard Place if it considered necessary. The anticipated impact from exhaust emissions is assessed as a 'slight adverse' impact.
- 8.46 Whilst a number of mitigation measures are incorporated into the design proposal at

application stage, under the requirements of the Environmental Permit for the site, should dust emissions occur or appear likely to occur, the operators would be required to be modified, reduced or suspended. Whilst the Environmental Permit falls outside of the application processes, the checks and balances imposed by the Environmental Permit seek to prevent an adverse impact on surrounding air pollution.

- 8.47 An Air Quality and Dust Management condition is proposed to be imposed as part of any consent issued at the site in order to monitor the air quality in and around the site following the implementation of the aggregate storage and concrete batching plant.

Daylight, Sunlight and Overlooking

- 8.48 Saved policy DEV2 of the UDP and SP10 of the CS seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions, overlooking/loss of privacy and sense of enclosure. Policy DEV1 of the IPG states that development should not result in a material deterioration of residential amenity for surrounding occupants.
- 8.49 The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the UDP and policy DM25 of the MD DPD which seek to protect the amenity of existing a future occupiers.

Biodiversity

- 8.50 National policy guidance contained within the National Planning Policy Framework (NPPF) states that planning policies (Local Plan policies) should minimise impacts on biodiversity and geodiversity and promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and the recovery of priority species populations, linked to national and local targets. The Local Planning Authority Biodiversity Action Plan (BAP) provides the background information which informed the adopted Core Strategy 2010 with regard to the policy formulation for Biodiversity promotion and preservation.
- 8.51 The NPPF also states that local authorities should aim to conserve and enhance biodiversity when determining planning applications. The NPPF goes on to set out that where significant harm results from a development, adequate mitigation should be provided and as a last resort, compensated for, through opportunities to incorporate biodiversity in and around a development. (paragraph 118).
- 8.52 The NPPF states that planning decisions should aim to protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational amenity value. The East India Dock basin which adjoins the site is a nature reserve which is designated as a Site of Nature Conservation Importance and an Area of Metropolitan Open Land. The Dock Basin was converted to a bird reserve in 1996.
- 8.53 Policy 7.19 of the London Plan 2011 primarily reiterates the guidance of the NPPF and seeks a hierarchical approach to the protection, enhancement, creation, promotion and management of biodiversity. In the first instance development should seek to avoid any adverse impact on biodiversity. If an impact cannot be avoided, the impact should be minimised and mitigated and in exceptional circumstances, compensation can be sought where the benefits of the proposal outweigh the biodiversity impacts.
- 8.54 Policy SP04 of the Core Strategy 2010 seeks to protect and enhance biodiversity value in order to achieve a net gain in biodiversity. The Planning Obligations SPD also highlights the need for a net gain in biodiversity, but recognises that where it is unfeasible for a

development to provide on-site biodiversity enhancements, the Council will seek financial contributions to off-site projects of Biodiversity enhancement.

- 8.55 The application site comprises a brownfield site. The site has been vacant for a number of years and as a result the site now presents a brownfield habitat. The site is located adjacent to the River Thames which is a designated Site of Metropolitan Importance for its Nature Conservation value. The adjoining East India Dock Basin is a Site of Borough Importance: Grade I for its nature conservation value.
- 8.56 Brownfield habitats are Priority Habitats in the UK, London and Tower Hamlets Biodiversity Action Plans. The habitat within such sites often supports many species and habitat types that are a priority for nature conservation. A detailed assessment of the value and potential impact upon a number of habitats and species has been undertaken by URS Scott Wilson and is detailed within the submitted Environmental Statement. An assessment of the adjoining River Thames and East India Dock Basin is also contained within the Environmental Statement. The survey work assessed the existing habitats, and species including black redstarts, breeding and wintering birds, bats, terrestrial invertebrates, reptiles, aquatic invertebrates and fish.
- 8.57 The application proposes to clear the site which will result in the loss of all existing habitats within the boundary of the site. The proposals include a range of mitigation measures to seek to ensure the translocation of species including kidney vetch, hares-foot clover and common storks-bill plants and the provision of black redstart boxes, bat roosting boxes and invertebrate boxes. Alongside this are a variety of measures to secure biodiversity at the site such as a brownfield habitat zone between the river wall and the development, provision of a landscape zone on the western boundary adjoining the East India Dock Basin, timber fendering along the side and rear walls of the aggregate bays, brownfield vegetation within the northern area of the site (fronting Orchard Place) and the provision of brown roofs on all available buildings within the site boundary including the concrete plant feed hoppers, weighbridge office, covered car parking spaces and the office building.
- 8.58 The area of brownfield habitat proposed within the application site is 1,886sq.m, which results in a net loss of brownfield habitat of 90sq.m. The proposal, as a result of the biodiversity enhancements provided on site is considered to result in a neutral impact on Biodiversity within the application site boundary. The neutral impact on Biodiversity at the site is reliant upon all Biodiversity measures proposed being successful. The proposed works are unable to deliver a biodiversity enhancement within the application site boundary.
- 8.59 The proposed works, by virtue of the type of noise generation from the use of the site (sudden noises), could impact on the biodiversity of the East India Dock Basin (EIDB). The sudden noises from the proposed works may deter use of the EIDB by noise sensitive birds, such as Teal. Off-site mitigation measures are proposed through the de-silting of the EIDB which would allow for the habitat within the Basin to be available to less noise sensitive birds which have been known to use the Basin in previous years. These works would provide a biodiversity enhancement at the Basin whilst accommodating for the proposed use adjacent to the EIDB. These measures seek to enhance the Biodiversity value of the EIDB and therefore mitigate against any residual impact upon the visitor experience and enjoyment of the Basin. The applicant has agreed to provide a planning obligation to seek to secure these works.
- 8.60 On balance, it is considered that the proposed works both on-site and off-site sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent EIDB. If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the NPPF. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- 8.61 Conditions are recommended to ensure the biodiversity enhancements are secured and all necessary works for the translocation of species and habitats are implemented.
- 8.62 A full assessment of the impacts of the proposed development on the River Thames is provided within the URS Scott Wilson report. It should however be noted that all works for the jetty (and ship to shore conveyor) which are proposed to be located 74 metres into the River Thames have been submitted in outline, therefore all matters with regard to location will be a consideration under the reserved matters application. As such, further mitigation measures specifically designed to reduce the impact on the River Thames will be secured if necessary at the reserved matters stage in consultation with the Environment Agency.

Transport, Connectivity & Accessibility

- 8.63 Policy 6.3 of the London Plan seeks that transport demands generated by development proposals are within capacity. Such assessment is to be in accordance with TfL's *Transport Assessment Best Practice Guidance*. The London Plan also emphasises the desire to maximise the movement of freight by water in line with policies 7.24, 7.26 and 7.30. These policies are reinforced through the Mayor's Transport Strategy which highlights that water transport is particularly suited to bulky movements of relatively low value cargoes for which speed is less critical, aggregates and waste being prime examples.
- 8.64 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.65 The site's location on the southern limb of Orchard Place means that traffic serving the site has no alternative other than to use the A1020 Lower Lea Crossing in order to access the wider London road network. The A1020 crosses Orchard Place as a raised flyover. Slip roads to and from this flyover are only located on the western side of Orchard Place. There the entry onto the A1020 from Orchard Place is in a westerly direction only, and access from the A1020 to Orchard Place is from an easterly direction only. This arrangement means that all traffic either accessing or egressing the site are required to use the Leamouth roundabout to the west of the site.
- 8.66 Orchard Place is a historic industrial road, narrow with 1.5 metre footways either side. Between the application site and the A1020 the carriageway width varies from 6.1 metres to 7 metres. Although narrow, the applicant has demonstrated on site to officers that the types of concrete vehicles using the site can pass one another in opposite directions.
- 8.67 The intention of the operation is that all bulky deliveries of aggregates (including sand) and cement materials will be imported by river, involving no road transport. The onward deliveries of aggregate, cement and concrete to the market place (sites) will occur by road.
- 8.68 The total import of aggregates by barge to the site is expected to be 350,000 tonnes per annum. The total import of cement is intended to be 260,000 tonnes per annum by barge. The production of concrete from the batching plant is expected to be 100,000m³ per annum, using 35,000 tonnes of cement and 200,000 tonnes of aggregate.

Freight Movements

- 8.69 Saved policy T26, policy SP08 of the Core Strategy, policy DM21 of the MD DPD 2012 and policy 6.14 of the London Plan 2011 seek to maximise the use of the waterways for the movement of freight and bulky goods to take movements off the strategic road network.

- 8.70 As set out above, the principle delivery of aggregates (including sand) and cement materials is to be via the River Thames. A condition is proposed to be imposed which requires all such materials to be delivered by river to prevent an exacerbation of vehicular movements. As such the development maximises the use of the waterways and complies with strategic and local policies.
- 8.71 A condition has been imposed which restricts unloading of ships and barges between the hours of 7am and 11pm, Monday to Saturday. No operation to unload ship and barges is permitted on Sundays and Bank Holidays. Unloading of ships and barges can take up to 36 hours and as there is no overnight working, ships may be docked for longer than 36 hour periods.

Vehicular Traffic Impact

- 8.72 The Transport Statement provides a detailed breakdown of the estimated vehicle movements per day on an hourly basis. From 7am to 1pm the site is expected to generate between 19 and 21 vehicle movements per hour. In the afternoon and evenings this figure is expected to decrease from 18 movements from 2pm to 3pm, then 13, 10, 8, 3 and 3 in the hours following.
- 8.73 The Transport Statement has also considered vehicle movements generated by the 30 staff members using the site. The first consideration is that staff members are likely to arrive at the site before the morning traffic peak and leave after the evening peak. Although it is difficult to predict the transport modal split for staff members, the Transport Statement has allowed for 35 movements per day.
- 8.74 Adding all vehicle movements together, a total of 198 HGV movements plus 35 car movements are anticipated.
- 8.75 Given a (rounded) figure of 200 HGV movements per day on Orchard Place, the increase in traffic is expected to be 25% on top of existing flows in Orchard Place. Although the proportional increase in vehicle numbers is high, this is largely due to the existing low vehicle flows experienced in Orchard Place. The resultant total vehicle flow for Orchard Place is expected to be 989 movements per day.
- 8.76 Following discussion with TfL and Tower Hamlets Highways officers, further analysis of the traffic impact on Orchard Place has been undertaken with the context of the approved mixed use residential scheme on Leamouth Peninsula and the consented Leamouth Wharf scheme on the Leamouth roundabout. The impact of traffic generated by the scheme and assessed cumulatively with the Leamouth Peninsula scheme to the north is considered to be acceptable. Tower Hamlets Highways Officers have confirmed they are satisfied with the analysis and are content with the conclusions, and accordingly it is considered that the proposed use will not have an unduly detrimental impact upon the freeflow of traffic.

Highway Safety

- 8.77 The Transport Statement has considered data obtained from the London Accident Analysis Unit of TfL from the past three years to 31st May 2011. This reveals that no injury accidents have occurred in Orchard Place or on either slip roads connecting to the A1020.
- 8.78 The entrance is located on the outer bend of Orchard Place and emerges through the boundary wall. The development proposal retains the existing access and removes three metres of the boundary wall either side of the entrance to be replaced with wire mesh to create greater visibility between drivers and pedestrians.
- 8.79 The second access to be created on Orchard Place will serve all movements associated with

the concrete batching plant. The site boundary fence will be set back from the back edge of the footpath to create a two metre wide pedestrian pavement and 2.4m x 56m visibility splays for drivers.

- 8.80 Both site accesses have been designed so that HGVs leaving the site are able to turn onto Orchard Place without crossing the road centreline. Track plots have been provided that demonstrates these vehicle manoeuvres.
- 8.81 As part of the S278 works at the site, a pedestrian refuge is proposed to be provided in the centre of the carriageway at Orchard Place to provide safe crossing. These measures coupled with footpath widening seek to provide highway safety measures along Orchard Place.

Parking

- 8.82 Fourteen staff and visitor parking bays are to be provided adjacent to the site office. Cycle parking facilities are also to be provided. Both the car and cycle parking details are to be secured by condition to ensure they are maintained in perpetuity.
- 8.83 Parking of all vehicles when not in use, for example overnight or in non-operational periods, will be parked within the application site. A condition is also to be imposed to secure that the parking of all vehicles associated with the operation, servicing, delivery, staffing and/or visitation of the site will be contained within the site confines. This will ensure no parking of HGVs on the public highway.

Thames Path

- 8.84 In addition to the widened pedestrian pathways surrounding the site entrances, the scheme also proposes an extension to the Thames Path along the site's river frontage. This path is to extend from East India Dock Basin, along the edge of the flood defence wall to the site's eastern boundary where it will turn 90 degrees north to link back to Orchard Place. The path is to be five metres wide with an additional five metre wide landscape strip between the path and the southern site boundary.
- 8.85 As well as providing an additional area of accessible riverside, the extension to the Thames Path gives pedestrians an option for by passing the site entrances on Orchard Place when heading east to Trinity Buoy Wharf. Pedestrians approaching from the north of the site would enter East India Dock Basin and use the Thames Path extension to loop around the south of the site, although this would add time and distance to a walking journey. Alternatively, pedestrians could bypass the Leamouth Roundabout and Lower Lea Crossing altogether by using the Thames Path along the Virginia Quay development, across the locks and East India Dock Basin and then utilise the Thames Path extension along the proposal site to link to Orchard Place. This may be a desirable route for people using East India DLR station to the west.
- 8.86 It is noted that objections have been received relating to the impact of the proposal on the FAT walk which extends to the EIDB. The application proposes an extension of the existing Thames Path Walkway which currently only extends to the EIDB and will therefore improve the extent of the overall FAT walk and will allow for the creation and extension to this walkway through the development site. It is not considered that the development proposals will on balance detrimentally impact on the FAT walk. The creation and provision of the extension to this walkway accords with policy SP04 of the Core Strategy 2010.
- 8.87 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking

and promote sustainable transport options.

Energy & Sustainability

- 8.88 London Plan policies contained within chapter 5 and policy SP11 of the Core strategy 2010 collectively require development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.89 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use lean Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.90 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.91 Policy SO3 of the Core Strategy seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The LB Tower Hamlets Core Strategy policy SP11 requires all new development to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.92 Policy DM29 of the draft MD DPD requires sustainable design assessment tools to be used to ensure that development has maximised use of climate change mitigation measures. At present the current interpretation of this policy requires commercial or non-residential schemes to achieve an excellent BREEAM rating.
- 8.93 Through Officer discussion it has been established that due to the constraints of the site and the type of development proposed, it is not possible to achieve the reduction in carbon emissions required by London Plan or Local planning policies. The proposed development will deliver a 6% reduction in carbon emissions which are proposed through Photovoltaic panels on the roof of the buildings on the site. On balance the reduction of carbon emissions identified and the acceptable in this instance. The strategy to secure energy efficiency measures as proposed will be secured by condition to be delivered in accordance with the strategy submitted.

Contamination

- 8.94 In accordance saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of land contamination to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officer who has recommended conditions ensuring the submission of further details.

Flood Risk

- 8.95 Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.96 The site lies within Flood Risk Zone 3 and a sequential test has been undertaken. The Environment Agency has reviewed the sequential test and have accepted the details submitted.
- 8.97 The Flood Risk Assessment on the current scheme concludes that the risk of flooding to the development is most likely to come from the River Thames, rather than overland flooding, fluvial flooding or other types of flooding from drainage systems. The site is protected from tidal flooding by the Thames Barrier and on site flood defence walls.

- 8.98 The development has the potential to increase the risk of flooding to the surrounding area by increasing the impermeable area, thereby increasing surface water runoff. However, the site plans include a 'wash out' area where all surface water runoff will be collected for use in the concrete batching plant and for washing vehicles. The re-use of water on site will reduce the volume of surface water runoff leaving the site and it is anticipated that under normal operating conditions the need for water will outstrip the supply provided by runoff.
- 8.99 In an extreme rainfall event, underground storage for 1,134m³ will mean that runoff rates connecting to the Thames Water combined sewer can be limited to Greenfield runoff rates.
- 8.100 Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the UDP 1998, policy DEV21 of the IPG 2007 and policy SP04 of the Core Strategy 2010.
- 8.101 In respect of the outline phases, the applicant is required to undertake further survey work prior to the final layout and detail of the jetty. These details will also be required to ensure they reduce the impact and risk of flooding. All details at reserved matters stage will be issued to the Environment Agency for consultation.

Environmental Impact Assessment

- 8.102 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.103 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.104 The ES addresses the following areas of impact (in the order they appear in the ES):
- Townscape and Visual
 - Ecology and Nature Conservation
 - Cultural Heritage
 - Land Quality
 - Transport and Access
 - Noise and Vibration
 - Air Quality
 - Water Resources
 - Marine Navigation Risk
 - Social and Community Effects
 - Mitigation and Monitoring
- 8.105 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and further review concluded that the ES have adequately addressed all the requirements of the EIA regulations.

- 8.106 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.107 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Health Considerations

- 8.108 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.109 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.110 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.111 As part of the planning application, works to provide an extension to the Thames Pathway, from the adjoining EIDB through the development site are considered facilitate healthy and active lifestyles for users of the Thames Pathway. It is therefore considered that the proposal meets the objectives of London Plan policy 3.2 and policy SP03 of the Core Strategy 2010 which seek to secure opportunities for healthy and active lifestyles.

Section 106 Agreement

- 8.112 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.113 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.114 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Energy and Biodiversity

Some of the above priority areas are not relevant to commercial developments, such as affordable housing.

8.115 LBTH and LTGDC are the determining authorities on the development site.

8.116 Based on the SPD, LBTH Officers have identified a contribution request of:
 a) £250,000 towards biodiversity enhancements at the adjoining East India Dock Basin and
 b) £14,768 towards Employment and Enterprise.

A financial contribution of £264,768 has been agreed with the applicants.

Non financial contributions are also proposed to be secured, these obligations comprise:

- Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- Highway Works;
- Travel Plan;
- Employment and Training; and
- Thames Path extension through the application site.

The non-financial obligations proposed are principally site specific requirements which seek to mitigate the impact of the proposed development and discussed within the relevant sections of the report. Details of Employment and Enterprise are provided below.

Employment and Enterprise

8.117 The SPD requires developments to exercise reasonable endeavours to ensure 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

8.118 The SPD also seeks a financial contribution towards the training and skills need of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis.

8.119 The SPD also seeks a financial contribution to support and provide training for local residents new job opportunities created by the development. In addition best endeavours are sought to ensure a proportion of jobs are secured for local residents and apprenticeship schemes and work experience is provided to local residents.

8.120 The applicants are committed to supporting local employment and enterprise through the construction phase of the development and the end user phase. A financial contribution of £14,768 towards providing skills and training to local residents during the construction and

end user phase of the development have been secured. In addition the applicants have agreed to work with the Local Authority to ensure 20% of the construction and end user phase employees are LB Tower Hamlets residents. Measures to secure 20% of goods and services during the construction phase from local LBTH businesses has also been secured. The applicants have also agreed to all end user phase vacancies being exclusively advertised via the Councils Access to Employment service, Skillsmatch to enable as many local residents the opportunity to access the jobs created by the development. These measures also secure the construction training requirements requested by the GLA.

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

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

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

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

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

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

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

8.125 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The likely CIL payment associated with this development would be approximately £5,950.

Human Rights Considerations

8.126 The application potentially raises some Human Rights Act 1998 implications. These are summarised in this section. In terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.127 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- o Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- o Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest

(Convention Article 8); and

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 8.128 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.129 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.130 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.131 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.132 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.133 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

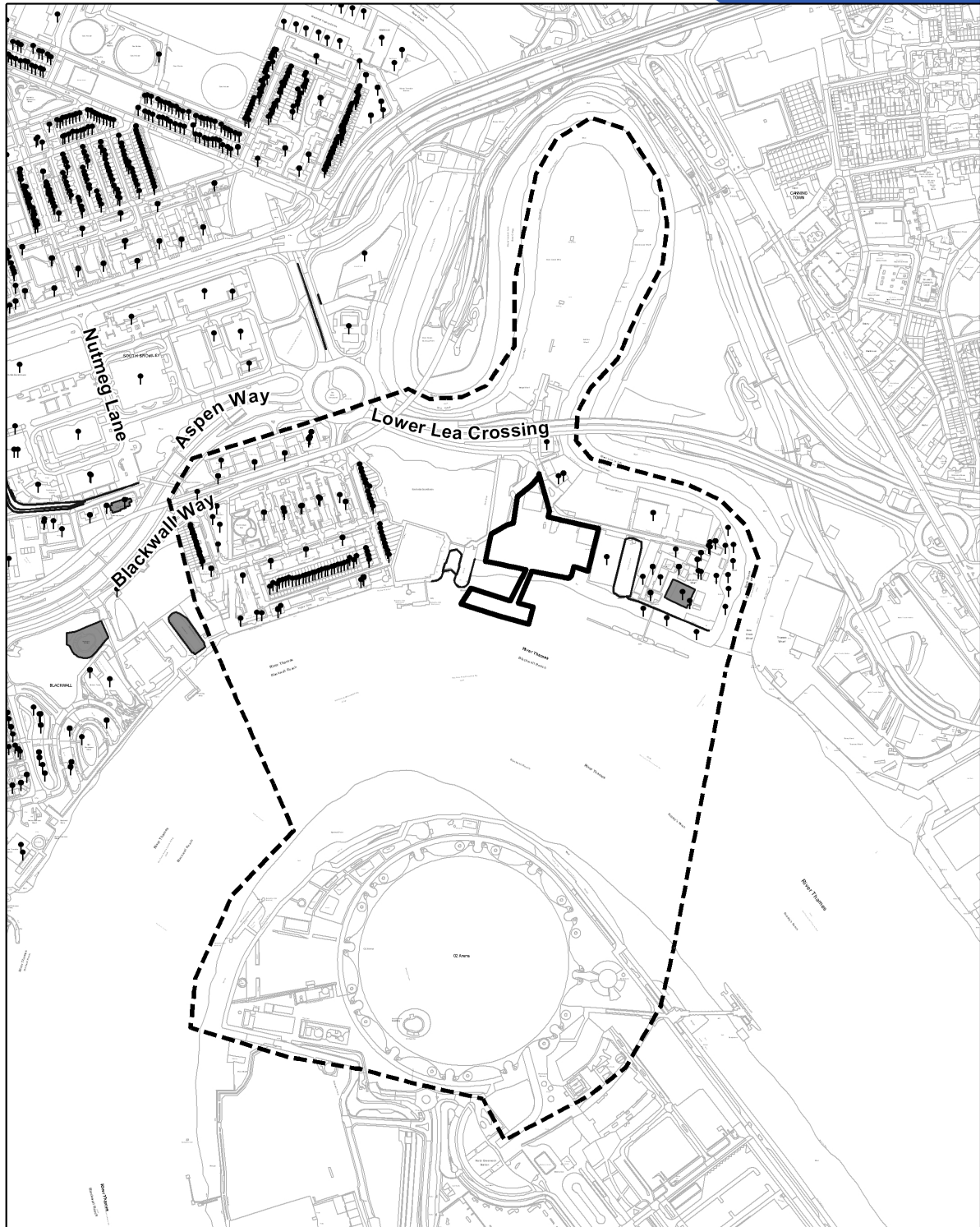
Equalities Act Considerations

- 8.134 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.135 The contributions towards various biodiversity enhancements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support biodiversity enhancement at the East India Dock Basin and provide noise insulation works for residents at 42-44 Orchard Place.
- 8.136 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

Conclusions

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

Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings

0 30 m



1:8,000

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

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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

31st May 2012 at 7.00 pm

ADDENDUM REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

| Agenda item no | Reference no | Location | Proposal |
|-----------------------|---------------------|---------------------------------|--|
| 9.1 | PA/11/03824 | Orchard Wharf, Orchard Place | <p>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.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details</p> <p>Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p> |

| | |
|----------------------------|---|
| Agenda Item number: | 9.1 |
| Reference number: | PA/11/03824 |
| Location: | Orchard Wharf, Orchard Place |
| Proposal: | <p>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.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>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.</p> |

1.0 FURTHER LOCAL REPRESENTATIONS

- 1.1 Since the writing of the main report, four additional letters of representation have been received, objecting to the proposed works. Officers consider the majority of comments raised which relate to neighbouring amenity, noise impacts and the impact of the proposal on the East India Dock Basin are addressed within the committee report and a copy of the additional representations are available to view this evening.
- 1.2 Concern has been raised with regard to the Committee report format. Principally this relates to the Hours of Operation condition which is proposed in paragraph 3.3, but no detail is provided in this particular section of the report. This is a standard approach taken to the listing of planning conditions. However the full restrictive hours of operation have been set out in paragraph 4.22 (Proposal) as Officers were aware of the sensitively around the operating hours.
- 1.3 Additionally it has been queried what measures will be imposed to control the times at which vehicles can access the site. Officers are aware that the HGVs/Cement mixers must be stored on-site overnight in accordance with the applicants Environmental Permit requirements. However in order to ensure there is no ambiguity with regard to vehicular access to the site outside of operation hours, it is proposed to restrict vehicular movements in accordance with the hours of operation at the site. These matters will be controlled by condition.

2.0 FURTHER STATUTORY CONSULTATIONS

- 2.1 On 24th May 2012, the Lee Valley Regional Park Authority (LVRPA) held a Committee Meeting to discuss the Orchard Wharf proposal. The LVRPA comments are outlined in paragraph 6.32 of the planning committee report. The LVRPA had initially concluded that any resolution to grant planning permission would be referred to the

Secretary of State for his consideration under the Lee Valley Regional Park Act 1994.

- 2.2 Following the meeting with the Executive Committee at the LVRPA it was resolved that whilst the Park Authority would retain their objection, as the mitigation measures have now been secured for the East India Dock Basin, the Park Authority will not be referring the application, if granted consent, to the Secretary of State for consideration.

3.0 CLARIFICATIONS

- 3.1 Paragraph 7.1, Local Representation, has incorrectly stated that the application was publicised in the Evening Standard newspaper. The application was not publicised in the Evening Standard, the application was only publicised in East End Life newspaper in accordance with the requirements of the Statement of Community Involvement.
- 3.2 Some references have been made to the Managing Development DPD Proposed Submission Version January 2012. This was an error and all reference to the Managing Development DPD should be referenced as 'Managing Development DPD Submission Version May 2012'.

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| | | | |
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| 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
Mulberry Place (AH) Anchorage House
PO Box 55739
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;

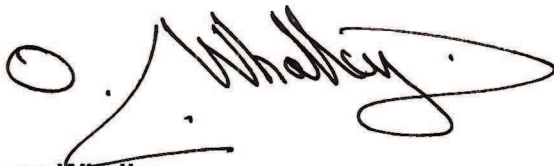
- 3) Impact from noise and general use on the biodiversity of the site and the East India Dock Basin;
- 4) Impact of noise on neighbours;
- 5) Transportation impacts; and
- 6) Design and Impact on Views.

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 in a cursive style.

Owen Whalley
Head of Planning and Building Control

Development & Renewal

My Ref PA/11/03824
Your Ref

Jorn Peters
Senior Strategic Planner
Development and Environment
Greater London Authority
City Hall
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PO Box 55739
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Tel (020) 7364 6614
Fax (020) 7364 5412
Email
Mandip.dhillon@towerhamlets.gov.uk

26 June 2012

Dear Mr Peters

RE: GLA; SAFEGUARDED WHARVES REVIEW 2011/2012

SITE: ORCHARD WHARF; SITE REF 27.

Further to our initial representations for the Safeguarded Wharves Review 2011/2012 document (issued 15th December 2011), the London Borough of Tower Hamlets wish to raise objection to the ongoing safeguarding of the Orchard Wharf site (site reference 27) for aggregate storage and cement batching proposals.

The GLA may be aware that there have been ongoing applications at this site for the reactivation of Orchard Wharf, these discussions have been ongoing since March 2010 with the submission of formal pre-application documentation. As a result of these ongoing discussions between the applicants, the LTGDC and the LB Tower Hamlets, it was not considered appropriate to object to the safeguarded status of this site when the Safeguarded Review Consultation Draft 2011/2012 was released.

The Orchard Wharf planning application was recently presented to our Strategic Development Committee with a recommendation for approval. Following much debate amongst Members, the recommendation was overturned and Members were minded to refuse the planning application. The application will shortly be presented back to Committee with formal reasons for refusal for Members to approve.

The principal reason for raising an objection against the safeguarded status of this site relates to the changing nature of the Leamouth area. The Council consider that the Leamouth area, which was once industrial in character is moving away from this land use, albeit there are some remaining industrial and employment uses along Orchard Place adjoining the application site. This changing nature of the Leamouth area is evident in the existing land uses which include the predominantly residential units at Orchard Place and the development at Trinity Buoy Wharf which forms a cultural enterprise hub and also has a school within the complex.

In accordance with the changing nature of the land uses in the area, the Leamouth North development, which is also known as the Pura Foods site recently gained consent for 1,706 residential units and 185,077sqm of mixed use commercial floorspace (planning ref PA/10/01864 dated 28th November 2011). This development alone will lead to a significant change to the character and vibrancy of the Leamouth Peninsula area.

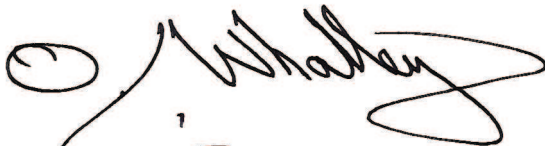
The last known use of the site for aggregate storage and handling ceased in 1993 and the site has been vacant since this date. In 1994, the London Docklands Development Corporation converted the disused dock adjoining the Orchard Wharf site into an area of parkland and natural habitat, now known as the East India Dock Basin. On transfer of the site to the Lea Valley Regional Park Authority the site was designated as a Site of Nature Conservation Importance and is now a well know bird sanctuary and nature reserve. It is notable that the designation of the East India Dock Basin pre-dates the formal safeguarding of the Orchard Wharf site in 1997. The years in which the East India Dock Basin has established itself as a site of nature importance further justify the inappropriate juxtaposition of this industrial use in this particular location.

Accordingly, this site is no longer considered to be suitable for an aggregate storage and handling use, an industrial use which is no longer considered to accord with the emerging and consented land uses within the immediate area.

The Council would ask that these representations and objection to the ongoing safeguarded status of this site is taken into consideration prior to finalising the review of the Safeguarded Wharves Review 2011/2012 document.

Should you require clarification on any of the details set out within this letter, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Owen Whalley', with a large, stylized flourish extending to the right.

Owen Whalley
Head of Planning and Building Control

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| | | Cremorne Wharf - planning | No objection to the safeguarding, however, will require access in the future maintenance process both to existing combined sewer discharging from pumping station and proposed Thames Tunnel works. Important to note that that combined sewer is wholly within the wharf site and are aware of the landowners' wish to promote commercial development on site. This could severely impact on the necessary interception of the existing CSO. Thames Tunnel does not believe that their own current proposals will affect the future use of the site as a safeguarded wharf. The Review does not advise on the road access which is a viability criterion (para 7.77 of London Plan 2011) but does state RBKC's advice. It is suggested that the Review advises that there is suitable access, given that the wharf is currently operated under a planning permission that permits up to 150 HGV movements per day. | Surrounding Land Use section of site assessment addresses the access issue. As set out in the Implementation section of the site assessment, the long term viability of the wharf for the time after the completion of Thames Tunnel should be ensured. |
| 42 | Tower Hamlets | Flexibility - alternative uses | Suggest that long-term flexibility is embedded within the safeguarded wharves guidance to assess the potential for additional and/or alternative uses to be located. | The review process itself provides an appropriate level of flexibility; the outcome has to be sufficiently clear to form the basis of regulations. |
| | | Northumberland Wharf - operation | LBTH confirm that wharf will no longer be used by the Council for the transfer of its municipal waste for the remainder of its current waste contract. As the site is safeguarded the Council intends to lease the site on a short-term to a private waste provider. | Noted. This does not affect the designation. |
| | | Northumberland Wharf - future review | In preparation of LBTH's Managing Development DPD, the Council is working closely with the GLA to ensure it is able to meet its London Plan waste apportionment target in the most suitable way. If having agreed with the GLA the best means of meeting its waste apportionment target, it can be demonstrated that Northumberland Wharf is not required for the transfer or processing of waste, then LBTH would request a review of its safeguarded status, in respect of the surrounding areas residential status. | Any change to the current situation can only be pick up in future reviews |
| | | Northumberland Wharf - future review | Suggested amendments to line 26, Table 7.1 - Safeguarding status/justification column - add "(transfer of additional waste)" Under 'proposed implementation actions' add "if needed for the transfer of waste. If it can be demonstrated that the site is not needed to meet the Council's London Plan Waste apportionment target then a review of the safeguarded status of the site will be undertaken with the potential for alternative uses much more compatible with the residential character of the surrounding areas." | Any change to the current situation can only be pick up in future reviews |
| 43 | Treasury Holdings | Cringle Dock and Kirtling Wharf - implementation | Does not suggest that wharves should no longer be safeguarded, but the Review should acknowledge the potential of redeveloping Cringle Dock and Kirtling Wharf to deliver more modern facilities, that better fit a world class regeneration project. Therefore, an additional bullet point should be added to Table 7.1, sites 6 and 7: "The Wharf owners and operators are encouraged to continue discussions with the Council, GLA and adjoining land owners to consider potential redevelopment options to achieve modern wharf facilities, potentially as part of a mixed use redevelopment of the wharves." Positive consequences as a result of development of modern facilities would include; state of the art facilities for the operators, increasing efficiency in handling of waste and aggregates. The enclosure of operations would result in the achievement of far higher environmental standards, reducing risk of noise, dust and odor, and they would also more attractive in the context of a major regeneration zone. | Planning policy and should ensure this through mitigation measures that would be required as part of redevelopment. We consider continued safeguarding to be appropriate |
| 44 | Una Hodgkins | Thames Tunnel | Important not to leave the fate of the wharves in the hands of developers, especially in context of Thames Tunnel. | Review promotes that water transport of construction/excavation material when Thames Tunnel is built - see Implementation section of relevant wharves |
| 45 | Wandsworth - Officer | Wandsworth wharves | Agrees that all wharves in Wandsworth should be safeguarded, as per review. | Noted |
| | | Middle Wharf - future review | The Council supports the current safeguarding of the wharf during the construction of the Thames Tunnel to maximise the wharf's use for enabling waterborne transportation of construction and excavation materials, and supports its de-designation to support increased access to the riverside and support the regeneration objectives of the VNEB OA. | Any change to the current situation can only be pick up in future reviews |
| | | Hurlingham Wharf - operation | Supports continued safeguarding, in context of Thames Water's proposed Carnwarth Road Riverside Thames Tunnel main shaft site. Use of Carnwarth Road would require the continued use of Hurlingham Wharf for removal of spoil and for importing of construction materials. | Noted |
| 46 | Western Riverside Waste Authority | Smugglers Way, Cringle Dock and Middleton Jetty | Support the continued safeguarding of these wharves. However, the transfer stations are becoming increasingly surrounded by uses that are not industrial or freight related. | Noted |
| | | Consolidation opportunities and mechanisms | Supports safeguarding and promoting use of the Thames, but the Review also needs to include clear policy mechanisms whereby a consolidation, rationalisation or relocation of wharves can be permissible. - Consolidation of small wharves to allow the shared use of infrastructure and more flexible interim storage arrangements together with space for better vehicle utilisation would seem to be a strategy more likely to increase use of the river in the Western region. | Not principally against consolidation, and paragraph 8.2.4 sets out underlying approach |
| | | Cringle Dock - future review | Lies within the VNEB regeneration area and it could be in everyone's interests to consider a future relocation of the wharf so as to mitigate potential conflicts with neighbours, stimulate capital investment in the site and maintain or increase its throughput potential. | Any change to the current situation can only be pick up in future reviews |
| | | Hurlingham Wharf - consolidation | Constraint by the fact that two of its potential access routes go through residential areas and have six foot six inch width restrictions. - Consolidation opportunities exist to the east of Wandsworth Bridge which would retain capacity and make the prospect of sites becoming operational more realistic as they would enjoy better access to the strategic road network whilst simultaneously releasing redundant sites of regeneration. | No in principle objection to consolidation, however there are a number of substantial issues that would have to be resolved before this could be considered as a serious proposition, and continued designation is appropriate. |
| | | Waste demand forecast | Questions report's waste demand and capacity estimates for the Western region and accuracy of some of the non-operational site assessments in relation to supply and demand in the Western region. In WRWA's view there has been little or no positive change in the eight years since the Authority responded to the last consultation and believes it is a result of the policy being too rigid and is attempting to safeguard wharves for historic rather than pragmatic reasons. Waste tonnages have fallen by 38 % between 2005 and 2010, a reduction that began prior to the 2008 downturn in the economy. This mirrors Authority's experience particularly marked drop in residual tonnage although this still represents around 70 % of the overall waste stream. | Section 3.3 sets out a robust approach to the forecasting of waste by water, which is also informed by policy drivers and stakeholder consultation |

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| | Waste demand forecast | Remaining 30 % of waste stream is made up of a very large number of diverse materials, generally recyclates, which means that the prospects of them having the economies of scale necessary to absorb the additional handling costs of a river transport operation are remote. Also, these products are traded actively within wide and diverse market place and long term fixed point-to-point river transport solutions are unlikely to be attractive. There is some recognition of this in the consultation document at para 3.3.4 but it is overlooked in the subsequent analysis. | Paragraphs 3.3.6 - 3.3.8 consistently build on paragraph 3.3.4 providing an estimate on recyclates by water |
| | Waste demand forecast | Similarly, no allowance has been made for the governance arrangements surrounding municipal waste. The Authority will, under statute, process all the municipal waste in its area and the residual waste element will be transferred via its two existing river transfer stations. Consequently, it is unlikely to ever need additional wharf capacity. Commercial waste streams would be smaller and suffer from the same economy of scale problems faced by the recyclates. Construction waste is now generally recycled by developers for use on-site or it is distributed so widely that a point-to-point river solution is unlikely to be a realistic option. | Whilst the waste demand forecast is quite broad in spatial terms it has to be considered moderate as it does only cover municipal waste and construction waste but not commercial and industrial waste. The scale of the latter is significant but the proportion that could be transported by water is very difficult to predict. This has to be taken into account. Also, wharves are not necessarily safeguarded for waste - its safeguarded for waterborne freight handling. |
| | Mayor projects | One-off major tunnelling projects should not define the underlying safeguarding policy. | However, their scale is significant and indicative of major future projects that could create increased demand. |
| Late submissions | | | |
| Tower Hamlets - supplement - 26 June 2012 | Orchard Wharf - planning and land use context | Objection against its safeguarding status in the light of Members refusal against officer recommendation of planning application for site reactivation. Principal reason is the changing nature towards mixed uses of the Leamouth area | The safeguarding designation is different from an individual planning application. The comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. - The Council's own Core Strategy (adopted in September 2010) protects Orchard Wharf for cargo-handling within the vision of regeneration and mixed-use development at Leamouth. It further notes that 'effective buffers are needed to protect the residential amenity and the future operation of Orchard Wharf'. |
| | Orchard Wharf - environmental impact | Proximity to East India Dock Basin SNCI | Mitigation measures would be required in accordance with national, London and local planning policy. This is not in itself a reason for de-designation |
| John Gordon - 14 May 2012 | Orchard Wharf - planning and land use context | A concrete plant in the heart of a new mixed use seems inappropriate to the recent evolution in the area's fortunes. This plant is likely to reverse the positive urbanisation of this quarter. | The safeguarding designation is different from an individual planning application for a concrete plant. The comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. - A planning application would assess impacts and mitigation would be put forward where required. |
| | Orchard Wharf - road access | The road access from the A1020 is along a narrow road which cannot be widened. This road is used by school children attending a primary school recently established at nearby Trinity Buoy Wharf, a place that also attracts many visitors by foot to its artistic installations. The frequent use of large aggregate lorries, estimated at one every 3 minutes during the plant's working hours, to access the plant does not seem compatible with these new uses. The exit for lorries will be onto a roundabout which already often gets congested. Your report makes no mention of these aspects. | Mitigation measures would be required in accordance with national, London and local planning policy. This is not in itself a reason for de-designation. |
| | Orchard Wharf - environmental impact | Proximity to East India Dock Basin SNCI and opportunity for development of visitor attraction on part of wharf site in conjunction with it. A wharf would also be highly visible in front of the otherwise attractive bird reserve when viewed from the new Emirates Air Line cable car running close by. Passengers views of the reserve are likely to be negatively impacted, possibly impacting negatively on the repeat use of the cable car by tourists. | Comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. - A planning application would assess impacts and mitigation would be put forward where required. |
| | Orchard Wharf - alternative | There seems to be much empty land fronting the river to the east of the Lower Lee River Crossing as Tower Hamlets turns into the Borough of Newham that could make a viable alternative location for this plant. | No in principle objection to consolidation, however there are a number of substantial issues that would have to be resolved before this could be considered as a serious proposition, and continued designation is appropriate - particularly as there is operator interest in using the wharf. |
| Colpy Ltd - DP9 - 21 May 2012 | Demand forecast | Long term downward trend in cargo handled on the Thames (see AMR 2012) is not adequately reflected | The historic demand section (3.1) has been updated to reflect most recent figures. Section 2.2 sets out the methodology for the demand forecast, of which historic trends is one aspect |
| | Peruvian Wharf - planning and land use context | There has been significant change in the physical character of the area since 2007 and planning policy promoting the mixed use regeneration of the area. It is also benefiting from significantly enhanced transport links including direct links to a DLR station. | Comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. |
| | Peruvian Wharf - planning and land use context | The NPPF advises against long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. LB Newham Core Strategy and Employment Land Review in particular promote release of employment land and a flexible approach | Site assessment demonstrates that wharf is viable and has potential. Consolidation opportunities within Thameside West are also highlighted. |
| | Peruvian Wharf - road access | Wharf has no road or rail access | The required investment is being addressed through the ongoing reactivation process |
| | Peruvian Wharf - navigation | Physical characteristics of the wharf are such that only low-value bulk commodities such as aggregates can be accommodated | For the North East sub region a shortfall in wharf capacity to handle aggregates has been identified |
| | Peruvian Wharf - market interest | There are already several aggregates operators in the immediate vicinity and there must be some doubt as to whether there is real market demand for another operator. Brett Aggregates has kept the site vacant on account of there being insufficient demand to justify their setting up on the site | For the North East sub region a shortfall in wharf capacity to handle aggregates has been identified, and there is interest from operators to use this site |

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Agenda Item 7.3

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| Committee: Strategic Development | Date: 16 th August 2012 | Classification: Unrestricted | Agenda Item No: 7. |
| Report of: Corporate Director Development & Renewal | | Title: Planning Application for Decision | |
| Case Officer: Amy Thompson | | Ref No: PA/11/3670 | |
| | | Ward(s): Blackwall and Cubitt Town | |

1. APPLICATION DETAILS

Location: ASDA, 151 East Ferry Road, London, E14 3BT
Existing Use: ASDA supermarket (A1 Retail), petrol filling station, bus stop and associated hard landscaping
Proposal: Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3) comprising:

1) Full Details

- Demolition of existing supermarket;
- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

2. Outline – All matters reserved

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1-D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

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

Drawing Nos:Submission Documents

- Design & Access Statement (Broadway Malyan)
- Design Code Revision B (Broadway Malyan)
- Landscape Design Statement (Fabrik)
- Access Statement (David Bonnett Associates)
- Development Specification Revision B (GVA)
- Transport Assessment & Appendices (Royal Haskoning)
- Travel Plan (Royal Haskoning)
- Stage One Safety Audit (Acorn Projects Ltd)
- Stage One Safety Audit Designers Response (Acorn Projects Ltd)
- Transport Technical Note 1 (Royal Haskoning)
- Transport Technical Note 2 (Royal Haskoning)
- Transport Technical Note 3 (Royal Haskoning)
- Transport Technical Note 4 (Royal Haskoning)
- Transport Technical Note 6 (Royal Haskoning)
- Environmental Statement (JL Planning / Waterman)
- Low & Zero Carbon Energy Systems Appraisal Report (Hoare Lea)
- Sustainability Statement (Hoare Lea)
- Arboricultural Survey Report (Waterman)
- Ecological Mitigation Strategy (Fabrik)
- Design Stage Site Waste Management Plan (Waterman)
- Responses to the Interim Review of the Environment Statement (JL Planning / Waterman)
- Responses to the Final Review of the Environment Statement (JL Planning / Waterman)
- Planning Statement (GVA)
- Viability Report (GVA)
- Retail Capacity & Impact Study January 2012 (JL Planning)
- Statement of Community Engagement (Snapdragon)
- Construction Environment Management Plan (ADP Consultants)
- Development Phasing Revision A (ADP Consultants)
- Landscaping Mitigation Strategy

Drawings

L100; L102; L104; L125; L201_D; L202; L203_D; L204; L205; L206; L207; L208; L209; L21; L211; L212; L213; L214; L215; L216; L220_D; L222; L224; L225; SK10_E; SK17_E; SK18_E; D1726; SK22_C; SK25_C; SK26; SK32_A; 25878-A-01-B1-A; 25878-A-01-00-A; 25878-A-01-02-A; 25878-A-01-04-A; 25878-A-01-100-A; 25878-A-01-101-A; 25878-A-02-B1; 25878-A-EX-02-00; 25878-A-03-00-E-A; 25878-A-03-02-E-A; 25878-A-03-04-W-A; 25878-A-03-04-E-A; 25878-A-03-TYP-W-A; 25878-A-03-TYP-E-A; 25878-A-A-03-TYP_upper; 25878-A-G-03-04; 25878-A-G-03-05; 25878-A-G-03-06; 25878-A-G-03-07; 25878-A-G-03-08; 25878-A-G-03-09; 25878-A-EX-04-AB; 25878-A-EX-04-CD; 25878-A-04-AA; 25878-A-04-BB; 25878-A-04-CC; 25878-A-04-DD; 25878-A-04-EE; 25878-A-04-FF; 25878-A-EX-05-01; 25878-A-EX-05-02; 25878-A-05-001; 25878-A-05-002; 25878-A-05-003; 25878-A-05-004; 25878-A-05-005; 25878-A-05-006; 25878-A-05-007; 25878-A-05-008; 25878-A-05-009; 25878-A-05-010; 25878-A-05-011; 2578-A-70-DUPLEX-2b4p_a; 2578-A-70-DUPLEX-2b4p_b; 2578-A-70-DUPLEX-2b4p_c-A; 2578-A-70-DUPLEX-3b5p_a; 2578-A-70-DUPLEX-3b5p_b-A; 2578-A-70-DUPLEX-4b6p_a-A; 25878-A-70-

PATIO-2b4p_a; 25878-A-70-PATIO-2b4p_b; 25878-A-70-PATIO-2b4p_c; 25878-A-70-PATIO-2b4p_d; 25878-A-70-MAISONETTE_a; 25878-A-70-MAISONETTE_b; 25878-A-70-MAISONETTE_c; 25878-A-70-SCISSOR-3b5p; 25878-A-70-THROUGH-2b4p_a; 25878-A-70-THROUGH-2b4p_b; 25878-A-70-IN_studio; 25878-A-70-IN_1b2p; 25878-A-70-IN_1b2p_large; 25878-A-70-IN_2b3p; 25878-A-70-IN_2b4p; 25878-A-70-OUT-1b2p_53deg; 25878-A-70-OUT-1b2p_large_53deg; 25878-A-70-OUT-2b3p_53deg; 25878-A-70-OUT-2b4p_53deg; 25878-A-70-OUT_1b2p_37deg; 25878-A-70-OUT_1b2p_large_37deg; 25878-A-70-OUT_1b2p_knuckle_37deg; 25878-A-70-OUT_2b3p_37deg; 25878-A-70-OUT_2b3p_37deg; 25878-A-70-TYP_3b5p_corner; 25878-A-70-TOWNHOUSE_4b6p; 25878-A-70-TOWNHOUSE_5b7p; 25878-A-70-TOWNHOUSE_6b9p; 25878-A-70-OUT_1b2p_large_53deg_WAH; 25878-A-70-IN_2b4p_WAH; 25878-A-70-TYP_3b5p_corner_WAH; 25878-A-E-70-East; 25878-A-E-70-North; 25878-A-01-B1-2-A; 25878-A-01-PP-00-2-A; 25878-A-01-PP-00-3-A; 25878-A-01-PP-00-4-A; 25878-A-01-PP-00-5-A; 25878-A-01-PP-00-6-A; 25878-A-01-PP-00-7-A; 25878-A-01-PP-02-2; 25878-A-01-PP-02-4; 25878-A-01-PP-02-5; 25878-A-01-PP-02-6; 25878-A-01-PP-02-7; 25878-A-01-PP-Z-A; 25878-A-01-PP-04-2; 25878-A-01-PP-04-4; 25878-A-01-PP-04-5; 25878-A-01-PP-04-6; 25878-A-01-PP-04-7; 25878-A-01-PP-04-E-1-A; 25878-A-01-PP-04-E-2-A; 25878-A-01-PP-04-E-3; 25878-A-01-PP-04-E-4; 25878-A-01-PP-04-E-5; 25878-A-01-PP-04-E-6; 25878-A-01-PP-04-E-7-8-A; 25878-A-01-B1; 25878-A-RMPH-01-00 and 25878-A-RMPH-01-04.

Applicant: ASDA Stores Limited and Ashborne Beech
Owner: Various
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 o The principle of redeveloping the site to provide a new District Centre comprising a relocated supermarket and associated car park, flexible retail and commercial use, community centre, housing and open space is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policies ID9, IOD11 and IOD12 of the Interim Planning Guidance (2007), SP01, SP03 and the Cubitt Town Vision of the Core Strategy (2010) and DM8 together with the aspirations of site allocation No. 19 of the Managing Development DPD (Submission Version 2012).
- 2.3 o The scheme proposes an appropriate amount and type of flexible retail floorspace, and relocated and expanded supermarket, meeting an identified demand for such activity within the Crossharbour area. It has been demonstrated that the proposal will not result in an unacceptable impact upon the vitality of existing nearby centres, and as such the proposal is in accordance with policy RT3 of the Interim Planning Guidance (2007), policy SP01 of the Core Strategy (2010) and the NPPF (2012).
- 2.4 o The proposal makes efficient use of the site with a mixed use redevelopment and as such accords with policy 3.3 and 3.4 of the London Plan (2011), policies S07 and SP01 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998), policy

DM1 of the Managing Development DPD (Submission Version 2012) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

- 2.5 o The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development DPD (Submission Version 2012) and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 o Impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 o On balance the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission Version 2012) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the site of Metropolitan Open Land, being Mudchute Park and Farm are acceptable, and accord with, policies 3.5 and 7.17 of the London Plan (2011), policies DEV1, DEV2 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012) and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the nearby by Conservation Areas.
- 2.9 o The scheme would deliver improved permeability and accessibility through the scheme whilst being designed to provide a safe and secure environment for residents. The development accords with policy DEV1 of the Council's Unitary Development Plan (1998), policies SP09 and SP10 of the Core Strategy (2010), policies DM23 and DM24 of the Managing Development DPD (Submission Version 2012) and policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.10 o Transport matters, including parking, access, servicing and reconfigured bus layout are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.11 o Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of

the Managing Development DPD (Submission Version 2012) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

- 2.12 o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

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

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

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

Financial Obligations

- a) Employment Skills and Training
 - o *£352,081 Employment and training during the construction phase*
 - o *£263,435 End use phase training*
- b) Education
 - o *£1,735,110 primary school places in the borough*
 - o *£1,407,861 secondary school places in the borough*
- c) Public Open Space
 - o *£881,275 towards the delivery of public open space in the Borough*
- d) Car Club
 - o *£35,913 towards the provision of car club on the site, including 1 year membership for residents*
- e) Health
 - o *£923,342 towards the NHS Primary Care Trust*
- f) Dockland Light Railway station improvements
 - o *£400,000 Contribution towards upgrade of Crossharbour DLR station*
- g) London Buses
 - o *£510,000 towards Increased capacity of a local bus service*
- h) Real Time Information Boards
 - o *£40,000 towards provision of boards within the site*
- i) S106 monitoring at 2% of sub total (£130,980)

Total Financial Contribution **£6,679,997**

Non-Financial Obligations

- j) 31% affordable housing by habitable room
 - 7% Social Rent

- 14% Affordable Rent (POD Level)
- 10% Intermediate
- k) Family Housing secured by percentage floor space
 - 100% Social Rent
 - 37.9% Affordable Rent
 - 23.2% Intermediate
 - 24.4% Private
- l) Affordable Housing delivered across phases as follows:
 - Phase 1 = 62.2%
 - Phase 2 = 79.9%
 - Phase 3 = 0%
 - Phase 4 = 11.9%
 - Phase 5 = 0%
- m) Obligations on completion - no more than 60% market housing to be completed until 50% affordable housing completed; no more than 80% market housing to be completed until 70% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed, per phase
- n) Affordable business unit strategy and marketing strategy
- o) Shop mobility scheme for accessibility to the District Centre
- p) Community Centre
 - to Shell and Core (estimated at £3.7M)
 - Peppercorn rent in perpetuity (25 years)
 - £0 service charge
 - Fallback to commuted sum
- q) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- r) 40% jobs to local people in ASDA
- s) Car club, operation for three years minimum, and one years free membership per household
- t) On Street Parking Permit-free development
- u) Travel Plan
- v) Code of Construction Practice
- w) Agreements with London buses to be completed prior to implementation
- x) Parking strategy including Variable Message Signing 'VMS'
- y) Public Art – on-site details to be secured
- z) Lease Agreement with Mudchute Park and Farm
- aa) Off-site Highways Works (estimated at £1.2M)
 - Remodelling to Marsh Wall/Limeharbour Junction
 - New raised table, pedestrian crossing and associated works on East Ferry Road
- bb) Relocated Cycle Hire Docking Station (£70,000)
- cc) 24 hour access to public open space
- dd) Travel Plan
- ee) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

CONDITIONS & INFORMATIVES

3.4 **A. Time Limits, approved drawings / documents and content of development**

Commencement within 3 years

Submission of reserved matters applications (Timing)

- Implementation in accordance with Phasing Plan
- Implementation of Phasing Plan
- Development in accordance with Design Code
- Development in accordance with Approved Plans
- Quantum of floorspace Phase 1
- Quantum of floorspace Phase 2
- Quantum of floorspace Phase 3
- Quantum of floorspace Phase 4
- Quantum of floorspace Phase 5
- Quantum affordable housing by Phase
- Quantum Family Housing
- Sale of comparison goods supermarket capped at 49.6%
- Quantum of Built Floorspace across the Development
- Quantum of individual retail units by Phase
- Minimum Areas of Amenity Space
- Maximum No.s of parking spaces
- Minimum No.s cycle parking spaces
- Hours of trading, supermarket
- Hours of demolition/construction
- Hours of hammer driven piling
- Lifetime Homes
- 10% Wheelchair
- Minimum BREEAM Excellent for non residential floorspace
- No blocking of footway and carriageway
- No infiltration of surface water drainage into the ground

3.5 **B. Site-Wide Pre-commencement Conditions**

- Details of bus facilities
- Construction Management Plan
- Basement Plan including 20% charging points
- Biodiversity mitigation measures (15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow), in accordance with approved biodiversity plan
- Biodiversity surveys to be undertaken and submitted prior to demolition
- Car Parking Strategy
- Details of East Ferry Road and Lime Harbour/Marsh Wall works (s278)
- No occupation until interim arrangements for Bus layover implemented
- No impact piling shall take place until a piling method statement has been approved
- TV/Broadband reception study

3.6 **C. Phase 1 – New supermarket, Southern Retail, Block G, Public Square, Relocated Bus Stop, Basement Parking**

- Archaeology
- Full details including samples of all new materials
- Landscape design statement and plan
- Access statement
- Security management scheme - secure by design and CCTV
- Interim vehicular and pedestrian arrangements
- Highway design and necessary safety audits
- Deliveries and servicing plan
- Construction Management Plan
- Noise attenuation
- Waste Management Strategy
- Recycling facilities
- Energy Strategy considering up to date policies and guidance
- Sustainability statement considering up to date policies and guidance
- Impact study - water supply infrastructure
- Foul and surface water drainage details

Compliance with plan submitted to London Fire and Emergency Planning Authority
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy
No occupation until details of ventilation associated with A3, A4.
Full details of each retail unit including hours of operation
Details of boundary treatment to secure phase

3.7 **D. Phase 2 – Blocks E, F, K and L, southern pedestrian route from public square to Mudchute Park, Northern Access Road, Eastern Mews**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
Affordable Housing Delivery Strategy
Play Space Strategy
Archaeology
Full details including samples of all new materials
Highways - detailed design of all site accesses (including general arrangement and visibility splay drawings);
Detailed design of: high street, northern servicing road, landscaping including playspace and inclusive play, lighting, pedestrian bridge, amenity areas
Details of boundary treatment to secure phase
Access statement
Security management scheme - secure by design and CCTV
Interim vehicular and pedestrian arrangements
Highway design and necessary safety audits
Deliveries and servicing plan
Construction Management Plan
Noise attenuation
Waste Management Strategy
Energy Strategy considering up to date policies and guidance
Sustainability statement considering up to date policies and guidance
Impact study - water supply infrastructure
Foul and surface water drainage details
Compliance with plan submitted to London Fire and Emergency Planning Authority.
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy
No occupation of the development until highway improvements have been completed at Marsh Wall/Lime Harbour junction

3.8 **E. Phase 3 - Residential blocks H, I & J over retail (south)**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
Affordable Housing Delivery Strategy
Play Space Strategy
Full details including samples of all new materials
Detailed design of: Southern amenity areas, landscaping including playspace and inclusive play, lighting
Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
Details of boundary treatment to secure development zone
Access statement
Security management scheme - secure by design and CCTV

Interim vehicular and pedestrian arrangements
 Highway design and necessary safety audits
 Deliveries and servicing plan
 Construction Management Plan
 Noise attenuation
 No occupation until details of ventilation associated with A3, A4.
 Full details of each retail unit including hours of operation
 Waste Management Strategy
 Energy Strategy considering up to date policies and guidance
 Sustainability statement considering up to date policies and guidance
 Impact study - water supply infrastructure
 Foul and surface water drainage details
 Compliance with plan submitted to London Fire and Emergency Planning Authority.
 Basement Layout including details and location of 20% charging points
 Details of Brown and Green Roofs
 Site remediation and Investigation
 Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
 Fire Strategy

3.9 **F. Phase 4 - Retail (north) and residential blocks A, B & C, Northern diagonal route,**

Taxi stand

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
 Affordable Housing Delivery Strategy
 Play Space Strategy
 Archaeology
 Full details including samples of all new materials
 Detailed design of: High street, landscaping including playspace and inclusive play, lighting
 Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
 Details of boundary treatment to secure phase
 Access statement
 Security management scheme - secure by design and CCTV
 Interim vehicular and pedestrian arrangements
 Highway design and necessary safety audits
 Deliveries and servicing plan
 Construction Management Plan
 Noise attenuation
 No occupation until details of ventilation associated with A3, A4.
 Full details of each retail unit including hours of operation
 Waste Management Strategy
 Energy Strategy considering up to date policies and guidance
 Sustainability statement considering up to date policies and guidance
 Impact study - water supply infrastructure
 Foul and surface water drainage details
 Compliance with plan submitted to London Fire and Emergency Planning Authority.
 Basement Layout including details and location of 20% charging points
 Details of Brown and Green Roofs
 Site remediation and Investigation
 Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
 Fire Strategy

3.10 **G. Phase 5 – Block D, residential between ASDA and Friars Mead, Eastern Mews**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.

Affordable Housing Delivery Strategy
Play Space Strategy
Full details including samples of all new materials
Detailed design of: Northern amenity areas, landscaping including playspace and inclusive play, lighting
Archaeology
Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
Details of boundary treatment to secure phase
Access statement
Security management scheme - secure by design and CCTV
Interim vehicular and pedestrian arrangements
Highway design and necessary safety audits
Deliveries and servicing plan
Construction Management Plan
Noise attenuation
Waste Management Strategy
Energy Strategy considering up to date policies and guidance
Sustainability statement considering up to date policies and guidance
Impact study - water supply infrastructure
Foul and surface water drainage details
Compliance with plan submitted to London Fire and Emergency Planning Authority.
Basement Layout including details and location of 20% charging points
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy

3.11 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.12 **Informatives:**

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice

3.13 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. **PROPOSAL AND LOCATION DETAILS**

Site and Surroundings

The application site

4.1 The subject site comprises an area of 4.5 hectares and comprises the existing ASDA supermarket site, together with a parcel of land extending onto Mudchute Park. The application site is bounded by East Ferry Road to the west, Island Health and the rear of predominantly 4 storey residential properties along Glengall Grove, with lower-scale

community buildings to the north, the rear gardens of two storey residential properties on Friars Mead to the east, and Mudchute Park and Farm to the south which is designated as Metropolitan Open Land.

- 4.2 The site does not lie within a conservation area, nor does it contain any listed buildings. The closest conservation areas are Coldharbour (approx 750m to the northeast), Chapel House (approx 400m to the south) and Island Gardens (approx 650m to the south).
- 4.3 The site itself is currently occupied by an ASDA supermarket dating back to the 1980s which includes a café and opticians, an ASDA petrol filling station, bus interchange and approximately 600 parking spaces.

4.4

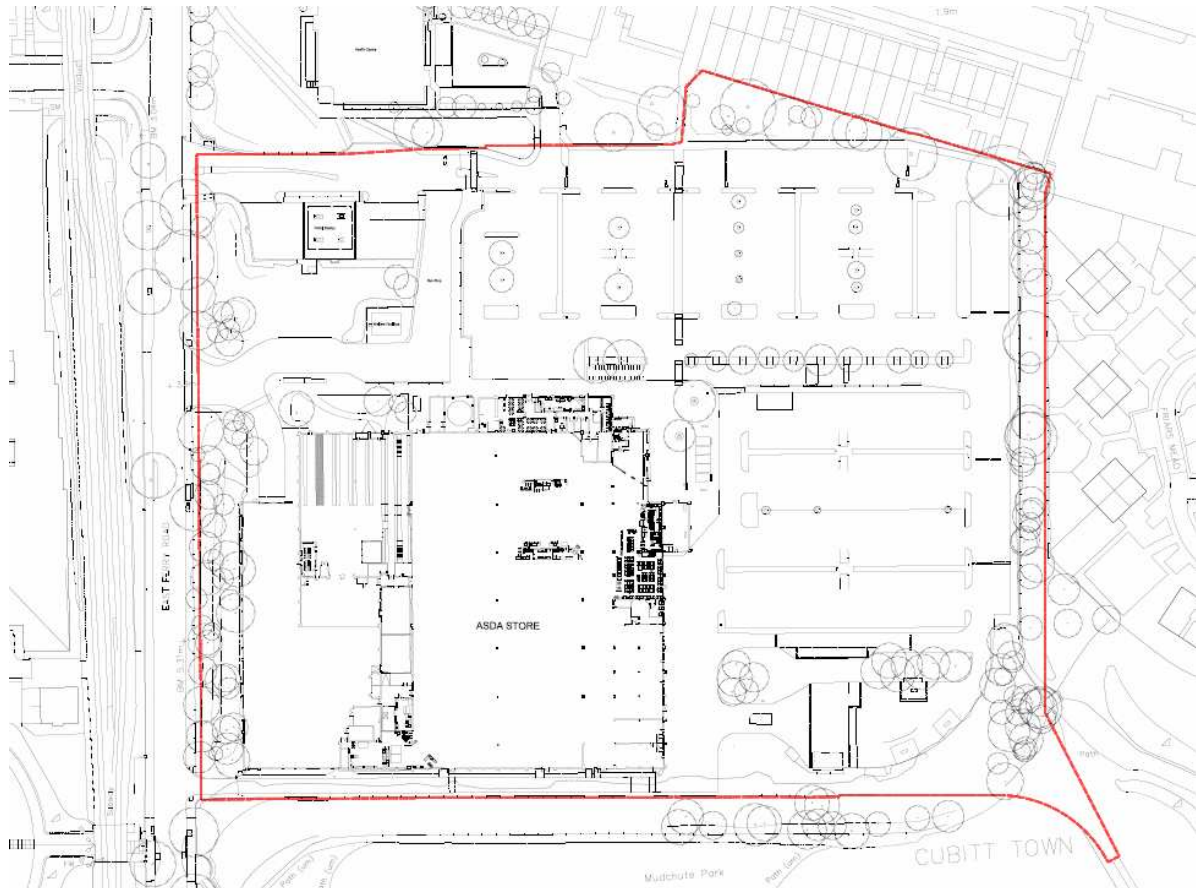


Figure 1: The application site (as existing)

Transport infrastructure and connectivity

- 4.5 Vehicular access is provided from East Ferry Road, with pedestrian access from East Ferry Road, Glengall Grove, Friars Mead and Mudchute Park. The site has a Public Transport Accessibility Level (PTAL) of 4, indicating good accessibility to public transport. The Crossharbour DLR station is situated approximately 200m from the centre of the site, and the bus interchange within the site serves 4 bus routes. The D3, D6, D8 and 135 connect with Canary Wharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

Proposal

- 4.6 The proposal is a hybrid application, for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up

to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3).

4.7 Full planning permission is therefore being sought for the following:

- Demolition of existing supermarket;
- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

4.8 And outline planning permission is sought for:

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1 and D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

4.9 All matters associated with details of appearance, landscaping, layout and scale and access are reserved for future determination.

Application Documents

4.10 With regard to the outline planning application, the applicant has submitted three 'control' documents, together with a number of supporting documents containing information, analysis and evidence to support the regeneration proposal.

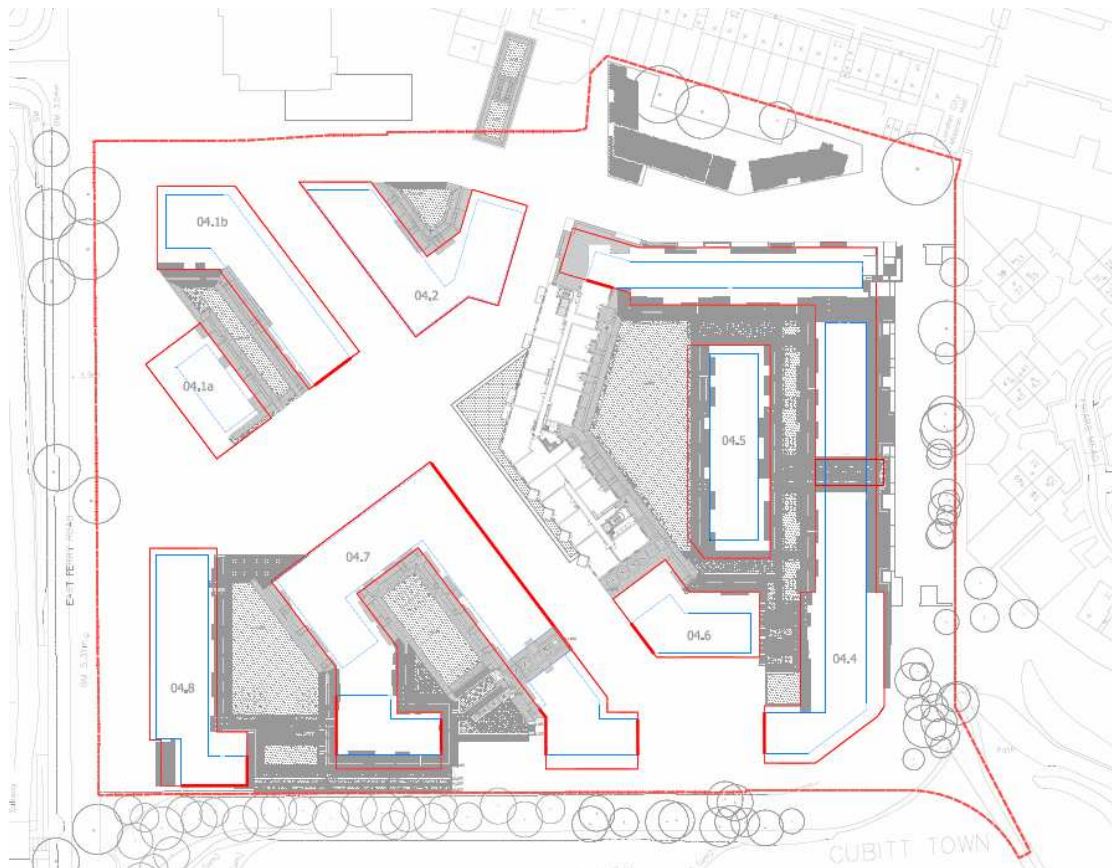


Figure 2: The blocks as presented in the parameter plans (Podium)

4.11 The proposal will be controlled through the use of the three control documents, as follows:

- Parameter Plans – these define the extent of the streets, spaces and buildings across the site against a series of minimum and maximum dimensions. Due to level changes across the site, together with the horizontal division of some buildings between outline and detailed consent, the parameter plans are divided horizontally into Ground Floor Level 00, Transition Level 02 and Podium Level 04. **Figure 2** above shows one of the submitted parameter plans, which identifies the building parcels at podium level. The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation.
- The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
- The Design Code – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of any of the parcels defined in the parameter plans will need to comply with the design code if they are to be considered acceptable.

Relevant Planning History

4.12 ID/80/0001 – Planning permission granted for superstore, petrol station, car park, library and health centre, 2 May 1980.

Numerous additional planning and advertisement consent applications since this original approval.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007) (UDP)

| | | |
|-----------|-------|--|
| Policies: | DEV1 | Design Requirements |
| | DEV2 | Environmental Requirements |
| | DEV3 | Mixed Use Developments |
| | DEV4 | Planning Obligations |
| | DEV8 | Protection of Local Views |
| | DEV9 | Control of Minor Works |
| | DEV12 | Provision Of Landscaping in Development |
| | DEV15 | Tree Retention |
| | DEV17 | Siting and Design of Street Furniture |
| | DEV43 | Archaeology |
| | DEV44 | Preservation of Archaeological Remains |
| | DEV50 | Noise |
| | DEV51 | Contaminated Soil |
| | DEV55 | Development and Waste Disposal |
| | DEV56 | Waste Recycling |
| | DEV57 | Nature Conservation and Ecology |
| | DEV63 | Green Chains |
| | DEV69 | Efficient Use of Water |
| | EMP1 | Promoting Economic Growth & Employment Opportunities |
| | EMP3 | Change of use of office floorspace |
| | EMP6 | Employing Local People |
| | EMP7 | Enhancing the Work Environment & Employment Issues |
| | EMP8 | Encouraging Small Business Growth |
| | EMP10 | Development Elsewhere in the Borough |
| | HSG4 | Loss of Housing |
| | HSG7 | Dwelling Mix and Type |
| | HSG13 | Internal Space Standards |
| | HSG15 | Residential Amenity |
| | HSG16 | Housing Amenity Space |
| | T3 | Extension of Bus Services |
| | T7 | Road Hierarchy |
| | T10 | Priorities for Strategic Management |
| | T16 | Traffic Priorities for New Development |
| | T18 | Pedestrians and the Road Network |
| | T21 | Pedestrians Needs in New Development |
| | S4 | Local Shopping Parades |
| | S10 | Shopfronts |
| | OSN3 | Blue Ribbon Network |
| | OS9 | Children’s Playspace |
| | SCF8 | Encouraging Shared Use of Community Facilities |
| | SCF11 | Meeting Places |
| | U2 | Development in Areas at Risk from Flooding |
| | U3 | Flood Protection Measures |

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

| | | |
|------------|------|--|
| Proposals: | | Area of Archaeological Importance or Potential Flood Risk Area - Combined Flood Zone 3 Isle of Dogs Area Action Plan |
| Policies: | DEV1 | Amenity |

| | |
|-------|---|
| DEV2 | Character and Design |
| DEV3 | Accessibility and Inclusive Design |
| DEV4 | Safety and Security |
| DEV5 | Sustainable Design |
| DEV6 | Energy Efficiency |
| DEV7 | Water Quality and Conservation |
| DEV8 | Sustainable Drainage |
| DEV9 | Sustainable Construction Materials |
| DEV10 | Disturbance from Noise Pollution |
| DEV11 | Air Pollution and Air Quality |
| DEV12 | Management of Demolition and Construction |
| DEV13 | Landscaping and Tree Preservation |
| DEV14 | Public Art |
| DEV15 | Waste and Recyclables |
| DEV16 | Walking and Cycling Routes and Facilities |
| DEV17 | Transport Assessments |
| DEV18 | Travel Plans |
| DEV19 | Parking for Motor Vehicles |
| DEV21 | Flood Risk Management |
| DEV22 | Contaminated Land |
| DEV23 | Hazardous Dev & Storage of Hazardous Substances |
| DEV24 | Accessible Amenities and Services |
| DEV25 | Social Impact Assessment |
| DEV27 | Tall Buildings Assessment |
| EE2 | Redevelopment/Change of Use of Employment Sites |
| HSG1 | Determining Housing Density |
| HSG2 | Housing Mix |
| HSG3 | Affordable Housing |
| HSG5 | Estate Regeneration Schemes |
| HSG7 | Housing Amenity Space |
| HSG9 | Accessible and Adaptable Homes |
| HSG10 | Calculating Provision of Affordable Housing |
| SCF1 | Social and Community Facilities |
| OSN2 | Open Space |
| CON1 | Listed Building |
| CON3 | Protection of WHS's, London Squares, Historic Parks and Gardens |
| CON4 | Archaeology and Ancient Monuments |
| CON5 | Protection and Management of Important Views |

Interim Planning Guidance – Isle of Dogs Area Action Plan 2007 (IOD AAP)

| | | |
|--------------------|-------|--|
| Development Sites: | ID9 | Crossharbour District Centre |
| Policies: | IOD1 | Spatial strategy |
| | IOD2 | Transport |
| | IOD3 | Health |
| | IOD4 | Education |
| | IOD5 | Open Space |
| | IOD6 | Water Space |
| | IOD7 | Flooding |
| | IOD8 | Infrastructure Capacity |
| | IOD9 | Waste |
| | IOD10 | Infrastructure and Services |
| | IOD11 | A new District Centre for the Isle of Dogs |
| | IOD12 | Site allocations in the Crossharbour District Centre |

Core Strategy Development Plan Document 2010 (CS)

| | | |
|-----------|------|---|
| 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 |
| | SP13 | Planning Obligations |
| Annexe 9: | | Cubitt Town Vision, Priorities and Principles |

Managing Development Plan Document - Submission Version May 2012 (MD DPD)

| | | |
|--------------|------|--|
| Allocations: | 19 | Crossharbour Town Centre |
| Proposals: | | Zone 2 (water space) |
| Policies: | DM2 | Protecting Local Shops |
| | DM3 | Delivering Homes |
| | DM4 | Housing Standards and amenity space |
| | DM8 | Community Infrastructure |
| | DM9 | Improving Air Quality |
| | DM10 | Delivering Open space |
| | DM11 | Living Buildings and Biodiversity |
| | DM13 | Sustainable Drainage |
| | DM14 | Managing Waste |
| | DM15 | Local Job Creation and Investment |
| | DM20 | Supporting a Sustainable Transport Network |
| | DM21 | Sustainable Transport of Freight |
| | DM22 | Parking |
| | DM23 | Streets and Public Realm |
| | DM24 | Place Sensitive Design |
| | DM25 | Amenity |
| | DM26 | Building Heights |
| | DM27 | Heritage and Historic Environment |
| | DM28 | World Heritage Sites |
| | DM29 | Zero-Carbon & Climate Change |
| | DM30 | Contaminated Land |

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Spatial Development Strategy for Greater London (London Plan 2011)

- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities

- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

London Plan Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
 Interim Housing SPG
 London View Management Framework 2010
 Draft London View Management Framework 2011
 Housing
 Land for Transport Functions 2007
 East London Green Grid Framework 2008
 Sustainable Design & Construction 2006
 Accessible London: Achieving an Inclusive Environment 2004
 Providing for Children and Young People's Play and Informal Recreation 2008
 Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
 Draft All London Green Grid 2011

Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)

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 & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 Following the confirmation of 10% wheelchair residential units, 10% of parking bays to be wheelchair accessible, lighting, street furniture, accessible cycle parking, inclusive play, surface treatments and gradients, fire escape and lifetime homes criteria, the proposal is considered acceptable in accessibility terms, subject to conditions.

6.4 (OFFICER COMMENT: Conditions have been attached to secure further details of the above, as well as a compliance condition for the provision of min 10% wheelchair housing and parking bays)

LBTH Arboricultural Officer

6.5 No objections to proposal, although concern raised regarding the level of tree planting. Requested a tree-planting scheme, to reflect the density of development, and/or a financial contribution toward tree planting in nearby parks and highways sites.

6.6 (OFFICER COMMENT: A landscaping condition including details of tree planting has been attached which includes the planting of 315 new trees, and a s106 financial contribution towards public realm improvements has been secured)

LBTH Biodiversity

6.7 The proposed link through to Mudchute Park, which is a Site of Metropolitan Importance for Nature Conservation (SMINC) is acceptable in principle, provided that the Council secure details of the landscaping of that part of the site which shows wildlife of sufficient quality to justify its inclusion in a SMINC, together with the retention of the remaining woodland strip along the southern boundary of the site.

6.8 Lighting might be an issue for foraging bats, both during construction and operation. A condition should ensure that lighting near the southern and eastern perimeter of the site is directed inwards to minimise spillage beyond the site.

6.9 Green roofs on the residential blocks, ideally brownfield-style or other bio-diverse green roofs, should be secured by condition if possible.

6.10 The Ecology Chapter of the Environmental Statement (ES) lists a number of biodiversity

enhancements which will be provided on the site as mitigation for the adverse impacts. These include new trees and native hedges and provision of bird and bat boxes. The provision of at least 15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow indicated on the plans, should be secured by condition.

- 6.11 Trees and scrub within the application site are likely to support nesting birds. A condition should be imposed that clearance of such vegetation should be undertaken between September and February inclusive (i.e. outside the nesting season) or, if this is not possible, vegetation to be cleared should be surveyed for nesting birds by a suitably-qualified ecologist and, if nests are found, the vegetation left undisturbed until the young birds have fledged.
- 6.12 (OFFICER COMMENT: Conditions have been attached as requested)

LBTH Communities, Localities & Culture

- 6.13 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The proposed development of 850 units is calculated to result in 1,745 residents and an employee yield of 1559. Accordingly, following review by the Council's Planning Contributions Overview Panel, the following financial contributions are requested:
- Open space: £881,275
 - Delivery of Community Facility
- 6.14 (OFFICER COMMENT: The contribution noted above has been agreed with the applicant, as detailed in section 3 of this report)

LBTH Children, Schools & Families

- 6.15 The Children, Schools and Families section continue to develop proposals for more school places to respond to increasing need. They will do this by identifying school sites with the potential to expand. In the E14 area they have already identified a proposal to expand Woolmore Primary School. In the longer term the Council will be identifying additional sites for school use through the ongoing LDF process.
- 6.16 The funding that is received towards additional school places from s106 contributions is pooled and the funding used with other resources to fund the overall programme of providing school places across the borough, contributing to creating a sustainable local community
- 6.17 The following financial obligations are sought:
- £1,735,110 towards 117 primary school places in the borough
 - £1,407,861 towards 63 secondary school places in the borough

6.18 Total contribution request: £3,142,971

6.19 (OFFICER COMMENT: The above financial contributions have been agreed with the applicant, as detailed in section 3 of this report)

LBTH Enterprise & Employment

6.20 No objection, subject to the following obligations:

Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;
- A financial contribution of £352,081 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. In exceptional circumstances and with the prior agreement of the Council, the developer may deliver their own in-house training programme where appropriate. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

End Phase

- The Council seeks a monetary contribution of £263,435 towards the training and development of unemployed residents in Tower Hamlets to access either:
 - i) jobs within the A1-A4, and B1 uses in the end-phase
 - ii) jobs or training within employment sectors in the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(OFFICER COMMENT: These obligations have been secured, together with confirmation of 40% of end user jobs in the ASDA store to be offered to local people)

LBTH Environmental Health

6.9 Contamination

No objections, subject to a condition to secure a site investigation and remediation.

(OFFICER COMMENT: A contamination and remediation condition has been included within section 3 of this report)

Noise and Vibration

No objection to the proposal, subject to conditions to secure the following:

- Internal noise level for bedrooms and living rooms to meet the "good standard" of BS8233;
- Details of noise insulation between any residential and commercial premises;
- Hours of construction;
- Noise management plan during demolition/construction;
- Details of any mechanical and electrical plant to be used and any associated noise and vibration to be at least 10 dB below the normal background noise at the times required to operate. Guidance can be sought from BS4142;
- Details of any kitchen extraction plant for A1 – A4 use.

(OFFICER COMMENT: Conditions have been attached as requested, as well as conditions to restrict the hours of operation of the commercial units and their associated delivery and

servicing times)

Health & Housing

No objections subject to the proposed units satisfying the GLA's London Housing Design Guide.

(OFFICER COMMENT: The Design Code will ensure that the standards of the GLA's Housing Design are adhered to)

LBTH Housing

- 6.10 The scheme proposes 31% affordable housing by habitable rooms across the scheme, through a blended provision of affordable rent, social rent and shared ownership housing.

Overall the housing section is supportive of the proposal.

(OFFICER COMMENT: Matters relating to the proposed housing are discussed in detail within the Material Considerations section of this report)

LBTH Sustainability & Renewable Energy

- 6.11 Energy

The information provided in the energy strategy is principally in accordance with adopted climate change policies and follows the revised "Energy Hierarchy". The detailed element of the scheme proposes BREEAM 'Excellent' and Code for Sustainable Homes Level 4. However, the energy strategy will need to respond to the emerging Managing Development DPD Policy DM29. The applicant will need to detail how the new targets can be delivered for the relevant phases and subsequent planning applications. An appropriately worded Condition should be applied to ensure a detailed energy strategy and sustainability strategy are submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application.

Sustainability

The sustainability strategy should include the appropriate Code for Sustainable Homes and BREEAM pre-assessments to demonstrate how the development achieves the highest levels of sustainable design and construction and appropriate rating in accordance with the policies at the time of the subsequent submission.

(OFFICER COMMENT: Conditions have been attached as requested)

LBTH Transportation & Highways

- 6.12 The applicants submitted a Transport Assessment as part of their proposals, which was interrogated by the Council's Highways section. Further information and amendments were requested.

Transport Assessment

LBTH Highways had concerns over the impact of the development proposals on the surrounding highway network. The Transport Assessment that has been produced in support of the planning application concludes that the additional traffic generated by the proposal could be accommodated within the existing highway network, although an upgrade to the junction between Marsh Wall and Lime Harbour would be necessary.

(Officer comment: This upgrade has been secured through the s106 Agreement)

Parking and Highway Capacity

The highways section requested a reduction the level of parking in order to reduce the

impact on the local highway network. This was subsequently reduced by 30 spaces from 785 to 755 (604 retail and 151 residential spaces). This reduction is supported by LBTH Highways and together with a Car Parking Management Plan and improvements to the Marsh Wall/Limeharbour junction, the proposal is considered acceptable in parking and highway capacity terms.

London Buses

The scheme proposes the reconfiguration of bus services within the site. London Buses (through TfL) instigated a redesign of the proposed bus layover, and are supportive of the proposed arrangement. LBTH Highways are also supportive of the proposed layout for buses, which is explained fully within the Transport section of this report.

If planning permission is granted for this hybrid application, there are a number of aspects which will need to be dealt with by future detailed/reserved matter applications (outline phase). These include:

- Detailed design of parking areas, including ramp gradients, head height clearances, etc;
- Detailed design of all site accesses not included within the detailed element of the proposal;
- Detailed design of cycle parking areas;
- Detailed design of refuse and recycling collection;
- Detailed design of servicing areas (including Delivery & Servicing Management Plans);
- Travel Plans;
- Detailed design of highway layout within the site boundary (including relocation of existing cycle hire docking station on East Ferry Road – to be agreed with LBTH and TfL respectively);
- Detailed design of on-street parking layouts.

S106 Obligations

Following review at the Planning Contribution Overview Panel, obligations should be secured towards the following local improvements:

1. Lime harbour/Marsh Wall Junction
2. Car Club

The following non-financial obligations should also be secured:

4. Permit free agreement
5. All highways works to be undertaken by the Council at the applicant's cost

Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- No occupation of Phase 1 of the development until highway improvements for the junction of Marsh Wall/Lime Harbour have been designed in detail, and no occupation of Phase 2 until these works have been completed
- No occupation until interim arrangements for Bus layover implemented
- Section 278 Highways Agreement
- No blocking of footway and carriageway during construction

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested s106 obligations and conditions/informatives have also been recommended, as detailed within section 3 of this report).

LBTH Waste Management

- 6.13 No objections to the servicing strategy proposed, although full details of capacity for refuse and recycling to be secured by condition. Requested feasibility of URS to be considered.

(OFFICER COMMENT: A condition has been attached requiring the submission of full details of the refuse and recycling facilities)

English Heritage (Statutory Consultee)

- 6.14 English Heritage has raised concern with regard to the lack of information submitted with regard to aspects of this application. They note that the development would form an important component of views from Greenwich, rising immediately above the trees of Island Gardens which themselves appear immediately above the distinctive silhouette of the historic buildings of the Old Royal Naval College complex.

In particular, English Heritage raised concern regarding the outline form of the application, noting that *“the Council must satisfy itself that it has the necessary level of information and degree of certainty with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site (including the impact on the London Panorama from Greenwich Park towards Canary Wharf, from assessment point 5A.1)”*

(OFFICER COMMENT: The Heritage impacts of the proposal are discussed in greater detail below, within the material planning considerations section of this report. In summary, it is considered that sufficient detail has been submitted and assessed through the applicant’s Environmental Statement, to allow full consideration of the visual and heritage impacts of the proposal)

Environment Agency (Statutory Consultee)

- 6.15 No objections subject to the following conditions being imposed:
- Development to be carried out in accordance with the submitted Flood Risk Assessment
 - Contamination and verification reports to be approved prior to commencement/occupation
 - No commencement of development until such time as a scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels has been approved
 - No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved
 - No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

Greater London Authority (GLA - Statutory Consultee)

- 6.16 In summary, the GLA advised that the proposal (as original submitted) did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

Principle of development

The principle of a mixed-use development with an enhanced retail offer is acceptable.

The community land uses proposed, along with other retail and commercial uses such as cafes, gym and smaller local shops will create a holistic district centre and will enhance local facilities and services.

Urban design, heritage impacts and access

The overall principles of the scheme considered acceptable, and it is of high design quality. Further information sought regarding tightening of the design code, parameters and phasing.

Housing

Unit mix should be revised to provide an increase in the proportion of family-sized units, with further information regarding the family units within the affordable element of the scheme. Further information required regarding density calculations.

Climate change mitigation and adaptation

Further details requested regarding regulated savings at each tier of the energy hierarchy.

Child play space

Clarification regarding child yield figures and associated play space requested.

Inclusive design and access

Information regarding key accessible routes through the scheme requested.

Amenity

Information regarding single aspect units requested.

Noise and air quality

The proposal is acceptable in this respect.

Biodiversity

No significant species identified on site however there is opportunity to improve conditions through the use of rooftops – green and brown roofs.

Transport

Further work is required regarding arrangements for buses, the pedestrian/passenger interchange experience, reduction in car parking, cycle hire and legible London schemes.

Community Infrastructure Levy

The applicant will need to include appropriate contributions relating to CIL.

(OFFICER COMMENT: Following these comments from the GLA, the applicant has submitted further clarification details with relation to the design code, density, parameters and phasing, re-designed the bus layover, density calculations and reduced the level of parking. The proposed indicative unit mix is considered acceptable in relation to local planning policy, and it is recommended that a s106 Agreement secure the minimum amount of family units across tenures. The submitted design code provides further detail regarding the quality of accommodation, which is considered acceptable. Further discussion regarding the final details are outlined within section 8 of this report.)

Royal Borough of Greenwich (Statutory Consultee)

6.17 No objections.

London City Airport (Statutory Consultee)

No safeguarding objection, subject to the following conditions:

- Any alterations to the maximum parameter will require a fresh consultation with London City Airport.
- Given the proximity of the development to the airport, all relevant insulation in building fabric including glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested

(OFFICER COMMENT: Conditions are attached relating to noise attenuation as requested)

National Air Traffic Services Ltd (Statutory Consultee)

6.18 No safeguarding objections.

NHS Tower Hamlets PCT (Statutory Consultee)

6.19 Tower Hamlets PCT requested the following contributions based on the proposed mix:

- Total capital planning contribution: £1,190,995
- Total revenue planning contribution: £4,567,020

(OFFICER COMMENT: Only the capital contribution is sought in line with standard practice. In light of the viability constraints of the proposed development, the s106 package has been reviewed by the Council's Planning Contribution and Overview Panel and a contribution of £923,342 has been apportioned. This is further discussed in section 8 of this report, below)

Transport for London (Statutory Consultee)

6.20 Parking

TfL sought a reduction in car parking numbers, in order to ensure that the development minimised its impacts upon the Transport for London Road Network. A parking strategy and variable message signing at the entrance to the car park are also sought.

Cycle parking levels are supported, although the scheme proposes insufficient electrical charging points.

6.21 (OFFICER COMMENT: The number of parking spaces has been reduced, and conditions are attached securing a parking strategy and electrical charging points)

6.22 Trip Generation

The trip generation methodology is accepted.

6.23 London Buses

TfL liaised with the applicant post-submission, in order to re-design the proposed bus stop area in order to ensure it is technically operational and safe.

A financial contribution of £510,000 is sought toward bus network capacity.

6.24 Dockland Light Railway (DLR)

The greatest proportion of trips to/from the District Centre will be undertaken on the DLR. Accordingly, works are necessary to improve the public realm around the station and provide a legible access route. A contribution of £1,350,000 toward these works is therefore sought.

6.25 Cycle Hire Scheme

A financial contribution of £70,000 is sought for the relocation of a cycle hire docking station on East Ferry Road. A contribution is also sought toward the provision of a new cycle hire docking station at Crossharbour DLR station, at a cost of £30,000.

6.26 Legible London

A financial contribution of £22,500 is sought towards the Legible London wayfinding strategy to allow easy navigation of routes within the site and to surrounding centres and public transport nodes.

6.27 Real Time Information Boards

A financial contribution of £40,000 is sought for the relocation of a cycle hire docking station on East Ferry Road.

6.28 Travel Planning

The objectives of the submitted Travel Plan are robust, and monitoring should be secured through a Legal Agreement.

6.29 A construction logistics plan should be secured by condition, and the delivery and servicing plan is considered robust.

6.30 (OFFICER COMMENT: The applicant has agreed to meet some of the financial contributions initially requested by TfL. TfL have agreed with the negotiated position as outlined within paragraphs 8.349 – 8.353 of this report)

British Broadcasting Corporation – Reception Advice

6.31 No comments received.

Commission for Architecture and the Built Environment (CABE – part of the Design Council)

6.32 CABE are supportive of the principle of redeveloping the site to form the focal point of a new District Centre for the Isle of Dogs. They note that the distinction between the schemes' urban and parkside character has strength as a concept and has resulted in a logical site plan and approach to the built form and landscape.

6.33 However, they are not convinced that that the buildings will achieve the necessary quality of living environment and architecture. The CABE response points out matters which the Council should have regard to in the determination of the application:

- Residential access and flat layouts should be reviewed;
- Whilst the diagonal pedestrian desire line is supported, a less direct, stepped alignment could have added benefits;
- The tall building and residential wrapping of the store should be shown in detail;
- An extended timeline between phases could undermine the quality of the environment created;
- Welcome definition of a street frontage to East Ferry Road, although consider that more commercial units are needed to create an active frontage;
- Community square is welcomed, as is the gently rising high street, although success will depend upon animated frontages;
- Northern section of the high street may have benefitted from a shift towards East Ferry Road;
- Park square to the south supported, although the application should make it clear how public the pedestrian routes will be beyond this;
- The outline proposals suggest a calm approach to the massing of the parkside blocks, and a coherent composition overall;
- Concern raised regarding the quality of accommodation – in particular successful podium blocks, in terms of quality landscaped space, access for residents and services.
- Eastern residential street supported, however concern regarding the quantum of

single aspect units;

- Insufficient assurances regarding the final design quality (due to outline nature of the proposal);
- Microclimate at base of buildings a concern, due to lack of detail;
- Long distance views suggest the proposal would not harm the view from the Greenwich World Heritage Site;
- Concern regarding phasing and prospect of the District Centre being left unfinished for a number of years. As such, consider that the tall building, supermarket and residential wrapping/above it are considered at detailed application stage.

6.34 (OFFICER COMMENT: Matters relating to design are discussed within section 8 of this report. Following a review of the submitted financial viability assessment, officers are satisfied that the proposal is deliverable as set out in the proposed phasing strategy. The number of single aspect units has been considered in the overall context of the proposal, and is considered acceptable.)

London Fire and Emergency Planning Authority

6.35 Private fire hydrants may be required within the site; a fire strategy should be supplied as soon as possible; concern raised regarding access for fire personnel to podium level, and detailed layouts of streets requires careful thought to ensure access.

(OFFICER COMMENT – Pre-commencement conditions attached accordingly)

Thames Water

6.36 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following conditions be imposed:

- The development should not be commenced until impact studies of the existing water supply infrastructure have been approved; and
- No impact piling shall take place until a piling method statement has been approved

6.37 Thames Water also state that the Environmental Statement has information on aspirations of surface water attenuation and foul flows however requests an informative advising that the drainage strategy for the whole development be submitted to indicate:

- Points of connection to the public sewer.
- Existing foul and surface water flows off site compared against proposed/anticipated volumes of discharge during storm conditions (e.g. 1 in 10, 30 & 100 storm + climate change).

6.38 (OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy)

7. LOCAL REPRESENTATION

7.1 A total of 5889 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 236 Objecting: 132 Supporting: 97 Neither: 7
No of petitions received: 4 (3 in objection, 1 in support)

7.2 The following local groups/societies made representations:

- Mudchute Park and Farm (Support)
- Island Health Trust (Object)
- London City Mission (Support)

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

7.4 In objection

Land Use

- A new District Centre is not needed/There is no demand for more shops
(Officer comment: The Council has identified the need for a new District Centre, which is imbedded in adopted and emerging policy. The submitted retail impact assessment identifies a need for a new retail offer on the Isle of Dogs)
- Viability of existing shops threatened;
(Officer comment: An impact assessment has been carried out in order to ensure that the vitality and viability of nearby shopping centres will not be unduly detrimentally affected)
- Asda is busy at peak times, and this will be worsened;
(Officer comment: The Asda store is proposed to be expanded in order to meet the demand)
- Excessive density;
(Officer comment: The proposed density is in compliance with the London Plan)
- Britannia Pharmacy within the ASDA will be displaced, and there is no re-provision for them;
(Officer comment: Asda will have convenience outlets within the store, and there are opportunities within the other retail uses of the District Centre for a pharmacy)

Design & Heritage

- Loss of views and change in relationship between Mudchute Park and Farm, and Canary Wharf, Christ Church and Greenwich;
(Officer Comment: As discussed within section 8 of this report, the relationship of the proposal with Mudchute Park and Farm, Canary Wharf, Christ Church and view from Greenwich is considered appropriate)
- Development fails to step down from commercial area to the north (Canary Wharf) in accordance with development plan;
(Officer comment: As discussed within section 8 of this report, it is considered by officers that the development steps down appropriately)
- Impact of buildings on enjoyment of Mudchute Park and Farm;
(Officer comment: The impacts upon Mudchute Park and Farm have been considered in the assessment of the application. It is considered that the proposal steps down appropriately to achieve a positive transition between the park and farm, and the new development)
- Scale of development not in keeping with surrounding;
(Officer comment: It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site)
- Over-development – Isle of Dogs already densely populated;
(Officer comment: The density of the site is considered acceptable given the site's PTAL and lack of overdevelopment symptoms)

- Impact upon Greenwich landmarks;
(Officer comment: It is considered that the proposal sits comfortably within the backdrop of the Greenwich World Heritage Site, and other landmarks)

Amenity

- Overshadowing impacts upon Island Health and nearby residential properties;
(Officer comment: Overshadowing impacts to Island Health have been considered by officers, and whilst this building was not assessed within the ES, given that it is a multi-aspect community building, the impacts are not considered unduly detrimental. The Amenity section of this report considers the impacts to residential properties, and concludes that they are acceptable on balance)

- Noise pollution;
(Officer comment: This is discussed within the amenity section of this report, and with appropriate conditions, it is not considered that the proposal would result in unduly detrimental noise impacts)

- Loss of privacy;
(Officer comment: As discussed within the Amenity section of this report, design mechanisms boundary treatments and appropriate separation distances would ensure that neither existing neighbouring occupiers nor future residents would be unacceptably overlooked)

- Construction impacts – noise, air pollution and associated health risks;
(Officer comment: If planning permission is granted, a construction management plan would be secured in order to ensure that impacts during construction are appropriately controlled)

- Detrimental impact upon enjoyment of Mudchute Park and Farm;
(Officer comment: It is not considered by officers that the proposal would have an unduly detrimental impact upon the enjoyment of Mudchute Park and Farm. The proposal would alter the view from the farm, and overlooking would be improved. This could improve security for users.)

- Provision of certain mainstream retail stores will make area unsafe;
- Increased crime, social, health and wellbeing problems;
(Officer comment: A condition has been attached to secure CCTV and security details, as well as secure by design details)

- Lack of leisure and sporting facilities;
(Officer comment: The proposal includes a community centre and new public open space, and it is considered that there are sufficient leisure and sporting facilities to assist with meeting the needs of new residents)

- Inadequate youth services;
(Officer comment: A new community centre is proposed within the development, although the end user will be determined at a later stage in the development)

- Solar glare impacts from proposed development;
(Officer comment: The element of the proposal submitted for detailed approval does not contain extensive areas of glazing at high levels. The final design of the outline scheme including tower would not be finalised until reserved matters stage, at which point material selection and orientation would be assessed to ensure solar glare was not unduly detrimental)

Housing

- The proposal does not take into account the additional infrastructure required for the increase in housing, such as school provision, recreation, environmental services; health

facilities, dentists, and transport provision; An impact study was requested relating to the effect on GP's and schools;

(Officer comment: Officers consider that the s106 package agreed with the applicant appropriately mitigates against the additional demand associated with the proposed development)

- The proposal should deliver 75% affordable housing;

(Officer comment: Policy seeks the maximum reasonable amount of affordable housing, with a target for 35%. The scheme proposes 31% by habitable room, which is the maximum reasonable amount the scheme can deliver)

- There is no demonstrable need for private flats in the locality; There are vacant new build flats within the vicinity of the site;

(Officer comment: The Core Strategy identifies the need to deliver 43,275 new homes from 2010 to 2025 in line with targets set out in the London Plan, and the Cubitt Town 'place' is identified as an area for this be delivered)

- Social housing not proposed;

(Officer comment: 31% affordable housing is proposed, of which 23% is Social Rent, 45% Affordable Rent and 32% Intermediate)

- The proposal should include more larger family properties;

(Officer comment: The housing section has considered the amount of family housing proposed, in that 51% of the rented units within the affordable tenure are family sized, and considers it to be acceptable)

Highways & Transportation

- The proposal would create traffic congestion (during construction and implementation);

- Construction works in the area are impacting upon the state of local roads;

(Officer comment: As discussed within the Transportation section of this report, it is not considered that the proposal would have an unduly detrimental impact upon the safe and free flow of the highway network, subject to conditions and s106 obligations)

- The proposal would result in an increase in parking congestion, with potential overspill parking into Island Health Trust;

(Officer comment: The parking provision on-site at present is under-utilised, and the provision has been increased to accommodate the proposed development. The applicants have agreed to fund the cost of the installation of a barrier arm at Island Health if overspill is an issue, and an assessment of this within 6 months of full operation has been attached via condition)

- DLR, Jubilee Line and buses cannot accommodate additional capacity;

(Officer comment: Subject to financial contributions, TfL are satisfied that the public transport network can accommodate the additional demand)

- Access for Emergency services restricted;

(Officer comment: An engineered solution to emergency access has been proposed. A condition has been imposed requiring a full assessment to approved by the LFEPA)

- Underground car park not accessible to taller vehicles;

(Officer comment: The underground car park has been designed to accommodate large servicing lorries, and engineered to meet the specific needs of larger vehicles to deliver to the site)

- Level of cycle parking spaces is excessive;

(Officer comment: Policies support the promotion of non-car modes of transportation, and the

amount of cycle parking is considered appropriate for the proposed development)

- Car-free developments are unsuccessful;
- Too much parking proposed;
- Not enough parking proposed;

(Officer comment: The proposal accommodates a 0.18 residential parking provision. It is important to accommodate vehicles where necessary, however providing too much can have a detrimental impact upon the free-flow of traffic. Car-free developments are considered an appropriate tool for ensuring this)

Other

- The proposal implies that the pedestrian path will extend over land outside of the application boundary (Island Health Land);

(Officer comment: The proposal indicates that a pedestrian path could extend over Island Health Land, however this is indicative only, and does not make a presumption in favour of future development)

- Increased risk of flooding and water pollution;

(Officer comment: The material considerations section of this report assesses flood risk and outlines conditions to ensure appropriate flood mitigation and surface water drainage. Thames Water and the Environment Agency have commented on the application, and support the proposal subject to conditions)

- Cubitt Town Library not the same as Idea Stores – implication that both could be accommodated;

- No provision for an Idea Store – which is needed;

- Provision of Idea Store not supported;

(Officer comment: This scheme does not propose the closure of Cubitt Town Library, nor does it propose the inclusion of an Idea Store. A community space is proposed which could be used by a number of end-users)

- Loss of petrol station – no other station on the Isle of Dogs, and provides the best rate;

(Officer comment: The proposal does not include the re-provision of the existing Asda petrol station. There are no local policies which either restrict the loss of petrol stations, or support provision of them)

- Worsening of Broadband and television connections;

(Officer comment: A condition to secure details of reception feasibility attached)

- The proposal will not attract families, but young professionals;

(Officer comment: As discussed within the Housing section of this report, there is the need within the Borough to cater for a range of unit sizes. The mix proposed is broadly in line with policy, and provides a large number of family sized units)

- Health and safety implications associated with demolition, including petrol station;

(Officer comment: health and safety will be considered in the code for construction practice and construction management plan)

- Isle of Dogs needs small specialist shops, services, nurseries;

(Officer comment: The mix of retail units has been assessed within the submitted retail impact assessment. The s106 Agreement secures an Affordable business unit strategy and marketing strategy to seek to provide affordable workspace. The proposal includes floorspace which could accommodate a nursery)

- Scheme proposes 25/26 storey building, when applicant representatives have indicated maximum of 21/23 storeys;

(Officer comment: The scheme proposes a 23 storey building up to a maximum height of 86.65m AOD, including all associated plant and lift overruns. This is clear within the application documents and agreed description of development)

- Supermarket to be made smaller, and will be more expensive;

(Officer comment: The supermarket is expanding. There is no indication within the submitted documentation that it would be more expensive)

- Carcinogens in the soil – impacts on health;

(Officer comment: Conditions have been attached to ensure appropriate contamination and remediation)

7.5 In Support

- The proposal would create jobs;
- The proposal would result in aesthetic improvements and regeneration;
- Additional housing supported;
- New facilities and retail space supported;
- Improvements to local public transport;
- Additional affordable housing;
- Improved trade for existing businesses;
- More public open space and community amenity.

7.6 Mudchute Park and Farm

The trustees of Mudchute Association support the proposal, noting that they have had dialogue with the developer, resulting in the redesign of the scheme which went some way to mitigating the impacts of views from the public space. Their support is subject to a lease agreement with the Association (or the Council as Landowner), of £35,000 per annum in perpetuity, until one day prior to the expiry of that lease.

Whilst the Agreement of the terms of this lease agreement can be secured through the s106 Legal Agreement, this would sit outside of the planning Heads of Terms, and Members should be aware that this Agreement is not considered necessary to grant Planning Permission.

The Association also has an interest in the flexible D1/D2 space proposed within the development and have agreed with the developer that they would get first right of refusal on some of this space if planning permission is granted.

7.7 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application:

- Only representations from those living on East Ferry Road, Glengall Grove, Friars Mead should be given weight (with relation to petition in favour of the development);
- When the site was sold to ASDA it was on the basis that only low-rise buildings could be built;
- Everyone on the Isle of Dogs should have been consulted;
- Loss in value of properties;
- There are other sites which could be redeveloped;
- Misleading photos within the submission;
- The proposal is to facilitate Council Tax payments;
- Proposal does not include relocation of Island Health

(Officer comment: Island Health is not being relocated or demolished. It remains in its existing location)

- The proposal would block views to Greenwich from properties at 122 East Ferry Road
(Officer comment: The loss of an unprotected view is not considered to be a material planning consideration)

8. MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development and Land Uses
- Density
- Transport, Connectivity & Accessibility
- Design
- Heritage & Conservation
- Housing
- Amenity
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health
- Biodiversity
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

Principle of Development and Land Uses

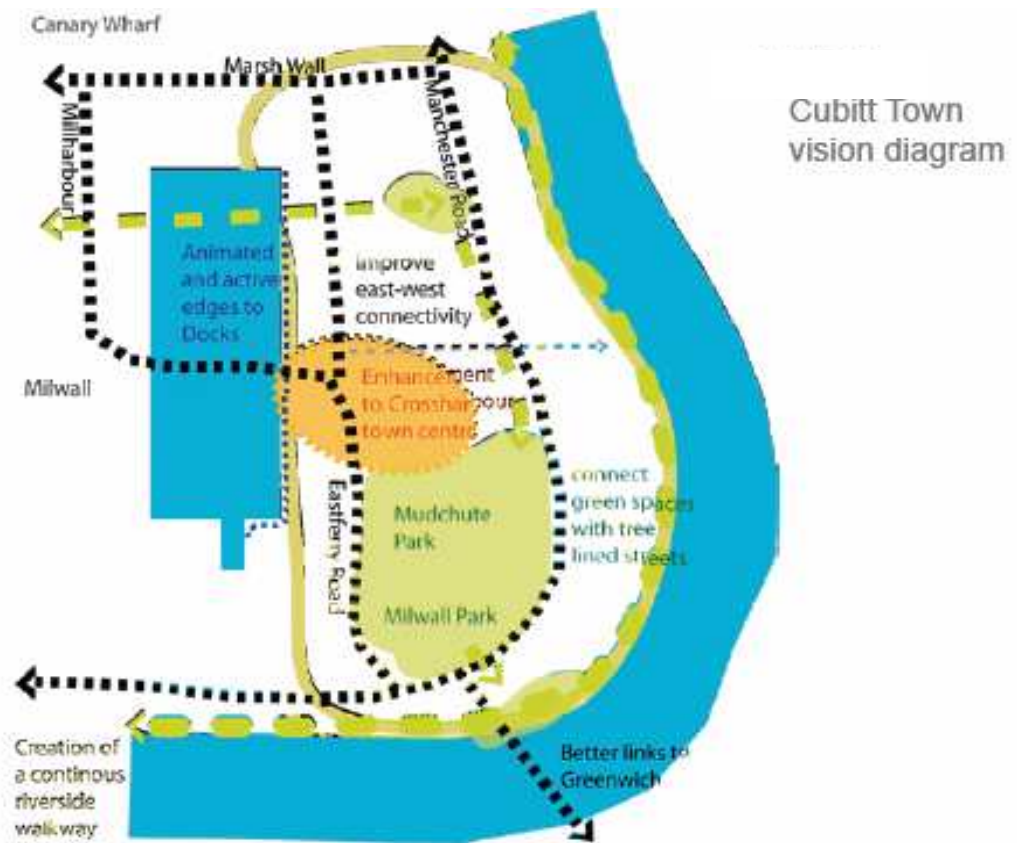
8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.

8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.

8.4 At the local level, the Council’s Retail and Leisure Capacity Study 2009 undertook a survey of residents in the Borough to determine the current shopping patterns and to act as a base for predicting future needs. According to this study, aside from the high end offer available at Canary Wharf, the bulk of comparison expenditure by residents takes place outside of the Borough. Notwithstanding the comparison goods on offer within the ASDA store, there remains a distinct lack of value comparison offer on the Isle of Dogs.

8.5 This study fed into the Council’s Core Strategy 2010, within which Cubitt Town is identified as an area where there will be residential growth, supported by a revitalised and expanded Crossharbour Town Centre. CS policy SP01(4) identifies Crossharbour as a key project in the delivery of additional comparison and convenience retail floorspace in the Borough. Core Strategy Annex 9 “Delivering Placemaking” sets out the vision for Crossharbour, as depicted by figure 2 below.

8.6



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Figure 3: Cubitt Town Vision diagram (Source: LBTH Core Strategy 2010, figure 2)

8.7 The Vision provides guiding principles including:

- New development focussed in the north of Cubitt Town;
- Housing types suitable for families promoted south of Cubitt Town and around Millwall Park;
- New public square framed by active retail and leisure uses at Crossharbour Town Centre to animate the area;
- Development should protect the setting of Mudchute and Millwall Park and protect general views from these parks towards Canary Wharf,
- Development should provide a transition between higher rise commercial area to the north and low-rise residential to the south and east.

8.8 The site allocation for Crossharbour Town Centre as detailed within the emerging MD DPD supports the Core Strategy's Vision of a comprehensive mixed-use development. In particular, the site allocation requires:

- District centre on a new public square;
- Housing;
- Community Centre;
- Retail floorspace;
- Other town centre compatible uses.

8.9 The principle of the delivery of a retail-led mixed-use development is therefore supported at strategic and local level. With regard to the Core Strategy's vision for Cubitt Town, the proposed hybrid planning application provides for a new District Centre with additional comparison and convenience retail floorspace, up to 850 residential units as well as community floorspace. The new retail space will be located on a new high street, and surrounding a public square, and the proposal includes a new route into Mudchute Park together with a re-provided transport interchange for buses.

8.10 With particular regard to the proposed provision of up to 28,845sq.m of retail floorspace (Use

Classes A1-A4) including an expanded ASDA superstore (14,114sqm), the applicant has submitted a Retail Capacity and Impact Study in support of the planning application.

8.11 The submitted Study considered the impact of the proposal on surrounding retail centres, these being:

Major Centre

- Canary Wharf

Neighbourhood Centres

- Quarterdeck
- Manchester Road
- Westferry

Local shopping provision outside of Neighbourhood Centres on the Isle of Dogs

- Pepper Street
- Castalia Square
- Amsterdam Road
- Claude Street
- East Ferry Road
- Samuda Estate

8.12 From the submitted study, it is evident that the convenience stores in nearby centres and parades have been trading alongside the existing ASDA store for many years. As the bulk of additional retail floorspace proposed is for comparison goods (non-food retail), the important day to day role of convenience stores is expected to remain unchanged.

8.13 The fact that there remains such high leakage of comparison spend outside of the Borough, indicates that higher order centres such as Canary Wharf do not address many of the comparison goods needs of local residents. The comparison floorspace proposed is intended to deliver a 'value' offer for residents.

8.14 This study submitted accordingly concludes that there is capacity in the market to accommodate the uplift in retail floorspace, and the proposal will not unduly detrimentally affect the vitality of existing centres, including local centres and shopping parades. This is on the basis that there is a site-specific need for additional retail floorspace on the Isle of Dogs, to serve both existing and future residents of the island.

8.15 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes a new public square and link through to Mudchute Park, and a new community centre. The proposed community use is therefore considered to accord with policy SP03, which encourages provision of "high quality social and community facilities".

Petrol Filling Station

8.16 A significant number of the letters of representation received from residents raised concern over the loss of the petrol filling station.

8.17 Whilst there are no local or national policies which either protect or promote petrol stations, officers requested that the applicant investigate whether it would be feasible to re-provide a petrol filling station as part of the current proposals. The applicants subsequently carried out an options appraisal to determine the feasibility and deliverability of a petrol filling station on site.

8.18 The only reasonable site for a new petrol filling station was identified along the northern access road, beneath the residential element of Block C, although the Council's Highways section advised that it is unlikely that a petrol tanker would be able to service the facility.

Other sites would not have been feasible in terms of health and safety, and would have seriously impacted upon the regenerative potential of the site.

- 8.19 Furthermore, it is clear that providing a petrol filling station within the scheme would have an impact upon the values of the residential properties located in the vicinity of the station. The viability information in this respect was interrogated on the Council's behalf, and it was agreed that the inclusion of a petrol filling station within the scheme would have a substantial impact upon the affordable housing provision delivered, reducing it by approximately 14%.
- 8.20 An additional consideration is the fact that the applicants could close down the petrol filling station at any time, and would not require planning permission to demolish it.
- 8.21 For those travelling off the Island, whether heading east, west or north, there are existing petrol stations located within the Borough, on the logical routes off the Island. If heading East, there is an ESSO by the Lower Lea Crossing; heading North there is a Texaco near All Saints DLR station, and another on Burdett Road; and heading West on The Highway are a BP and another Texaco.
- 8.22 There is no policy basis to require the retention of a petrol station within the site, and the inclusion of a new petrol station would have significant implications upon the ability to deliver affordable housing within the Borough, and to realise the full regenerative potential of the site.
- 8.23 It is considered that the proposal will deliver a new high quality District Centre for the Isle of Dogs, with improved accessibility, community facilities, retail shops, public open space and housing, and accordingly the broad principles of the proposal are therefore in accordance with the London Plan, Core Strategy and MD DPD.

Density

- 8.24 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4.
- 8.26 In terms of density characteristics, the GLA's stage 1 refers to the site as having a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 606 habitable rooms per hectare, thus complying with the guidance within Table 3.2.
- 8.27 The scheme incorporates new pedestrian routes through the application site, as well as s106 obligations towards public realm and connectivity and improvements towards the Lime Harbour/Marsh Wall intersection.
- 8.28 The development does not present any symptoms of overdevelopment nor have any significantly adverse impacts on the amenity of existing and future residential occupiers as discussed further on within this report. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Transport, Connectivity and Accessibility

- 8.29 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.30 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.31 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site sits to the east of East Ferry Road. Crossharbour DLR station is located across East Ferry Road immediately to the north-west of the subject site. The existing bus interchange within the site serves 4 bus routes. The D3, D6, D8 and 135 connect with Canary Wharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

Highways

- 8.32 The application proposes two entrances to the subject site – the main vehicular entrance is along the southern boundary of the site, providing access to underground car park and bus waiting area. The second vehicular access is via the existing dropped curb to the north of the site which provides current access for visitors to ASDA and Island Health. This entrance is proposed to be used by servicing vehicles and a lesser number of private vehicles associated with residential units which are proposed to wrap around the relocated ASDA supermarket.

Servicing and Deliveries

- 8.33 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 8.34 The supermarket and larger non-food retail units will be serviced from the main site access, situated at the southern end of the site. Servicing for the ASDA store would comprise the following:
- 5 fresh deliveries between 22:00 and 08:00
 - 3 ambient deliveries between 08:00 and 14:00
 - 2 ambient deliveries between 14:00 and 21:00
 - 2 chill/frozen deliveries between 12:00 and 21:00
 - 1 George (clothing) delivery around 08:00 (6 per week)
 - 3 direct deliveries (bread/milk, etc) usually AM
- 8.35 The proposed non-food retail is expected to generate 7 service vehicle movements two-way daily. Additional servicing access is proposed for the other uses from the secondary vehicular route at the north of the site.
- 8.36 Servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the detailed scheme and further phases.

Waste, Refuse & Recycling

- 8.37 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of both the detailed scheme and further phases.
- 8.38 Notwithstanding the above, the indicative scheme shows that within the southern residential blocks, residents have access to communal refuse chutes on each floor which direct refuse to storage points at ground and podium levels. The inclusion of refuse lifts allows waste to be transferred from podium to ground levels, where refuse vehicles using the southern access road collect the waste.

The northern and eastern residential blocks are situated on driveable streets, hence refuse is collected directly from street level via communal refuse stores.

As the majority of development considered within this proposal is in outline, the submitted Design Code sets out the principles to guide future reserved matters applications.

Car Parking

- 8.39 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.40 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels for the Isle of Dogs. These levels are 0 parking for units of less than 3 bedrooms, and 0.1 for 3 bedrooms plus.
- 8.41 The site currently has 600 parking spaces associated with the existing supermarket use.
- 8.42 The scheme proposes a maximum of 755 car parking spaces within a basement and at surface level. 604 of these spaces are allocated for retail (556 standard spaces, 28 disabled and 20 parent & child), and 151 for residential use (126 standard, 25 disabled). 21 of these spaces are allocated for affordable housing units. The overall parking provision reflects a ratio of 0.18 spaces per residential unit.
- 8.43 The residential parking is in accordance with LBTH IPG Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit. However is in excess of the MD DPD Planning Standard 1 which allows for 0.1 spaces per family unit (3 bed plus), and no parking for smaller units.
- 8.44 The proposed commercial/retail parking is to serve the existing ASDA supermarket as well as the wider District Centre. The proposal sees an uplift of 4 spaces beyond the existing arrangement on site, which is vastly under-utilised at present. IPG and MD DPD policies seek zero parking for retail uses.
- 8.45 The applicant has submitted a Transport Assessment which considers the impact of the development upon the highway network. This assessment was based upon the initial proposal which included a total of 785 parking spaces, with the results indicating that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years. The proposed development would result in a small impact in the PM peak on Aspen Way (East) and Preston's Road, which would experience a change of +1% and +2% respectively. In addition, the results suggest that the development would result in the need for remodelling to the junction of Lime Harbour and Marsh Wall.
- 8.46 Considering the above, the Borough's Highways department support the proposed parking levels, subject to remodelling of the Lime Harbour/Marsh Wall Junction and East Ferry Road

adjacent to the site.

- 8.47 Accordingly, and as supported by LBTH Highways, the applicant has agreed to fund remodelling work to the Lime Harbour/Marsh Wall junction as well as works to East Ferry Road which include a new raised table and pedestrian crossing as part of s278 highways works. Highways have also requested that an on street parking permit-free agreement be secured through the S106 restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme).
- 8.48 In addition to the above, further measures to discourage car use in this development proposal include 1255 cycle parking spaces, 2 car club spaces together membership for residents for a three year period, improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements beyond the site boundary.
- 8.49 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed District Centre, whilst ensuring the free flow of traffic on the surrounding highway network.

Provision for Cyclists

- 8.50 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 1,255 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan policy 6.13. Provision is proposed to be within a mixture of basement, courtyard and secure communal areas. Furthermore, the provision of Sheffield stand visitor spaces within the public square is welcomed. Full details of the cycle parking are secured via condition for each phase.
- 8.51 Opposite the application site on East Ferry Road lies a 17-point Cycle Hire docking station. The scheme proposes a reconfigured bus layout, resulting in the need to relocate this station within the site boundary. This is at a cost of £70,000 – a sum which is requested by TfL, and agreed by the applicant as a development cost, and would be secured as such within a s106 Legal Agreement.

Public Transport Improvements

- 8.52 CS policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.

Buses

- 8.53 Four bus services terminate at the site (D3, D6, D8 and 135). To enable the development of the site as a District Centre, a reconfiguration of these facilities is proposed. This involves the creation of a layby on East Ferry Road and a bus layover within the service access area along the site's southern boundary.
- 8.54 Throughout the application process the applicant has worked with London Buses and the Borough's Highways section to redesign the proposed interchange. The final iteration of the bus stop has the support of TfL, allowing the D routes to drop off and pick up within the subject site. The 135 will drop off and pick up just south of the District Centre.
- 8.55 A stage 1 road safety audit has been carried out on the revised design, and several recommendations were made regarding the layout, which have been incorporated into the detailed design.

- 8.56 TfL have confirmed that they are satisfied that the proposed arrangements can operate safely, and do not raise objection to the proposed approach for buses.
- 8.57 TfL have requested a financial contribution of £510,000 towards London Buses. Currently routes 135, D3 and D7 all have high loadings, particularly in the AM peak northbound, and it is expected that bus trips generated from the proposal would increase bus loadings. Upon receipt of the funds, TfL would agree with the Borough on the nature of the improvements once the funds are forthcoming, but have advised that these would be within the Isle of Dogs area.

Docklands Light Railway

- 8.58 TfL considers that it is likely that most trips to the District Centre via the DLR will be made from Crossharbour station. A programme of works has already been identified to improve this station, relating to overall quality, safety and ease of access and egress. TfL and the applicants have agreed to a financial contribution of £400,000 for improvements to Crossharbour DLR station.

Pedestrian Environment

- 8.59 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities. The proposal incorporates a new diagonal north-south high street route linking East Ferry Road and Mudchute Park. The design code seeks to ensure active retail frontages and residential overlooking to this route, ensuring a high level of passive surveillance.
- 8.60 The design code seeks to secure high quality public realm within the site, with high quality materials, the use of natural stone paving, high quality integrated lighting and timber street furniture. The applicants have also agreed to a financial contribution of £873,903 towards public realm/open space improvements within the vicinity of the site. It is expected that this will contribute towards:
- Improvements within Mudchute Park including the refurbishment and maintenance of existing routes;
 - 'Legible London' directional signage is also proposed to assist the pedestrian environment and general wayfinding.
- 8.61 In addition, remodelling works to East Ferry Road through the introduction of a raised table and new pedestrian crossing via a s278 highways agreement would further serve to improve the pedestrian experience along East Ferry Road.
- 8.62 Conditions are recommended seeking full details of the improvement works to be delivered as a result of the above agreed financial obligations towards public realm improvements.

Inclusive Access

- 8.63 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the CS and Policy DM23 of the MD DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.64 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

- 8.65 The submitted design and access statement details that the scheme is fully inclusive, with access to amenity areas and public transport via integrated pedestrian routes rather than through segregated accessible circulation. The new pedestrian route through to Mudchute Park is fully accessible to all with DDA compliant ramped approach.
- 8.66 The principles of inclusive design are enshrined within design code, ensuring that the development adheres to inclusive access design policy.

Other

- 8.67 A contribution of £40,000 has been secured for the provision of real-time information which supports DLR' within the vicinity of the subject site.

Design

- 8.68 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.69 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. In 2010 CABE released a guidance document for supermarket-led regeneration (Supermarket-led Development: Asset or Liability), which sets out principles of good supermarket-led design.
- 8.70 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimising the potential of the site.
- 8.71 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. CS policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.72 The planning application is in hybrid form, with phase 1 (84 residential units, retail space, replacement supermarket, basement and relocated bus stop) in detail for determination, and the remainder of the development in outline with all matters reserved. Details of layout and external appearance are therefore reserved until a later date. However, the planning application includes parameter plans, which set a framework within which the layout of buildings and spaces will arrive. A Design Code has also been submitted, which sets out mandatory requirements that reserved matters applications must accord with, as well as promoting further design aspirations. The application is supported by a Design and Access Statement, which includes an indicative masterplan, illustrating how the scheme parameters may be interpreted. The indicative layout is shown below.



Figure 4: the indicative masterplan

8.73 The proposal incorporates three development zones, which are subdivided further into building parcels. The development zones are shown below.

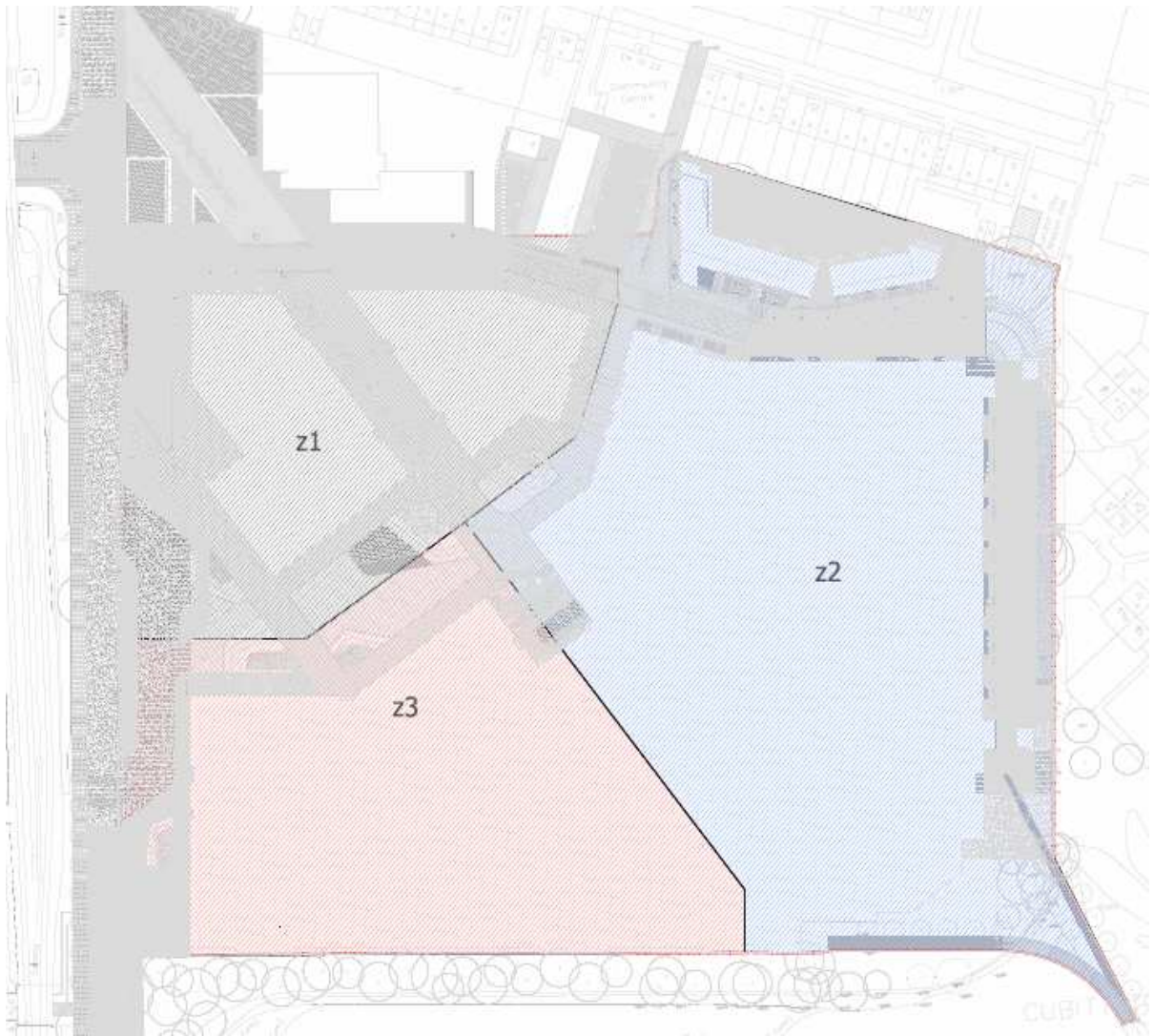


Figure 5: The development zones

- 8.74 The proposal is split into three Development Zones, although the delivery of the proposal will come forward in accordance with the Phasing strategy outlined in paragraphs 8.355 – 8.363 of this report, which would be secured within a s106 Legal Agreement. Development can arrive subject to the rules in the Design Code and on submitted parameter plans. The development zones are as follows:
- 8.75 Zone 1: Blocks A, B and C, including flexible retail space, community space, residential units, public open space and routes through the site.
- 8.76 Zone 2: Blocks D, E, F, G, K and L including new supermarket, flexible retail space, residential units, public open space, bus stops, basement and route through to Mudchute Park.
- 8.77 Zone 3: Blocks H, I and J including new flexible retail space, residential units, public open space, basement and bus stops.
- 8.78 Within the overall outline boundary sits the detailed application. The detailed part of the application is spread across basement, ground level and residential Block G which sits above the relocated supermarket, and comprises 84 residential units.



Figure 6: Ground Floor Plan - Detail

- 8.79 The ground floor plan above illustrates those elements being proposed in detail at ground level, which include the relocated superstore, flexible retail space, bus layover and servicing area, together with access to basement parking and new public square.
- 8.80 The two following plans set out the detailed layouts at 'transition' level and 'podium' level.
- 8.81 At 'transition' level it can be seen that the diagonal pedestrian route through to Mudchute Park is also secured in detail, together with the new pedestrian bridge.
- 8.82 At 'podium' level Block G above the supermarket together with associated amenity space for residents is also secured.

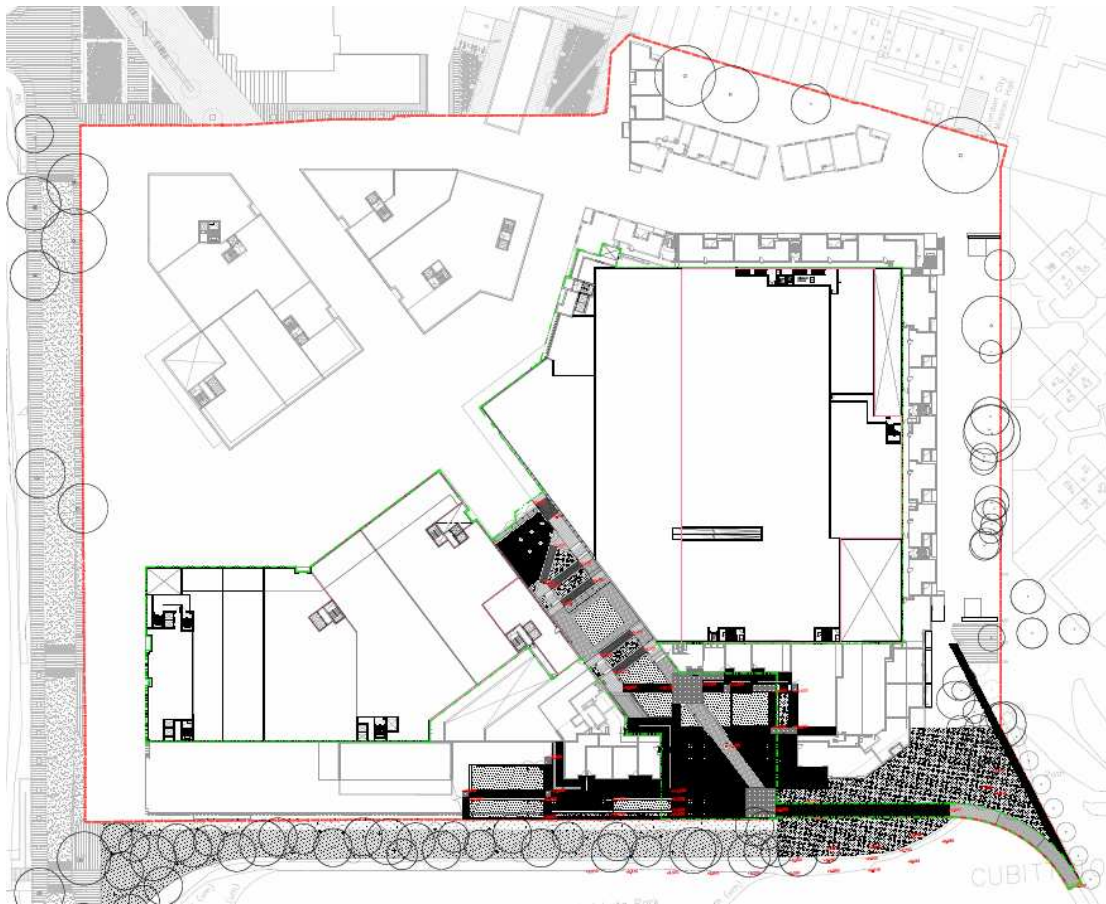


Figure 7: Transition Level Plan - Detail



Figure 8: Podium Level Plan - Detail

8.83 The proposal covers an area of 4.5 hectares, and proposes development within Blocks labelled A to L, as shown on the indicative masterplan.

Development Zone 1 (Northern Area, Blocks A, B and C)

8.84 Development Zone 1 is located to the north-east of the site, to the south of Island Health and east of East Ferry Road. A new square is the focus for community and civic activities as it is surrounded and defined by Block's A, B and C to the north. This zone contains the northern part of the diagonal high street.



Figure 9: Blocks A, B and C – Zone 1

8.85 Block A is the tallest building within the proposal, with a rectangular floorplate up to a maximum height of 86.65m AOD, or 23 storeys as shown on the indicative scheme. This block contains flexible retail space at ground and first, with residential above, and is linked with Block B by a 2 storey podium level which has amenity space on its roof.

8.86 Block B is proposed to a maximum of 37.65m AOD, and is shown on the indicative scheme as approximately 7 storeys as shown on the indicative scheme, and also contains flexible retail space at lower levels with residential above.

8.87 Block C is proposed to a maximum height of 34.65m AOD, and is shown on the indicative scheme as approximately 7 storeys. This block contains flexible commercial space at lower levels, the proposed community facility and a shop mobility unit. This block frames the diagonal high street, pedestrian route from Glengall Grove and public open space.

Development Zone 2 (Eastern Area, Blocks D, E, F, G, K and L)

8.88 Development Zone 2 is located on the eastern side of the site, adjoining the rear of

properties on Glengall Grove, as well as Mudchute Park. This zone contains the southern part of the diagonal high street, new supermarket, residential blocks and public and private amenity space.



Figure 10: Blocks E, F, G, K and L – Zone 2

8.89 The supermarket sits underneath Blocks E, F, G, K and L.

Block D comprises a linear residential block with houses with front doors onto a northern mews street. This block reaches a maximum height of 18.4m AOD, and shown on the indicative scheme as reaching 4 storeys.

8.90 Block E wraps the supermarket in residential development along its northern and eastern perimeter. Again, front doors are proposed onto the northern and eastern mews streets, and cores provide access to upper-level units. Block E is proposed to a maximum height of 29.1m AOD and is shown on the parameter plans as being 7 storeys, stepping back at upper floors.

8.91 Block F is also a residential block, sitting above the western extent of the supermarket, defining semi-private pedestrian routes at podium level. The maximum height proposed for this building is also 29.1m AOD, with a height of 4 storeys above podium.

8.92 Block G is proposed in detail, providing 84 residential units in a building 35.1m AOD, 6 storeys above podium. This building overlooks the new public square and transition high street as it climbs up to podium level. This block falls within the detailed part of the proposal.

8.93 Block K sits to the south of Block G, providing residential units accessible from the new high street. This block is proposed to a maximum height of 35.01m AOD, shown as 5 storeys above podium in the indicative scheme.

8.94 Finally Block L adjoins the southern extent of Block E at the south-west boundary of the site. This block includes a café at podium level providing views over Mudchute Park, together with residential units to a maximum height of 29.1m AOD, with a height of 4 storeys above

podium shown in the indicative scheme.

Development Zone 3 (Western Area – Blocks H, I and J)

- 8.95 The western area is bound by East Ferry Road to the west and Mudchute Park to the south. This zone contains the larger format retail stores within the southern block, main entrance into the basement car park together with bus stand area below podium, public square and rising high street, together with the new bus stop.



Figure 11: Blocks I, H and J – Zone 3

- 8.96 The new public square is proposed to be defined on its southern edge by larger retail format stores, with residential development above. Between the blocks semi-private communal space is proposed.
- 8.97 Block I is situated on the western boundary of the site, proposed to a maximum height of 40.65m AOD at its northern end, and stepping down to a maximum of 28.65m AOD at its southern end adjoining Mudchute Park (4 – 8 storeys above podium in indicative scheme). This is represented as 4 – 8 storeys above podium within the indicative scheme. It is proposed as a residential block accessible from both East Ferry Road and the central courtyard area.
- 8.98 Block H is arranged in a U-shape above the larger format retail which faces onto the public square. The eastern wing which aligns the rising high street is proposed to a maximum height of 37.65m AOD, stepping down to 25.65m at its southern extent where it becomes Block J. Adjoining the public square maximum heights vary between 31.65m and 43.65m AOD (7 – 9 storeys above podium in indicative scheme), and stepping down to 28.65m (3 storeys above podium in indicative scheme) at the southern tip of the western wing.

This zone provides areas of semi-private amenity space between blocks, meeting Mudchute Park at a similar level allowing for landscaping and views over the park.

Assessment

- 8.99 Whilst the majority of the application is in outline form, it is considered that the overall design strategy (secured via requirements in the Design Code) and proposed layout parameters and development specification carefully balances all of the site constraints and opportunities and provides an acceptable option for the redevelopment of the subject site to secure the delivery of a new District Centre.
- 8.100 The general bulk, scale and mass of the building blocks proposed are considered acceptable as the overall massing steps down from the taller buildings to the north (Canary Wharf), following an established pattern of development set by developments such as Baltimore Wharf and Kelson House as one moves south down the Isle of Dogs. The tallest element of the proposal is situated at the north-western corner of the site, providing a marker for the District Centre and assisting with wayfinding, with scale stepping down toward the lower scale developments to the east of the site at Friars Mead, and north of the site along Glengall Grove. The distribution of heights is considered to be appropriate and conducive to successful placemaking.
- 8.101 The overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site, providing step-free access through to Mudchute Park. The location of pedestrian routes, open spaces and play space is considered to be acceptable, as the building layout ensures that they will be well surveillanced and legible.
- 8.102 It is considered that the location of retail frontages aligning the new high street and public square will create activity, and a new hub is appropriate and in accordance with CS and MD DPD policies, which seek the delivery of a new District Centre at Crossharbour.
- 8.103 Whilst the majority of the application is in outline, the visual appearance of the buildings and the overall palette of materials outlined in the Design Statement and Design Code are considered to be sympathetic to the site's context within a protected view, introducing elements of brick, glass, timber, render and pre-cast concrete. It will be for the reserved matters stage to confirm the quality of this detail and suitable conditions are recommended.
- 8.104 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the Crossharbour area. The proposal appears sensitive to the character of their surroundings in terms of overall layout, bulk, scale and use of materials. However the detailed reserved matters will confirm this further.

Detailed

- 8.105 The detailed element of the scheme includes the larger retail format stores and bus layover/servicing area within development zone 3, the supermarket and residential block G within development zone 2, and areas of public open space including the new square and rising high street to podium level with new pedestrian bridge access to Mudchute Park, and new bus stop.
- 8.106 Block G is constructed of pre-cast concrete on its elevation which faces the public square, along with all other blocks with this orientation within the outline scheme. At podium level the internal courtyard areas have a softer, more natural palette, introducing a mix of brick and timber, giving the podium level a more residential feel for future residents.
- 8.107 The elevational detail is simple yet strong, with deep window reveals and a mixture of

projecting and inset balconies serving to break up the façade and provide interest.

- 8.108 The proposed supermarket and retail stores are more contemporary in design, with double height glazed shopfronts. Residential entrances are expressed through recesses in the façade.
- 8.109 The detailed elements of the scheme are able to be delivered as the first phase of development, providing a mix of retail and residential uses, with appropriate areas of open space and communal amenity to serve the new population.
- 8.110 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

Building Heights and Tall Buildings

- 8.111 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.112 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life. Tall buildings can be included as part of outline planning applications however the CABI / EH guidance notes that "outline planning applications for tall buildings will need to include a comprehensive assessment of the site context and a visual impact assessment based on maximum and minimum scale parameters as part of the EIA".
- 8.113 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The policy also states that development will need to provide a transition between taller buildings in Canary Wharf and the lower heights of the surrounding areas.
- 8.114 The proposed development provides a transition in scale between the high rise office buildings of Canary Wharf, and residential scale of the area around Crossharbour. Of particular note is an extant consent for a 43 storey tower on the former London Arena site, now known as 'Baltimore Wharf'. This development sits north-west of the subject site, providing a marker by which to signalise a reduction in scale from Canary Wharf to the proposed scheme. Figure 12 provides a western view of the Isle of Dogs, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building within the north-west corner of the site is considered acceptable in principle.

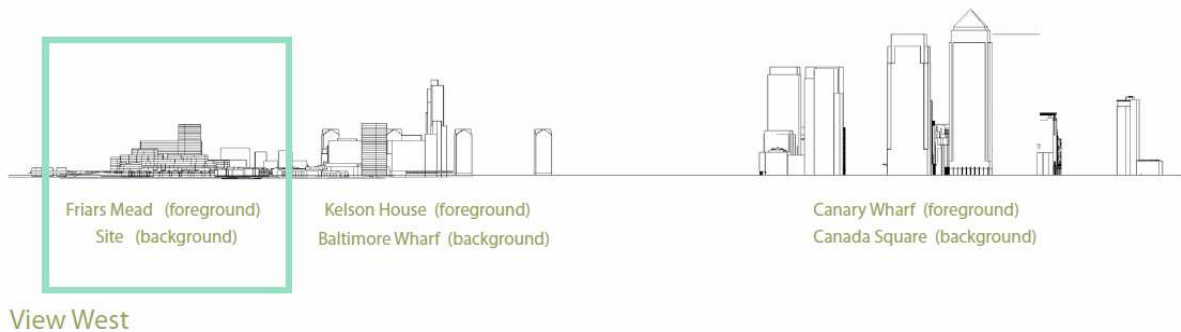


Figure 12 – Western view of key buildings, Isle of Dogs

- 8.115 The taller buildings have a higher proportion of private for sale accommodation and smaller unit sizes, hence Development Zones 1 and 3 have the majority of private residential accommodation, and Development Zone 2 has a higher proportion of affordable accommodation. The scale of buildings reduces towards the eastern and southern boundaries towards Glengall Grove, Friars Mead and Mudchute Park.
- 8.116 As detailed above, the application proposes a tall building at the northwest corner of the site within Development Zone 1. English Heritage has raised concern regarding the principle of a tall building of up to 23 storeys in outline form, given it is situated within an LVMF viewpoint, and suggested that the maximum parameters should be shown from this viewpoint. This is discussed below.
- 8.117 Submitted parameter plans set out allowable massing envelopes, defined in terms of the maximum and minimum, for each block. These must be adhered to in conjunction with the massing principles set out within the design code. These set rules on how the mass within the parameters should be designed and sets build-to lines, maximum heights in set locations, maximum and minimum storey differences between buildings as well as locations where steps and offsets must take place. Through applying the design codes, the maximum parameter can be sculpted to result in an almost infinite number of options totalling the maximum development area set within the planning application. Consequently assessing the maximum model would represent an undeliverable massing. The indicative scheme has been tested to provide a representative example of how the design codes can be applied to the parameter plans, and visualisations of the indicative scheme have been produced from various locations.
- 8.118 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which, following consideration, indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

The Design Code

- 8.119 To ensure the principles identified above are delivered through the detailed design of each phase of the development, a Design Code has been developed by the applicant in consultation with officers. The design code provides the design approach to be taken with each development zone and the various individual blocks within.
- 8.120 The Design Code sets principles regarding massing, design, access, public realm and open space, amenity space, residential layouts and relationships through the use of 'codes' which must be adhered to, 'advisories' for guidance, and 'illustrative' diagrams.
- 8.121 This Design Code is a fundamental instrument in establishing the design principles for outline proposals, and ensures that the reserved matters applications will deliver a high

quality scheme.

Heritage & Conservation

- 8.122 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.123 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved policies DEV1 and DEV34 of the UDP, policies DEV2, CON1 and CON2 of the IPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.124 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Strategic Views

- 8.125 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect. English Heritage suggested that the Borough satisfy itself with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site.
- 8.126 A view from assessment point 5A.1 was submitted with the proposal, and viewed in detail by officers of the Council and English Heritage. From this viewpoint the development is difficult to identify. The taller elements of the development would be visible, however they blend in with the existing cluster of tall buildings within the area. The distinctive pyramidal peak of One Canada Square remains.

Local Views and Impacts

- 8.127 Views surrounding the site have been considered and assessed, although there are no protected local views.

Glengall Grove

- 8.128 Properties that back onto the site along Glengall Grove would have clear views of the proposed development, visible above the island Health Centre. For other properties along Glengall Grove and in its vicinity the majority of built form within the site would be screened although taller elements would be visible above existing properties.

East Ferry Road

- 8.129 The completed development would create a landmark building within the streetscene of East Ferry Road, creating an edge to the road and a more vibrant streetscene. Long views of East Ferry Road are screened by intervening built form, and from Mudchute DLR station only the tall building is visible.

Friars Mead

- 8.130 The middle and upper storeys of the completed development would be visible from Friars Mead. The setback of tower elements from the eastern boundary would minimise views of

the proposal in close proximity so that taller elements would not dominate properties on Friars Mead and the general composition of views would remain. However, it is noted that due to the suburban feel of Friars Mead the views of the completed development would alter the largely open and vegetated skyline, bringing the 'the City' closer to views from this area.

Millwall Dock

- 8.131 Block A and taller elements of the proposal would be visible from views across Millwall Dock, which would be seen above the built form and eastern boundary of vegetation which surrounds the dock.

Mudchute Park and Millwall Park (Metropolitan Open Land -MOL)

- 8.132 Policy 7.17 of the London Plan (2011) affords the strongest protection to London's MOL. The loss of MOL is not supported, although appropriate development can include small scale structures to support outdoor open space uses and minimise any adverse impacts on the openness of MOL. Policy SP04 of the Council's Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss, and improve access to MOL in the Borough, with specific mention to Mudchute Park and Millwall Park.
- 8.133 The proposed development including the proposed tower, would be visible from within Metropolitan Open Land (MOL) immediately to the south of the site.
- 8.134 The design of the proposal seeks to respond sensitively to Mudchute Park, hence the tall building (Block A) has been set back from the boundary, and there is a distinct step up in mass from Mudchute Park to the tower. Views through to the Canary Wharf cluster would be maintained, albeit in an altered form with the introduction of built form within the foreground.
- 8.135 Nevertheless, whilst the views would be altered, it is considered the sensitive palette of materials and stepping down nature of the mass would serve to provide an appropriate transition to the park level. The development's design is considered to be a sympathetic response to the setting and character of the MOL, given the urban nature of the surroundings, in which existing tall buildings provide an existing backdrop. The creation of a new urban edge on to the MOL of Mudchute Park would be handled appropriately through the proposed scale and appearance, and is therefore the views through to the north are considered acceptable.

Mudchute Farm

- 8.136 Views within Mudchute Farm will remain relatively uninterrupted due to the screening effect of trees.

Christ Church

- 8.137 An objection was raised on the basis of the relationship of the proposal with Christ Church. This church sits to the south east of the development site, and it is not considered that the proposal would have detrimental impacts upon views to or from this heritage asset.
- 8.138 On balance it is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Greenwich Naval College (World Heritage Site), as well as nearby Chapel House and Island Gardens Conservation Areas. Importantly the proposed massing steps away from Mudchute Park, ensuring that the impacts upon this Metropolitan Open Land are not unduly affected.

Archaeology

- 8.139 In accordance with English Heritage's advice, archaeology conditions have been attached.

Housing

- 8.140 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring

Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

8.141 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

8.142 The application proposal will deliver up to 850 residential units, 84 of those coming forward as part of the detailed application.

Affordable Housing

8.143 As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable room, or 224 units.

| | Units | % of units | Habitable rooms | % Hab rooms |
|-------------------------|------------|---------------|-----------------|---------------|
| Affordable Social Rent | 30 | 3.53% | 191 | 7.02% |
| Affordable Rent | 108 | 12.71% | 384 | 14.11% |
| Affordable Intermediate | 86 | 10.12% | 273 | 10.03% |
| Total Affordable | 224 | 26.35% | 848 | 31.17% |
| Market Sale | 626 | 73.65% | 1873 | 68.83% |
| Total | 850 | 100% | 2721 | 100% |

Table 1: The proposed indicative overall tenure mix

8.144 The detailed proposal (Phase 1) includes a 62% affordable housing provision by habitable room, or 59.5% by units.

| | Units | % of units | Habitable rooms | % Hab rooms |
|-------------------------|-----------|---------------|-----------------|---------------|
| Affordable Social Rent | 0 | 0.00% | 0 | 0.00% |
| Affordable Rent | 50 | 59.52% | 173 | 62.23% |
| Affordable Intermediate | 0 | 0.00% | 0 | 0.00% |
| Total Affordable | 50 | 59.52% | 173 | 62.23% |
| Market Sale | 34 | 40.48% | 105 | 37.77% |
| Total | 84 | 100% | 278 | 100% |

Table 2: The proposed detailed tenure mix

8.145 The proposed overall delivery of 31% affordable housing by habitable is below the Council's minimum requirement of 35%, however policy allows for the financial viability to be considered in this respect. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing which the scheme can deliver.

Housing Type and Tenure Mix

8.146 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine

housing choice, in particular a range of housing size and type.

- 8.147 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.
- 8.148 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new rented homes to be for families.
- 8.149 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.150 Table 3 shows the applicant's indicative outline unit and tenure mix:

| | studio | 1 bed | 2 bed | 3 bed | 4 bed | 5 bed | TOTAL |
|-----------------|--------|-------|-------|-------|-------|-------|------------|
| Market Sale | 38 | 223 | 218 | 147 | | | 626 |
| Intermediate | | 33 | 33 | 12 | 8 | | 86 |
| Social Rent | | 0 | 0 | 3 | 18 | 9 | 30 |
| Affordable Rent | | 22 | 45 | 41 | | | 108 |
| | 38 | 278 | 296 | 203 | 26 | 9 | 850 |

Table 3: Summary of indicative Outline tenure unit mix

- 8.151 Table 4 shows the applicant's detailed unit and tenure mix

| | Studio | 1 Bed | 2 Bed | 3 Bed | 4 bed | 5 bed | TOTAL |
|-----------------|--------|-------|-------|-------|-------|-------|-----------|
| Market Sate | | 13 | 13 | 8 | | | 34 |
| Intermediate | | | | | | | 0 |
| Social Rent | | | | | | | 0 |
| Affordable Rent | | 7 | 28 | 15 | | | 50 |
| | | | | | | | 84 |

Table 4: Summary of Detailed tenure unit mix

- 8.152 In order to assess the acceptability of the indicative mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed overall mix in the context of the Borough's preferred dwelling mix:

Table over Page

| | | Affordable Housing | | | | | | Private Housing | | |
|--------------|-------------|-----------------------------|-------------|---------------|--------------|-------------|---------------|-----------------|-------------|---------------|
| | | Social Rent/Affordable Rent | | | Intermediate | | | Market Sale | | |
| Unit size | Total Units | Unit | % | LBTH target % | Unit | % | LBTH target % | Unit | % | LBTH target % |
| Studio/1bed | 316 | 22 | 16% | 30% | 33 | 38% | 25% | 261 | 42% | 50% |
| 2bed | 296 | 45 | 33% | 25% | 33 | 38% | 50% | 218 | 35% | 30% |
| 3bed | 203 | 44 | 32% | 30% | 12 | | | 147 | | |
| 4bed | 26 | 18 | | | 8 | 23% | 25% | 0 | 23% | 20% |
| 5bed | 9 | 9 | 20% | 15% | 0 | | | 0 | | |
| Total | 850 | 138 | 100% | 100 | 86 | 100% | 100 | 626 | 100% | 100 |

Table 5: Indicative overall unit and tenure mix

8.153 The table below describes the proposed detailed mix in the context of the Borough's preferred dwelling mix:

| | | Affordable Housing | | | | | | Private Housing | | |
|--------------|-------------|-----------------------------|-------------|---------------|--------------|-----------|---------------|-----------------|-------------|---------------|
| | | Social Rent/Affordable Rent | | | Intermediate | | | Market Sale | | |
| Unit size | Total Units | Unit | % | LBTH target % | Unit | % | LBTH target % | Unit | % | LBTH target % |
| Studio/1bed | 20 | 7 | 14% | 30% | 0 | 0% | 25% | 13 | 38% | 50% |
| 2bed | 41 | 28 | 56% | 25% | 0 | 0% | 50% | 13 | 38% | 30% |
| 3bed | 23 | 15 | 30% | 30% | 0 | | | 8 | | |
| 4bed | 0 | 0 | | | 0 | 0% | 25% | 0 | 24% | 20% |
| 5bed | 0 | 0 | 0% | 15% | 0 | | | 0 | | |
| Total | 84 | 50 | 100% | 100 | 0 | 0% | 100 | 34 | 100% | 100 |

Table 6: Detailed unit and tenure mix

8.154 Within the Affordable Housing tenure, the application proposes social rented, affordable rented and Intermediate housing.

8.155 Social rented housing is defined as: Rented housing owned and managed by local

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

- 8.156 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.157 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.158 The Council's Housing team are supportive to the provision of affordable housing.
- 8.159 The affordable element is split 68:32 in favour of rented, this is broadly in line with the Council's policy target of 70:30.
- 8.160 The scheme proposes to deliver the one, two and a proportion of the three bed homes at Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The proposed rent levels of £163 for 1 beds, 195 for 2 beds and £234 for three beds are below the POD ceilings for this area and therefore acceptable in terms of affordability. The larger family sized four and five bed homes are proposed at social rents. This blended approach to the rented tenure is supported by officers.
- 8.161 Though there is an under provision of one beds within the rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 52% provision against a 45% target, including 4 and 5 bed homes for social rent.
- 8.162 There is an over provision of one beds and an under provision of two beds within the Intermediate tenure, and the housing section has suggested some of the one beds be converted into two beds so that the provision is closer to the Council's targets. However, given that the proportion of family housing within the rented and private tenures exceeds targets, officers consider the Intermediate mix acceptable.
- 8.163 If planning permission is granted it is recommended that a condition be attached to ensure that a minimum of 10% of units are wheelchair accessible, details of which to be submitted and approved.
- 8.164 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the social rented tenure is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Internal Space Standards

- 8.165 The submitted planning application is in hybrid form. The internal arrangements of the outline elements of the proposal are therefore yet to be designed in detail. However, the applicant is committed to meeting the internal space standards set out within both the Housing Design Guide and London Plan. The accompanying Design Code, requires that detailed reserve matters applications accord with the internal space standards in accordance with the

Housing Design Guide and London Plan.

- 8.166 The proposed detailed residential units within Block G (the detailed scheme) are designed to the Housing Design Guide standards and therefore are acceptable in terms of internal space standards.

Private and Communal Amenity Space

- 8.167 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant.
- 8.168 The overall indicative scheme should provide 890sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers 6,155sqm of communal amenity space, which exceeds policy and is therefore considered acceptable.
- 8.169 Within this, the detailed scheme should provide 124sqm of communal amenity space to accord with policy DM4 of the MD DPD. The detailed element delivers approximately 1000sqm of communal amenity area at podium level. This area includes approx 575sqm of defined playspace, meaning that when Phase 1 is delivered, residents will have access to appropriate amenity areas.
- 8.170 The private amenity space of the outline indicative scheme has not been worked up in detail, although indicative floorplans show the use of balconies and terraces to provide private amenity space. Nevertheless, the submitted Design Code requires that the reserved matters applications accord with the private amenity space standards as set out by the London Mayor's Housing Design Guide (2010) and therefore the MD DPD, i.e. a minimum of 5 sq. m for 1-2 person dwellings and an extra 1 sq. m for each additional occupant. The Design Code details that this will largely be provided by a mixture of balconies and roof terraces.
- 8.171 Within the detailed element of the proposed, all residential units within Block G have private amenity space, in the form of terraces or balconies, which is considered acceptable.

Child Play Space

- 8.172 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.173 Using LBTH child yield calculations and based on the overall submitted indicative unit mix, the overall development is anticipated to accommodate 381 children and accordingly the development should provide a minimum of 3,810sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. The submitted public realm strategy details that the development proposes to deliver 2660sq.m of play space, resulting in a shortfall of 1150sqm.
- 8.174 The child yield for the detailed scheme is expected to be 53.7 children, thus the detailed element of the proposal should provide a minimum of 537sqm of child play space. The detailed proposed includes 575sqm of child playspace within a communal amenity area at podium level, thus compliant with policy.

- 8.175 The proposed approach to play overall is to deliver facilities for children aged 0 – 11 on site. The GLA's 'Providing for children and young people's play and informal recreation' SPG (2008) sets out targets for proportions of playspace by age group. This proportional approach to the child yield results in the need for 1489sqm of playspace for children aged 0 – 4, and 1413sqm of playspace for children aged 5 – 10. The scheme delivers 1420sqm of playspace for children aged 0 – 4 and 1240sqm of playspace for children aged 5 – 11. Combined, this delivers 2,660sqm of playspace onsite for children aged 0 – 11, thus meeting the policy for children aged under 11.
- 8.176 Nevertheless, there is an obvious shortfall in provision for children aged 12 and over, where the scheme should provide 917sqm. The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Within 400 metres of the site lies St Johns Park to the northeast, which is equipped for children aged 5 and above. Within 800 metres lies the Millwall Park MUGA for all ages, adventure playground for 5 – 11 years olds, football pitches for 12 and over and an equipped playground.
- 8.177 It is therefore considered that there is sufficient provision within walking distance of the site to meet the needs of older children. Additionally, a financial contribution of £879,903 has been secured to be used toward the deliver of open space within the Borough. These funds can also be used for the delivery of play equipment.
- 8.178 A condition has been attached requiring the submission of details of the play space strategy for each phase, including details of accessible play equipment.
- 8.179 Importantly, the submitted Design Code provides the indicative layout, and sets out the figures noted above for play provision for children aged 0 – 11. It also sets out a specific code requiring play for children aged 12+ to be delivered within 15 minutes walking time.
- 8.180 Accordingly, the Design Code gives officers an assurance that the level of playspace proposed according with the figures noted above, would be secured on site. On balance the proposal is therefore considered to comply with the aforementioned policies.

Wheelchair Housing and Lifetime Homes Standards

- 8.181 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.182 The accompanying Design Code ensures that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

Open Space

- 8.183 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces and the development proposals will accord with the objectives of this policy.
- 8.184 Policies DEV12 and HSG16 of the UDP, Policy DEV13 of the IPG, and policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 8.185 Based on the occupant and employee yield of the development, the proposal should deliver

approximately 24,000sqm of public open space. However the scheme delivers 7,030sqm of public open space (excluding playspace).

- 8.186 The proposed amount of open space provided within the development falls below LBTH's standard of 12 sq. m per one occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy), and would provide approximately 3.5sq.m per person. Accordingly, the Council's CLC department have agreed to a financial contribution of £879,903 to mitigate this impact, which would be used to provide and improve public open spaces in the borough.
- 8.187 On balance, it is considered that the scheme benefits outweigh the shortfall in open space per capita. The submitted public realm strategy and Design Code have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard, and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

Amenity

Daylight, Sunlight and Overshadowing

- 8.188 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.189 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 8.190 Section 9 of the Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

Daylight

- 8.191 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 8.192 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.193 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties, as well as its impact upon itself.

Proposed Development

- 8.194 The daylight assessment for the new blocks to be constructed has been carried out by testing regular points on the elevations of the proposed buildings.
- 8.195 Of the outline element of the proposal, the windows tested experience VSC which would allow reasonable daylighting of the interior given suitable window design. This assessment did not include the inclusion of balconies, which could impact outcomes where the VSC results were in the low ranges. Such windows include the courtyard corners of Block H.

- 8.196 Of the rooms assessed within Block G (detailed element of the proposal), four fall considerably below the minimum recommended ADF factor (0.2 versus a requirement of 1; 1.04, 1.05 and 0.86 versus a requirement of 1.5), and all of these rooms are situated at the lowest floor, level 4. Rooms analysed were on levels 4, 7 and 9, and it is therefore likely that rooms in similar positions on floors 5 and 6 would also fail.
- 8.197 Nevertheless, considering the worst case, that the four rooms which fail on floor 4 could also fail on 5 and 6, this indicates a total failure of 12 rooms in total, equating to approximately 5% of all the rooms within Block G. In a development such as that proposed – a new retail-led mixed use development, these figures are considered by officers to be acceptable.

Neighbouring Properties

- 8.198 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site, those being:

To the north of the site

- Marina Point;
- Aegon House
- Finwhale House
- 47 – 65 Glengall Grove
- 45 Glengall Grove
- Community Centre at 37 – 43 Glengall Grove
- 5 – 35 Glengall Grove
- London City Mission School
- Cubitt Town School

To the east of the site

- 37, 47, 49 and 51 – 57 Friars Mead

- 8.199 A letter of objection was received on the basis that Island Health was not assessed. The BRE guidance suggests that residential buildings are assessed, and in some cases non-residential buildings where there is a particular requirement for sunlight. The daylight and sunlight assessment was reviewed on behalf of the Council by the BRE (who wrote the guidance by which assessments are carried out), who did a site visit as part of their assessment. They conclude that the methodology is appropriate, and accordingly officers consider that given this is a non-residential multi-aspect building, it is not required for this building to be assessed.
- 8.200 Of the residential windows analysed on Glengall Grove and Friars Mead, windows serving the ground floor at 29 and 35 Glengall Grove fail to achieve the BRE guidelines for loss of daylight. It can also be reasonably inferred that ground floor windows at 31 and 33 Glengall Grove would also fail to achieve the guidelines.
- 8.201 The failure of the VSC test for these windows is marginal, with No.35 achieving a ratio of 0.76 and No.29 achieving 0.74 – both against a target of 0.8. It can be reasonably inferred that failures at No.s 31 and 33 would be similar.
- 8.202 Considering the low overall proportion of failures, with just 4 potential window failures of the residential properties surrounding the subject site, on balance it is considered that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.
- 8.203 The failure of one window within the community centre on Glengall Grove is considered acceptable on balance, given that the centre is dual aspect, receiving acceptable levels of daylight from alternative facades.

Sunlight

Proposed Development

- 8.204 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.205 *“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”*
- 8.206 The applicants’ submission contends that an acceptable level of sunlight for the proposed development would be 10%, as opposed to the 25% set out in the BRE guidance.
- 8.207 Assessed against the 25% of probably sunlight hours, approximately 50% pass, and 50% fail within the outline scheme. Assessed against the 10% threshold the result is 86% pass, 14% fail.
- 8.208 Within Block G (detailed phase), of the 5 windows analysed on level 4 which face within 90 degrees of due south, 3 fail to achieve the guidance. These are all angled, recessed windows on the elevation facing south west, and the rooms they serve are those which also fail the guidelines for ADF and daylight distribution.
- 8.209 With the exception of one window which received 1% of annual probably sunlight hours and no winter sunlight, all of the living rooms do receive some sunlight, and those that do not achieve the guidelines have a balcony where they can receive sunlight outdoors.
- 8.210 On balance, the sunlight for the proposed development is considered acceptable.

Neighbouring Properties

- 8.211 The BRE report recommends that for existing buildings, sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.212 All of the windows analysed for sunlight achieve the minimum BRE guideline.

Overshadowing

- 8.213 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should received at least 2 hours of sunlight of 21 March”*.

Proposed Development

- 8.214 On the whole, the majority of the overshadowing results for the proposed amenity areas are acceptable, aside from 6 out of 10 private gardens to Block D. This is a linear block with private gardens which sit north of the building.

8.215 The rest of the areas of open space have been designed to utilise areas of sun, particularly the areas of play space which have mostly been positioned in the sunniest areas of the development. 19 out of the 21 areas of play space receive acceptable levels of sunlight.

Neighbouring Properties

8.216 Of the neighbouring properties tested, three gardens on Glengall Grove fail to achieve the BRE guideline for permanent overshadowing, two of which serve the same set of dwellings which have ground floor windows failing the daylight test. The third property is No. 13 Glengall Grove which to some extent is a victim of its own layout, being long and thin compared to the neighbour properties.

8.217 No. 35 Glengall Grove exhibits a ratio of 0.54, or a loss of 46% of the area receiving at least 2 hours of sunlight prior to development (moderate adverse impact). No. 33 has a ratio of 0.70, and No. 13 of 0.66 (both minor adverse impact).

8.218 At present there are no substantial obstructions to the south of the affected properties on Glengall Grove, aside from the ASDA carpark, and beyond that Mudchute Park. Accordingly, these properties currently experience levels of sunlight which are atypical of that expected in an urban part of London such as the subject area. The ASDA site is identified as a development site in adopted and emerging policy, and the three affected properties will retain acceptable levels of sunlight to their garden, albeit at a reduced ratio. On balance, the impacts are therefore considered acceptable.

8.219 Overall, the daylight and sunlight results for both the proposed and existing residential units and public spaces indicate that the scheme will deliver good levels of amenity for new residents, whilst ensuring the amenity of neighbouring properties is not unduly detrimentally affected.

Air Quality

8.220 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

8.221 The Air Quality assessment (chapter 11 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.

8.222 Regarding the air quality in the completed development, the assessment focuses on traffic-related emissions to air, as such emissions are identified as the main source of air pollution within the Borough. An assessment of other elements of the scheme is also carried out, including the energy centre and supermarket. The new supermarket itself would incorporate modern plant and facilities with improved efficiencies and lower emissions than the current store.

8.223 The report concludes that the operational impacts of the completed development would be at worst minor adverse, and at best minor beneficial. A number of measures to encourage non-car modes of travel would be championed within a Travel Plan (secured via legal agreement) which would also further minimise the predicted effects.

8.224 The effect of operational traffic and the heating plant at existing receptors are predicted to result in minor adverse impacts at worst, to minor beneficial at best, and the effect of introducing new residential units to the site is considered negligible.

- 8.225 On balance and subject to the imposition of appropriate conditions, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area. The Borough's Environmental Health Officer has confirmed acceptance of the assessment, subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 8.226 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, policy DEV2 of the UDP, CS policy SP02, policy DM9 of the MD DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

- 8.227 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.228 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.229 The Council's Noise officer has considered the submitted noise report, and is of the view that the proposal is acceptable in noise terms, subject to conditions to secure adequate noise attenuation measures. Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.
- 8.230 Conditions requiring the submission for approval of hours of operation for any A3/A4 uses has been included within section 3 of this report.
- 8.231 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD.

Sense of Enclosure, Outlook and Privacy

- 8.232 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.
- 8.233 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the north fronting Glengall Grove, and the east fronting Friars Mead. In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.
- 8.234 Along Glengall Grove separation distances between directly facing habitable rooms windows exceeds 18 metres in all but one case, where the distance is 17 metres. However the window in question is a secondary north-facing living room window within the proposed scheme, which if developed out at reserved matters stage, would be able to be designed to be obscurely glazed and non-opening. This would allow light for occupants, but avoid

overlooking.

- 8.235 Along the eastern boundary with Friars Mead, there are no directly facing habitable room windows within 18 metres of each other. The properties on Friars Mead are arranged obliquely to the development, and the narrowest separation distance between a habitable room window of the proposed development and the footprint of a property on Friars Mead is more than 25 metres.
- 8.236 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the site.
- 8.237 With relation to overlooking to existing residential properties, it is not considered that levels of overlooking will be any different from that normally experienced from neighbouring properties, where a first floor window typically overlooks neighbouring gardens. Boundary treatments have been designed following consultation with residents of Friars Mead. Measures incorporated include the provision for each property to have level access to an individual gate with individual keys, existing wall continued as opposed to a fence to ensure separation, play area closest to Friars Mead to be created as a natural play area avoiding excessive equipment, cycle store location to be moved, and tree retention and new planting along the boundary. The details of the boundary treatment are in outline, and thus would be designed in detail at reserved matters and condition stages, in order to appropriately treat inter-relationships between properties. The affected residents would be consulted at that stage.
- 8.238 In terms of impacts on itself the indicative scheme has been designed to avoid directly facing habitable rooms within 18 metres. The design code which would inform the development of the reserved matters applications specifies that the minimum separation distances between directly facing habitable rooms must be at least 18 metres.
- 8.239 The proposals are therefore generally in keeping with the abovementioned policies.

Energy & Sustainability

- 8.240 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.241 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)

The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.242 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:

- 2011-2013 = 35% CO2 emissions reduction;
- 2013-2016 = 50% CO2 emissions reduction; and
- 2016-2031 = Zero Carbon

- 8.243 The Low and Zero Carbon Energy Appraisal Report, submitted in support of the planning application, follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the space heating and hotwater requirements (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 30%. Whilst this falls short of the emerging DM29 policy requirements it exceeds the London Plan Policy 5.2 requirements and is considered acceptable for the first phase of the development proposals.
- 8.244 The current proposals for delivering the space heating and hotwater for the site are considered acceptable and propose a single onsite energy centre with heat distribution in the form of a single community heating network serving all the residential and commercial uses on the development. However, the size of the proposed system needs to be detailed and appropriate calculations submitted to demonstrate the plant has been sized appropriately. The supplementary information (see attached email) notes that a ~750kWth CHP would be required to achieve the 30% reduction
- 8.245 BREEAM (Excellent) and Code (Level 4) ratings are currently proposed as minimum levels, and considered acceptable. However, as the proposal are for an hybrid application, it is recommended that a condition is attached to ensure a detailed energy strategy and sustainability strategy per phase are submitted to demonstrate the design is in accordance with the policies at the time of reserved matters applications. This would relate to both the overall carbon savings and Code for Sustainable Homes/BREEAM ratings.

Contamination

- 8.246 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.247 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested, and is attached in part 3 of this report.

Microclimate - Wind

- 8.248 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 8.249 Wind tunnel testing is the most well established and robust means of assessing the pedestrian wind environment. The wind tunnel tests enable the pedestrian level wind microclimate of a site to be quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind tunnel tests deliver a detailed assessment of the wind conditions around a site for all wind directions in terms of both pedestrian comfort and strong winds.
- 8.250 The submitted Environmental Statement assessed the microclimate of the proposed development, and found that the majority of testing points were suitable for the purpose of the use (for example, amenity areas were suitable for sitting out and walking) during the summer season, with windier results for the worst case winter season. Appropriate mitigation can ensure that entrances to buildings are appropriate in microclimate terms, and

accordingly these would be considered in detail at the reserved matters stage of the proposal. The results for the detailed element of the proposal are acceptable.

Flood Risk

- 8.251 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 8.252 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 8.253 These options include setting all habitable (sleeping accommodation) finished floor levels above the 1 in 200 year breach level, with the majority of residential development above ground floor at 14.5m AOD and above.
- 8.254 In terms of surface water flooding, Thames Water has confirmed that there are no particular capacity issues in the area, however they require that the development mirrors the current situation with respect to the rate at which flows discharge to the sewer system. Accordingly, SuDs would be incorporated into the completed development as living roofs, rainwater harvesting and attenuation tanks, and rain gardens would also be incorporated amongst the living roofs. This would assist in achieving runoff discharge restricted to 51 l/s up to an including the 1 in 100 year rainfall event including for impacts of climate change for the lifetime of the event.
- 8.255 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Environmental Impact Assessment

- 8.256 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.257 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.258 The ES addresses the following areas of impact (in the order they appear in the ES):
- Socio-Economics
 - Archaeology and Built Heritage
 - Transport
 - Acoustics
 - Air Quality
 - Water Resources and Flood Risk
 - Ground Conditions and Contamination
 - Ecology and Nature Conservation
 - Telecommunications
 - Daylight, Sunlight and Overshadowing

- Microclimate – Wind
- Reflected Solar Glare
- Night-Time Lighting
- Cumulative Effect

- 8.259 As the majority of the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building parcels'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the Environmental Statement and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the impacts identified and assessed in the Environmental Statement and further information on which this current application has been determined they may need to be reassessed and/or a new application submitted.
- 8.260 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and accordingly the ES has adequately addressed all the requirements of the EIA regulations.
- 8.261 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.262 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Health Considerations

- 8.263 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.264 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.265 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.266 The applicant has agreed to a financial contribution of £923,342 to be pooled to allow for expenditure on health care provision within the Borough.

- 8.267 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to Muchure Park.
- 8.268 The proposal also includes retail spaces (Use Class A1–A4) which does not include take-aways, but does include restaurants. As the use is flexible, the details and allocation of the retail floor space would be secured through a planning condition to ensure that there is no over-concentration of any particular use types which could detract from the healthy and attractive life styles in line with policy SP03 of the Core Strategy.
- 8.269 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Biodiversity

- 8.270 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.
- 8.271 Mudchute Park is classed as Metropolitan Open Land.
- 8.272 Policy 7.17 of the London Plan (2011) affords the strongest protection to London's MOL. The loss of MOL is not supported, although appropriate development can include small scale structures to support outdoor open space uses and minimise any adverse impacts on the openness of MOL. Policy SP04 of the Council's Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss, and improve access to MOL in the Borough, with specific mention to Mudchute Park and Millwall Park.
- 8.273 The south east corner of the application site overlaps with the Mudchute Site of Metropolitan Importance for Nature Conservation (SMINC) (the highest grade of non-statutory wildlife site in London and one of only 2 such sites that are entirely within Tower Hamlets) and Local Nature Reserve (LNR).
- 8.274 Within the area of the overlap, there will initially be a negative impact on the SMINC due to the removal of trees, clearance of vegetation and some earthworks for the construction of the new level access route through to Mudchute Park.
- 8.275 However, the applicant has submitted details of key areas of ecological mitigation, and the Council's Biodiversity officer is satisfied that with appropriate conditions the Council can ensure that once restored and re-landscaped, the part of the application site within the SMINC is of sufficient value for biodiversity to warrant continued inclusion within the SMINC. Accordingly, the proposal will serve to improve accessibility as sought by policy SP04 of the Core Strategy, whilst ensuring that the development will not result in the permanent reduction in the area of a SMINC, which is contrary to regional and local planning policies.
- 8.276 The Council's Biodiversity officer is supportive of the proposal subject to conditions to secure the following:
- details of the landscaping for that part of the site where the new pedestrian path to Mudchute is proposed. The details would be required to demonstrate that the landscaping would provide wildlife of sufficient quality to justify its inclusion in a Site of Metropolitan Importance for Nature Conservation;

- the retention of the rest of the woodland strip along the southern edge of the site be secured by condition, however this is outside of the application boundary and therefore its removal is not proposed by this development;
- condition to ensure that lighting near the southern and eastern perimeter of the site is directed inwards to minimise spillage beyond the site, in order to ensure foraging bats are not disturbed;
- details of green/brown roofs within the development;
- landscaping details, including the provision of at least 15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow indicated on the plans;
- clearance of on-site vegetation should be undertaken between September and February inclusive (i.e. outside the nesting season) or, if this is not possible, vegetation to be cleared should be surveyed for nesting birds by a suitably-qualified ecologist, and if nests are found, the vegetation left undisturbed until the young birds have fledged.

8.277 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised, and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Section 106 Agreement

8.278 The NPPF requires that planning obligations must be:

- (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.

8.279 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.280 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

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

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 8.282 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has risen from a maximum of 24% to 31%.
- 8.283 Within the submitted viability assessment the scheme was considered deliverable and viable with a 31% affordable housing provision with a mix of affordable rent, social rent and shared ownership units. Also factored into this was a maximum s106 package of **£6,272,000**, and in addition to this the application would be liable for a CIL charge of approximately **£3.7 million**. This was not factored into the financial appraisal.
- 8.284 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers have negotiated a contribution request of **£6,679,997**.
- 8.285 This can be summarised as follows:
- Education: £3,142,971
 - Enterprise & Employment: £615,516
 - Community Facilities: On-site in kind facility, built to shell and core and provided to the Borough at peppercorn rent in perpetuity with £0 service charge (cost to applicant of approximately £3.7 million)
 - Public Realm: £881,275
 - Health: £923,342
 - Highways: £35,912 (car club for residents)
 - Transport for London: £950,000
 - Monitoring & Implementation 2% of total
- 8.286 Additionally, the scheme delivers improvements to the Marsh Wall/Limeharbour junction which are expected to cost circa £1,200,000, as well as a relocated cycle hire docking station at a cost of £70,000 and s278 highways improvements to East Ferry Road.
- 8.287 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision for S106 contributions beyond the amounts specified above. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 31% by habitable room. The developer has agreed to the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigate against its impacts.
- 8.288 The development also provides wider regeneration improvements, such as improved public realm, legibility, accessibility and retail offer for residents, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability.

Affordable Housing

- 8.289 As described in previous sections of this report, a minimum of 31% (hab room) of the overall resulting scheme will be for affordable housing.
- 8.290 Based on the supporting viability report and the site constraints, officers accept the site circumstances and it is recommended that the proposed quantum of affordable housing is supported.
- 8.291 It is important to note that the amount of affordable housing permitted will be monitored, controlled and apportioned through phasing conditions to ensure these obligations are fulfilled throughout the lifetime of the developments implementation.

Education

- 8.292 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough.
- 8.293 As such, based on the adopted Planning Obligations SPD, the increase in units results in the need for 117 additional primary school places. This amounts to a requested contribution of £1,735,110.
- 8.294 Regarding secondary school provision the SPD calculates that the development will result in a need for 63 additional spaces which equates to a requested £1,407,861 contribution.
- 8.295 The applicant has offered to meet both these financial contribution requests totalling £3,142,971 for education and this is welcomed by officers.
- 8.296 The LBTH Education department has advised that it is continuing to develop proposals for more school places to respond to the rising need. This is done by identifying school sites with the potential to expand. An example of this in the E14 area is a proposal to expand Woolmore Primary School.
- 8.297 The funding that is received towards additional school places from s106 funds is pooled, and the funding used with other resources to fund the overall programme of providing school places across the Borough.
- 8.298 Within the MD DPD Site Allocations, a site on the Isle of Dogs has been identified to potentially deliver a school – this being Westferry Printworks. Two options are suggested within the DPD, for the provision of either a secondary school or primary school as part of a wider mixed-use development.

Enterprise and Employment

- 8.299 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 8.300 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.
- 8.301 A financial contribution of £352,081 has been agreed with applicant towards skills and training at construction phase. In addition, a further £263,435 is sought towards jobs within the end-phase of the development.
- 8.302 The applicant has agreed to participate in the Skillsmatch programme and meet the financial contribution requests for skills and training, as well as a commitment to use best endeavours to ensure that 40% of employees within the ASDA store are local residents. This is welcomed by officers.

Community Facilities

- 8.303 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.

- 8.304 A £254,010 contribution towards community facilities, together with £667,302 for Leisure Facilities is calculated based on the SPD.
- 8.305 However the applicant has agreed to deliver a new community facility within the site, to shell and core and peppercorn rent in perpetuity (25 years), together with £0 service charge. The value of this facility is circa £3.7 million. This facility is considered an in-kind contribution and it is therefore appropriate to off-set this facility against the Community Facilities contribution within the SPD.
- 8.306 At this stage of the process officers do not know the detailed nature of the community use, access or management arrangements of the proposed facility, however this will be explored at reserved matters stage in order to secure benefits for all Borough residents and is subject to on going negotiations with the applicant

Public Realm

- 8.307 Public Realm in the SPD includes Public Open Space, Streetscene and Built Environment, Highways and Public Art.

Public Open Space

- 8.308 The development is proposing 7,030sqm of new and refurbished Public Open Space. By applying the SPD against population uplift the development remains deficient in providing on site open space and therefore a contribution of £1,147,556 is calculated to mitigate against the impacts of the proposal. The applicants and officers have agreed to a contribution of £881,275.
- 8.309 The viability toolkit indicates that the scheme cannot provide any further financial contributions towards open space. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms.
- 8.310 The proposed development would introduce a new public square on an area which is currently used as a car park, as well as step-free access via a new high street from East Ferry Road to Mudchute Park. It is considered that these benefits would greatly improve open space quality and provision within the area. As a result the quality of life for existing and future residents will be enhanced and therefore it is considered that to some extent the quality of the open space proposed should be considered in the context of the overall shortfall.
- 8.311 Officers also recognise the significant benefit of refurbished and new open spaces across the site and will seek to ensure through the S106 and conditions that a fully detailed landscape masterplan plan is produced for the site as a whole, and also per phase.
- 8.312 In light of the above, officers accept the viability constraints of this site and welcome the applicants agreement to the £881,275 contribution requested. Overall, officers consider the proposal mitigates its impact upon open space within the locality of the development.

Streetscene, Built Environment Improvements, Highways

- 8.313 Based on the SPD, an obligation of £208,728 is sought towards Street scene and Built Environment Improvements.
- 8.314 However, it is considered that this contribution can be off-set by public realm improvement works which will be delivered through the s278 highways agreement. This includes a new raised table and pedestrian crossing along East Ferry Road. Additionally, the applicant has agreed to fund the remodelling of the Marsh Wall/Lime Harbour junction. These works would serve to improve the pedestrian environment for existing and future residents.

- 8.315 In summary officers welcome the applicant's commitment to delivering public realm and highways improvements in the immediate surrounding areas to benefit of local residents in the borough. It is therefore considered that the development adequately mitigates its impact in this respect.

Sustainable Transport

- 8.316 Officers have secured a contribution of £35,913 towards the provision of a car club on the site. Residents will be given one year free membership, and there will be space for three car club cars within the development.
- 8.317 This contribution has been off-set against the SPD calculated of £26,175.

Health

- 8.318 The SPD requests that the borough also prioritise health facilities to mitigate the increasing future population of the borough.
- 8.319 The Tower Hamlets NHS sought a sum of £5,758,015 towards capital costs of delivering new health facilities and revenue costs within the borough as result of the developments impact. In accordance with CIL regulations officers consider that revenue costs should not be secured by new development. However the capital costs for new facilities is considered reasonable to secure from new development and regarding this contribution type the NHS requests a total of £1,190,995.
- 8.320 In response to this request, the applicant submitted a viability assessment that states the scheme can only afford a £923,342 for health facilities.
- 8.321 Officers can verify that the applicants viability assessment is sound in that the scheme can only afford a maximum sum of £923,342 towards health facilities. This sum together with significant improvements to open spaces, environment and accommodation at the site and within the wider area are considered to not only improve the health of residents but mitigate impact on health facilities resulting from the development. Therefore the applicants proposed financial contribution is considered acceptable.

TfL Transport

- 8.322 TfL have noted that the development is likely to generate demand for additional bus capacity and request a sum of £510,000 towards a new service to improve residents' access to public transport. The applicant has agreed to this request which is welcomed by officers
- 8.323 TfL originally sought a contribution of £1,350,000 towards improvements to the Crossharbour DLR station by installing a new accesses and canopy to cover the platforms. The applicant has agreed to contribute £400,000 and TfL have agreed this sum in principle.
- 8.324 TfL have also requested £70,000 for the relocation of an existing cycle hire docking station on East Ferry Road, to move within the development site. The applicants have agreed to this as a development cost of the proposal, and it is included within Section 3 of this report. A contribution of £30,000 was also sought to provide a new cycle hire docking station adjacent to the Crossharbour DLR station. This contribution is not considered necessary to mitigate against the impacts of the development, particularly given the docking station which would be re-provided within the site, and viability concerns. Accordingly, TfL have agreed to remove this request.
- 8.325 A contribution of £22,500 was sought by TfL towards Legible London signage. Due to viability constraints, TfL have agreed to forgo this request, however the public realm

contribution of £881,275 could be used to deliver signage within the site.

8.326 TfL have also requested a financial contribution of £40,000 towards Real Time Information Boards. These boards advise passengers of expected bus times, and can be provided within the public realm. The applicants have agreed to this contribution, which is supported.

Monitoring & Implementation

8.327 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement of 2%.

Delivery

8.328 The proposed development would come forward over five phases, as secured through the s106 Agreement:



Figure 13: Ground Floor Phasing Plan

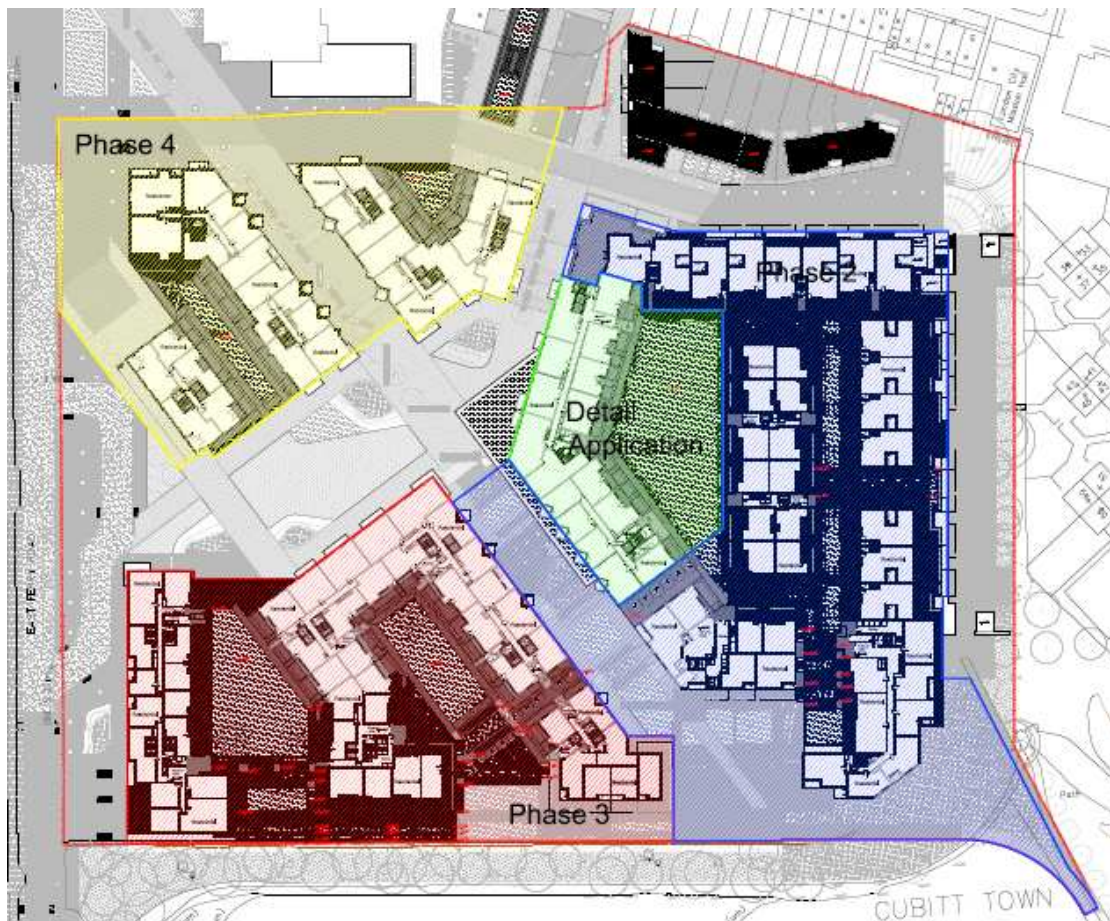


Figure 14: Podium Level Phasing Plan

8.329 The two phasing plans above show how the different phases come forward over ground and podium level.

8.330 Phase 1 comprises the detailed part of the application being considered, including:

Ground Level

- Demolition of existing store
- Construction of new store
- Construction of basement
- Closure of petrol filling station
- Bus stop relocation
- Southern retail constructed

Podium Level and above

- Construction of Block G (Residential – 34 private units, 50 affordable units)

8.331 Phase 2 comprises:

Ground Level

- Northern access road completed

Podium Level and above

- Residential blocks E, F, K and L (Residential – up to 40 private units, 47 affordable units)
- Pedestrian route to Mudchute Park completed

8.332 Phase 3 comprises:

Podium Level and above

- Residential blocks H, I and J (Residential – up to 305 private units)

8.333 Phase 4 comprises the detailed part of the application being considered, including:

Ground Level

- Northern retail
- Northern diagonal route

Podium Level and above

- Residential blocks A, B and C (Residential – up to 214 private units, 30 affordable units)
- Taxi stand

8.334 Phase 5 comprises:

Ground Level

- Residential block D, and residential between store and Friars Mead (Residential – 30 private units)

Podium Level and above

- Construction of Block G (Residential – up to 34 private units, 50 affordable units)

8.335 In terms of the delivery of affordable housing, the phasing above ensures that the affordable housing is delivered in tandem with the private. Further constraints will be introduced into the s106 Agreement if Members are minded to approve planning permission, securing the following:

- The proportion of social rent (7%), affordable rent (14%) and intermediate (10%) housing units;
- The proportion of family units within each tenure, this being social rent (100%), affordable rent (37.9%), intermediate (23.2%) and market (24.4%);
- Amount of affordable housing per phase, by habitable room (Phase 1 = 62.2%; Phase 2 = 79.9%; Phase 3 – 0%; Phase 4 = 11.9%; Phase 5 = 0%);
- Obligations on occupation – no more than 60% market housing to be completed until 50% affordable housing completed; no more than 80% market housing to be completed until 70% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed, per phase

8.336 Through the above phasing and s106 mechanisms, officers are satisfied that the development could be delivered in a logical way, ensuring that the appropriate infrastructure and amenity provisions are in place for each stage of development. Additionally, the affordable housing will be delivered alongside the private housing, delivering mixed and balanced communities throughout the delivery period.

Human Rights Considerations

8.337 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

8.338 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the

right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 8.339 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.340 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.341 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.342 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.343 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.344 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

- 8.345 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.346 The contributions towards various community assets/improvements and infrastructure improvements (such as access to open space and contributions to transport improvements and education) addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.347 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

8.348 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

8.349 The contributions to affordable housing support community wellbeing and social cohesion.

Conclusions

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

Planning Application Site Map



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





 1:7,885

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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