



Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 13 December 2012 at 7.30 p.m.

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## A G E N D A

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### VENUE

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

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

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: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

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**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 13 December 2012**

**7.30 p.m.**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED MINUTES</b>		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 8<sup>th</sup> November 2012.

**5 - 8**

**4. RECOMMENDATIONS**

To RESOLVE that:

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

**5. PROCEDURE FOR HEARING OBJECTIONS**

The deadline for registering to speaking at this meeting is 4pm Tuesday 11<sup>th</sup> December 2012.

**9 - 10**

## **6. DEFERRED ITEMS**

Nil Items	<b>11 - 12</b>	<b>All Wards</b>
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## **7. PLANNING APPLICATIONS FOR DECISION**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.	<b>13 - 16</b>	<b>All Wards</b>
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|---|------------------|---|
| <b>7 .1 Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14 (PA/12/02107)</b> | <b>17 - 60</b>   | <b>Blackwall &amp; Cubitt Town</b>      |
| <b>7 .2 Fakruddin Street and Pedley Street, London E1 (PA/12/02228)</b>   | <b>61 - 102</b>  | <b>Weavers</b>                          |
| <b>7 .3 47 Repton Street, London E14 7BF (PA/12/02131)</b>  | <b>103 - 142</b> | <b>St Dunstan's &amp; Stepney Green</b> |

# 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 7.30 P.M. ON THURSDAY, 8 NOVEMBER 2012**

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

**Members Present:**

Councillor Helal Abbas (Chair)

Councillor Bill Turner (Vice-Chair)

Councillor Zara Davis

Councillor Stephanie Eaton

Councillor Carlo Gibbs

Councillor Dr. Emma Jones

**Other Councillors Present:**

Nil

**Officers Present:**

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Pete Smith	– (Development Control Manager, Development & Renewal)
Alison Thomas	– (Acting Joint Service Head, Strategy Innovation and Sustainability, Development & Renewal)
Tim Ross	– (Planning Officer)
Alan Ingram	– (Democratic Services)

**COUNCILLOR HELAL ABBAS (CHAIR), IN THE CHAIR**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from Councillors Carlo Gibbs, Judith Gardiner and Helal Uddin.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interest were made.

### **3. UNRESTRICTED MINUTES**

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 27<sup>th</sup> September 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.

### **6. DEFERRED ITEMS**

Nil items

### **7. PLANNING APPLICATIONS FOR DECISION**

### **8. NEW UNION CLOSE, LONDON (PA/12/00360)**

Update report tabled.

Pete Smith (Development Control Manager) introduced the application regarding the application concerning the site at New Union Close, London, (PA/12/00360).

Mary O'Shaughnessy (Planning Officer) presented the detailed report (as amended by the Tabled update report), together with a power point presentation. She commented that the proposed scheme would protect the amenity of current residents; separation distances avoided overlooking of properties; the impact on daylight and sunlight was considered acceptable; there would be no negative impact on the local highways network and provided 64.3% affordable housing. The application had been tested using a viability toolkit and the maximum possible S106 contributions for the scheme

had been achieved. The benefits of estate regeneration outweighed the slight S106 shortfall and the Planning Contributions Panel had agreed that benefits should focus on education and health provision.

Following questions from Members, Officers' responses included information that:

- Density assessments had been carried out in the light of the London Plan but it was considered that the beneficial redevelopment of the estate made the proposed densities acceptable.
- The Education Department were satisfied with the somewhat lower level of S106 contributions in this instance, as the provisions when pooled would mitigate impact on education facilities.
- The community centre, which comprised 103 sqm, would be managed by the Housing Association and would be available for hire by residents. Due to its size, there would probably only be one hall available.
- It was hoped that existing tenants would remain on the estate and their car park permits would remain valid.
- Full consultation of effects on sunlight/daylight had been conducted and was acceptable in living rooms even if below recommended ADF levels in kitchens.
- Overlooking of riverside walkways provided a degree of security and there would be improvements in the legibility of routes through the estate to the walkways.
- Additional consultation would be undertaken with residents concerning the proposed external colour schemes for housing blocks.

On a vote of four for and nil against, with two abstentions, the Committee RESOLVED:

1. That planning permission PA/12/00360 at New Union Close, London, be GRANTED for redevelopment of site comprising the demolition of 189 existing residential units (including Heron Court, Robin Court, Sandpiper Court, Nightingale Court, Martin Court, Grebe Court and Kingfisher Court) and the construction of 3 blocks between 3 and 14 storeys to provide 399 residential units (containing 119 x 1 bed, 190 x 2 bed, 60 x 3 bed and 30 x 4 bed), together with 103sq.m (GIA) office / community facility (Use Class D1), semi-basement and ground floor car parking, cycle parking, landscaped public open space, private amenity space and other associated works.

Such planning permission to be SUBJECT TO the prior completion of a **legal agreement** to secure the planning obligations set out in the report and to the planning conditions and informatives as detailed in the circulated report and tabled update.

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

3. That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report

4. That, if by 3 months of the date of this Committee meeting the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.

**9. SKYLINES VILLAGE, LIMEHARBOUR, LONDON (PA/11/3617)**

Update report tabled.

The report was withdrawn by Pete Smith (Development Control Manager) in view of concerns raised by Members relating to comments made by the Metropolitan Police, National Grid and London City Airport; also relating to proposed housing density; green space provision; employment issues; proposals for location of social housing. A further report would be resubmitted to the Committee at a later date.

**INFORMATION ITEM**

**38-40 Trinity Square, London, EC3N 4DJ (PA/11/00163) – Outcome of Appeal**

The Committee received a report from Pete Smith (Development Control Manager) commenting on the Planning Inspector's decision to allow the appeal against the Committee's previous refusal of the above planning application.

Noted.

The meeting ended at 9.15 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee

# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> 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

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Deferred items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. RECOMMENDATION

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

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

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

Tick if copy supplied for register

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

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.
<b>Report</b> Corporate Director Development & Renewal	<b>of:</b>	<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Mandip Dhillon		<b>Ref No:</b> PA/12/02107	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14

**Existing Use:** Car park (surface level only)

**Proposal:** Full planning application for the erection of two buildings of 7 & 26 storeys comprising 190 residential units (78 x 1 bed; 58 x 2 bed; 50 x 3 bed; 2 x 4 bed; 2 x 5 beds), 134sq.m of gym space at upper ground level, 42 car parking spaces and 244 cycling spaces at basement level, communal open space and associated works.

**Drawing Nos:** Submission Documents

- Red line boundary plan - drawing no. 1317\_102, rev B;
- Site survey information - drawing no. 1317\_105, rev B;
- Site location plan - drawing no. 1317\_106, rev A;
- Proposed site plan/ landscaping - drawing no. 1317\_126, rev F;
- Proposed plans – lower ground/ basement - drawing no. 1317\_180, rev D
- Proposed plans – upper ground floor/ podium – drawing no. 1317\_0181, rev E
- Proposed plans – first floor - drawing no. 1317\_182, rev D
- Proposed plans – second & third floor – drawing no. 1317\_183, rev D
- Proposed plans – fourth & fifth floor – drawing no. 1317\_184, rev D
- Proposed plans – sixth & seventh floor – drawing no. 1317\_185, rev D
- Proposed plans – typical floors – drawing no. 1317\_186, rev D
- Proposed plans – penthouse floor plans (24<sup>th</sup>-25<sup>th</sup>) – drawing no. 1317\_187, rev C
- Proposed plans – roof plan - drawing no. 1317\_188, rev A
- Proposed elevation – east - drawing no. 1317\_200, rev G
- Proposed elevation – west – drawing no. 1317\_201, rev G
- Proposed elevation – north – drawing no. 1317\_202, rev G
- Proposed elevation – south – drawing no. 1317\_203, rev G
- Proposed contextual drawing – drawing no. 1317\_204, rev D
- Proposed sections A-A (drawing no. 1317\_210)
- Proposed sections B-B (drawing no. 1317\_211)
- Proposed sections E-E & F-F (drawing no. 1317\_212)
- Proposed plans – lower ground/ basement energy centre (drawing no. 1317\_0125)
- Planning Statement (July 2012) prepared by DTZ;

- Design and Access Statement (July 2012) prepared by RMA Architects;
- Townscape and Visual Assessment (July 2012) prepared by Montagu Evans;
- Transport Assessment and Draft Travel Plan (July 2012) prepared by TTP Consulting;
- Energy Assessment (July 2012) prepared by Hilson Moran;
- Environmental Assessment Addendum (July 2012) prepared by Hilson Moran;
- Sunlight/ Daylight Report (June 2012) prepared by Waterslade;
- Wind Environment Assessment (May 2012) prepared by WSP;
- Flood Risk Assessment prepared (June 2012) by Water Environment;
- Ground Conditions Assessment (June 2012) prepared by Card Geotechnics;
- Arboricultural Impact Assessment (May 2012) prepared by D F Clark Bionomique Ltd;
- TV and Radio Impact Assessment (June 2012) prepared by Leigh Systems;
- Statement of Community Involvement (July 2012) prepared by Telford Homes;
- Viability Assessment (July 2012) prepared by DTZ (Confidential).

**Applicant:** Telford Homes plc  
**Owner:** Baladine Properties Ltd  
**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:

o The principle of redeveloping the site to provide a residential led development with ancillary ground floor D1 floorspace is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policies ID23 and ID24 of the Interim Planning Guidance (2007), SO25, SP12 and LAP 7 & 8 and the Blackwall Vision of the Core Strategy (2010) and DM8 together with the aspirations of site allocation No. ID18 of the Isle of Dogs Area Action Plan 2007.

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), policy S07 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

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.

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.

o Subject to the imposition of conditions, the noise and ventilation mitigation measures proposed to be secured are considered to provide adequate measures to ensure the amenity of future occupiers of the proposed development. 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 1889, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD (Submission Version 2012) which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.

o On balance the quantity and quality of housing amenity space, communal space and child play 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.

o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the Coldharbour conservation area, surrounding listed buildings and structures in the context of local and strategic views are considered to be acceptable, and accord with policies 3.5, 7.6, 7.7, 7.8 and 7.11 of the London Plan (2011), policies DEV1, DEV2, DEV8 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24, DM28 and DM27 of the Managing Development DPD (Submission Version 2012) and policies DEV1, DEV2, DEV3, DEV4 CON1, CON2 and CON5 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the boroughs heritage assets.

o Transport matters, including parking, access, servicing and cycle parking provision 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.

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.

o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, 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 Councils 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 £42,000 Employment and training during the construction phase
- b) Education
  - o £341,090 primary school places in the borough
  - o £245,817 secondary school places in the borough
- c) Health
  - o £75,000 towards the NHS Primary Care Trust
- d) TfL contributions
  - o £30,000 Contribution towards TfL Highways works
- e) Community Facilities
  - o £75,972.84 towards Idea Stores, Archives and Libraries and Sports facilities
- f) S106 monitoring at 2% of sub total (£16,528.16)

Total Financial Contribution **£826,408**

#### Non-Financial Obligations

- g) 35% affordable housing by habitable room
  - 68% Affordable Rent (POD Level)
  - 32% Intermediate
- h) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- i) On Street Parking Permit-free development
- j) Travel Plan
- k) Code of Construction Practice
- l) Electric Vehicle Charging Points- 20% active and 20% passive
- m) 8 parking spaces allocated to on site affordable family housing.
- n) On site gym to be provided as a free facility for all future residents of the development
- o) 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
1. Three year time limit
  2. Compliance with approved plans and documents
  3. Submission and approval of samples and materials
  4. Details of "Good" (BS8233) glazing to bedroom and living rooms and details of noise insulation measures and ventilation systems
  5. Submission and approval of landscaping works and biodiversity enhancements, details to be agreed in consultation with LCY
  6. Submission and approval of Child Play Space
  7. Submission and approval of secure by design statement including details of security measures (CCTV)
  8. Submission and approval of Land Contamination details (and remediation works), details to be agreed in consultation with Environment Agency
  9. Details of piling and foundation methods, details to be agreed in consultation with Environment Agency and Thames Water
  10. Implementation of refuse and recycling in accordance with approved plans
  11. Implementation of cycle parking in accordance with approved plans
  12. Submission and approval of car parking layout and disabled parking bays
  13. Submission and approval of archaeological programme, details to be agreed with Environment Agency
  14. Submission and approval of Construction Environmental Management Plan, details to be agreed in consultation with TfL
  15. No building works outside of Considerate Construction Hours
  16. Hammer Driven Piling or Impact Breaking between 10am-4pm Mon-Fri only
  17. 100% of homes secured to Lifetime Homes Standard
  18. 10% Wheelchair accessible units
  19. Heat Network Energy condition
  20. Provision of 56sqm of Photovoltaic Panels- Energy condition
  21. Code For Sustainable Homes- Level 4- Energy condition
  22. BREEAM Excellent
  23. Air Quality Assessment to be undertaken in the opening year of the development
  24. Details of cranes and scaffolding heights to be submitted and approved in consultation with LCY
  25. Delivery and Servicing Plan, to be agreed in consultation with TfL
  26. Construction Methodology and impacts on the Blackwall Tunnel to be submitted and approved, details to be agreed in consultation with TfL
  27. Details to be submitted and approved of the foul and surface water, details to be agreed in consultation with environment Agency
  28. Surface Water Drainage conditions- Environment Agency
  29. Highway Improvement Works
  30. Bus Stop Audit as requested by TfL
  31. Seek to maximise the use of the waterways during the course of construction
- 3.5 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal
- 3.6 **Informatives:**
- S106 required
  - S278 required
  - Consultation with Building Control
  - Thames Water Advice
  - London City Airport Advice
  - London Fire and Emergency Planning Authority Advice

- 3.7 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 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 0.25 hectares. In the past, the site was used for a variety of industrial purposes and has since been cleared, with only sections of boundary wall still remaining. It is currently in use as a surface level car park.
- 4.2 The site is located on Prestons Road, with access to the site from Yabsley Street. The site boundaries are formed by Prestons Road to the west, Yabsley Street to the north, Raleana Road to the south and Northumberland Wharf, a Waste Transfer Station (WTS) to the east.
- 4.3 The area to the north of the site has seen numerous new developments over the years including New Providence Wharf, the White Swan Building and the recently completed Streamlight Tower.
- 4.4 The site is not located in a conservation area, nor does it contain any listed buildings. The closest conservation area is Coldharbour, which abuts the southern boundary of the site. The Poplar Dock which is situated to the west of the site (on the opposite side of Preston's Road) is Grade II listed as is the Accumulator Tower which lies to the southwest of the application site on Preston's Road.

###### Transport infrastructure and connectivity

- 4.5 The proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 being the highest. Blackwall DLR station is located only 7 minutes walk to the north of the site providing connections to the West End, the City, Stratford and City Airport whilst the Canary wharf Jubilee Line station and DLR station is located approximately 15 minutes to the west. Bus stops exist on Preston's Road, located within a 2 minute walk of the site and run in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town while the A1206 immediately to the west of the site forms part of the Transport for London Road Network (TLRN). The TfL Cycle Superhighway route network also runs along Preston's Road providing connectivity around the Isle of Dogs and down towards the Royal Borough of Greenwich.

##### **Proposal**

###### Context

- 4.6 An extant planning permission (ref: PA/11/01668) exists at the application site to provide a part 7 storey, part 17 storey development comprising 141 residential units and 43sqm of commercial use at ground floor level and basement car parking. Full details of the planning history are set out below. This information is highlighted by way of planning context as the principle of a residential development at the site has long been established.

###### Proposal

- 4.7

Full planning permission is being sought for the following:

- Erection of a part 7 storey, part 26 storey building;
- 190 residential units, including 35% affordable housing;
- 134sqm of D1 (Gym) floorspace at upper ground floor level;
- 42 car parking spaces provided at basement level (including 4 disabled bays); and
- 244 cycle parking spaces.

### Relevant Planning History

- 4.8
- PA/11/01668; Application for new planning permission to replace extant planning permission dated 10<sup>th</sup> October 2008, reference PA/05/1866 for erection of buildings between 7 and 17 storeys comprising commercial use at ground floor and 141 flats with basement car parking, communal open space including roof gardens and associated works – Approved 29<sup>th</sup> March 2012
  - PA/05/01866; Erection of buildings between 7 and 17 storeys comprising commercial use at ground floor and 141 flats with basement car parking, communal open space including roof gardens and associated works – Approved 10<sup>th</sup> October 2008
  - PA/04/01559; Redevelopment of site to create 147 residential units together with commercial use at ground floor level (Classes A and B1), basement car parking facilities, landscaping and other associated works – Withdrawn 7<sup>th</sup> April 2005
  - PA/02/01554; Erection of four buildings varying in height between 8 and 16 storeys comprising 96 flats, 50 semi basement car parking spaces, access off Preston's Road and associated landscaping – Withdrawn 22<sup>nd</sup> April 2005
  - PA/11/03485; Certificate of Lawful Use- Use of Land as Public Car Park – Approved 5<sup>th</sup> January 2012

## 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
	DEV43	Archaeology
	DEV48	Strategic Riverside Walkways and New Development
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV64	Strategic Riverside Walkways
	DEV65	Protection of Existing Walkways
	DEV69	Efficient Use of Water

EMP1	Promoting Economic Growth & Employment Opportunities
EMP6	Employing Local People
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
T26	Use of the Waterways for Freight
OS9	Children's Playspace
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 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 DEV27 Tall Buildings Assessment EE2 Redevelopment/Change of Use of Employment Sites HSG1 Determining Housing Density HSG2 Housing Mix HSG3 Affordable Housing HSG7 Housing Amenity Space HSG9 Accessible and Adaptable Homes HSG10 Calculating Provision of Affordable Housing SCF1 Social and Community Facilities OSN2 Open Space CON1 Listed Building CON2 Conservation Areas 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:	ID18	Preston's Road Site D
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
	IOD23	East India South sub-area
	IOD24	Site allocations in east India South sub-area

### **Core Strategy Development Plan Document 2010 (CS)**

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
	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

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

Proposals:		Zone 2 (water space)
Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	LivingBuildings 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	BuildingHeights
	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)**

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 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
- 5.12 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
- 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
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.11 London View Management Framework
- 7.12 Implementing the London View Management Framework

- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.24 Blue Ribbon Network
- 7.29 The River Thames
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

#### **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  
 Sustainable Design & Construction 2006  
 Accessible London: Achieving an Inclusive Environment 2004  
 Shaping Neighbourhoods Play and Informal Recreation SPG 2012  
 Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012  
 Draft Housing 2011  
 Draft London World Heritage Sites – Guidance on Settings 2011  
 Safeguarded Wharves on the River Thames – January 2005  
 Safeguarded Wharves Review 2011/21012 – Further Consultation draft July 2012

#### **Government Planning Policy Guidance/Statements**

NPPF The National Planning Policy Framework 2012  
 PPS10 Planning for Sustainable Waste

**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 In principle no objections are raised. The proposal only seeks to deliver 19 x 2 bedroom units as disabled accessible and no family units, which would be preferable. Step free access should be incorporated to post areas, refuse and bike stores.

6.4 (OFFICER COMMENT: Notting Hill Housing Group (NHH) are the registered providers potentially seeking to deliver this development. NHH have advised that there is a current need for 2 bedroom accessible units. Whilst officers would prefer a mix of unit sizes, on balance, officers consider the provision of 10% on-site accessible units is supported. In addition, the applicants have also confirmed that the scheme is designed to provide inclusive and step free access in and around the site.)

#### **LBTH Biodiversity Officer**

6.5 No objections in principle and there are opportunities for biodiversity enhancements in the landscaping and on the building. A condition should be imposed to ensure biodiversity enhancements are submitted and approved.

6.6 (OFFICER COMMENT: A landscaping and biodiversity condition will be attached to the decision notice.)

**LBTH Ecology Officer**

6.7 No comments received to date.

**LBTH Parks and Opens Spaces**

6.8 No comments received to date.

**LBTH Aboricultural Officer**

6.9 No objections.

**LBTH Energy Officer**

6.10 The information provided in the energy strategy is principally in accordance with adopted climate change policies and follows the revised "Energy Hierarchy". The proposal seeks to provide a Communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the hotwater and a proportion of the heating. Photovoltaic cells are proposed to provide renewable energy. The total CO2 savings from the development are 34% through a combination of energy efficiency, a CHP power system and renewable energy technologies. The applicant is also achieving a Code for Sustainable Homes Level 4. Officers would request that these details are conditioned.

6.11 (OFFICER COMMENT: Conditions have been attached as requested.)

**LBTH Building Control Officer**

6.12 No comments received to date.

**Crime Prevention Officer**

6.13 Concerns are raised about the vulnerability of the proposed podium. Secure By Design standards should be secured as a condition to ensure good doors, windows and glass etcare used within the development.

6.14 (OFFICER COMMENT: Whilst concerns are raised about the proposed podium, the landscaping strategy and security/lighting details (which are conditioned) will seek to ensure the security of this space which is located within the application site. A condition will also be imposed to ensure the development is compliant with Secure By Design standards.)

**LBTH Housing Officer**

6.15 The following is a summary of the comments provided:

- The scheme provides 35% affordable housing (by habitable room)
- There is an overall provision of 53% family housing
- There is a 62%/38% split of affordable rent and intermediate housing which is broadly in line with Council policy
- The unit mix is broadly policy compliant
- Family sized wheelchair accommodation would be preferable



- Full consideration should be given to the acoustic ventilation of Block B (affordable block) with overlooks the WTS at Northumberland Wharf
- All affordable rent levels are set at LBTH POD levels, the viability assessment is seeking to assess whether social rented accommodation could be provided.
- Some car parking should be allocated to the family affordable rental units.

6.16 (OFFICER COMMENT: The 'Amenity' section of this committee report reviews the amenity and impact of Northumberland Wharf WTS on the proposed residential occupiers. The viability assessment, which is discussed in further detail within the body of this report has concluded that no social rented accommodation, or even proportion of social rented accommodation could be provided at the site without rendering the scheme unviable. The scheme is only therefore deliverable with affordable rented accommodation at LBTH POD levels. The applicants have advised that no car parking will be allocated to the affordable family units. Any existing LBTH residents moving into these units would still be eligible to take an existing parking permit to park a vehicle on-street in the local area.)

## **Environmental Health**

### Contaminated Land

- 6.17 No objections, subject to a condition to secure a site investigation and remediation.
- 6.18 (OFFICER COMMENT: A contamination and remediation condition will be included)

### Noise and Vibration

- 6.19 The development should meet the requirements of the "Good" standard of glazing for any bedroom or living room as conflicts of use may occur between the Gymnasium and the WTS. A condition requiring adequate noise insulation and noise ventilation measures should be incorporated.
- 6.20 (OFFICER COMMENT: A glazing and noise insulation condition will be included)

### Air Quality

- 6.21 The Combined Heat and Power system proposed in the energy strategy should be assessed in terms of its impact on the local air quality.
- 6.22 (OFFICER COMMENT: A condition will be attached requiring post completion testing.)

## **LBTH Highways Officer**

- 6.23 A summary of the Highway comments are provided below:
- The proposed level of car parking is acceptable
  - Cycle parking meets London Plan and LBTH standards
  - An additional 6 visitor cycle spaces are required
  - Planning obligations of £150,000 should be secured towards improvements to the highways and public realm within the vicinity of the site
  - Further obligations should be secured towards Smarter Travel as per the Planning Obligations SPD 2012
  - A Travel Plan should be conditioned/ secured through the S106.
- 6.24 (OFFICER COMMENT: An amended drawing has been received showing visitor cycle parking spaces. Due to the viability of the scheme, no financial planning obligations have been secured towards public realm improvements. Improvement works to the highway will be carried out under a separate s278 Agreement. Details of planning obligations are discussed in detail within the main body of this committee report.)

### **LBTH Policy Officer**

6.25 No comments received to date.

### **LBTH Employment and Enterprise Officer**

6.26 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 £42,000 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.

6.27 (OFFICER COMMENT: The planning obligations requested have been secured and will be secured through the S106 legal agreement.)

### **LBTH Communities, Localities and Culture**

6.28 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 190 units is calculated to result in 385 new residents. Accordingly, following review by the Council's Planning Contributions Overview Panel, the following financial contributions are requested:

- Idea Stores/Libraries/Archives: £48,460
- Sports Facilities: £27,332.84

6.29 (OFFICER COMMENT: The planning obligations secured are discussed in detail within the main body of this committee report.)

### **LBTH Children, Schools & Families**

6.30 No comments received to date.

6.31 (OFFICER COMMENT: The education contributions for this proposed development will be calculated using the Planning Obligations SPD 2012. Accordingly obligations of £586,907 are required towards education contributions and have been secured following review by the Council's Planning Contributions Overview Panel. Full details are provided within the main

body of this report.)

#### **LBTH Waste Policy and Development Officer**

- 6.32 No objection to the waste storage arrangements. Please ensure that there is clear access to wheel bins to collection vehicles and Raelana Road which will be used to collect refuse is accessible.
- 6.33 (OFFICER COMMENT: Raleana Road is an existing Refuse collection point for Arran House to the south of the application site and is therefore an established collection point for refuse vehicles.)

#### **LBTH EIA Officer**

- 6.34 A screening Opinion was submitted to the Local Authority for the proposed development. Officers however do not consider that this development is EIA development under the EIA regulations.

#### **Sport England**

- 6.35 No objections.

#### **Thames Water**

- 6.36 Thames Water have no objection with regard to sewerage infrastructure at the above site. It is requested that the applicant contact Thames Water to ensure the necessary makes the necessary provisions prior to the commencement of works.
- 6.37 Details of a piling method statement are requested to be submitted and approved in consultation with Thames Water prior to commencement at the site.
- 6.38 Informatives are requested regarding the following:
- The installation of petrol/oil interceptors in the car park
  - The installation of a fat trap on all catering facilities
  - Thames Water will aim to provide a 1 bar flow rate
  - No building works within 5 metres of the large water mains adjacent to the application site, with full access and maintenance required.
- 6.39 (OFFICER COMMENT: The requested conditions and informatives will be added to the decision notice. There is also no building work within 5 metres of the large water mains referred to by Thames Water within their consultation comments and therefore full access to these water mains will be available following the erection of this development.)

#### **London City Airport**

- 6.40 No objection is raised to the proposed development subject to the imposition of two conditions regarding the height of cranes during the construction phase and proposed landscaping.
- 6.41 (OFFICER COMMENT: The requested conditions will be added to the decision notice.)

#### **Royal Borough of Greenwich**

- 6.42 No objections raised.

#### **Greater London Authority (GLA - Statutory Consultee)**

6.43 In summary, the GLA advised that the proposal 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 the use of the site is acceptable, the main considerations are the increase in height from 17 to 26 storeys. In the context of the surroundings which comprise a number of tall residential buildings (Alberta House 25 storeys) alongside a number of consented (unimplemented) schemes including Quebec Tower, 44 storeys and Wood Wharf at 45 storeys. The principle therefore of the increase in height is not out of context with the surrounding area.

Housing

In principle the provision of 35% affordable housing and unit mix is supported as it complies with local and regional policy.

Child play space

The scheme is able to deliver on-site child play space alongside communal and meets London Plan and SPG requirements.

Tall Buildings/Views

The site is close to a number of existing and consented tall buildings. The scheme would be within the London Panoramaviewed from Greenwich Park as identified within the London View Management Framework SPG, but would form part of the emerging tall buildings cluster on the Isle of Dogs and would appear as an appropriate addition. The development would not detrimentally impact on the setting of the Greenwich Maritime World Heritage Site as viewed from the General Wolfe statue within the park.

Urban design

The overall principles of the scheme considered acceptable, and it is of high design quality. The proportion of dual aspect units is encouraging and all units meet or exceed the minimum floorspace standards.

Inclusive design and access

Information regarding the location and layout of the accessible units has been requested.

Transport

In principle the scheme is supported subject to the provision of on-site visitor parking facilities and provision of planning obligations- full comments set out with the 'TfL' section below.

Climate change mitigation and adaptation

Further details requested regarding connection to a future District Heating Network.

The Safeguarded Wharf- Northumberland Wharf (Amenity)

Noise mitigation should be incorporated via condition to provide adequate internal acoustic conditions and rapid ventilation via mechanical ventilation systems.

Community Infrastructure Levy

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

6.44 (OFFICER COMMENT: Following these comments from the GLA, the applicant has submitted further clarification details with relation to the wheelchair adaptable units, the transport matters raised and energy. With regard to the acoustic and ventilation conditions within the proposed residential units, Officers and the LBTH Environmental Health department are minded to condition this matter.)

## **Transport for London (TfL)**

### **6.45 Car Parking**

The level of car parking is supported. Provision of 20% of all spaces to be fitted with active Electrical Vehicle Charging Points (EVCP) and a further 20% fitted with passive EVCP infrastructure to allow for future conversion. A permit free agreement should be secured to prevent future residents parking in the area.

- 6.46 (OFFICER COMMENT: The EVCP and permit free agreement will be secured through the S106 agreement. Officers have also been provided with a plan to show the electric charging locations.)

### **Cycle Parking**

- 6.47 The cycle parking provision for the residential and commercial unit complies with London Plan standards. However a further provision of visitor parking provision is required.

- 6.48 (OFFICER COMMENT: Further information has been provided to show the location of secure visitor cycle parking.)

### **Trip generation**

- 6.49 TfL have reviewed the submitted Transport assessment and the predicted number of trips. TfL does not consider the proposal will have a detrimental impact on the local highway or public transport network, as such no mitigation is requested.

### **Bus Stops**

- 6.50 TfL had initially requested a bus stop audit was undertaken at application stage, this has now been agreed to be undertaken following the grant of consent (by condition). A contribution of £10,000 is requested to bring bus stops in accordance with current accessibility standards.

- 6.51 (OFFICER COMMENT: Due to the financial viability of the scheme, a pooled sum of planning obligations have been secured towards strategic infrastructure improvements, for the sum of £30,000. Following completion of the bus stop audit, the contributions will be allocated by TfL according to priority.)

### **Walking**

- 6.52 A contribution of £40,500 is requested towards upgrading pedestrian links from the site to Blackwall Station. In addition, a further contribution of £15,000 towards signage for 'Legible London' initiative is requested.

- 6.53 (OFFICER COMMENT: : Due to the financial viability of the scheme, a pooled sum of planning obligations have been secured towards strategic infrastructure improvements, for the sum of £30,000. Following completion of the bus stop audit, the contributions will be allocated by TfL according to priority.)

### **Blackwall Tunnel**

- 6.54 The Blackwall Tunnel runs beneath the northern boundary of the site, any details of construction methodology should be approved in consultation with TfL to safeguard the operation of the tunnel.

- 6.55 (OFFICER COMMENT: A specific condition regarding any potential impact of the construction on the Blackwall Tunnel will be added to the decision notice.)

### **Servicing, Deliveries and Freight**

- 6.56 Deliveries and servicing is proposed from Yabsley Street and is considered in principle to be acceptable. A Delivery and Servicing Plan is requested by condition alongside a Construction Logistics Plan to minimise the impact on the Local Highway and TfL network.

6.57 (OFFICER COMMENT: The requested conditions will be added to the decision notice.)

Travel Planning

6.58 Full details of a Travel Plan should be secured through the S106 agreement.

6.59 (OFFICER COMMENT: This will be secured through the S106 agreement.)

CIL

6.60 The proposed development is liable to the Mayoral Community Infrastructure Levy (CIL) charged at £35 per square metre.

**Canal and River Trust**

6.61 No objections.

**Crossrail**

6.62 No objection, the site lies outside of the Crossrail safeguarded area.

**Environment Agency**

6.63 No objection to the development as proposed. There is a potential for the basement to flood in the event of a breach in the flood defences.

6.64 Conditions are requested to be attached regarding land contamination and remediation, surface water drainage and foundation designs.

6.65 (OFFICER COMMENT: The requested conditions will be added to the decision notice.)

**Port of London Authority (PLA)**

6.66 The PLA have objected to the proposed development:

6.67 Insufficient reference is made within the applicants submission to the safeguarded wharf status of Northumberland Wharf

6.68 (OFFICER COMMENT: Due consideration is given to all safeguarded wharf policies within this committee report.)

6.69 Highway works or new access points should not prejudice access to the Wharf

6.70 (OFFICER COMMENT: The existing access is proposed to be retained and no new access is proposed. It is not considered that the proposal will therefore prejudice access to the existing Wharf site.)

6.71 It is recognised that noise and air quality concerns are likely to arise and appropriate mitigation is necessary to prevent complaints.

6.72 (OFFICER COMMENT: As detailed elsewhere in the committee report, these details will be conditioned for later approval.)

6.73 A lighting assessment is requested to assess the impact of the wharf and its use on the proposed balconies and amenity areas adjoining the site.

6.74 (OFFICER COMMENT: Whilst a lighting assessment is requested, the principle of a residential development has been established and an extant consent exists at the site, it is not therefore considered that an assessment is required.)

- 6.75 A condition should be imposed to seek to maximise the use of the River Thames for the sustainable transportation of construction and waste materials.
- 6.76 (OFFICER COMMENT: A condition will be added to the decision notice.)
- 6.77 A general objection is raised with regard to not having been formally consulted on the previous extant consents on the site.
- 6.78 (OFFICER COMMENT: This is not a material consideration in the determination of the current application before members.)

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

- 6.79 CABE are supportive of the principle of redeveloping the site and the rationale to provide two buildings of 26 and 7 storeys sharing a common aesthetic.
- 6.80 However, the CABE response points out two matters which the Council should have regard to in the determination of the application:
- The design of the tower block and lower block should be revisited; and
  - The nature of the uses at podium level should be reconsidered to ensure they complement the external communal spaces.
- 6.81 (OFFICER COMMENT: Matters relating to design have been revisited and amended materials are now proposed, this is discussed within section 8 of this report. Following a review of the layout of the development, it is considered that the uses at podium level make the best use of space and are not detrimental to the use of the external communal space, on balance the layout is considered acceptable.)

**London Fire and Emergency Planning Authority (LFEPA)**

- 6.82 No objections raised. It has been requested that an informative/advice note is added.
- 6.83 (OFFICER COMMENT: The requested informative will be attached to the decision notice.)

**LB Newham**

- 6.84 No comments received to date.

**Tower Hamlets Primary Care Trust**

- 6.85 No comments received to date.

**7. LOCAL REPRESENTATION**

- 7.1 A total of 2029 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: 17      Objecting: 17      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 In objection

7.4 Land Use

- Over-development of the site

(Officer comment: The density of the site is considered acceptable given the site's PTAL and lack of overdevelopment symptoms)

7.5 Design & Heritage

- Scale of development not in keeping with the 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)

- The height dominates the skyline

(Officer comment: It is considered that the proposal sits comfortably within the backdrop of the skyline, local views, and other landmarks)

- Poor design quality/architectural treatment

(Officer comment: As discussed within section 8 of this report, it is considered by officers that the development is of a high design quality.)

- Detrimental impact on the Coldharbour conservation area

(Officer comment: The impacts upon the Coldharbour conservation area have been considered in the assessment of the application. It is considered that the proposal steps down appropriately to achieve a positive transition towards the conservation area and the use of materials as the site meets the conservation area boundary is appropriate.)

- Impact on streetscene

(Officer Comment: As discussed within section 8 of this report, the relationship of the proposal with the streetscene has been carefully considered as part of this application to ensure a positive street frontage is achieved with appropriate landscaping and treatments.)

7.6 Amenity

- 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)

- Loss of daylight and sunlight to Lumina Building, located to the north of the site.

(Officer Comment: The impact of the proposed development is not considered to be unduly detrimental on the existing residential occupiers. An independent daylight and sunlight review has been undertaken and full details are set out within Section 8 of the report.)

- Overlooking/Loss of Privacy

(Officer comment: The separation distances between the application site and the proposed development are considered to be acceptable and will not lead to a substantial loss of privacy. This is discussed further within Section 8 of the committee report.)

- Enclosure of Poplar Dock and affect of wind movement and light/overshadowing in the area

(Officer Comment: As discussed within Section 8 of the report, the relationship of the application site is such that there would be no wind movement impacts on Poplar Dock)



- Impacts of the WTS are likely to cause disturbance to new residents, an alternative use should be found for the site.

(Officer comment: the site is designated for residential uses within the IOD AAP and also benefits from planning permission for a residential development. Mitigation is also proposed for the nuisance identified.)

- Insufficient child playspace

(Officer comment: on-site child play space is provided and is considered to be sufficient to meet local and regional requirements.)

- Noise and disturbance caused by more people accessing the Riverside walkway

(Officer Comment: The Riverside Walkway is a publicly accessible area and access to the Walkway is encouraged. Whilst it is noted that residents may experience some disturbance, the provision of and extension to the Riverside Walkway is a strategic objective and encouraged.)

- Impact upon local infrastructure/Lack of local Amenities

(Officer comment: Details of mitigations are sets out within Section 8 of the committee report)

- Construction hours of operation should be restricted, with no works at the weekend

(Officer comment: It is considered that no construction during the weekend is somewhat excessive. The considerate construction hours of operation allow limited working on a Saturday, between 8am and 1pm, with no working on Sunday or public holidays. It is considered appropriate to impose these limitations.)

## Housing

7.7

- Current proposal provides affordablerented housing whereas the extant scheme was able to deliver social rented, is the scheme able to deliver any social rented accommodation?

(Officer comment: An independent review has been undertaken of the viability appraisal submitted and the scheme is unable to deliver more than 35% affordable housing. The extant scheme is unviable due to the withdrawal of grant funding and the current economic climate.)

- The proposal only provides 28.4% overall family housing against a policy requirement of 30% family housing across all tenures

(Officer comment: Whilst this is a minor shortfall in the family housing provision, 45% of family housing is required within the affordable housing tenure however the scheme is providing 54% family housing which is exceeding the requirements and is supported.)

## Highways & Transportation

7.8

- The existing area is overcrowded with non-residents parking in the area
- Limited car parking proposed on-site impacting on local highway network.

(Officer Comment: LBTH and Highways have assessed the Transport Assessment submitted and consider the proposal to be acceptable subject to the imposition of a permit free agreement.)

- Proposal does not meet Council car parking standards.

(Officer Comment: The Councils car parking standards are maximum standards and therefore this proposal does accord with the Councils standards. No objection has been raised by TfL or LBTH Highways.)

- Impact on the London City airport flightpath

(Officer Comment: London City Airport have raised no objection to the proposed

development and the height of 26 storeys.)

- Impact on pedestrian and vehicular access and Yabsley Street traffic junction  
(Officer comment: TfL have sought a contribution towards improved pedestrian routes, however it is not considered that there is an impact on the local highway network which requires any further mitigation.)

- Impact of construction vehicle traffic  
(Officer comment: A condition will be imposed which required the submission and approval of a Construction Management Plan to ensure minimal impact upon the local highway network during the construction phase.)

- All new units should be secured as permit free  
(Officer Comment: This is proposed to be secured via planning obligation.)

- Will the gym be publicly accessible?  
(Officer comment: The gym is provided for use by the residents of the proposed block only. No provision is made for the gym to be publicly accessible for non residents.)

#### Other

7.9

- Impact on local biodiversity and birds  
(Officer comment: The LBTH Biodiversity Officer has not raised an objection with regard to the impact upon local birds. In addition a condition is proposed to seek to encourage increased biodiversity at the application site.)

7.10 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:

- Loss of River Views;  
(Officer comment: The loss of an unprotected view is not considered to be a material planning consideration)

- Can a nursery be provided for local residents.  
(Officer comment: The Council are required to assess the application before them. Whilst a nursery facility is not proposed, Officers are aware that nursery/childcare facilities are available at East India and Canary Wharf.)

- Can local people rent shops to run their own business  
(Officer comment: The application proposes no business or SME space for local residents to rent business space/commercial units. The site is designated for residential use and not considered wholly suitable for office accommodation.)

## **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
- Design
- Heritage and Conservation
- Housing
- Amenity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination

- Flood Risk
- Health Considerations
- Section 106 Planning Obligations
- Localism Act
- 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 The site allocation for the application site as detailed within the IOD AAP supports residential (Use Class C3) development at the site under the sites allocation reference ID18. The principle of residential development at the application has also been established through the grant of planning permission in 2008 and also 2012 for a part 7 storey part 17 storey residential led development with an ancillary ground floor commercial unit of 43square metres.
- 8.5 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. The key issues for consideration under this planning application are whether the current proposals meet current planning policies.

### Northumberland Wharf – Safeguarded Wharf

- 8.6 Northumberland Wharf abuts the eastern boundary of the application site and is a safeguarded wharf. Wharves were originally safeguarded by the Secretary of State however the role of safeguarding has now passed over to the Mayor of London by way of Part IV of the Town and Country Planning (Mayor of London) Order 2000.
- 8.7 Northumberland Wharf functions as a civic amenity site and transfer station through which waste from Tower Hamlets is containerised, loaded onto barges and transported to landfill sites down river.
- 8.8 Policy IOD23 of the IOD AAP seeks to ensure Northumberland Wharf will be protected for on-going wharf and waste related uses consistent with its Safeguarded Wharf status. This is further supported by London Plan policies 7.24 and 7.26 and local policies SP12 of the CS 2010.
- 8.9 Northumberland Wharf is an established WTS and has been operational for some time. Whilst concerns have been raised by the PLA that the Safeguarded Wharf status was not taken into consideration when determining the extant consent, reference is made to the WTS and its potential impact on future residents within the 2008 committee report and the renewal application.
- 8.10 Provision of residential accommodation alongside safeguarded wharves is not uncommon, there are a number of residential developments around the existing WTS of Northumberland Wharf and numerous examples of developments throughout London providing high density residential developments adjoining waste transfer facilities. The principle of residential development has been established under the extant consent at the application site. Full

consideration of the potential amenity impacts of the residential use alongside the WTS are set out below.

### **Density**

- 8.11 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.12 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS and policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.13 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5.
- 8.14 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 1,100 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 2,103 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.15 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.16 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in one or more of the following areas:
- Access to sunlight and daylight
  - Sub-standard dwelling units
  - Increased sense of enclosure
  - Loss of outlook
  - Increased traffic generation
  - Detrimental impacts on local social and physical infrastructure
  - Visual amenity
  - Lack of open space; or
  - Poor housing mix
- 8.17 These specific factors are considered in detail in later sections of the report – and are found to be acceptable.

- 8.18 In the case of this proposal it is considered that:
- The proposal is of a particularly high quality and responds to the local context by delivering a positive relationship to the surrounding area.
  - The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
  - The proposal provides good quality homes, including larger family houses, of an appropriate mix with a policy compliant percentage of affordable housing.
- 8.19 In overall terms, officers are satisfied that the development makes the most efficient use of land. Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.
- 8.20 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 Policies SP02 and SP10 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

### **Design**

- 8.21 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.22 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.
- 8.23 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.
- 8.24 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.
- 8.25 The planning application is a full planning application for the provision of a part 7 storey and part 26 storey development. The development is provided as a 7 storey block where the site adjoins the Coldharbour conservation area. This block would be provided in a mixed brick and composite finish. The scale of the proposed development is in keeping with the Arran House development which adjoins the site and the proposed materials would be in-keeping with the existing site and the materials of the local area.
- 8.26 The proposed 26 storey block is proposed at the northern end of the application site, in closer proximity to the higher rise developments of Blackwall. The proposed tower would be

finished with rainscreen cladding, white concrete panels and glass privacy screens within the balcony areas on all four elevations. The design of the tower block is a simple and contemporary building which relates well to the existing developments to the north of the site. The provision of concrete panels on both buildings provides an identity and relationship to link the two buildings on this single site whilst providing a relationship at street level to the differing areas of Arran House and Lumina Buildings.

### Assessment

- 8.27 At street level the proposal seeks to provide buffer zones/ground floor gardens for the residential units fronting Prestons Road and the proposed gym will be located at the junction of Prestons Road and Yabsley Street. There is a strong sense of animation at street level providing overlooking and natural surveillance which is supported.
- 8.28 The elevational detail is simple yet strong, with inset balcony stretching across the tower block providing clean lines and detailing.
- 8.29 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

- 8.30 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.
- 8.31 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.
- 8.32 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.
- 8.33 The proposed development provides a transition in scale between the high rise developments of Blackwall, both existing and consented and the residential scale of the area around the Coldharbour conservation area to the south of the site. The image below provides a proposed view of the site, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building at the application the site is considered acceptable in principle.



- 8.34 In terms of local views, the application is accompanied by a number of views and a full townscape analysis in which a full analysis of the extant scheme is considered against the current proposal. Following consideration, it is considered that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to the skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

### **Heritage & Conservation**

- 8.35 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.36 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.
- 8.37 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

- 8.38 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in GreenwichPark 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.

### Local Views and Impacts

- 8.39 Views surrounding the site have been considered and assessed, although there are no

protected local views.

8.40 The proposal is not considered to have a detrimental impact on local views as demonstrated within the Townscape Assessment submitted. The impacts of the taller 26 storey development would be seen above the built form of existing development which lies to the north and would not therefore form a new and significant introduction to the skyline.

8.41 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 the adjoining Coldharbour conservation area and surrounding listed buildings.

### **Housing**

8.42 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.

8.43 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.

8.44 The application proposal will deliver up to 190 residential units.

### Affordable Housing

8.45 As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable room, or 224 units.

	<b>Units</b>	<b>% of units</b>	<b>Habitable rooms</b>	<b>% Hab rooms</b>
Affordable Social Rent	0	0%	0	0%
Affordable Rent	30	15.8%	122	21.5%
Affordable Intermediate	29	15.3%	75	13.2%
<b>Total Affordable</b>	<b>59</b>	<b>31.1%</b>	<b>197</b>	<b>34.7%</b>
Market Sale	131	68.9%	371	65.3%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>568</b>	<b>100%</b>

**Table 1: The proposed tenure mix**

8.46 The proposed overall delivery of 35% affordable housing by habitable room meets the Council's minimum requirement of 35%, in accordance with policy SP02 of the Core strategy 2010. 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 and planning obligations have been secured, whilst ensuring the scheme can be delivered.

### Housing Type and Tenure Mix

8.47 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.

8.48 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 3 bedrooms and above.

8.49 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 affordable homes to be for families.

8.50 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).

8.51 Table 3 shows the applicant's unit and tenure mix:

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	0	56	41	34	0	0	131
Intermediate	0	16	9	4	0	0	29
Social Rent	0	0	0	0	0	0	0
Affordable Rent	0	6	8	12	2	2	30
	0	78	58	42	2	2	190

**Table 2: Summary of tenure unit mix**

8.52 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:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	78	6	20%	30%	16	55.2%	25%	56	42.7%	50%
2bed	58	8	26.7%	25%	9	31.0%	50%	41	31.3%	30%
3bed	42	12	40%	30%	4			34		
4bed	2	2	13.3%	15%	0	13.8%	25%	0	26%	20%
5bed	2	2			0			0		
<b>Total</b>	<b>190</b>	<b>30</b>	<b>100%</b>	<b>100</b>	<b>29</b>	<b>100%</b>	<b>100</b>	<b>131</b>	<b>100%</b>	<b>100</b>

**Table 3: unit and tenure mix**

8.53 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.

8.54 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.

- 8.55 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. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.56 The Council's Housing team are supportive to the provision of affordable housing. As part of the independent review of the applicants viability toolkit, options to provide the larger family affordable accommodation as social rented accommodation were fully investigated, however it was found that the change in tenure provision would render the scheme unviable and undeliverable.
- 8.57 The affordable element is split 68:32 in favour of affordable rented, this is broadly in line with the Council's policy target of 70:30.
- 8.58 The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. There are two POD levels for the E14 area and given the location of the site, adjacent to the Canary Wharf area, the applicants have agreed to provide POD rent levels which fall between the two E14 levels as shown on the table below. The LBTH Housing team support this approach. The applicants rent levels shown below are inclusive of service charges.

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)	5 bed (pw)
(1) E14 POD Level (high)	£206.55	£231.00	£244.50	£271.04	£304.69
(2) E14 POD level (low)	£152.70	£168.17	£187.85	£250.04	£282.98
Proposed development POD levels	£179	£200	£216	£244	£244
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)	£187.57 (including estimated £30 service charges)

**Table 4: Proposed Rent Levels for Affordable Rented units.**

- 8.59 Though there is an under provision of one beds within the affordable rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 53.3% provision against a 45% target, including 4 and 5 bed homes.
- 8.60 There is an over provision of one beds and an under provision of two and three beds within the Intermediate tenure. However, given that the proportion of family housing within the rented and private tenures exceeds targets, officers consider the Intermediate mix acceptable.
- 8.61 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 provision of 35% on site affordable housing 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

- 8.62 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 8.63 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

Private and Communal Amenity Space

- 8.64 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. Each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.
- 8.65 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 190 units the minimum communal amenity space required would be 90sqm. The overall indicative scheme should provide 230sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers approximately 200sqm of usable communal amenity space within a podium deck, whilst this provision does not fully accord with policy, it is a minor shortfall whilst providing a dedicated and quality usable communal space and on balance is considered acceptable.

Child Play Space

- 8.66 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 ‘Shaping Neighbourhoods: Play and Informal Recreation’ (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.67 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 67 children and accordingly the development should provide a minimum of 670 sq.m of play space in accordance with the London Plan and the emerging MD DPD’s standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
Child Play Space- Under 4	260 sq.m	39%	200sq.m
Child Play Space- Under 5-10	240 sq.m	36%	
Child Play Space- Under 11-15	170 sq.m	25%	
Total	670sq.m		
Shortfall Child Play Space	470sq.m		

**Table 5: Child Play Space Details**

- 8.68 The scheme delivers approximately 200sqm of on-site playspace for children aged 0 – 4, this playspace is also proposed to provide play equipment/furniture. There is an obvious shortfall of on-site playspace for children aged 5 and above.
- 8.69 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. Whilst there are limited play areas in the vicinity of the site, the East India Dock Basin provides a local area of designated amenity space for future residents, alongside pocket parks in and around the Virginia Quays development. On balance, the provision of on site communal and 0-4 child play space, alongside private amenity space for all future residents is considered to be acceptable.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.70 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.
- 8.71 Across the development, 19 x 2 bed units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. Whilst the units are to be distributed across the proposed tenures, LBTH housing have suggested a mixed provision of dwelling sizes to be accessible. Whilst this has not been achievable, it is supported that the scheme has been able to deliver 10% wheelchair accessible units, for which there is a demand. On balance, the mix of wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 19 wheelchair accessible units are delivered within the scheme.

#### **Amenity**

##### Daylight, Sunlight and Overshadowing

- 8.72 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.73 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.

##### Daylight

- 8.74 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.
- 8.75 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.76 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*

- 8.77 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.
- 8.78 Of the proposed development it is indicated that 97.5% of all habitable rooms would meet their daylight requirements (ADF). There are only 10 Living/Kitchen/Dining rooms which would fall below the minimum recommended ADF, with values of 1.5% and 1.99% compared to the target of 2%. It is not considered this is a significant shortfall and on balance, these figures are considered by officers to be acceptable.

*Neighbouring Properties*

- 8.79 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried. The buildings tested include:
- Aurora Building
  - Nova Court East
  - Nova Court West
  - Lumina Building
  - Arran House
  - Michigan Building
- 8.80 Of the residential windows analysed on the Aurora Building, only one living room/kitchen on the ground floor fails to meet the VSC targets. Within Nova Court East, again there is one failure at ground floor level. The report submitted to the Council has been independently reviewed and it is found that both ground floor rooms experiencing a failure are located beneath an existing balcony which creates a comparatively low existing value and an overall loss of light. The BRE guide acknowledges that balconies over windows may cause larger relative impacts and as such, the overall impact is considered to be marginal above the existing situation at the site.
- 8.81 At Nova Court West, 8 out of 14 windows fail to meet VSC targets but all units accord with the daylight distribution targets. Of the 8 failures identified, 2 windows are beneath existing balconies and therefore, similarly to Aurora and Nova Court East, had an analysis of the window been undertaken without the existing balcony (which the BRE advises is acceptable) the VSC target would have likely been met. The remaining losses fall onto windows on the western elevation where windows will retain VSC values of 23.5%, compared to a BRE target of 27%, and these values are not considered to be unreasonable for an urban area such as this.
- 8.82 At the Lumina Building, on each of the eight floors, there are two living/kitchen areas and four bedrooms. The main window to the west living kitchen would all meet the VSC targets. The results for the secondary windows, which are located beneath balconies do not meet the VSC targets, however in essence as the primary window meets the recommendations, this does not result in a loss of daylight to these rooms. In addition, all of these rooms meet the NSL values.
- 8.83 The living/kitchen areas to the east comprise one unobstructed primary window and a secondary window sited below a balcony or projection. Although the main windows to these living/kitchen areas would retain more of their existing VSC values than the secondary windows, they would not meet the VSC targets in the BRE guide. The main windows at these levels retain 0.61 or 0.6 of their existing VSC values. The living/kitchen areas would meet the NSL targets. With regard to the VSC values, these results must be viewed in the context of the lack of any existing obstruction on the site, which is unusual in an urban context. The windows to these living rooms/kitchens are very nearly opposite the main tower but would still receive good levels of direct skylight and therefore the daylight conditions in these rooms in the proposed conditions is not considered to be unreasonable. ADF values for these rooms would be at least 2.94% compared to the target of 2%.

- 8.84 The remaining rooms tested are all bedrooms of which there are four on each floor. Of these rooms, 8 bedrooms fail to meet the VSC targets and do not meet the NSL targets in the BRE guide. A further 8 bedrooms fail to meet VSC targets but do meet the NSL targets in the BRE guide. The independent review carried out on the daylight and sunlight assessment submitted to the Council concluded that whilst there were failures as a result of the proposed development, it was necessary to exercise caution when considering the results as the site as existing provides no obstruction to this development. Anstey Horne undertook an independent review of the Daylight/ Sunlight report submitted and considered that the proposed development would have a marginal (unperceivable) impact over and above the extant scheme at the site for a 17 storey residential development.
- 8.85 Within Arran House, all windows met the BRE guidelines. At Michigan Buildings, whilst all units met VSC targets, 7 of the 42 rooms tested did not meet the NSL targets with results of between 0.7 and 0.78 compared to the BRE target of 0.8. These failures are marginal set against the BRE targets and on balance it is considered the impact of the proposal is acceptable.
- 8.86 Taking into account the existing layout and design of adjacent properties, which comprise balconies which cause existing loss of daylight, it is considered that there is a the low overall proportion of failures, and even less when taking into account the extant scheme at the application site. On balance it is considered that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.

### Sunlight

#### *Proposed Development*

- 8.87 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:
- 8.88 *“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”*
- 8.89 Due to the design of the proposed blocks which provides balconies which create a shading effect, the results show units are likely to experience losses of daylight, however the independent review of the assessment has concluded that higher levels of sun would be available on the balconies. This would occur in summer months when residents are most likely to appreciate it and use these amenity areas.
- 8.90 On balance, the sunlight for the proposed development is considered acceptable.

#### *Neighbouring Properties*

- 8.91 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.
- 8.92 At the Aurora, Nova Court East and Nova Court West development three windows (one in

each block at ground floor level) does not meet the BRE targets, however all of these windows is located beneath an existing balcony which restricts access to summer sun. As a result, whilst these windows are able to achieve winter sunlight targets, the total APSH would be 12%, 21% and 25% respectively (compared with a target of 25%). Officers have been advised by the Independent consultants at Anstey Horne that were the balconies not overhanging these windows, the BRE targets would most likely be met.

- 8.93 The Lumina Building has a number of balconies and as a result, there are a number of windows which would not meet the APSH targets. However Anstey Horne have advised that the results of the proposed development are identical to those of the extant scheme.
- 8.94 Arran House was not tested for daylight in accordance with the BRE guide as it does not face within 90degrees of due south.
- 8.95 At the Michigan Building, all windows tested meet the BRE targets.
- 8.96 The results of the study show some losses of daylight and sunlight to neighbouring surrounding properties. However taking into account the consented scheme at the site, the results are likely to be very similar. In light of this and the existing urban context of the application site, on balance the impacts are not considered so significant as to warrant refusal of the planning application.

#### Overshadowing

- 8.97 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*

- 8.98 On the whole, the majority of the overshadowing results for the proposed amenity areas are acceptable, and are likely to meet the targets in the BRE guide.

#### *Neighbouring Properties*

- 8.99 Of the neighbouring areas tested, including Poplar Dock , overshadowing results show that the tower will cast some shadow on Poplar Dock in the early morning and on the Thames towards the end of the day, but these shadows will move quickly and the overall effect on overshadowing would be limited.

#### Noise and Vibration

- 8.100 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.
- 8.101 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.
- 8.102 As discussed above, the application site abuts the WTS and the site is also in adjacent to Prestons Road which is a busy through route. The impacts of the WTS were deemed to raise noise concerns for future residents and as such, noise mitigation measures are considered to be necessary. The applicants submission and the Councils Environmental Health team

consider that a combination of enhanced acoustic glazing treatments and mechanical ventilation systems to provide rapid ventilation would be sufficient to mitigate the impacts of the existing and future operations at the WTS and the noise impacts of Prestons Road.

- 8.103 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.
- 8.104 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

- 8.105 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.
- 8.106 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the north fronting Yabsley Street and to the south at Raleana Road. 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.
- 8.107 Along Yabsley Street separation distances between directly facing habitable rooms windows are between 20 and 24 metres, which accords with policy requirements. To the south of the site, the separation distance between the proposed development and Arran House is 28 metres.
- 8.108 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable and would not lead to overlooking between existing and proposed residential occupiers.

#### **Transport, Connectivity and Accessibility**

- 8.109 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.
- 8.110 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.
- 8.111 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). The site sits to the east of Prestons Road. Blackwall DLR station is located to the north of the site and can be accessed easily via the underpass route at the Prestons Road roundabout. The existing site is well served by 4 bus routes. The D3, D6, D8 and 135 connect with CanaryWharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

#### Car Parking

- 8.112 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.

- 8.113 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.
- 8.114 The application proposes to utilise the existing vehicular access point from Yabsley Street. Car parking provision for 42 vehicles is proposed at basement level. It is recommended that the development would be secured as permit free to prevent future residents from gaining parking permits for the local area. Concerns have been raised about parking issues in the area.
- 8.115 Of the 42 basement car parking spaces proposed, the applicant has agreed to deliver 8 spaces which will be allocated and secured for the future family units within the affordable housing provision at the site. Officers welcome this provision in light of the parking stress in the area and the concerns raised by local residents.
- 8.116 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.
- 8.117 Considering the above, the Borough's Highways department support the proposed parking levels.
- 8.118 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.

#### Servicing and Deliveries

- 8.119 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.
- 8.120 Deliveries and servicing are proposed from Yabsley Street and this is considered in principle to be acceptable. A Delivery and Servicing Plan is requested by condition alongside a Construction Logistics Plan to minimise the impact on the Local Highway and TfL network

#### Waste, Refuse & Recycling

- 8.121 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 the development.
- 8.122 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for refuse collection include YabsleyStreet and Raleana Road which are existing refuse collection routes.

#### Provision for Cyclists

- 8.123 In accordance with cycle parking requirements, 244 cycle parking spaces have been provided in 8 secure storage areas around the site. Additional visitor parking is also provided to serve the development. The proposal therefore complies with London Plan policy 6.13.

## Public Transport Improvements

- 8.124 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.
- 8.125 Planning obligations have been sought by TfL for improvements to local bus shelters to provide DDA compliant shelters, monies towards the 'Legible London' scheme through the provision of new signs and a contribution towards upgrading the pedestrian links to Blackwall station.
- 8.126 Through the extant scheme, £30,000 planning obligations were secured towards the upgrading of pedestrian links and as a result of the viability of this scheme, only £30,000 could be secured under the current proposals towards strategic infrastructure improvements, TfL will prioritise the allocation of this contribution according to need at a later date.

## Energy & Sustainability

- 8.127 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.128 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 8.129 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).
- 8.130 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
- 8.131 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.
- 8.132 The current proposals to provide a communal heating scheme incorporating a Combined

Heat and Power plant alongside renewables which include photovoltaic panels are supported and would achieve a total of 34% CO2 savings.

- 8.133 Code (Level 4) ratings are currently proposed as minimum levels, and considered acceptable.

### **Contamination**

- 8.134 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.
- 8.135 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.

### **Flood Risk**

- 8.136 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.
- 8.137 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.138 The Environment Agency and Thames Water have raised no in principle objections to the proposal subject to the imposition of suitable conditions which would be attached if planning permission was granted.
- 8.139 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.

### **Health Considerations**

- 8.140 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.
- 8.141 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.
- 8.142 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.
- 8.143 The applicant has agreed to a financial contribution of £75,000 to be pooled to allow for expenditure on health care provision within the Borough.
- 8.144 The application will also propose 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.

- 8.145 The proposal also includes an onsite gymnasium which will be free and accessible to all residents of the future development at Yabsley Street. The retention of this unit as free and accessible to all residents would be secured through the S106 agreement.
- 8.146 It is therefore considered that the financial contribution towards healthcare, the gymnasium at ground floor level and podium level 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.

### **Section 106 Agreement**

- 8.147 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.
- 8.148 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.
- 8.149 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.
- 8.150 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
- 8.151 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 maximum proportion of affordable housing which can be provided on site, is 35%%.
- 8.152 Within the submitted viability assessment the scheme was considered deliverable and viable with a 35% affordable housing provision with a mix of affordable rent and shared ownership units. Also factored into this was a maximum s106 package of **£826,408**, and in addition to this the application would be liable for a CIL charge of approximately **£564,305**, some of which would qualify for social housing relief.
- 8.153 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 **£826,408**.

8.154 This can be summarised as follows:

**Financial Obligations**

- Education: £586,907
- Enterprise & Employment: £42,000
- Community Facilities: 75,972.84
- Health: £75,00
- Transport for London: £30,000
- Monitoring & Implementation 2% of total

**Non-Financial Obligations**

- 35% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points- 20% active, 20% passive
- 8 parking spaces allocated to on site affordable family housing
- On site gym to be provided as a free facility for all future residents.

8.155 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 35% by habitable room. The developer has agreed to the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigates against its impacts.

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

8.156 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:

8.157 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.

8.158 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.

8.159 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.

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

- 8.161 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 Mayoral CIL applicable to a scheme of this size is £564,305 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 35% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 8.162 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.163 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £334,244 within the first year and a total of £2,005,466 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 8.164 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:-
- 8.165 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*".
- 8.166 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.
- 8.167 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.

- 8.168 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.
- 8.169 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.170 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.
- 8.171 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**

- 8.172 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.
- 8.173 The contributions towards various community assets/improvements 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 community wellbeing and social cohesion.
- 8.174 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.175 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.
- 8.176 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 Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 15 m  




1:4,000

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

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# Agenda Item 7.2

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Angelina Eke		<b>Ref No:</b> PA/12/02228	
		<b>Ward(s):</b> Weavers Ward	

## 1. APPLICATION DETAILS

**Location:** Fakruddin Street and Pedley Street, London E1

**Existing Use:** Residential amenity space and car parking

**Proposal:** Redevelopment of site (including land at Fakruddin Street) to provide a 63(100% affordable housing) units within three blocks measuring between two and seven storeys including associated shared and private amenity space, landscaping, disabled parking, cycle parking, child play area and community centre (273sqm).

**Drawing No's:** **Existing Plans:** 83731/100 Rev A; 83731/101Rev A; 83731/102 Rev B; 83731/103 Rev A ; 83731/110 Rev A; 83731/111 Rev A  
**Proposed Plans:** 83731/ 200 Rev C; 201 Rev C; 202 Rev B; 203 Rev B; 204 Rev B; 205 Rev B; 206 Rev B; 207 Rev A; 209 Rev A; 211 Rev B; 212 Rev A; 230 Rev C; 231 Rev C; 232 Rev C; 233 Rev B; and 1205/SK/001 Rev C; 250 Rev F; 251; 252; 253 and 255  
A3 Colour Photographs showing Existing Photos A; 3D Views along Pedley Street (700C); SK002; S11/3406/01 and 02.  
Accommodation Schedule

**Supporting Documents:**

- § Air Quality Assessment, prepared by BRE dated June 2012 Ref 280228;
- § Code for Sustainable Homes Ecological Assessment, prepared by Middlemarch Environmental Limited dated April 2012 (Ref RT-MME-111327-02
- § Code for Sustainable Homes, Pre-Assessment Estimator tool, Prepared by Breglobal Limited 2010
- § Daylight and Sunlight Report dated 20<sup>th</sup> July 2012 9 (Client Ref 279580)
- § Energy Strategy for Tower Hamlets Housing, prepared by Elementa, Version 2, February 2011.
- § Flood Risk Assessment, prepared by Dr Paul Gerrad dated June 2012 (Rev 2 FRA Pedley Street)
- § Wind Microclimate Desk Study, Prepared by Building Research Establishment (BRE) dated 19<sup>th</sup> July 2012 - ref 280 284
- § Planning & Impact Statement, prepared by One Planning, Planning Consultants (July 2012);
- § Noise and Vibration Survey Assessment, prepared by Pace Consult Limited dated 16<sup>th</sup> October 2012 (ref PC-12-0098-RP2-Rev E)
- § Transport Statement, prepared by TTP Consulting dated July 2012
- § Drainage Strategy Report, prepared by Halcrow Group Limited

dated 29<sup>th</sup> June 2012 (ref GLMMRP-TCN-007)

§ Television Reception, prepared by Building Research Establishment (BRE) dated 26<sup>th</sup> June 2012 (ref 279579)

**Applicant:** Joint Applicants: Tower Hamlets Community Housing & Network Rail Infrastructure Limited

**Owner:** Tower Hamlets Community Housing, Network Rail Infrastructure Limited and Spitalfields Housing Association

**Historic Building:** N/A

**Conservation Area:** Adjoins Brick Lane and Fournier Street Conservation Area

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The principle of the provision of additional residential accommodation is supported by London Plan policies 3.3 and 3.4. The proposed mix and tenure of units would contribute towards the delivery of affordable homes in accordance with London Plan Policies 3.8 and 3.9, Policies SP02 of the Core Strategy, and DM3 of the Managing Development DPD (submission version 2012). These policies seek to maximise housing choice including the supply of family housing.
- 2.3 The proposal will not result in a loss of Publicly Accessible Open space and therefore the proposal will not be contrary to the aims of Policy 7.18 of the London Plan, saved policy OS7 and OSN2 of the UDP, Policy SPO4 of the Core Strategy (2010) which seeks to ensure no loss of publicly assessable open space.
- 2.4 The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), the Interim London Housing Design Guide (2010), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development DPD (Submission version 2012).
- 2.5 On balance the quantity and quantum of housing amenity space, communal space and provision of child play space within the development is considered acceptable given the site constraints. Subject to conditions, the proposal would accord with policy SP02 of the Core Strategy (2010), saved policy HSG16 of the Council's Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (submission version 2012) which seek to improve amenity and liveability for residents.
- 2.6 The proposed bulk, mass, scale, height including detailed design and use of materials are acceptable and sympathetic to the site context. The proposal would not detract from the setting of Brick Lane/Fournier Street Conservation Area. As such, the scheme accords with London Plan Policies 7.1 – 7.8(Inc.) and saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (submission version 2012), which seek to ensure buildings and places are of a high quality design and visually appropriate.
- 2.7 The effect of the proposal on the occupiers of surrounding properties has been assessed with regard to loss of sunlight/daylight, privacy, increased sense of enclosure, air quality and noise and vibration and the proposal is not considered to result in an unduly

detrimental loss of amenity to neighbouring properties. Therefore the proposal is considered to accord with London Plan Policies 7.1, 7.4, 7.6 and 7.15 and saved policies DEV2 and DEV50 of the UDP (1998), policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development DPD (submission version 2012) and DEV10 of the Interim Planning Guidance (2007). The above policies seek to safeguard residential amenity.

- 2.8 On balance, transport matters, including parking, access and servicing, are considered acceptable. This accords with policies SP08 and SP09 of the Core Strategy (2010), policies T16 and T19 of the Council's Unitary Development Plan (1998), and policies DM20 and DM22 of the Managing Development DPD (Submission version 2012). These policies seek to minimise parking and promote sustainable transport options.
- 2.9 The Energy and Sustainability strategies for this application have been prepared in line with the Mayor's energy hierarchy and London Plan Policies 5.2, 5.3, 5.6, 5.7, 5.9 – 5.15(Inc.) plus Policy 5.17. The proposal also accords with policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (submission version 2012).
- 2.10 Appropriate financial contributions are to be secured, through a s106 legal agreement, to support the provision of employment skills training and enterprise and education. This accords with Regulation 122 of Community Infrastructure Levy; strategic policies SP02 and SP12 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), the Planning Obligations SPD (2012) and policy IMP1 of the Interim Planning Guidance (2007). The above seeks to secure contributions toward infrastructure and services required to facilitate proposed development and acceptably mitigate any impacts.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a **legal agreement** to secure the following obligations:

(a) **£795,000** towards education

**TOTAL £795,000**

Non-financial contributions

- (a) 100% Affordable housing comprising 41 units for rent and 22 units for shared ownership
- (b) Car and permit free agreement (except for blue badge holders)
- (c) Employment – 20% local people employed during the construction phase, 20% local procurement
- (d) TV Reception
- Any other obligation deemed necessary by the Corporate Director Development & Renewal

#### **Conditions on Planning Permission**

- 3.3 (1) Time Limit (Three Years)
- (2) Development to be built in accordance with approved plans
- (3) Full details of facing materials, ground floor commercial frontage and means of security, siting of boundary walls
- (4) Full details of green and brown roofs to be submitted for approval
- (5) 10% wheelchair housing to be retained
- (6) Full details of the proposed child play space

- (7) Compliance with energy strategy to achieve Code level 4
- (8) Full details of any associated plant for the non-residential use.
- (9) Construction hours (8.00am -6.00pm Mondays to Fridays, 8.00-1.00pm Saturdays only;
- (10) Power/hammer driven piling/impact breaking (10am – 4pm Mondays to Fridays)
- (11) Details of landscaping and scheme of external lighting
- (12) Details of privacy screen including translucent glazing to bathroom areas
- (13) Cycle Parking to be retained
- (14) Submission of a programme ground investigations for the presence of soil contamination
- (15) Submission of a programme ground investigations for the presence of ground water contamination
- (16) Full details of post completion testing for internal noise levels for all habitable rooms and all floors and facades to meet standards of BS8233
- (17) Hours of operation for the community building
- (18) Secure by Design
- (19) Code level 4 for Sustainable homes
- (20) Achievement of a BREEAM 'Excellent' rated building (including submission of certificates to demonstrate achievement
- (21) Restriction on community use between 8.00am and 10.30 pm Mondays to Fridays and 10.00-10am Sundays and Bank Holidays
- (22) Soundproofing between proposed D1 use and residential use
- (23) Full details of the SAP calculations and layout of the CHP plant room
- (24) Scheme of highway improvements (s278)
- (25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

- 3.4 (a) The proposal to be implemented in conjunction with associated S106
  - (b) Consultation with Building Control in respect of fire and emergency, means of escape, access for disabled persons and sound insulation between dwellings;
  - © Consultation with Environmental Health
  - (d) Consultation with street name and numbering in respect of postal addresses
- Any other informative (s) considered necessary by the Corporate Director Development and Renewal

## **4. SUMMARY**

- 4.1 The application under consideration is for 63(100%) affordable housing unit (Use Class C3), 273sqm of community floor space (Use Class D1) together with landscaping and two new areas for child play space together with the provision of new allotment plots on the southern boundary of the site. This proposal relates to a recent grant for a mixed use residential led scheme on the Royal Mint Street Site.
- 4.2 On 8th December 2011, the Council's Strategic Development Committee resolved to grant planning permission under PA/11/00642 for two buildings between three and fifteen storeys on the Royal Mint Street site providing 354 residential units, a 236-bedroom hotel together with 33 serviced apartments, flexible commercial flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant, bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches. The proposal incorporated new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, providing of parking, servicing and plant area (1,014sq.m)(Use Class D1/D2/B1)on the Royal Mint Street site (Ref PA/11/00642). The approval was subject to conditions plus a s106 obligation agreement to deliver a total of 36% affordable housing.
- 4.3 The approved scheme provided for nine on site affordable units and included a payment in lieu

of £9,625,081 towards the provision of off-site affordable housing (the equivalent of 445 habitable rooms) on alternative suitable sites in the borough. Given the exceptional circumstances of the case, Members resolved that an off-site affordable housing contribution would enable affordable housing priorities to be better met elsewhere.

- 4.4 A full viability assessment was undertaken at the time of the Royal Mint Street scheme being considered. £9,625,081 was the maximum reasonable amount of financial contribution the scheme could deliver for off-site affordable housing. This included an amount of £1.5 Million for s106 contributions across both donor sites.
- 4.5 The application under consideration seeks to offset the developers' affordable housing obligations for the Royal Mint Street site, and is a joint application between Network Rail and Tower Hamlets Community Housing (THCH) as the affordable housing delivery partner. A further site has been identified at 47 Repton Street, for the delivery of further offsite affordable housing. This application registered under PA/12/02131 seeks planning permission for the redevelopment for a car free development (seven storeys) and 60 (100%) affordable housing including associated shared and private amenity space, landscaping, disabled parking, cycle parking and use of viaduct arches to provide ancillary plant room, residential storage area, waste storage, cycle parking and child play area.
- 4.6 Officers have engaged with the applicants' throughout pre-application negotiations to ensure a sustainable affordable housing scheme which broadly meets policy requirements is delivered. Whilst this report refers to matters to be considered, officers consider that on balance, the affordable homes proposed are of a high standard in terms of size and affordability levels, and they will meet the Borough's demand for both rented and intermediate housing. The offsite contributions are considered to provide sufficient community benefit and if agreed it would offset part of the overall affordable housing provision associated with the Royal Mint Street proposal.
- 4.7 Both sites were initially identified at the time of grant of the Royal Mint Street scheme, although no definite planning proposals were ready for formal submission.
- 4.8 The scheme being considered proposes 226 habitable rooms, and that proposed under ref: PA/12/2131 at Repton Street proposes 219 habitable rooms. Accordingly, together the two sites are proposed to deliver the 445 habitable rooms secured by the Royal Mint Street development.

### **Site and Surroundings**

- 4.9 The application site is arranged across two interlinked sites and it has a total site area measuring 0.55 hectares.
- 4.10 It comprises a triangular shaped grassed area to the east of Pedley Street, which forms part of the residential amenity space associated with the Fakruddin Estate, which is currently owned and managed by Spitalfields Housing Association.
- 4.11 To the west of the grassed area is a rectangular shaped site, situated at the junction of Pedley Street and Weaver Street. This informal car park site is situated on a former depot site, owned and managed by Network Rail Infrastructure Limited (NRIL).
- 4.12 An informal allotment strip is situated on the eastern boundary of the main Pedley Street site, extending centrally through the site. There are no recorded permissions for the allotment space, although it is situated on amenity land associated with the Fakruddin Estate.
- 4.13 To the west of the site at the junction of Weaver Street and Pedley Street is a four storey residential block 'Weaver House' that dates back to 1929. The site context is mixed in character comprising both residential and various commercial buildings. To the east of the site is Vallance Road, which has two storey commercial buildings occupied by KPM UK.

- 4.14 The site does not contain any Listed Buildings, although it adjoins the Brick Lane/Fournier Street Conservation Area.
- 4.15 The site is relatively sustainable, is within walking distance to Shoreditch High Street Station, and has good connectivity to public transport.
- 4.16 The site is within the Tower Hamlets Activity Area and is within close proximity of Brick Lane Town Centre, which is identified as a District Centre in the Core Strategy.

**Location plan**



**The Proposal**

- 4.17 The application proposal is for a mixed use scheme 63 (14 x 1 bed, 28 x 2 bed, 12 x 3 bed and 9 x 4 bed) residential units, the provision of a new community centre, new communal amenity space and child play space, and re-provided and expanded allotments.
- 4.18 The proposal will be developed across two separate but interlinked parcels of land to the east and west of Pedley Street.
- 4.19 To the east of Pedley Street, the existing grassed area of the Fakruddin Street Estate will be redeveloped to provide a mixed-use building at the junction of Pedley Street and Vallance Road. The proposal will be three storeys in height comprising the community centre (Class D1) measuring 273sqm with two floors of residential above. The proposal also incorporates 4 x two storey houses adjoining the community centre building. The remainder of this part of the site will feature a pedestrian walkway, and new child play space.
- 4.20 To the west of Pedley Street, the application proposes a part 4, part 6 and part 7 storey residential blocks arranged in an inverted L shaped block around the perimeter of the site facing onto Pedley Street with corner elements on Weavers Street. A three storey residential block is proposed to the south of the site with frontage onto the new child play space
- 4.21 The applicant has proposed to re-provide allotment space for residents of the Fakruddin estate on the southern part of the site.
- 4.22 **Planning History:**

PA/12/00597	Request for Screening Opinion as to whether an application for residential led mixed use development comprising 65 units and community centre including landscaping requires an Environmental Impact Assessment on Land at Fakruddin Street and Pedley Street, London E1
PA/85/00223	<p><u>Former Site on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1</u></p> <p>Residential development comprising 32 houses, communal meeting room, laundry, open space and ancillary parking on the former Sites on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1. Full planning permission dated 11 July 1985.</p>
PA/85/00222	<p><u>Former Site on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1</u></p> <p>Residential development comprising 32 houses, communal meeting rooms, laundry, open space and ancillary parking on Former Site on Peace Street, Cranberry Street, Anglesea Street and Vallance Road, E.1</p>
PA/82/00206	<p><u>Former Site At Peace Street, London E1</u></p> <p>Redevelopment for residential purposes of the site above as shown on drawing number 3482/1078 (site plan). Full planning permission dated 21 October 1985.</p>
BG/96/00396	<p><u>Former Land north and east of Pedley Street south of railway line E1.</u></p> <p>Refusal of planning permission for Use of Land north and east of Pedley Street south of railway line as an open Sunday Market.</p>
4.23 <b>Other</b>	
PA/12/00199	<p><u>Spitalfields City Farm, Buxton Street, London, E1</u></p> <p>Creation of a community garden including garden structures, raised flower beds and seating areas plus 'grow your own' facility at Spitalfields City Farm, Buxton Street, London, E1 5HJ.</p>
PA/11/00459	<p><u>Land at Fleet Street Hill, London E1</u></p> <p>Erection of buildings of part 1, 2, 3, 4 &amp; 11 storeys in height comprising 43 dwellings (Use Class C3); a community centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application. The application comprises the affordable housing element of concurrent planning application for The Huntingdon Industrial Estate, Bethnal Green Road (application reference PA/11/00460).</p>
PA/11/00642:	<p><u>Land at Royal Mint St Mansell St and Chamber St, Royal Mint Street, London E1</u></p> <p>Redevelopment of site for a mixed-use development comprising the erection of two buildings of between 3 and 15 storeys, providing 354 residential units (Use Class C3), a 236 room hotel together with 33 serviced apartments (Use Class C1), flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant,</p>

bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches (1,014sq.m) (Use Class D1/D2/B1), creation of new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, providing of parking, servicing and plant area

PA/05/01552

Proposed Extension to Spitalfields City Farm, Weaver Street, E1

Re-organisation and re-location of Spitalfields City Farm by the demolition of existing farm buildings, allotments, gardens and structures; change of use from playground, open space and farm paddocks to create temporary and permanent paddocks, erection of farm buildings, structures and fencing plus the creation of a new access, allotments and gardens.

The proposed re-organisation and re-location is to facilitate the construction of the East London Line Project (ELLP). Approval dated 22/11/2005.

**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. The following policies are relevant to the application.

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

- 2.15 Town Centres
- 3.2 Improving health and addressing health inequality
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and Design of Housing Development
- 3.6 Play Provision - Children and young peoples play provisions
- 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 Developments
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and Social Care Facilities
- 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 developments
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.5 Funding Cross rail and other Infrastructure requirements
- 6.7 Better Streets and Surface Transport
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Buildings London Neighbourhoods and community



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 the Design of Tall and large buildings
7.8	Heritage and Archaeology
7.14	Improving Air Quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing local deficiencies
7.19	Biodiversity and access to nature
8.2	Planning Obligations

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

Strategic Objectives	SO7 – SO9	Urban Living for everyone
	SO10	Creating Healthy and Liveable Neighbourhoods
	SO14	Dealing with waste
	SO19	Making connected places
	SO21	Creating attractive and safe streets and spaces
	SO23	Creating Distinct and durable places
	SO24	Working towards a zero carbon borough
	SO25	Delivering Place making
	SP02	Urban Living for Everyone
	SP04	Biodiversity
	SP03	Creating healthy and liveable neighbourhoods
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating Distinct and Durable Places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Successful Place making

### 5.4 **Unitary Development Plan 1998 (as saved September 2007)**

DEV1	Design requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV6	Energy Efficiency
DEV8	Protection of local views
DEV12	Provision of landscaping within new developments
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
HSG7	Dwelling Mix and Type
HSG13	Housing Space Standards
T16	Traffic Priorities for New Development
T18	Pedestrians and the road network
T21	Pedestrian needs in new developments
U2	Tidal and Flood Defences
HSG17	Loss of Housing Amenity space
OS7	Loss of Open Space
SCF8	Community Buildings
SCF11	New meeting places
OS9	Children's Play Space

## 5.5 Managing Development Plan Document (Submission Version 2012)

DM3	Delivering Homes
DM4	Housing Standards and amenity
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
DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM26	Building Heights
DM29	Achieving a zero-carbon borough & addressing climate change
DM30	Contaminated Land

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

IMP1	Planning Obligations
CP34	Green Chains
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4:	Safety and security
DEV5	Sustainable Design
DEV6:	Energy efficiency and renewable energy
DEV5	Sustainable design
DEV8	Sustainable Drainage
DEV10	Disturbance from noise pollution
DEV11	Air Pollution and Air Quality
DEV15	Waste and Recyclables Storage
DEV16	Walking and cycling routes
DEV17	Walking and Cycling Routes and Facilities
DEV19	Parking for motor vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
HSG1	Determining residential density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual and Private Residential and Mixed-use Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
CP27	Community uses
OSN2	Open Space

§ Planning Standard 1: Noise

§ Planning Standard 2: Residential Waste Refuse & Recycling Provision

§ Planning Standard 3: Parking

§ Planning Standard 5: Lifetime Homes

5.7 **LBTH Planning Obligations Supplementary Planning Document (Jan 2012)**

5.8 **Government Planning Policy Guidance/Statements**

NPPF 2012 National Planning Policy Framework  
Interim London Housing Design Guide (August 2010)  
Planning Policy Statement 25 'Flood Risk'

5.9 **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

A Great Place To Be  
Healthy  
Communities  
Safe and Supportive Communities

**6. CONSULTATION RESPONSE**

**Biodiversity Officer**

6.1 No objections. The opportunity should be taken to provide green roofs.

**(Officer comment:** This is to be secured by condition)

**Corporate Access**

6.2 No objections

**Crime Prevention Officer**

6.3 No objections. Various recommendations are made as to crime prevention measures to be incorporated into the detailed design of the scheme.

**(Officer comment:** This is to be secured by condition)

**LBTH Communities Localities and Culture (CLC)**

6.4 The proposal will generate 172 new residents within the development and therefore the following financial contributions are sought to mitigate the impacts of the development

- A total contribution of £21,940 towards ideas stores, libraries and archives
- A total contribution of £65,243 is required towards leisure facilities
- A total contribution of 139,731 towards public open space
- A total contribution of £2,580 towards smarter travel
- A total contribution of £11,156 towards public realm improvements

**(Officer comment:** Due to the financial viability of the proposal, the full s106 SPD ask cannot be met, and officers have sought to prioritise the financial obligations in line with the Council's adopted s106 SPD. The details of this will be discussed further within the s106 Planning Obligations section of this report)

**Crossrail:**

6.5 No comments on the proposal as the sites are identified within the limits of land subject to consultation under the Safeguarding Direction.

**LBTH Design and Conservation**

6.6 No objections subject to conditions to secure full details of materials to be used.

**(Officer comment:**This is to be secured by condition)

### **LBTH Education**

- 6.7 Based on the Council's Planning Obligations SPD, the proposal would generate a demand for 28 additional primary school places (£14,830 per place) & 17 additional secondary school places (£22,347 per place). Accordingly, the overall financial contribution for education sought is £795,139.

**(Officer comment:** Due to viability constraints the scheme is unable to secure the full education contribution. This is discussed further within the s106 obligations section of this report)

### **ENVIRONMENTAL HEALTH**

#### **Air Quality**

- 6.8 The proposal will lead to slight negative impact on air quality during the construction and operation phase; however, this can be addressed by a condition.

**(Officer comment:** A condition will be attached requesting a construction management plan, which sets out measures to mitigate against air quality issues)

#### **Noise and Vibration**

- 6.9 Environmental Health has assessed the Noise Report. The proposal is supported in principle and the applicant has been advised to consider additional mitigation on the southern and eastern boundaries of the site such as improved glazing (in excess of RW49). As the site is subject to ground borne vibration, the applicant is also advised to undertake a post completion testing for noise and vibration for all internal habitable rooms on all floors and façade and amenity spaces.

**(Officer comment:** post completion testing, acoustic glazing and ventilation plus details relating to plant are to be secured by condition.)

#### **Micro-Climate**

- 6.10 No objections subject to mitigation.

**(Officer comment:** The details of roof canopy on the Pedley Street frontages will be addressed by condition)

#### **Contaminated Land**

- 6.11 The site and surrounding area has been the subject of industrial uses and therefore a condition is therefore recommended to ensure the developer carries out a site investigation to identify potential contamination and undertake the appropriate remediation.

**(Officer Comment:** A planning condition is attached requiring a site investigation to investigate and identify potential contamination and secure appropriate remediation)

#### **Environment Agency**

- 6.12 This site is in Flood Zone 1 and is under a hectare, the main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

**(Officer comment:** This will be addressed by way of a condition)

#### **LBTH Energy Efficiency Team**

- 6.13 The energy strategy adopted for the scheme broadly accords with the energy hierarchy aims set out in the London Plan.

**(Officer Comment:** The recommendations of the report are to be secured by condition)

#### **English Heritage**

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

**(Officer comment:** The Council's Urban Design and Conservation Team support the proposal)

### **Housing Strategy**

- 6.15 No objections. The following advice was received:

- The principle of residential use would be acceptable
- Mix of units and tenure types are acceptable
- It was agreed as part of the Royal Mint Street application that the affordable rents would be based on POD borough average rental levels in line with guidance from POD partnership, which is acceptable

### **Landscape Section**

- 6.16 No comments received

**(Officer comment:** Condition detailed landscape plans)

### **LBTH Waste Management**

- 6.17 No objections

### **LBTH Highways**

- 6.18 The principle of the proposal is supported, however,

- § The status of Pedley Street, will need to be resolved (by changing the street back to a highway)
- § Highway improvement/restoration  
Restoration of the footways on Pedley Street through a s278 -as would be usual with a scheme of this size - but the restoration of highways status following the drawn-out completion of the ELL works will not require a financial contribution by the applicant/landowner. LBTH highways will maintain Pedley St after the definitive map has been altered.
- § There is no intention to adopt the stub of Weaver St bordering the west of the site, which will continue to be private and maintained by Network Rail.

### Refuse storage & collection

Concerns are noted in respect of pedestrian amenity and safety problems with regard to the siting of URS hoppers along Weaver Street, however, following further requests for details, these concerns have been overcome.

### Cycle storage

- § 67 spaces are proposed on the Pedley St site and 17 on Fakruddin, - plus 6 spaces for visitors and the community centre. This is acceptable.

### Disabled Spaces

- § 4 spaces are acceptable located on site. A further two are located on Weaver Street. They do narrow the road somewhat, but as Weaver Street will remain in private ownership, this is on balance acceptable.

- 6.19 **Tower Hamlets Primary Care Trust**

Tower Hamlets NHS Primary Care Trust has sought a financial contribution of £106,730 to help mitigate the demand of the additional population on local existing healthcare facilities

**(Officer comment:** Due to the financial viability of the proposal, a contribution toward

healthcare has not been secured. Officers have allocated financial mitigation in accordance with the Council's adopted s106 SPD. This is discussed further under the s106 planning obligations section of report)

## 6.20 Thames Water

### Waste Comments

- § The non-return valve or other suitable device should be installed to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

### Surface Water Drainage

- § The developer is required to make proper provision for drainage to ground, watercourses or a suitable sewer.
- § It is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water.
- § Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- § There are public sewers crossing or close to your development and therefore the developer would be required to protect public sewers and existing access arrangements).
- § No impact piling to take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
- § No objections with regard to sewerage infrastructure

(**Officer comment:** the advice is to be secured by way of an informative and condition)

## 7. LOCAL REPRESENTATION

7.1 A total of 400 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site, and a press notice published.

7.2 155 letters of representations were received from neighbours and local groups in response to the public consultation process. These responses comprised of the following:

No of individual responses:	155	Objecting:	141	Supporting:	2
No of petitions received:	13 – 720 signatures				

### Representation Comments

7.3 Spitalfields City Farm raised concerns about the scheme on the following grounds:

- Over-dominant, overdevelopment and design and height fails to respect the local context
- The proposal would have a detrimental effect on the conservation area
- Lack of amenity space
- Loss of open space
- The proposed units do not meet local housing need
- The concerns reiterate local objection with regard to design

## Land Use

7.4 The site is not suitable for housing

**(Officer comment:**The surrounding area comprises a mix of uses, and the sites to the east and west of the proposed site are in residential use. Accordingly, the subject site is considered appropriate for residential use.)

7.5 The site was part of Spitalfields City Farm and it should be returned to the community

**(Officer comment:** The application site does not form part of Spitalfields Farm and this is discussed further within the 'Land Use' section of this report)

7.6 The proposal will lead to a loss of the green spaces and existing allotments

**(Officer comment:** There will be no net loss of the allotment provision and the communal amenity space will be re-provided to a much higher standard –this is discussed within the 'amenity section' of this report)

7.7 The proposal fails to meet local housing and fails to provide sufficient larger family sized units and the shared ownership units are unaffordable.

**(Officer comment:** The Council's Housing Strategy Team has considered the proposal and are satisfied that the proposal provides an adequate supply of housing that would meet residents needs and affordability)

7.8 The proposal is to be located on Publicly Accessible Open Space.

**(Officer comment:** The proposal does not result in the loss of a designated open space within an adopted plan. It is acknowledged that a discrepancy exists with regard to the site current designation within emerging policy documents and this matter is addressed in more detail within the land use section of this report)

7.9 The proposal will result in inappropriate development of residential gardens

**(Officer comment:**The development does not build on any private residential gardens)

7.10 The off-site affordable housing provision is an inferior location, away from Royal Mint Street and an inferior standard.

**(Officer comment:** The proposed housing is considered to be well sited and subject to conditions it will be of a high quality. There are no visual differences between the tenures)

## Design

7.11 The proposal will result be excessive in terms of its density.

**(Officer comment:** The proposed density has been assessed and officers do not consider that it would constitute overdevelopment of the site. One of the key thrusts of current government policy is to ensure that land is used more efficiently in providing new homes and it is considered that the proposal would achieve this aim)

7.12 The proposal is not of a high quality, well designed or sustainable. It is geared to maximising units rather than providing quality accommodation.

**(Officer comment:** The Council's Design and Conservation section has assessed the

scale and design of the proposal and consider that subject to condition regarding the facing materials, the proposal would be of high quality, and would add to the variety of architectural styles in the immediate and wider area. The proposed units meet the internal floor areas of the London Housing Design Guide, and each unit has its own private amenity space)

- 7.13 The scale and height of the proposal would be overbearing and intrusive and would have a negative visual impact on the skyline

**(Officer comment:**The Council's Urban Design and Conservation Team have assessed the proposal and consider that it provides an acceptable design response to the context)

- 7.14 The proposed quality and finishes of material will be of poor quality and this would detract from the setting of the conservation area.

**(Officer comment:** The proposed materials will be reserved by condition to ensure a high quality finish)

#### Amenity

- 7.15 The proposed height of the building will impact on daylight/sunlight

**(Officer comment:** The daylight and sunlight impacts of the proposal have been assessed and it is considered that the scheme would not result in an unduly detrimental loss of amenity for existing neighbouring occupants or future residents. This matter is discussed within the 'Amenity' section of this report)

- 7.16 The proximity of the proposal to the train lines will increase risks of noise pollution and other environmental health impacts.

**(Officer comment:**The Council's Environmental Health section have considered the proposal, and are supportive of the mitigation measures proposed in terms of noise and vibration. The proposal will be subject to condition to ensure that any potential noise impacts are mitigated)

- 7.17 The proposal fails to provide adequate external amenity space and it does not promote biodiversity.

**(Officer comment:**The application provides an acceptable amount of external amenity space for each flat. Issues relating to biodiversity are to be addressed by way of condition, securing the delivery of green/brown roofs)

- 7.18 The proposal would be exposed to rail noise.

**(Officer comments:**The Council's Environmental Health Team has considered the proposal and advised on mitigation measures to ensure acceptable levels of amenity. These are to be secured by condition)

- 7.19 Objections on grounds of privacy reduction.

**(Officer comment:** This matter is discussed under the relevant heading in the 'Amenity' section of this report. Officers so not consider that the proposal would result in an unduly detrimental loss of privacy for nearby residential properties)

- 7.20 Objections on grounds that the development would exceed carbon dioxide levels.



(**Officer comment:** This matter is addressed under the Energy and Sustainability heading of this report)

### Transport and Highway matters

- 7.21 The Parking Transfer Scheme is in place, this will put pressure on existing parking and increase congestion.

(**Officer comment:**This matter will be addressed within the 'Highways and Transport' section of this report)

### Procedure

- 7.22 The consultations for this application have not been properly carried out.

(**Officer comment:**The proposal was advertised by sending neighbour notification letters to 401 surrounding occupiers to invite responses. The proposal was also publicised by way of a site and press notice and via the planning website. Consultations have been undertaken since September 2012, and comments are received up until midday on the day of committee. It is considered that adequate notification has been given to residents and that the Council has met its obligations with regard to the publicity of this application, which is evident by the level of response received to the proposal)

- 7.23 Many of the residents have been unable to effectively make representations due to lack of engagement. This is unacceptable under the Localism Act

(**Officer comment:** In terms of engagement, officers consider that adequate consultation has taken place in respect of this proposal and this meets the Council's statutory obligations in terms of publicity of the proposal.)

- 7.24 Objections on grounds of the applicant failing to provide an Environmental Impact Study

(**Officer comment:**An Environmental Impact Screening Request was made to the Council prior to the application being submitted, and it was deemed that this application did not require an Environmental Assessment under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment )(England and Wales) Regulations 2011)

- 7.25 The consultations breach the Equality Act and Race Relations Acts, as majority of residents do not speak English and have been unable to participate in the planning process.

(**Officer comment:**Officers consider that due regard has been given to the Equality and Race Relations Act in determining the application for the reasons outlined below:

Adequate publicity has been given to the application, through neighbour notification letters, site and press notices. Additionally all details pertaining to the proposal available for inspection at the Council's planning office. The Council provides an interpretation and translation service to assist people who are unable to access information for reasons of disability or language, and this has been offered to residents who have contacted the planning department with this concern.

All comments relating to this planning application will be considered on planning grounds and with regard to the Development Plans of the Council (in this case the Council's Core Strategy (2010) and The London Plan (2011) unless material considerations indicate otherwise. Central Government Guidance is a significant material consideration and other Guidance, which has been formally adopted by the Council and the Greater London

Authority (i.e. Supplementary Guidance) are material considerations of some weight)

- 7.26 Objections on grounds that the consultation documents breach the Misrepresentation Act as it refers to the site as a brownfield site and that it is underutilised. Objector of the view that the site is not brownfield land.

**(Officer comment:** A precedent exists on the whole site for residential purposes. Part of the application site is currently used as an informal car park and is considered to be brownfield land, which is unallocated for any particular use within the adopted Unitary Development Plan (1998) and Core Strategy (2010). As such, the current designation of the site does not preclude a residential use. In view of this, officers are not of the opinion that the descriptions of the development or the site attributes are in any way misrepresented)

- 7.27 Head of Development and Leasehold Services for Gateway Housing Association support the proposal on the following grounds

- Removes the isolation of Weaver House
- The proposed development will provide an active frontage to Pedley Street
- The provision of new affordable housing in desperate need will be greatly welcomed
- We believe that this scheme will help reduce in anti-social behaviours in the area

- 7.28 The Chair of Spitalfields Housing Association has written in to support the application proposal and considers that it provides a unique opportunity to enlarge and enhance the community around Fakuiddin Street.

## 8 MATERIAL PLANNING CONSIDERATIONS

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

- § Principle of Land Use
- § Housing
- § Density
- § Design
- § Amenity
- § Sustainability and Energy
- § Transportation and Highways
- § Planning Obligations

Other

- § Localism Act
- § Equalities

### Principle of Land Use

- 8.2 The principle of residential use on the subject site is acceptable, by reason of the established character of the surrounding area, together with the fact that there are no land use designations within the Council's statutory plans.

### Principle of Housing

- 8.3 Delivering housing is a key priority both nationally and locally and this is affirmed in the National Planning Policy Framework (2012). Strategic Objectives 7, 8 and 9 of the Core Strategy (2010) and Policy 3.1 of the London Plan (2011) seek to provide 33,380 additional homes per year from all boroughs between 2010 and 2025.

- 8.4 An important mechanism for achieving the strategic housing objectives in the London Plan

is set out in Policies 3.3 and 3.4, which encourages boroughs to exceed their targets by identifying new sources of housing and intensification of housing provision through development at higher densities particularly where there are good public transport links.

8.5 Policy SP02 of the Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version 2012) set out the overall target for the borough for the period of 2010 and 2025 is overall target for delivery of 43,275 new homes, which equates to an annual Monitoring target of 2,885 dwellings. Policy DM3 in the Managing Development DPD (Submission Version 2012) sets out more detailed guidance of how development can help to deliver new homes for existing and future residents of the borough.

8.6 It is considered that the proposed units would contribute to meeting the Borough's housing targets, whilst ensuring that a sustainable development is achieved, which is supported by Policy SP02 (1c) of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012) and guidance set out in National Planning Policy Framework (2012).

#### Provision of Community use

8.7 Policy 3.16 of the London Plan (2011) seeks to provide additional and enhanced social infrastructure provision to meet the needs of the growing and diverse community uses within accessible locations.

8.8 Policy SP03 (5) of the Core Strategy (2010) and Policy DM8 in the Managing Development DPD (Submission Version 2012), and saved UDP policies SCF8 and SCF11 of the UDP emphasise that the opportunity should be taken where possible to increase the quality and access to community facilities within accessible locations.

8.9 At the eastern part of Pedley Street, the application proposes a three storey corner building comprising a community centre at ground floor level measuring approximately 273sqm. The community use will have cycle parking and a communal amenity space, and separate entrance is provided to the use from Vallance Street

8.10 Details of any proposed ventilation, means of security and the street frontage can be secured by condition. It is considered that the principle of re-providing this community floorspace will result in a larger purpose built facility of a higher standard than what previously existed. The community centre will also have external amenity space measuring 329sqm. The new proposal will result in a net uplift in community space of 221sqm, which will be available for all the residents on the Fakruddin estate and the wider community.

8.11 The re-provision of the community centre is acceptable and it would serve the wider estate and the new residents, which accords with the objectives of Policy 3.16 of the London Plan, and saved policies SCF8 and SCF11 of the UDP which seeks to enhance the provision and accessibility of community buildings and meeting places for the community.

#### Open Space Designation

8.12 Other than being safeguarded as part of the East London Line extension officers note this part of the application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP). Nevertheless, the southern part of the Pedley Street site is designated as publicly accessible open space on the Proposals Maps of the Managing Development DPD (submission version 2012) and the Interim Planning Guidance Proposals Map (2007). These documents are not adopted.

8.13 Network Rail Infrastructure Limited has confirmed that the site was always operational land, and that prior to the depot use, an agricultural tenancy was granted for use of the site as part of City Farm. In 1997, an Order was granted for the extension of the East London Line and following the completion of a Compulsory Purchase Order for this purpose,

8.14 Transport for London (TFL) terminated the tenancy to the farm, and following planning

approval under PA/05/01552, City Farm was relocated permanently to the southern side of the viaduct. The concerns expressed that the application proposal is cited on City Farm land are therefore incorrect.

- 8.15 The Managing Development DPD Proposals Map is based on the open space configuration prior to the development of the East London Line extension. This is evident by the fact that the small strip designated as 'publicly accessible open space' along the southern edge of the site follows the line of the previous agricultural tenancy which had been granted to Spitalfields Farm prior to the extension of the East London Line through the site. The East London Line severs the application site from the City Farm, meaning there is no logical relationship between the two sites. The subject site is in private ownership with no public access, and is not suitable for the provision of public open space.
- 8.16 It should be noted that the following completion of the East London Line extension, it is understood that TfL are obliged to transfer a compensatory parcel of land to the Council for use as public open space. This land is effectively an extension of Allen Gardens and is already being used as public open space and being maintained by the Council. However, the legal transfer of the land to the Council has not yet taken place due to on-going negotiations with TfL regarding the provision of a ball games court. It should be noted that this land is not designated as publicly accessible open space on the Managing Development DPD Proposals Map.
- 8.17 The Managing Development DPD (submission version 2012) and Interim Planning Guidance (2007) are not formally adopted. The UDP and Core Strategy are adopted, and these two documents do not show the Pedley Street site as being designated for public open space. Accordingly, procedurally the proposal does not represent a departure from the Council's Development Plan.
- 8.18 Nevertheless, the fact remains that as drafted, the subject site is shown in the Managing Development DPD (submission version 2012) as publicly accessible open space, and thus must be considered in the assessment of the proposal. The scheme itself delivers new affordable housing, playspace, amenity space and a new community centre. Officers have considered the drafting of the Managing Development DPD (submission version 2012), and on balance, the regeneration benefits of the proposal are considered to outweigh the theoretical loss of publicly accessible open space.

#### Existing Car Park

- 8.19 In respect of the existing car park use, it is noted that this does not benefit from planning permission and the site is a former goods storage depot for network rail. This site was a former operational depot, which incorporates a three metre strip which is to be maintained for operation access to the retaining wall, and this area cannot be built on and remains open. The car park use has also been the subject of enforcement investigations through which it was established that the use is to terminate shortly. On this basis, The Council's Enforcement Team has not considered it expedient to take enforcement action.
- 8.20 There are no objections in land use terms to the loss of either the unauthorised use as a carpark, or goods storage depot.

### **Housing**

#### Affordable Housing

- 8.21 The London Plan (2011) Policies 3.9 – 3.13 sets out guidance on the delivery of new affordable housing. Policy 3.9 promotes mixed and balanced communities and requires that new developments should encourage a good mix of housing tenures thereby reducing social deprivation. Policy 3.10 of The London Plan (2011) defines affordable housing as social rented, affordable rented and intermediate housing including shared

ownership/equity and intermediate rental products etc.

- 8.22 The London Plan (2011) Policy 3.12 promotes the negotiation of affordable housing on residential and mixed use developments and in particular explains how boroughs should seek to secure the maximum reasonable provision of affordable housing on qualifying sites subject to financial viability, the availability of funding and other site specific and local circumstances and priorities. Boroughs should evaluate financial appraisals submitted alongside planning applications rigorously
- 8.23 Policy SP02 of the Council's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.24 Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on what acceptable Affordable Rent levels are likely to be for the Borough as a whole. This has been informed by research undertaken for the Council by POD (2011) which takes into account local socio - economic circumstances. In practice, rental levels on each individual scheme will be need to be agreed with Council to reflect the particular local housing market of that area
- 8.25 The application proposal is for 63(100%) affordable housing scheme comprising 41 units for affordable rent and 22 units for intermediate. The main Pedley Street site at the junction of Pedley Street and Weaver Street would provide 53 housing units and the land east of Pedley Street would provide 10 housing units.
- 8.26 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.
- 8.27 Affordable rented housing is defined as:  
Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
- 8.28 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.

8.29

		<b>Affordable Housing Schedule</b>					
		<b>Affordable Rent</b>			<b>Intermediate</b>		
<b>Unit size</b>	<b>Total units</b>	<b>units</b>	<b>%</b>	<b>LBTH target %</b>	<b>units</b>	<b>%</b>	<b>LBTH target %</b>
1 bed	14(22%)	8	20 %	30%	6	27%	25%
2 bed	28(44%)	14	34 %	25%	14	63%	50%
3 bed flat	4(6%)	2	46 %	45%	2	10%	25%

3 bed houses	8 (13%)	8	%		0		
4 bed house	9(14%)	9			0		
<b>TOTAL</b>	<b>63</b>	<b>41</b>	<b>100</b>	<b>100</b>	<b>22</b>	<b>100</b>	

Dwelling Mix

- 8.30 Policy 3.8 of the London Plan (2011) seeks to ensure that new residential proposals incorporate housing choice. This is supported in the Mayors Supplementary Planning Guidance, which seeks to secure family accommodation within all residential schemes, specifically within the rented sector.
- 8.31 Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in Policy SP02 of the Core Strategy and Policy DM3 in the Managing Development DPD (submission version 2012) which requires 30% of developments to be 3 bedroom units or larger, but within the rented sector 45% should be for families.
- 8.32 The application proposes 21 family units (which equates to 33%) across the whole development. 46% of the affordable rented units are to be family sized whilst 10% of the intermediate units are to be family sized against the identified need of 25% required by the borough.
- 8.33 The level of family sized accommodation across the development would exceed the borough's requirements. However, the family provision within the intermediate mix would not be policy compliant. Notwithstanding this, the scheme on balance would still be acceptable given that it is for the delivery of 100% affordable housing within a constrained urban site. The borough's housing need relative to supply is greatest for family sized affordable rented housing and this has been maximised within the development.

Affordable Rent / Intermediate Tenures

- 8.34 London Plan Policy 3.11 states that within housing targets, typically 60% of affordable units should be available for rent to people on low incomes who cannot afford general market housing, and 40% should be for intermediate housing for people on moderate incomes to buy or rent below market value (Shared Ownership).
- 8.35 Core Strategy Policy SP02 outlines that based on the borough's housing need the tenure split should be 70:30 in favour of affordable rented units. However, the Council makes clear that this is a policy aspiration and a guideline figure.
- 8.36 The application proposal seeks to provide 72% affordable rent units and 28% shared ownership. The proposed ratio between shared and affordable rented units would be acceptable and meets the Council's local housing requirement. The Council's Housing Team are satisfied with the tenure split proposed and have raised no objections.
- 8.37 The proposed rent levels have been agreed with the Council's Housing Strategy Team as part of the Royal Mint Street scheme. The rent levels will be based on the POD borough average rental levels in line with guidance from the POD partnership. The current POD borough average rents for the current financial year are:
- 8.38       § 1 Bed £192.26  
              § 2 Bed £213.58  
              § 3 Bed £240.35  
              § 4 Bed £270.65

- 8.39 The Council's Housing Strategy Team have assessed the proposal and are satisfied that it best reflects local housing need in its existing form and that that rental levels will be affordable for borough residents.
- 8.40 Representations were received in respect of the proposal not providing sufficient family or traditional affordable units. Officers within the Council's Housing Strategy Team are satisfied that a reasonable mix of units in terms of size and affordability has been provided and an acceptable level of family housing has been provided. Additionally, the intermediate units provide an opportunity of affordable home ownership.
- 8.41 On balance, it is considered that the proposal would contribute toward the delivery of mixed and balanced communities, meeting the overarching aims of Policy 3.8 of the London Plan (2011), saved Unitary Development Plan (1998) Policy HSG7 and Policy SP02 of the Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012).

#### Wheelchair Housing and Lifetime Homes Standards

- 8.42 Saved Policies DEV1 of the Tower Hamlets Unitary Development Plan (1998) and policy 3.8 of the London Plan (2011) seeks to ensure that all new housing is built to Lifetime Homes standard. Policy 7.2 of the London Plan (2011) requires all future development to meet the highest standards of accessibility and inclusion.
- 8.43 The scheme will deliver 6 wheelchair accessible units (2x4beds and 4x3beds) at ground floor level for affordable rent. This meets the Council's 10% target requirement. Each of the six units will have a designated parking space and the two storey duplex incorporates a through floor lift, which is acceptable
- 8.44 Overall, the scheme would provide a fully accessible building and all units will be designed to meet 100% Lifetime Homes standards and 10% of the units will be wheelchair accessible, which meets the policy objectives above. Compliance with this requirement can be secured by way of a condition.

#### Housing Quality and Amenity Space Provision

- 8.45 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment. Part C of the Policy states that new dwellings should generally conform to the dwelling space standards set out in Table 3.3 have adequate sized rooms and efficient layouts. The Mayor's London Housing Design Guide (Interim Edition, August 2010) provides further guidance on the implementation of these policies.
- 8.46 Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development DPD (submission version 2012) reiterate the same policies.
- 8.47 The units proposed would all exceed the minimum internal floor space standards required by the above planning policies. As such, the quality of the units proposed would accord with policy 3.5 of the London Plan (2011) and Policy DM4 in the Managing Development DPD (Submission Version May 2012) and the Interim Housing Guide (August 2010) and a significant proportion of units would be double aspect.

#### Density

- 8.48 The site has a Public Transport Accessibility Level of 4 and its immediate setting is considered 'urban' in character. The application site measures approximately 0.55 hectares. The London Plan density matrix therefore suggests a residential density of between 200-700 habitable rooms per hectare.

- 8.49 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. What is more significant is how the densities translate in terms of the built form and layout of a new proposal and in terms the impacts on adjoining developments surrounding the site. Typically an overdeveloped site would experience significant shortfalls in one or more of the following areas:
- Access to sunlight and daylight
  - Sub-standard dwelling units
  - Increased sense of enclosure
  - Loss of outlook
  - Increased traffic generation
  - Detrimental impacts on local social and physical infrastructure
  - Visual amenity
  - Lack of open space; or
  - Poor housing mix
- 8.50 The proposal will result in 181 habitable rooms on the Pedley Street (West) resulting in a density of 453 habitable rooms per hectare. The Fakruddin Street site (East) will result in approximately 45 habitable rooms and a resulting density of 281 Habitable Rooms Per hectare.
- 8.51 The proposal is for 734 habitable rooms per hectare, which falls outside the minimum density range outlined in table 3.2 of the London Plan (2011). Nevertheless density on site is considered acceptable as the proposal is not considered to give rise to the typical symptoms of over-development, as discussed further within this report. The proposal therefore accords with the objectives of London Plan policies 3.4 of the London Plan, which seeks to encourage initiatives to optimise housing densities and housing supply where appropriate.
- 8.52 Concerns were raised by residents that the proposal will result in the overdevelopment of the application site. Officers accept that the current density of the immediate adjoining development with Fakruddin Estate would be lower than the proposal. However, one of the thrusts of current government policy is to use land more efficiently to provide new homes. On this basis, it is considered that the resulting density, form and layout of the existing development should not in any way dictate the density of the new development. The application proposal does not seek to replicate the existing density, which is acceptable to officers. The proposal itself does not exceed the suggested minimum densities set out in the density matrix in the London Plan and as a result it is not considered that any overdevelopment of the site will result.
- 8.53 As such, it is considered that the proposal would make efficient use of the site and optimise its potential whilst ensuring that a sustainable development is achieved. The proposal would add to the borough's housing stock, and therefore it will go some way to address the significant deficiencies within the locality in respect of affordable housing. This accords with the principles of Policy SP02 of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012) as well as guidance set out in National Planning Policy Framework (2012).

### **Design**

- 8.54 Paragraph 56 of the National Planning Policy Framework 2012 (Part 7, requiring good design) illustrates the importance of good design in the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 63 of the NPPF further highlights the consideration to be given to outstanding or innovative designs which help raise the standard of the built environment.



- 8.55 London Plan policies 7.4, 7.6 and 7.9, Policy SP10 of the Core Strategy seeks to ensure buildings are of a high quality design. Policies DM24 and DM26 in the Managing Development DPD (Submission Version 2012) calls for place-sensitive design and requires new developments (specifically where this includes taller buildings) to respond positively to their context and address various criteria. This is reiterated in saved Policy DEV1 of the UDP and CON2 of the Interim Planning Guidance (2007), which encourage new developments to contribute to a positive relationship between the urban landscape and historic environment

Scale, design and appearance

- 8.56 The area surrounding the application site comprises a mixture of uses and buildings, which are varied in terms of architectural styles and heights. The immediate site context includes the railway lines to the north and south of the site. The residential houses to the south of the site within Fakruddin estate are two storeys high and Weavers House to the west of the site is four storeys in height. The east of the site has a predominantly industrial appearance and within the backdrop of the site are a number of comparably taller buildings. Although the immediate site context comprises relatively low rise buildings, it is considered that the surrounding built form provides no clear townscape character to which new development could easily relate.
- 8.57 The proposal is to be split into two parcels, with the main frontage along Pedley Street. The proposal features five interlinked blocks of varying heights between 3 and 7 storeys and the buildings will be located along the Pedley and Weaver Street boundaries with an internal courtyard towards the rear. The taller residential blocks will be situated on Pedley Street along its east to west axis. A three storey residential block is proposed to the southern end of the main Pedley Street site adjacent to a new child play space. Further south of the site are the proposed allotments.
- 8.58 The application proposes a two storey residential block on the Fakruddin Street site, on the corner of Pedley Street and Vallance Road, which will be arranged in an inverted L shape format incorporating a three-storey element at the junction of Vallance Road with Pedley Street.
- 8.59 The ground floor of the three storey building will include the new community use (Class D1) measuring 273 sq. metres with two floors of residential (Class C3) above. Along Pedley Street, close to the junction with Vallance Road, two storey houses are proposed adjoining child play space. The rationale of introducing the community use at ground floor level is supported, as this would make a positive contribution to street activity at this level. The increased glazing at street level is also strongly supported, and represents a considerable improvement when compared to the existing street condition.
- 8.60 The proposed buildings will be of a contemporary design and this will be articulated through the use of materials which combine predominantly brick facades with metal cladding to create visual interest and reduce the bulk and massing of the blocks. The use of brick lends the development some visual integration with the adjoining residential development.
- 8.61 The application scheme has evolved following pre-application discussions with both design and development management officers. The applicant has taken on board the Council's design officer's advice in terms of the design, bulk, and massing, street frontage and elevation treatment of the buildings. Additionally, revisions were sought during the application process to improve the transition between the three-storey corner building and the two storey houses within the Fakruddin estate. The revisions also seek to improve the architectural treatment of the corner building.

- 8.62 The proposed siting and scale of the proposed buildings are considered acceptable from a design perspective. The proposed elevations are simple and straight forward and together with the palette of materials proposed, it is considered that a high quality design will be achieved. The proposal including materials have been the subject of pre-application negotiations and it is considered that the elevation treatment responds well to the street context and the use of brick high quality glazing would contribute positively to the conservation area setting.
- 8.63 Objections were received expressing that the proposal will be of a poor quality design and finish. Officers considered on the contrary that the design would be high quality and the architectural approach adopted would be sympathetic to the site context. Full details of the materials including finishes within the proposal will be secured by condition to ensure a high quality finish, which is acceptable.
- 8.64 Concerns were expressed by objectors regarding the scale, mass and overall form of the proposal being out of context with the immediate adjoining buildings. Officers consider that the context of the site is varied and as such, this provides scope for the new proposal to add to the variety of architecture in the immediate and wider area. It is accepted that the proposal would be taller than the adjoining buildings, notwithstanding this, it would be sensitively designed to respect the site context, which includes the residential block at Weavers House.
- 8.65 Representations were received in respect of the design approach adopted. The Council's Design and Conservation officer has assessed the proposal and consider the siting, scale and massing of the proposal and the continuous frontage to the west of the site represents a successful approach from a design perspective which integrates well with the surrounding built context. The site layout is focused on blocks which front onto the street and focused around internal communal spaces, which are designed to maximise safety and security for future residents.
- 8.66 Furthermore, whilst a different design approach could have been adopted, the scheme submitted has to be determined on it is its design merits, and any material changes in circumstances or policy. In this regard, the Council's Design and Conservation officers support the design response and considered that the layout, massing and design to be appropriate to the conservation area context.
- 8.67 In conclusion, the design, scale and bulk of the proposal would be acceptable and in accordance with saved policies DEV1, DEV2 and DEV3 of the UDP (1998), policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy (2010), and policies DM23 and DM34 of the MD DPD (Submission Version 2012). Details relating to the materials and finishes are to be met by condition.
- 8.68 Policy DEV4 of the Core Strategy advises that crime prevention should be integral to the initial design process of a scheme.
- 8.69 The application has also been referred to LBTH Crime Prevention Design adviser who has had discussions with the applicant during pre-application meetings with regard to the scheme. The scheme is supported in principle and considered an efficient use of the site. A planning condition requiring the proposal to meet 'Secure by Design' standards is to be conditioned alongside details of landscaping and the treatment of all areas not covered by building and external lighting proposals should be reserved by condition.

### **Amenity**

- 8.70 Policy 7.6 of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

8.71 Policy SP10(4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD (submission version 2012), policy DEV2 and DEV50 of the UDP (1998) and Policy DEV10 of the Interim Planning Guidance (2007). These policies seek to ensure that development protects and where possible enhances the amenity of existing and future residents which includes visual privacy and overlooking; overshadowing and outlook; noise and vibration levels; odour, fumes and dust and microclimate.

#### Daylight

8.72 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) assessment where internal room layouts are known or can reasonably be assumed.

8.73 The target figure for VSC recommended by the BRE is 27%, which is considered a good level of daylight recommended for habitable rooms with windows on principal elevations. This assessment has determined that the VSC can be reduced by about 20% of its original value before the loss is noticeable.

8.74 If a proposal fails to meet the vertical sky component assessment, and the NSL assessment, then the average daylight factor can be considered, although this method is more applicable to new build developments. This is considered more of a rigorous assessment than the vertical sky component method. It measures the natural internal light of a room, using a number of variables including the size of the window, glazing and room sizes and any surface reflection within a room and is therefore considered to be a more representative measure of the adequacy of light.

8.75 BRE guidelines recommend that kitchens and living rooms receive more daylight than bedrooms and therefore a graded approach is taken. In this case, the guidelines identify satisfactory levels for interior day lighting as follows:

- 2% for family kitchens
- 1.5% for living rooms
- 1% for bedrooms

Should the average daylight factor fall below these guides then the details of the building, its design as well as the site and context, must be taken into account.

8.76 A further assessment (the annual probable sunlight hours) seeks to measure the sunlight that is received by a window. The APSH method is only relevant for those windows that within 90 degrees of due north. 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.

8.77 The no sky component, examines the amount of sky that is available. This is the least scientific of the three assessments. As a guide it is assumed that if the proposal causes a reduction greater than 20% in the amount of sky visible within an existing room, the loss of light is likely to be noticeable.

8.78 A daylight and sunlight report was submitted with the application to assess its impact upon neighbouring properties, as well as daylight/sunlight conditions for the proposed units within the development. The assessment undertaken includes the east facing windows on Weaver House, 13-21(odd) and 25-32(Inc.) Fakruddin Street. The tests were undertaken in accordance with the British Research Establishment (BRE) Guidelines: 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2011).

### Weavers House

- 8.79 In respect of the impact of the proposal on Weavers House, the report submitted tested the east facing windows on the ground, first, second and third floors of the residential block. The report shows that two of the four windows would retain above 70% of their current lighting (71% & 79%) whilst the two windows at ground and first floor levels would retain approximately 59% (ground floor) and 64% (first floor) of their original lighting levels.
- 8.80 In the case of existing lighting levels to east facing habitable rooms at the lower ground floor of Weavers House, it is considered that the affected ground floor window has relatively good lighting levels at present, however, it is noted that the natural lighting is lower when compared to the upper windows by virtue of its location behind a high brick wall with railings. Therefore in such instances, any minor variations in lighting levels will have more of a disproportionate effect taking account of the current lack of existing obstructions to the development.
- 8.81 Although, the windows serving habitable rooms on the east facing will experience some light loss when the proposal is in place, on balance, officers still consider that the loss would not be so significant as to warrant a refusal of this proposal given its overall merits and the urban context of the surrounding area.

### 13 – 21 Fakuiddin Street.

- 8.82 This comprises of the two storey residential terrace along No.'s 13-21 Fakuiddin Street. The submitted daylight/sunlight report tests a total of 34 windows at the rear of the properties (two windows per floor and only the first floor windows of No.21). Again these windows were taken as a worst case scenario.
- 8.83 The tests shows that 19 of the windows tested (which equates to 55% of the total windows tested) would retain above 70% of their original lighting levels. Of the windows that fail, it is noted that three of the houses (18C, 18D and 19C) have rear extensions and this obstruction in part explains the low natural lighting to properties. The remaining properties would receive above 60% and 69% of their former lighting levels.
- 8.84 Taking the overall assessment of the impact on existing properties into account, it is that some of the windows relating to the houses will encounter a loss of light, however, it is considered that natural lighting to properties overall would still be acceptable given the urban context of the site, and the fact that all of the houses are double aspect units. Given the site constraints and the urban context, it is considered that on balance, the level of daylight reduction would not be a significant cause for concern as the dwellings all benefit from being dual aspect.

### 25 – 32 Fakuiddin Street.

- 8.85 The rear parts of these properties face the smaller part of the proposal at the junction of Vallance Road and Pedley Street. Within the two storey houses to the south of the site, a total of 36 windows were analysed and of this, the VSC daylight assessment concludes that 30 of the windows tested would retain above 80% of their formal value.
- 8.86 The six windows which experience figures below the 80% do so by between 3% and 9%. All of the affected windows are located at ground floor of two storey terraced properties. Accordingly, the houses are dual aspect, and experience good levels of daylighting on their southern ground floor façade and both southern and northern first floor facades. Officers therefore do not consider that the proposal will result in an unduly detrimental loss of daylight for these properties.
- 8.87 The report concludes that there are no affected windows which face within 90 degrees of

due south of the site and therefore sunlight levels were not a consideration. This is largely because the site does not have existing residential units sitting to the north of it.

#### Proposed properties

- 8.88 Within the new development a sample of windows were tested for daylight loss using the Average Daylight method. A total of eighteen windows were tested from five properties and these were taken as representing the worst case scenario within the eastern and western parts of the site (windows at unit 2, 5, 6, 57 and 58) were assessed.
- 8.89 Of the eighteen windows tested, fifteen met the recommendations for average daylight factor whilst three windows failed the guidelines. The failures are considered to be acceptable on balance, as the average daylight conditions within the affected units fell short of the guidance by minor margins (Units 2 and 6 have Average Daylight Factors of 1.9% against a target of 2%, whilst Unit 58 would have an Average Daylight factor of 1.5% against a target of 2%).
- 8.90 Taking the overall assessment of the impact on the proposed properties into account, it is considered that whilst three out of eighteen rooms would slightly fall short of the ADF guidance, this is not to a level which would result in poor levels of daylighting for future occupants.
- 8.91 Objections were received about the loss of light from the scheme. Although the report submitted confirms some of the flats will experience noticeable reduction natural lighting, it should be noted that the BRE guidelines are not tests in themselves or rigid set of rules but a guide that "should be interpreted flexibly particularly given that natural light is only one of many factors affecting site layout design". Additionally, most of the units affected would benefit from being dual aspect, with other facades receiving acceptable levels of lighting.
- 8.92 The proposal would provide a relatively intensive form of development with significant site coverage and the taller elements of the blocks will be at the junction of Weaver Street/Pedley Street. Whilst officers acknowledge that the proposal will cause some impacts in terms of reducing daylighting to adjoining buildings, it is not lighting impact on the adjoining developments cause some impact in terms of daylighting weaver ;particofficers are satisfied given the urban context that the new proposal would not result in an unduly detrimental loss of amenity for existing neighbouring occupants or future residents. On balance, the proposal is therefore acceptable and complies with UDP policy DEV2, Core Strategy Policy SP10 and DM25 of the MD DPD (Submission Version May 2012).

#### Privacy

- 8.93 Saved UDP Policy DEV 2 and policy DM25 of the MD DPD (Submission Version 2012) requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policies state that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.94 The proposed development achieves a separation distance of approximately 15 metres between the proposal and the immediate adjoining development at Weaver House. Within the southern boundary of the site, some overlooking may occur, as rear gardens to the proposal will have a separating distance from No.'s 13-21 Fakruddin estate between 6-12 metres, however, much of the overlooking will be minimised by the position of balconies fronting Pedley Street and boundary walls will reduce the intervisibility between units.
- 8.95 Local residents have raised concerns about the impact of overlooking and loss of privacy. It is considered that the relationship of the proposal to surrounding buildings would not be unduly detrimental to amenity of occupants given the urban nature of the site and site

constraints. The frontage to frontage arrangement proposed is not atypical within an urban context.

#### Sense of enclosure

- 8.96 The above policies require that there is no unreasonable increase in the sense of enclosure, which is something, which cannot easily be measured. The site is an urban site with constraints and it is considered that the relationship of the proposal to surrounding buildings would on balance be acceptable. Although the ideal separation distance of 18 metres is not achieved on all parts of the site, it is considered by officers that this would not result in an unreasonable sense of enclosure between the proposal and surrounding buildings.

#### Noise and Vibration

- 8.97 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP (1998), policy SP10 of the Core Strategy (2010) and policy DM25 of the MD DPD (submission version 2012) seek to ensure that new development proposals do not unacceptably impact on adjoining residents by virtue of noise nuisance or disturbance.
- 8.98 A Noise Assessment Report was submitted with the application and this was assessed by the Council's Environmental Health Team, who advised for a series of mitigation measures to be carried out to mitigate the impact of noise and vibration for the new dwellings.
- 8.99 Local residents expressed concerns about the impact of construction noise on their amenity. It is considered that the impact of construction works would be for a temporary duration only to ensure compliance with this policy; conditions would be placed on any permission restricting construction works to standard hours.

#### Microclimate

- 8.100 A Wind Microclimate Desk Study supports the planning application. The study identifies the likely wind speed conditions around the development including the general suitability for the expected pedestrian.
- 8.101 The report concludes that most of the site would be suitable for its intended purpose, although the report highlights that the western part of the site may have adverse wind impacts. The report concludes that doorways along Pedley Street would have some adverse impacts and mitigation is advised to address this in the form of canopies over doorways. Officers accept the findings of this report and the requirement for canopies on entrance doors fronting Pedley Street is to be conditioned.

#### Air Quality

- 8.102 Policy DEV11 of the Interim Planning Guidelines requires the potential impact of a development on air quality to be considered with Interim Planning Guidance. Policy DEV12 also requires that air and dust management is considered during demolition and construction work.
- 8.103 It is likely that the proposal could have some adverse impacts in terms of the generation of dust emissions during the demolition and construction phases. It is considered that this matter can be controlled via an appropriate condition.

#### TV and Radio reception

- 8.104 Policy DM26 of the Managing Development DPD (Submission version 2012) requires proposed tall buildings not to interfere, to an unacceptable degree, with

telecommunication, television and radio transmission networks.

- 8.105 The planning application is supported by a report, which assesses the potential impacts to terrestrial and satellite television and radio reception associated with the proposed development. This concludes that there will be no significant risks to radio reception (both analogue and digital), mobile telephone signals or emergency services communications. It is predicated that there may be long term adverse effects to the receptions of terrestrial TV services for up to 21 existing installations without mitigation. Officers accept the findings of this report, and it is recommended that details of mitigation be secured within the legal agreement.

#### Contaminated Land

- 8.106 The submitted Desk Study and Ground Investigation Report indicate that there is historic evidence of contamination within the immediate vicinity of the site and it has been demonstrated that it will be possible to carry out remedial measures to reduce risk from the contamination, to ensure that the site is suitable for the proposal. The report has been reviewed by the Council's Environmental Health Team, who has raised no objection to the proposed development, subject to a number of conditions seeking information regarding contamination assessments and appropriate mitigation.
- 8.107 The conditions are recommended in full and as such the proposal would accord with policy DEV51 of the Adopted UDP (1998), policy DM30 of the Managing Development DPD (Submission Version, 2012), and Policy DEV22 of the Interim Planning Guidance (2007) which states that developments on land that may be contaminated must contain a site investigation.

#### Flood Risk

- 8.108 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (Para 100). Policy 5.12 of the London Plan (2011), Saved policy U2 of the Tower Hamlets Unitary Development Plan (1998) and Policy DEV21 of the Interim Planning Guidance (2007) seek to reduce the susceptibility of new developments to the incidence of flood risks.
- 8.109 The site is situated in Flood Zone 1 and is less than 1 hectare and as such, the main flood risk issue would relate to managing surface water run-off. Environment Agency reviewed the Flood Risk Assessments submitted, and raised no objections
- 8.110 In conclusion, there are no significant flood risk and associated issues that would be created by way of the proposed development. Planning conditions are recommended in relation to surface water run-off and drainage that would mitigate the effects of the development.

#### Private Amenity Space

- 8.111 Saved UDP policy HSG16 requires that new development should make adequate provision for amenity space and MD DPD policy DM4 sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan Policy 3.6 on the provision of child play space is also relevant.
- 8.112 Private amenity space is expected to be provided at a rate of 5sqm for 1-bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within Policy DM4 of the Managing Development DPD (Submission Version 2012).
- 8.113 The application proposes private amenity space for each of the units in the form of ground

floor gardens or balconies to flats. A total of 960m<sup>2</sup> of private amenity space will be provided across the new proposal. The external amenity space for each of the units would also comply with the policy requirements for the delivery of adequate private amenity spaces.

#### Child play space

- 8.114 Policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy OS9 of the Unitary Development Plan (1998) and policy HSG7 of the Interim Planning Guidance (2007) require the provision of appropriate child play space within residential developments.
- 8.115 Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 square metres of useable child play space per child).
- 8.116 The proposal will have a total child yield of 67 children and therefore the total play area for the development should be 673m<sup>2</sup>. The proposal will have a total expected child occupancy generated by the proposal will be 67 children and of this 25 children will be under 5 years old.
- 8.117 The guidance sets a benchmark of 10 sq.m of useable child play space to be provided per child and this means that the child play space provision on site for under 5's should ideally be approximately 250 sq. metres. The scheme seeks to provide two dedicated areas for child play space totalling 497m<sup>2</sup> in the southern and northern part of the site. Whilst the overall play space provision would fall below policy requirements, it is considered that adequate child play facilities will be more than maximised for the under 5's age group. Additionally, the new units will all have external amenity space for recreational purposes
- 8.118 It should be noted that there are existing play facilities nearby for children aged 5-10 and 11-15 age groups are located nearby in Weavers Field and in Allen Gardens, both which are within walking distance from the site.

#### Communal amenity space

- 8.119 Policy DM4 in the Managing Development DPD (submission version 2012) requires that all new developments in excess of ten residential units should provide 50 square metres for the first ten units and a further 1 sq. for each additional unit. This results in the requirement of 103sqm for the new development.

#### *- Fakruddin Estate Site*

- 8.120 An existing grassed area on the corner of Pedley Street and Vallance Road forms part of the shared communal estate for Fakruddin Estate, measuring approximately 1460sq metres. This space is poorly kept, and currently has two unauthorised portacabins (measuring 52sqm), which are used as a community centre for the Fakruddin Estate residents. To the centre of the site, there are existing allotment strips, and to the south is a grassed strip of land. Combined these areas equate to approximately 2840sqm.
- 8.121 For the existing Fakruddin Estate site, the proposal results in the loss of approximately 2113sqm of communal space. However, the redevelopment will see an improved and extended community centre, replacing the two temporary portacabins measuring 52sqm with a purpose-built facility with a floor area of 273sqm. Additionally, allotment space at the western boundary of the Fakruddin Estate will be re-provided formally.
- 8.122 A new dedicated allotment space will be provided towards the southern part of the site



measuring 335 sq. metres, together with a further 180 sq. metres of allotment space to be reprovided at the rear of 13 – 21 Fakruddin Street. New child play facilities are proposed in the northern part of Fakruddin site (212 sq. metres) and the new community centre will provide a further 374 sq. metres.

*- Pedley Street site*

- 8.123 On the Pedley Street site further play and communal amenity space is proposed, with a further 729sqm of communal space proposed in the form of a dedicated play area, and communal shared spaces in the centre of the site.

*-Communal Space overall*

- 8.124 In conclusion, the proposal overall (including the main Pedley Street site and the Fakruddin Estate site) will result in a net loss of communal amenity space of approximately 1384sqm (excluding the 329sqm space associated with the new community centre). This needs to be carefully balanced against the overall objectives of the proposal, which seek to make more efficient use of the site for much needed affordable housing, an enlarged and improved community centre and improved quality of communal and amenity space across the site. On balance, officers consider that the benefits of the proposal outweigh the loss of this space.

Public Open Space

- 8.125 The proposal is expected to have a population yield of approximately 172 people, which results in the requirement for 2064sqm of public open space (at a rate of 12sqm per resident). No public open space is proposed on the subject site. The Council's CLC section sought a financial contribution of £139,429 to mitigate against this impact, however due to viability constraints the scheme is not able to secure this contribution.

- 8.126 There are public open spaces in the nearby locality such as Weavers Field. It is noted that Weaver Street is a private road whilst Pedley Street is currently unadopted, and therefore there will be an opportunity to secure public realm improvements within the vicinity of the site when the road is re-adopted. This will be dealt with via a s278 agreements.

Refuse

- 8.127 Policy 5.17 of the London Plan (2011), Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy (2010), Policies DEV55 and DEV56 of the UDP (1998) relate to the provision of appropriate refuse facilities for new developments.

- 8.128 The scheme incorporates two Underground Waste System (URS) which will be located adjacent to the plant room at the junction of Pedley Street and towards the eastern corner of the main housing block.

- 8.129 The Council's Waste Management Team have stated in their observations that the *"Proposed URS system is acceptable as described in the design statement considering the fact that the vehicle access and turning is addressed and the refuse vehicle stopping for collection is through the non-adopted road"*. It is considered that the highway related concerns can be resolved by way of condition and therefore the scheme would accord with the above policies.

Biodiversity

- 8.130 London Plan (2011) policy 7.19 states, "Development Proposals should where ever possible make a positive contribution to the protection, enhancement and, creation and a management of biodiversity". Policy 5.10 in the London Plan relating to Urban Greening and Policy 7.21 regarding trees.

- 8.131 Policy SP04 (3) of the Council's Core Strategy (2010) states that it will expect the opportunity to be taken to enhance and attract biodiversity.
- 8.132 The Council's Biodiversity officer was consulted on the proposal and considers that the biodiversity opportunities for this site are limited. However, the applicant has been encouraged to provide brown roofs to enhance the biodiversity value of the development. This can be secured by way of a condition.

### **Sustainability and Energy**

- 8.133 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation Of energy efficient design and renewable energy technologies.
- 8.134 The NPPF advises that when determining planning applications, local planning authorities should expect new development to:
- § comply with adopted Local Plan policies on local requirements for decentralised energy
  - § supply unless it can be demonstrated by the applicant, having regard to the type of
  - § development involved and its design, that this is not feasible or viable; and
  - § take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 8.135 The London Plan seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent (below 1990 levels) by 2025. Policies 5.1-5.7 make specific provisions for new development to help achieve this goal through a range of measures including the use of:
- decentralised energy networks and systems (such as CHP) ;
  - Minimising carbon dioxide emissions by using the energy hierarchy (1 Be lean: use less energy; 2 Be clean: supply energy efficiently; 3 Be green: use renewable energy);
  - Utilising sustainable design and construction methods;
  - Utilising renewable energy (There is a presumption that all major development proposals will seek to reduce carbon dioxide emissions by at least 20 per cent through the use of on-site renewable energy generation wherever feasible.)
- 8.136 Policy DM29 in the Managing Development DPD (Submissions Version 2012) includes a target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 Target Emissions Rate (TER) and to achieve Code for Sustainable Homes (CSH) Level 4 (for residential) and BREEAM Very Good (for the commercial uses). Policies DEV5 and DEV6 in the Interim Planning Guidance (2007) and Policy SP11 of the Core Strategy (2010) requires all new developments to provide 20% reduction in carbon dioxide emissions through on site renewable energy generation where appropriate.
- 8.137 The applicant has submitted an Energy Strategy Report and a Code for Sustainable Homes, Pre-assessment Estimator Report. The Energy report investigates options available for provision of renewable energy technologies on site and outlines those that are most appropriate, feasible and affordable. The options examined include:
- Be Lean: - High performance building fabric with insulation levels and air tightness exceeding the requirements of Part L.
    - § High performance glazing to optimise the balance between limiting solar gains and maximising daylight.
    - § High efficiency heat recovery ventilation units
    - § EC motors on all fans to reduce specific fan power.
    - § Inverter drives on all pump motors
    - § Efficient lighting controls

- Be Clean: - Gas-fired CHP supplemented with high efficiency condensing gas boilers
  - Be Green – Roof mounted solar photovoltaic panels are examined to provide a further 20% reduction is technically feasible, although the level of PV's will affect financial viability.
- 8.138 Alongside the passive & energy efficiency measures, such as improved U values for the fabric beyond that required for Part L, a gas fired CHP system is considered viable to achieve beyond the minimum 35% reduction in CO2 emissions required by the planning authority. The total reduction achieved by the CHP unit would be 38.8% which is compliant with borough policies.
- 8.139 The Energy Strategy has been reviewed by the Energy Team, who is satisfied with the principles of the energy strategy. The proposal has been referred to the Councils Environmental Health Team, who requested that a condition be applied to secure further details in respect of the size and layout details for the plant. A condition to this effect is recommended.
- 8.140 In addition an Eco-Homes pre-assessment has been undertaken in accordance with the BRE guidelines for residential dwellings. The assessment analyses the sustainability performance of the development by scoring several environmental categories including health and wellbeing, energy, transport, water, materials, land use and ecology and pollution. In this case the assessment indicated that the proposed development would achieve an overall score of 69.4 which is considered a 'very good' rating. It is recommended that a planning condition is imposed to ensure that the development will achieve the appropriate level to meet Code 4 for Sustainable Homes standards.

#### Car Parking

- 8.141 NPPF (Paragraph 29) reinforces the role that transport policies have in contributing to wider sustainability and health objectives and need for transport system to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.
- 8.142 The London Plan Policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and this is followed through in
- 8.143 Policies SP08 and SP09 of the Core Strategy (2010), saved UDP policies T16, T18, T19 and T21, and policy DM22 in the MD DPD also encourage developments to prioritise sustainable approaches by limiting on site car parking, particularly in areas of existing parking stress.
- 8.144 The site has an existing vehicular access to Pedley Street and a large proportion of the application site is currently used as a car park. Part of Pedley Street currently does not form part of the adopted public highway although there are plans to re-adopt the road.
- 8.145 Given the sustainability of the site (PTAL of 4), the applicant has proposed a car free development and this is to be secured by way of a section 106 agreement to ensure that residents cannot apply for resident's permit to park on the adopted highway.
- 8.146 The scheme also provides for 6 disabled parking spaces, with turning space. Four parking bays are located within the site, accessed from Weaver Street and two disabled parking bays are located on Weaver Street itself. The provision of disabled spaces alongside a car and permit free agreement at the site is supported and considered to accord with planning policy
- 8.147 The Council operates a Permit Transfer Scheme (PTS), which allows prospective

occupiers of the 3+ bedroom social rented units to retain one car-parking permit per household. This could be potentially applicable to the 21 x family units within the scheme. The Council's Highway and Transportation Team consider that there will be sufficient on street parking spaces to accommodate the potential small number of units eligible or who currently benefit from the Permit Transfer Scheme. It is supported that there will be no parking to serve the community use and servicing requirements will be low and can be met on street.

- 8.148 The Council's Highway and Transportation Team has reviewed the application, and confirmed that subject to conditions they are now in full support of the scheme. It is noted that Pedley Street is currently unadopted road, although there are plans to re-adopt the road.

#### Cycle Parking

- 8.149 London Plan Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity. Policy SP09 of the Core Strategy (2010), and Policies DM22 and DM23 in the Managing Development DPD (submission version 2012) seek to provide better facilities and a safer environment for cyclists.
- 8.150 The scheme provides for 84 cycle parking spaces in total. On the main Pedley Street site, 67 cycle parking spaces will be provided for residents in secure shelters, with 17 for the eastern site adjacent to the Fakruddin estate. There is a potential to accommodate 12 additional cycle spaces within the rear garden of the proposed houses. The community building at the corner of Vallance Road and Pedley Street also incorporates 3 Sheffield stands on the Vallance Road elevation for visitors.
- 8.151 The level of cycle parking provision for the development is considered to be acceptable and in accordance with the above policies.

#### Highway Improvement works

- 8.152 London Plan (2011) Policy 6.10 states that "Development proposals should ensure high quality Pedestrian environments and emphasise the quality of the pedestrian street space". Furthermore, Policy 6.10 makes clear that boroughs should, through their LDF process, "promote the Legible London initiative to improve pedestrian way finding".
- 8.153 Policies SP08 and SP09 of the Core Strategy (2010), saved UDP (1998) policies T16, T18, T19 and T21, and policy DM20 of the Managing Development DPD (submission version 2012), together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.154 Adequate road space is allocated to allow refuse/service vehicles to traverse through the site without impedance with suitable turning facilities within Weaver Street and this has been assessed to be acceptable by the Council's Highway team. Refuse and similar scale vehicles such as fire appliances would enter and leave the site in a forward gear, which is the recommended national best practice and is therefore welcomed. Pedley Street is currently unadopted although there are plans to re-adopt the road.
- 8.155 It is envisaged that s278 agreement with the Council in respect of highway improvement works will address the required works will be addressed as part of an informative.

#### **Planning Obligations**

- 8.156 Policies 8.1 and 8.2 of The London Plan (2011) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.
- 8.157 Policy DEV4 of the adopted UDP and policy SP13 of the CS note that the Council will seek to enter into planning obligations with developers where appropriate and where this is necessary for a development to proceed.
- 8.158 Since the introduction of Community Infrastructure Levy Regulations 2010 (“the CIL Regs”), the policy tests previously set out in Circular 05/2005 relating to the s106 obligations are now statutory legal tests. A payment or other benefit offered pursuant to a Section 106 Agreement cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.
- 8.159 The original planning permission for the Royal Mint Street site included a Section 106 agreement Regarding Community Infrastructure Levy (‘CIL’) considerations, following the publication of London Mayors’ Community Infrastructure Levy, Members are reminded that the London Mayors’ CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to this scheme is £252,280 based on the Gross Internal Floor Area (GIA) of the proposal. As the application is to provide 100% affordable housing, the applicant will qualify for housing relief.
- 8.160 The Council’s Supplementary Planning Document on Planning Obligations (January 2012) sets out further guidance regarding financial contribution. The application proposal is a major development, and this triggers the need for financial contributions to mitigate against associated impacts on the local infrastructure within the locality such as health, community facilities and open space and to ensure that appropriate infrastructure exists to accommodate the impacts of the new development.
- 8.161 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £1,167,704 This has been calculated using the following heads of terms set out in the SPD:
- (a) A contribution of **£19,866** towards **local employment, skills, training and enterprise** to create employment opportunities during the construction and operation of the site
  - (b) A contribution of **£92,804** towards **community facilities comprising** £21,838 towards Idea Stores and Libraries and £70,966 towards Leisure facilities, to mitigate the impact of the additional population
  - (c) A contribution of **£795,139** towards **education** including primary and secondary school places, to mitigate the impact of the additional population upon existing education facilities within the immediate vicinity of the site.
  - (d) A contribution of **£106,730** towards **health**
  - (e) A contribution of **£2,580** towards **sustainable transport** improvements within the locality.

- (f) A contribution of **£139,429.22** towards the provision of **Open Space**
- (g) A contribution of **£11,156** towards **pedestrian and streetscape** improvements to the public realm adjoining the site

- 8.162 Following a financial assessment of the approved scheme on the Royal Mint Street Scheme, a total of **£9,625,081** was set aside in connection with the affordable housing delivery (the equivalent of 445 habitable rooms) on the two identified donor sites. Within this, the S106 legal agreement included a provision (**£1.5 million**) to meet the financial obligations to off-set associated impacts on the local infrastructure within the locality of the donor sites.
- 8.163 The applicants (THCH) have updated the costs associated with the proposal since the original viability assessment was undertaken during the consideration of the Royal Mint Street scheme, and officers are satisfied that the ability to secure financial contributions has been maximised.
- 8.164 The £1.5 million available from the Royal Mint Street scheme has therefore been apportioned according to the housing densities on each donor site. Therefore, £795,000 is the total financial contribution available in this instance to mitigate any associated impacts arising from this development, whilst £705,000 is apportioned to the other donor site at Repton Street.
- 8.165 Whilst the amount is lower than would normally be expected for a scheme of this size, officers are minded to accept the financial contributions on offer because of the benefits that the parent scheme will deliver across the three sites. The affordable new homes, on the two donor sites are for those residents in housing need within the borough. Given this, it is considered that the financial contribution offered will go some way to offsetting the overall impacts on the sites.
- 8.166 Given the limited s106 package, the financial contribution has been allocated to meet Education priorities for the Council.

Financial contribution

- (a) **£795,000 towards Education**

**Total = £795,000**

Non Financial contribution

- § 100% affordable housing units (41 units for affordable rent at POD level rents and 22 units for intermediate)
- § Employment – 20% local people employed during the construction phase, 20% local procurement
- § Car and permit free agreement
- § TV Reception

- 8.167 The Planning Contribution Overview Panel has been consulted on the proposed financial contribution offer from the developer and they have on balance accepted the level of contributions proposed by the developer and the key priorities identified to be met in light of the viability of the scheme.

**ANY OTHER CONSIDERATIONS**

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

- 8.168 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:
- 8.169 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 considerations
- 8.170 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.
- 8.171 In this context “grants” might include the new homes bonus and payment of the community Infrastructure levy.
- 8.172 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.173 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 Mayoral CIL will be applicable to this scheme; however, developments involving affordable housing will qualify for social housing relief.
- 8.174 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £91,980 within the first year and a total of £551,882 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Equalities Act Considerations**

- 8.175 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: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.176 The contributions towards various community assets/improvements and infrastructure improvements (such as access to the proposed community centre and education contribution) 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.
- 8.177 Furthermore, the requirement to use local labour and services during construction enables

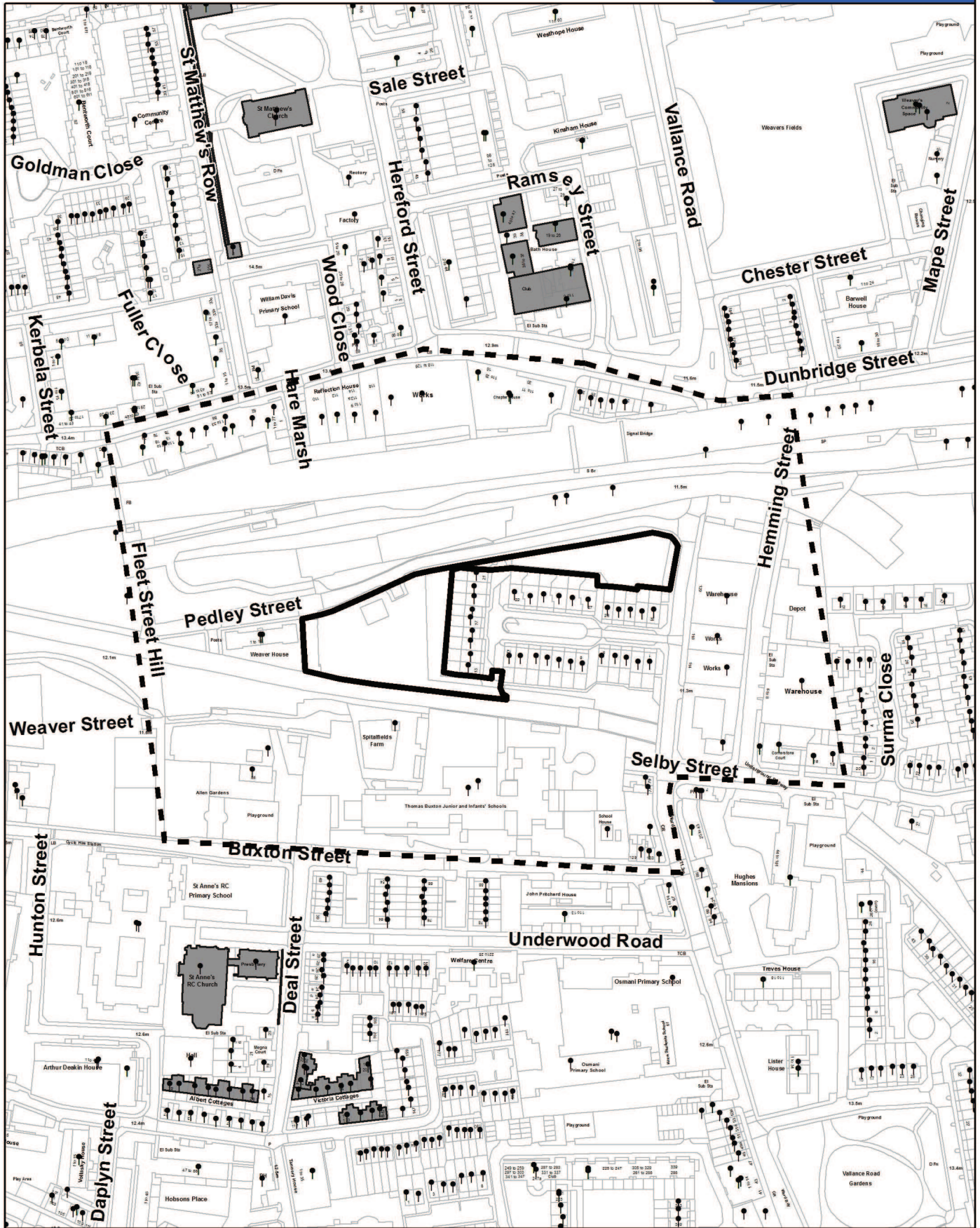
local people to take advantage of employment opportunities.


- 8.178 The community related uses and contributions (which will be accessible by all), such as the improved 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.
- 8.179 The contributions to affordable housing support community wellbeing and social cohesion.
- 8.180 The requirement for new housing to meet Lifetime Home and for a 10% provision of new housing provides the opportunity to ensure inclusion of appropriate levels of suitable accommodation for people with disabilities.


## **CONCLUSION**


- 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 Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 15 m  


  
 1:2,750

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 7.3

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Angelina Eke		<b>Ref No:</b> PA/12/02131	
		<b>Ward(s):</b> St Dunstan's and Stepney Green	

## 1 APPLICATION DETAILS

**Location:** 47 Repton Street, London E14 7BF

**Existing Use:** Light industrial (Sui Generis)

**Proposal:** Redevelopment of the site by the erection of a seven storey residential building comprising 60 (100%) affordable housing units including associated shared and private amenity space, landscaping, disabled parking, cycle parking and use of viaduct arches to provide ancillary plant room, residential storage area, waste storage and ancillary residential facilities.

**Drawing No's:** Existing Plans: 83732/100 Rev B; 200 Rev B; 201 Rev C; 202 Rev C; 203 Rev E; 204 Rev E; 205 Rev E; 206 Rev D; 101 Rev B; 211 Rev C; 212 Rev A; 250 Rev F; 252; 254; 255; 1250 Rev F  
1206/SK/001 Rev C. Existing photos 83732-103A; 83732-110A; A83732-111A; S11/3406/01 Rev A and S11/3406/02; 83732-230 A; 83732-231A; 83732-232 A; 83732-250 Rev F and 1206/SK/002; 83732/102 Rev A.

**Supporting Documents:**

- § Air Quality Assessment, prepared by BRE dated June 2012 Ref 280247
- § Code for Sustainable Homes Ecological Assessment, prepared by Middlemarch Environmental Limited dated July 2012 (Ref RT-MME-111328-02 Rev A)
- § Code for Sustainable Homes, Pre-Assessment Estimator tool, Prepared by Breglobal Limited 2010(Ref: 983732)
- § Daylight and Sunlight Report dated 13<sup>th</sup> July 2012 (Client Ref 279583)
- § Design Statement, prepared by Ingleton Wood, July 2012
- § Energy Strategy Report- Repton Version 1, V2.0 February 2011.
- § Flood Risk Assessment, prepared by Dr Paul Gerrad dated July 2012 (Rev 2 FRA Repton -12/07/12)
- § Wind Microclimate Desk Study, Prepared by Building Research Establishment (BRE) dated 12<sup>th</sup> July 2012 - ref 280 285
- § Planning & Impact Statement, prepared by One Planning, Planning Consultants (July 2012)
- § Initial Bat Survey , prepared by Middlemarch Environmental Ltd dated July 2012(RT-MME-111723)
- § Extended Phase 1 Habitat Survey, prepared by Middlemarch Environmental Ltd dated April 2012 (RT-MME-111328-01)
- § Noise and Vibration Survey Assessment, prepared by Pace Consult Limited (ref PC-12-0098-RP3-Rev E)
- § Transport Statement, prepared by TTP Consulting dated July 2012

- § Drainage Strategy Report, prepared by Halcrow Group Limited dated 29<sup>th</sup> June 2012 (ref GLMMRP-TCN-007)
- § Television Reception, prepared by Building Research Establishment (BRE) dated 26<sup>th</sup> June 2012 (ref 279582)
- § A utilities load assessment

**Applicant:** Joint Applicants: Tower Hamlets Community Housing & Network Rail Infrastructure Limited

**Owner:** The same as above

**Historic Building:** N/A

**Conservation Area:** Regents Canal Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Adopted Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission Version 2012), the London Plan (2011) and the National Planning Policy Framework (2012) and has found that:
- 2.2 The loss of the employment use on site is acceptable given that the site is vacant, according Policies 4.1 and 4.2 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), Policies EMP3 and EMP8 of the Unitary Development Plan (1998).
- 2.3 The new housing proposed would contribute towards the delivery of affordable homes and to the quality and choice of housing within this locality in line with Policies 3.8-3.12 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012). These policies seek to maximise housing choice including the supply of family housing.
- 2.4 The layout and size of the proposed residential units accords with the requirements of Policy 3.5 of the London Plan (2011), the Interim London Housing Design Guide (2010), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development DPD (Submission version 2012).
- 2.5 The quantity and quantum of housing amenity space, communal space and provision of child play space within the development is considered acceptable given the site constraints. Subject to conditions the proposal would accord with policy SP02 of the Core Strategy (2010), saved policy HSG16 of the Council's Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (submission version 2012) which seek to improve amenity and liveability for residents.
- 2.6 The buildings proposed are acceptable in terms of their urban townscape principles. The proposed bulk, mass, scale, height including design and use of materials are acceptable and sympathetic to the site context. The proposal would not detract from the setting of Regents Canal Conservation Area. As such, the scheme accords with London Plan Policies 7.1 – 7.8(Inc.) which seek to ensure buildings and places are of a high quality design and visually appropriate. The application also accords with saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (Submission version May 2012)



- 2.7 The proposal does not result in any unduly detrimental amenity impacts in terms of privacy, overlooking, overshadowing, outlook, sunlight, daylight, noise and vibration levels and microclimate. The Policy therefore accords with London Plan Policies 7.1, 7.4, 7.6 and 7.15 and saved policies DEV2 and DEV50 of the Council's Unitary Development Plan (1998), policies SP03 and SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development DPD (Submission version May 2012) and DEV10 of the Interim Planning Guidance (2007). The above policies seek to safeguard residential amenity.
- 2.8 On balance, transport matters, including parking, access and servicing, are considered acceptable. The residential element of the development will be car free and incorporates four disabled parking spaces for blue badge holders. The proposal seeks to prevent excessive on - street parking and promotes sustainable modes of transport such as cycling and walking. As such, this accord with policies SP08 and SP09 of the Core Strategy (2010) saved Policies T16 and T19 of the Council's Unitary Development Plan (1998), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012). These policies seek to minimise parking and promote sustainable transport options.
- 2.9 The Energy and Sustainability strategies for this application have been prepared in line with the Mayor's energy hierarchy and London Plan Policies 5.2, 5.3, 5.6, 5.7, 5.9 – 5.15(inc) plus Policy 5.17. The proposal also accords with policy SP11 of the Core Strategy (2010), and policy DM29 of the Managing Development DPD (Submission Version 2012).
- 2.10 Appropriate financial contributions are to be secured, through a s106 agreement, to support the provision of employment skills training and enterprise and education. This accords with Regulation 122 of Community Infrastructure Levy; strategic policies SP02 and SP12 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998) and the Planning Obligations SPD (2012). The above seek to secure contributions toward infrastructure and services required to mitigate impacts of a development.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to :
- 3.2 The prior completion of a **S106 legal agreement** to secure the following obligations:
- (a) **£13,176** Towards employment initiatives for the construction phase
  - (b) **£668,778** towards education
  - (c) **£8,946** towards public realm
  - (d) **£14,100** monitoring (2%)

**TOTAL: £705,000**

Non-financial contribution

- (a) Affordable housing comprising 44 units for Affordable rent (at POD levels) and 16 units for intermediate housing
- (b) Car free agreement (except for blue badge holders)
- (c) Local access to employment initiatives.
- (d) TV Reception
- (e) Overage
- (f) Any other obligation deemed necessary by the Corporate Director Development & Renewal

#### Conditions on Planning Permission

- 3.3
- (1) Time Limit (Three Years)
  - (2) Development to be built in accordance with approved plans
  - (3) Drawings to be implemented in accordance with plans
  - (4) Full details of the following to be submitted for approval:

- (a) Submission and approval of panel of the facing materials demonstrating the proposed colour, texture, face-bond and pointing;
- (b) Balcony Details
- (c) Details of privacy screens.

- (5) Secure by Design
- (6) Survey of the condition of the waterway wall and method statement for repairs
- (7) Details of risk assessment and method statement for works adjacent to waterway
- (8) 10% Wheelchair housing and Lifetime Homes
- (9) Full details of external lighting and CCTV strategy
- (10) Construction hours (8.00am -6.00pm Mondays to Fridays, 8.00-1.00pm Saturdays)
- (11) Power/hammer driven piling/impact breaking (10am – 4pm Mondays to Fridays only)
- (12) Post completion noise and vibration testing to meet standards of BS8233 and details of acoustic glazing
- (13) Submission of a programme of ground investigations for soil contamination
- (14) Details of surface water drainage and control measures
- (15) Impact piling method statement
- (17) Compliance with Energy Strategy to achieve Code Level 4 for Sustainable Homes
- (18) Full details of Green and Brown Roofs (to show proposed PV's ) plus layout of CHP room
- (19) Full details of landscaping plan and Biodiversity scheme
- (20) All planting and seeding to be done in the first season
- (21) Bat Survey to be undertaken
- (22) Compliance with recommendation of the Arboriculture Report and tree protection measures to be provided where appropriate)
- (23) Revised details of Disabled Parking within the development site
- (24) Revised Waste Management Strategy along Maroon Street
- (25) Details of cycle parking to be provided within secure location and retained
- (26) Disabled Car parking spaces to be retained
- (27) No doors or gates to be hung so as to open across any pedestrian or public footpath
- (28) Construction Management Plan (to include options to move spoil by barge)
- (29) Wheel washing
- (30) Feasibility study to identify scope for moving freight by water
- (31) Scheme of Highways Improvements

Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 3.4 1) This permission is subject to a separate s106 legal agreement
- 2) Section 278 (Highways) agreement required
- 3) Consult the Council's Environmental Health Department regarding soil contamination, sound insulation and air quality assessment
- 4) Council operates a Code of Construction Practice
- 5) Consult the Council's Highways Development Department regarding any alterations to the public highway
- 6) Any structures, balconies etc, overhanging or connecting to the canal will require the approval of British Waterways
- 7) Consult the Environment Agency with regard to surface drainage measures and soil contamination investigations
- 8) Conservation Area Consent
- 9) Overage Clause
- 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.5 That, if by the 28<sup>th</sup> February 2013, the legal agreement has not been completed, the

Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### 4. SUMMARY

- 4.1 On 18<sup>th</sup> December 2011, Members of the Strategic Development Committee, resolved to grant planning permission under PA/11/00642 for two buildings between three and fifteen storeys comprising 354 residential units, a 236-bedroom hotel together with 33 serviced apartments, flexible commercial flexible retail/financial services/restaurant/cafe/drinking establishment/health clinic/business space (1172sqm) (Use Classes A1, A2, A3, A4, D1 and B1), restaurant, bar, gallery, leisure (731sqm) (Use Class A3/A4/D1/D2), community uses including sports and training facilities, neighbourhood police base and office space within the railway arches (1,014sq.m)(Use Class D1/D2/B1) on the Royal Mint site. The proposal incorporated new public open space, alterations to the existing highway, and new pedestrian link, together with associated works including landscaping, providing of parking, servicing and plant area. The applicants for the scheme were ZBV (RMS) Ltd and Network Rail Infrastructure Ltd. Planning permission was subsequently granted on the 22<sup>nd</sup> of March 2012.
- 4.2 The Royal Mint Street proposal (PA/11/00642) proposed the provision of off-site affordable housing, albeit with 9 units proposed on the host site.
- 4.3 Due to the special circumstances of the proposal, Members resolved to accept the off-site approach to affordable housing to maximise the delivery of much needed good quality affordable housing and as such, it was resolved that an off-site affordable housing contribution would be more appropriate to secure this aim '*given that affordable housing priorities could be better met elsewhere*' and that this would be facilitated through an agreed commuted sum paid to the Council or a Registered Social Landlord (RSL) secured through a s106 legal agreement to meet the requisite provision on alternative donor sites within the borough.
- 4.4 The Royal Mint Street decision secured 36% affordable housing across three sites, with the Royal Mint Street site itself delivering 9 units (49 Habitable Rooms). The developer was required to provide an off-site affordable housing contribution of **£9,625,081** (the equivalent of 445 habitable rooms) secured by a S106 legal agreement to make the required provision on alternative sites within the borough. The developers engaged Tower Hamlets Community Housing (THCH) as their affordable housing delivery partner. Two donor sites, namely (1) 47 Repton Street and (2) Fakruddin Street and Pedley Street were initially identified at the time of grant, although these sites had no definite planning proposals ready for submission to the planning department.
- 4.5 The application before Committee relates to the delivery of a 60 unit affordable housing scheme at Repton Street. The scheme is being proposed by Network Rail and Tower Hamlets Community Housing to partly offset the developers' affordable housing obligations for the Royal Mint Street site. Officers have engaged with the applicants' through pre-application negotiations to deliver a sustainable affordable housing scheme, which broadly meets policy requirements. Officers consider that on balance, the affordable homes are of high standard and the affordability levels will meet the Borough's demand for both rented and intermediate housing. The offsite contributions are considered to provide sufficient community benefit and if agreed it would offset part of the overall affordable housing provision required to enable the approved scheme on the Royal Mint Street to go forward.
- 4.6 The applicants are joint owners on a further planning proposal before committee under PA/12/02228 for the redevelopment of at the site at Pedley Street and Fakruddin Street.
- 4.7 The scheme being considered proposes 219 habitable rooms, and that proposed under ref: PA/12/2228 at Pedley and Fakruddin Street proposes 226 habitable rooms. Accordingly, together the two sites are proposed to deliver the 445 habitable rooms secured by the Royal Mint Street development.

## Site and Surroundings

- 4.8 The application site is a triangular shaped plot measuring approximately 0.22 hectares (2,221 m<sup>2</sup>). The site has been used for various light industrial related activities including car servicing and repairs let on short-term tenancies. The site includes a three-metre wide access corridor to be used in connection with the Network Rail operational works.
- 4.9 The site is bounded along the north and west boundaries by a two storey railway viaduct and to the east by Regents Canal. Repton Street to the immediate south provides access to the site under the existing railway viaduct. The eastern end of Repton Street provides a gated access British Waterway land and moorings on the Regent Canal.

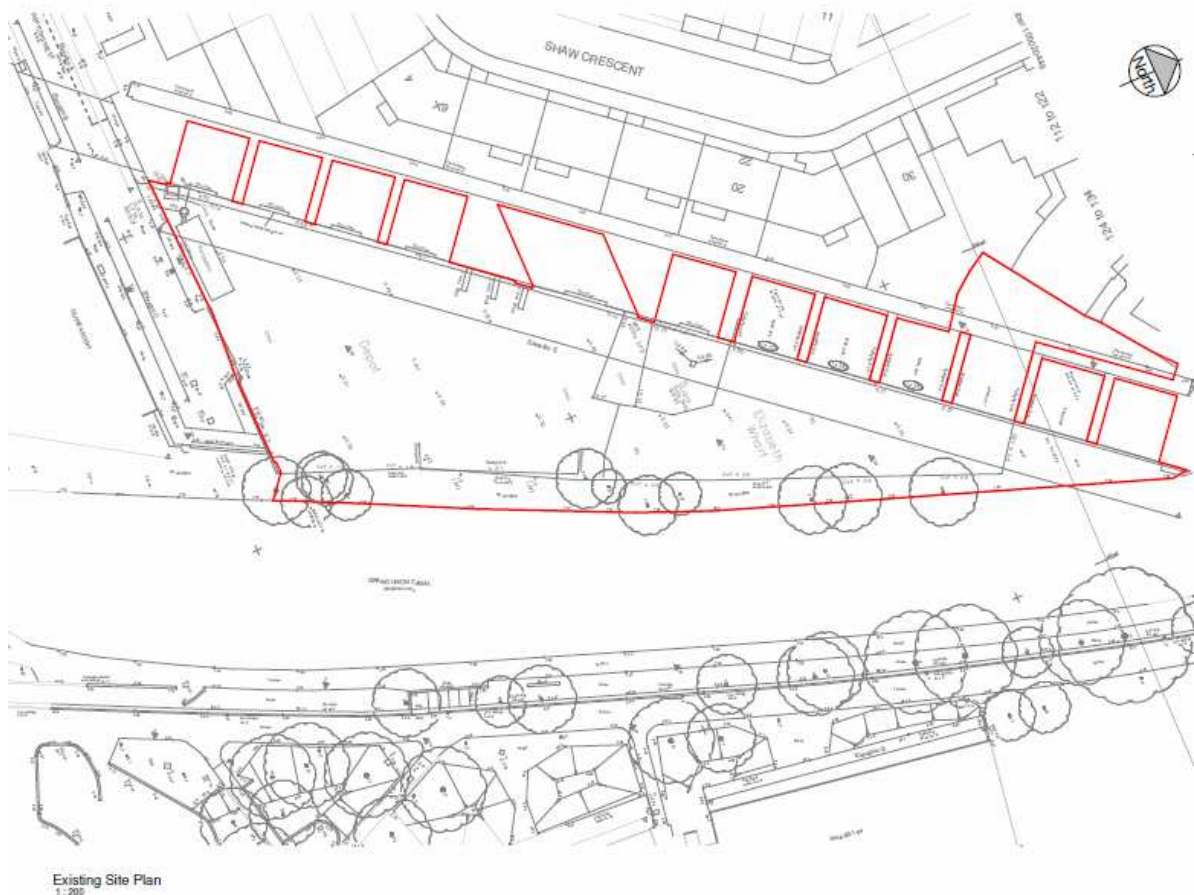


Figure 1: Existing Site Plan

- 4.10 Regents (Grand Union) Canal runs parallel with the eastern boundary of the site. It is approximately 20 metres wide and contains a variety of trees and scrub, along the narrow towpath, which lies within the ownership of Canal Riverside Trust (Former British Waterway). The canal forms part of the Blue Ribbon Network and it is recognised as an important habitat for numerous fauna and flora, and a feeding corridor for Bats.
- 4.11 To the east of Regents Canal is a six storey residential block which forms part of the Locksley Estate (Rhodeswell Road), whilst to the west of the elevated railway viaduct is 'Elizabeth Blount Court' a 5 storey block of flats that forms part of the Limehouse Fields Estate. The surrounding area is almost wholly residential in character. North-west of the viaduct is the Limehouse Fields estate comprising a mixture of flatted developments and two/three storey houses.
- 4.12 The site does not adjoin any listed buildings, although it lies within Regents Canal Conservation Area, which is recognised as a Site of Metropolitan Importance for Nature Conservation.



- 4.13 The site lies within short walking distance of the Limehouse DLR station and the local bus Services that operate along Commercial Road, such as the Nos. 15, 115, 135 and D3 bus routes.
- 4.14 The site is accessed from Repton Street and at its northern end via Maroon Street.

**The Proposal**

- 4.15 The application seeks planning permission for a change of use of the site and redevelopment by the erection of a 7 storey residential block to create 60 residential units (52 flats and 8 houses within a single block) with associated shared and private amenity spaces including provision of landscaping, communal play space and disabled and cycle parking.
- 4.16 The scheme includes the use of railway arches to provide ancillary plant room, bike storage, indoor child play space and disabled parking.
- 4.17 The application proposal will be car free and incorporates 98 cycle parking spaces, 88 of these spaces will be located within the railway arches adjacent to Repton Street with a further ten cycle spaces towards the Maroon Street end of the site. The scheme proposes four disabled parking spaces at the southern and northern ends of the site.
- 4.18 The proposal seeks to provide a communal garden, play area and it will seek to retain some of the existing vegetation although many of existing trees along the canal frontage are to be removed and these will be replaced as part of a detailed landscape plan.

4.19 **Planning History:**

- PA/12/00594 Request for Screening Opinion as to whether an application for a nine storey residential led mixed-use development comprising 77 units and commercial units including child play space and landscaping requires an Environmental Impact Assessment. Decision dated 29 March 2012.
- PA/11/00474 Full planning permission at No.'s 393 - 394 Railway Arches, Maroon Street, London Railway arches for Use of the railway arches as a 'One Stop Community Centre' (Use Class D1). Erection of a rear extension, alterations to elevations and associated landscaping works. Approval dated 12 January 2012.

Other relevant planning history

- PA/05/02100 Former Site Between Parnham Street And Repton Street On East Side Bordering Canal, Repton Street  
  
In February 2008, full planning permission was approved for a residential scheme between 7 and 10 storey in height to provide 87 residential units and a commercial unit (149m2) on the lower ground floor that will be used for Class D1 (community) use at Former Site Between Parnham Street And Repton Street On East Side Bordering Canal, Repton Street. Approval dated 21/02/2008.
- PA/03/01425 Site At 675-681 Commercial Road And Land In Lowell Street And Part Of Disused Railway Viaduct Between Salmon L E14  
  
In February 2005, planning permission was granted for the redevelopment of Nos. 675-681 Commercial Road (and land in

Lowell Street and part of the disused railway viaduct between Commercial Road and Salmon Lane), to provide 150 flats and houses (with ancillary parking). This development, which is completed, lies approximately to the south of the application site.

PA/04/01429

Former Site At Railway Arch West Of Carr Street North Of Salmon Lane And East Of Blount Street, London, E1

In March 2005, planning permission was granted for the redevelopment of a disused railway viaduct west of Carr Street (and north of Salmon Lane and east of Blount Street), to provide a four storey building comprising 35 residential units and 330m<sup>2</sup> of Class B1/B8 floor space. This adjoining development site has been implemented and lies immediately to the south-west of the application site.

## **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. The following policies are relevant to the application.

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

- 3.2 Improving health and addressing health inequality
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and Design of Housing Development
- 3.6 Play Provision - Children and young peoples play provisions
- 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 Developments
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and Social Care Facilities
- 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 developments
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.11 Green roofs and development site environs
- 5.13 Sustainable drainage
- 5.21 Contaminated land
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Buildings London Neighbourhoods and community
- 7.2 An Inclusive environment
- 7.3 Designing out Crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage and Archaeology

- 7.14 Improving Air Quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiencies
- 7.19 Biodiversity and access to nature
- 7.25 Increasing the use of the Blue Ribbon Network for passengers and tourism
- 7.30 London's Canal's and other rivers and water spaces
- 8.2 Planning Obligations

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

Strategic Objectives

- SO7 – SO9 Urban Living for everyone
- SO10 Creating Healthy and Liveable Neighbourhoods
- SO14 Dealing with waste
- SO19 Making connected places
- SO21 Creating attractive and safe streets and spaces
- SO23 Creating Distinct and durable places
- SO24 Working towards a zero carbon borough
- SO25 Delivering Place making
- SP02 Urban Living for Everyone
- SP04 Biodiversity
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP09 Creating attractive and safe streets and places
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Successful Place making

**5.4 Unitary Development Plan 1998 (as saved September 2007)**

- DEV1 Design requirements
- DEV2 Environmental Requirements
- DEV4 Planning Obligations
- DEV6 Tall Buildings outside Central Area Zones
- DEV8 Protection of local views
- DEV12 Provision of landscaping within new developments
- DEV46-48 New Development Adjacent to Canals and Waterways
- DEV50 Noise
- DEV51 Soil Tests
- DEV55 Development and Waste Disposal
- DEV56 Waste Recycling
- HSG7 Dwelling Mix and Type
- HSG13 Housing Space Standards
- T16 Traffic Priorities for New Development
- T18 Pedestrians and the road network
- T20 Pedestrian Facilities along Canals
- T21 Pedestrian needs in new developments
- U2 Tidal and Flood Defences
- OS9 Children's Play Space
- Planning Standard 1: Noise
- Planning Standard 4: Tower Hamlets Density Matrix
- Planning Standard 5: Lifetime Homes

**5.5 Managing Development: Development Plan Document (Submission Version 2012)**

DM3	Delivering Homes
DM4	Housing Standards and amenity
DM8	Community infrastructure
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM12	Water spaces
DM13	Sustainable drainage
DM14	Managing Waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM26	Building Heights
DM29	Achieving a zero-carbon borough & addressing climate change
DM30	Contaminated Land

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

IMP1	Planning Obligations
CP34	Green Chains
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4:	Safety and security
DEV5	Sustainable Design
DEV6:	Energy efficiency and renewable energy
DEV5	Sustainable design
DEV8	Sustainable Drainage
DEV10	Disturbance from noise pollution
DEV11	Air Pollution and Air Quality
DEV15	Waste and Recyclables Storage
DEV16	Walking and cycling routes
DEV17	Walking and Cycling Routes and Facilities
DEV19	Parking for motor vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV27	Tall Buildings Assessment
HSG1	Determining residential density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual and Private Residential and Mixed-use Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
CP27	Community uses
OSN2	Open Space
OSN3	Blue Ribbon Network
CON2	Conservation Areas

§ Planning Standard 1: Noise

§ Planning Standard 2: Residential Waste Refuse & Recycling Provision

- § Planning Standard 3: Parking
- § Planning Standard 5: Lifetime Homes

5.7 **LBTH Planning Obligations Supplementary Planning Document (Jan 2012)**

5.8 **Government Planning Policy**

NPPF 2012 National Planning Policy Framework  
Interim London Housing Design Guide (August 2010)  
Planning Policy Statement 25 'Flood Risk'

5.9 **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

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

6. **CONSULTATION RESPONSE**

**Biodiversity Officer**

6.1 No objections

- § *"The only potential significant biodiversity on the site is the possibility of bat roosts in the railway arches. The Initial Bat Survey report provided with the application recommends further surveys to ensure no bats are roosting in parts of the arches, which could not be reached during the initial survey. I can find no evidence that these surveys have been carried out. They should be carried out before the application is determined.*
- § *To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), vegetation clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive. If this is not possible then an experienced ecologist for nesting birds immediately prior to works commencing should check any vegetation that is to be removed or disturbed. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally. This should be secured by condition.*
- § *The Design & Access Statement states that the trees and shrubs to be planted will be predominantly native species, and provides a list. These species seem largely appropriate for the site, and will enhance biodiversity. However, the sketch landscape plan indicates that this type of planting will be just a very narrow strip, so the biodiversity benefits will be limited.*
- § *There is an opportunity for enhancement of the canal, using gabion baskets fixed to the wall to establish waterside vegetation. There is a design for this, which has been developed by the former British Waterways (now Canals & Rivers Trust) for this purpose. Such enhancement would contribute to a target in the Tower Hamlets Biodiversity Action Plan, and should be discussed with the applicant.*
- § *I can find no reference to green roofs. Green roofs, preferably bio diverse roofs rather than sedum mats, should be fitted unless there is a good reason not to."*

(Officer comment: The requested details for a bat survey to be carried out prior to determination for all the unsurveyed areas. Full biodiversity details to be secured by conditions 18 and 19, as noted in section 3.3 of this report)

- 6.2
- No objections subject to conditions to secure a risk assessment and method statement plus survey of the condition of the waterway wall, a method statement and a schedule of repair works.
  - It is noted that part of the application site boundary includes a strip of the trusts land and the Canal & River Trust would need to be party to the legal agreement for this proposal.
  - It is noted that there is a significant demand for residential moorings, and the potential should be explored for this site.
  - Full details of the proposed landscaping treatment;
  - Full details of any lighting and CCTV scheme
  - A feasibility study to be carried out to explore the potential for moving freight by water during the construction cycle.

(Officer comment: Following a meeting with the applicant, a separate planning application is to be submitted in respect of the mooring options; however this is unrelated to the proposal being considered. Details relating to lighting, CCTV and landscaping to be subject to condition.)

### **Corporate Access**

- 6.3 No objections subject to minor revisions to improve layout

(Officer comment: Revised details are required with regard to the wheel chair charging points for units 7 and 9, and details of the knock out panel for future provision of through the floor lift and alterations to layout of units 5/6. This is to be secured by condition, as noted in section 3.3 of this report)

### **Crime Prevention Officer**

- 6.4 No objections subject to conditions to achieve secure by design.

(Officer comment: This requirement will be dealt with by condition )

### **LBTH Communities Localities and Culture (CLC)**

- 6.5 The proposal will generate 157 new residents within the development and therefore the following financial contributions were sought to mitigate the impacts of the development

- A total contribution of £13,176 to support training and skills provision
- A total contribution of £19,774 towards ideas stores, libraries and archives
- A total contribution of £64,033 is required towards leisure facilities
- A total contribution of £125,934 towards public open space
- A total contribution of £2,354 towards smarter travel
- A total contribution of £5,658 towards public realm improvements

(Officer Comment: Due to the financial viability of the proposal, not all of the above contributions can be met whilst also securing the delivery of a 100% affordable housing scheme. This is further discussed within the Planning Obligations section of this report)

### **Cross Rail (Statutory Consultee)**

- 6.6 No objections as the application site lies outside of the land subject to consultation in respect of the safeguarding zone.

### **LBTH Design and Conservation**

- 6.7 No objections subject to conditions to secure full details of materials to be used.

(Officer comment: Full details of facing materials are to be secured by condition)

### **LBTH Education**

- 6.8 Based on the Council's Planning Obligations SPD, the proposal would generate a demand for 24 additional primary school places (£14,830 per place) & 14 additional secondary school places (£22,347 per place). Accordingly, the overall financial contribution for education sought is £668,778.

(Officer comment: The planning obligations secured are set out within the Material Planning Considerations section of this report. Education provision is a priority for the delivery of new housing schemes, and as such the full education contribution is secured.)

## **ENVIRONMENTAL HEALTH**

### **Air Quality**

- 6.9 The proposal is likely to lead to slight negative impacts on local air quality during demolition, construction and operational works. Construction Management Plan required.

(Officer Comment: A planning condition has been imposed to secure the submission of a Construction Management Plan, which will resolve this concern.)

### **Noise and Vibration**

- 6.10 The Noise Report has been assessed by Environmental Health, who advised that post completion testing is required, together with additional glazing and ventilation mitigation.

(Officer comment: Conditions have been attached to address this concern in order to ensure that the proposed development is habitable for future residents)

### **Micro-Climate**

- 6.11 No objections.

### **Contaminated Land**

- 6.12 Council records suggest that the site and surrounding area have been subjected to former industrial land uses, which have the potential to contaminate the area. Given this, and (i) that ground works and soft landscaping are proposed, and (ii) there is a potential pathway for contaminants to exist, which will need further characterisation to determine associated risks.

(Officer Comment: A planning condition is attached requiring a site investigation to investigate and identify potential contamination and secure appropriate remediation)

### **Environment Agency (Statutory Consultee)**

- 6.13 A desktop study identifying potential on-site contamination is required, together with details to ascertain the impact of the proposal on the adjacent canal.

(Officer Comment: The details requested will be secured by condition to ensure that any potential contamination is investigated and remediated).

### **LBTH Energy Efficiency Team**

- 6.14 The Energy Team are broadly satisfied with the energy strategy outlined and consider that it adheres to the energy hierarchy principles in the London Plan and Core Strategy and the proposal would achieve Code Level 4 for sustainable homes. Further details are required

- SAP calculation,
- Details of the proposed roof plans showing location and number of PV's
- Full details of layout of CHP plant room

(Officer comment: The details requested are to be secured by condition, which is supported by the Council's Energy efficiency team)

### **English Heritage**

- 6.15 The application should be decided in accordance with national and local policy guidance, using specialist conservation advice.

(Officer comment: The Council's Design and Conservation Team support the proposal and do not consider that it would adversely impact on the setting of the Conservation Area)

### **Housing Strategy**

- 6.16 No objections. The following advice was received:

- The scheme provides 76% rented and 24% of units will be intermediate. This is broadly acceptable.
- Mix of units and tenure types are acceptable
- It was agreed as part of the Royal Mint Street application that the affordable rents would be based on POD borough average rental levels in line with guidance from POD partnership.

### **Landscape Section**

- 6.17 No comments received.

(Officer comment: Landscaping and biodiversity details to be secured by condition)

### **LBTH Waste Management**

- 6.18 No objections in principle

§ The applicant is encouraged to use underground refuse systems on the site (URS) and this will require all the underground domestic refuse units to be coupled with underground recycling units.

(Officer comment: The applicants have accepted the advice and the details subject to agreement with the Council's Highway and Transportation Team will be secured by condition)

### **LBTH Highways**

- 6.19
- § There is no off-street parking and therefore a 'car free' S106 legal agreement will be required.
  - § Concerns were expressed about the location of the proposed Underground Refuse System (URS) by Maroon Street in terms of highway safety
  - § Concerns were raised about the location of the URS system adjacent to Repton Street and its impact on the access to the disabled parking bays
  - § Full details of external lighting strategy should be provided
  - § Details of cycle parking should be secure and therefore revisions are required
  - § There is an excellent opportunity to enhance access and permeability to the canal for pedestrians
  - § Construction Management Plan should be provided and this should explore how spoil from the site can be conveyed by barges on the canal



§ Details showing the revised location for the disabled parking bays adjacent to Repton Street

(Officer comment: Following discussions between the Highways section and the applicant, further revisions have been obtained to address these concerns. The applicant and Highways section have agreed that the above requirements can be secured by way of conditions)

### **Tower Hamlets Primary Care Trust**

6.20 Tower Hamlets NHS Primary Care Trust has sought a financial contribution of £98,072 to help mitigate the demand of the additional population on local existing healthcare facilities.

(Officer comment: Full details of the planning obligations secured are set out within the Planning Obligations Section of this report. Due to the financial viability of the proposal, this contribution has not been secured)

### **Plan Making**

- 6.21
- The site has no designations.
  - Core Strategy policy SP02.3a requires that 35-50% of total housing stock should be affordable. The proposal is for 100% affordable units. This is in line with London Plan policy 3.11, which seeks to maximise affordable housing provision.
  - SP02.4 requires tenure split for new affordable homes of 70% Affordable Rented and 30% intermediate, and this is reiterated in DM3. The proposed affordable units comprise 76% Affordable Rent and 24% Shared Ownership.
  - SP02.5b requires an overall target of 30% of all new housing to be family-sized including 45% of new Affordable rented homes. 52% of habitable rooms are provided for family sized units (38% of all units are family sized). The affordable housing statement states that 57% of habitable rooms are provided for Affordable rent (41% of Affordable rent units are family sized).

No objections in principle.

### **Network Rail**

6.22 No objections

### **Natural England**

6.23 No objections, but the Standing Advice would like further information to establish the likelihood of protected species being present. It is advised that Bat Survey be carried out.

(Officer Comment: Officers accept the advice and recommend a condition to secure a bat survey)

6.24 **Thames Water**

The proposal would have no adverse Impact on the Thames Water Sewage Network

## **7. LOCAL REPRESENTATION**

7.1 A total of 542 properties (within the area shown on the map appended) were notified about the application and invited to comment. The application was publicised on site, and a press notice published.

The Council received seven responses to the public consultation process. These responses comprised of five objections letters, one petition letter with over 200 signatures from neighbours and one comment.

No of individual responses: 8            Objecting:5            Supporting: 2  
No of petitions received        1 with two hundred and thirty one signatures

## **Representation Comments**

7.2 In terms of the representations received, these raised the following points:

### Procedural

- Objections on grounds that residents were not given sufficient notification.

(Officer comment: The proposal was advertised by sending neighbour notification letters to 542 adjoining occupiers to invite responses. The proposal was also publicised by way of a site and press notice and via the planning website. Consultation was carried out in September 2012, and comments are received up until midday on the day of committee. It is considered that adequate notification has been given to residents and that the Council's has met its obligations with regard to the publicity of the proposal)

### Land Use

- Objection on grounds that overcrowding will worsen in the area.

(Officer comment: The density proposed is considered to be acceptable and it is unlikely to result in overcrowding of the area)

- Objections on grounds of overdevelopment in view of the overall level of development within Limehouse fields and the Ocean estate.

(Officer comment: Officers consider that the units proposed and the quantum of built development on site would make effective use of urban land within a sustainable location. It is not considered that the scale and form or density of the development will result in over-development given the urban context of the overall area )

- The proposal will not result in affordable housing that meets the community's housing needs.

(Officer comment: The proposal provides much needed affordable housing that meets the needs, size and affordability of the local community. The type of affordable housing (affordable rent) was agreed as part of the Royal Mint Street proposal)

- § There is a lack of appropriate community centre facilities to mitigate the impacts on the growing population in the area.

(Officer comment: The application site incorporates a community centre facility within the adjoining arches. However, this does not form part of the current application)

### Amenity

- Objections on grounds that the proposal will obstruct natural sunlight and create shadowing to properties adjoining the development site
- Objections on grounds that the proposal will obstruction free air and views of existing houses close to the site
- Objections on grounds of increase in pollution that may lead to health hazards

- Objections on grounds that the proposal will restrict privacy and encourage overlooking into adjoining properties, specifically the residents in Guinea point to the southern end of the site.
- The proposal will increase the incidence of anti-social behaviour and crime.

(Officer Comment: The proposal is not considered to give rise to unduly detrimental on amenity – see the amenity section of this report).

- Significant pressure will be increased on local services such as schools, post offices and health centres and they cannot currently cope with the demand of the locality. There is also a lack of purpose built community centres for residents and tenants to mitigate the growing demand of affordable housing.

(Officer comment: This will be addressed within the Material Planning Considerations section of this report)

- More managed open spaces should be created for young children to play

(Officers comment: Officers have assessed the proposed level of child play space proposed and consider that it is acceptable given the site context and constraints)

7.3 A letter was received from One Stop Community Centre in connection with a recent planning application approved under PA/11/00474 relating to railway arches no.393-394, which are accessed off Maroon Street. The author confirms that a community centre currently occupies the arches and seeks confirmation that the application proposal would not prejudice the implementation of the approved scheme

(Officer comment: It is noted that the application redline includes the arches currently occupied by the community centre. The plans under PA/11/00474 show that an approved extension would extend into the application site. A further application (PA/12/03101) has been submitted to the Council for consideration in respect of the alterations to the approved scheme. The amendments include the omission of the rear extension and alterations to the elevations of the arches, which would accord with the application being considered)

7.4 A letter of comment was received from Commercial Boat Operators Association (CBOA) highlighted the firms' interest in promoting the use of canals and local waterways for carrying freight.

(Officer comments: The Canal & River Trust supports the initiative and suggests that the option be addressed by way of a condition).

## 8 MATERIAL PLANNING CONSIDERATIONS

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

- § Principle of Land Use and Density
- § Housing
- § Design/Impact on Conservation Area/Regents Canal
- § Density
- § Amenity
- § Sustainability and Energy
- § Transportation and Highways
- § Planning Obligations

Other

- § Localism Act

## **Principle of Land Use**

### Loss of Employment floor space

- 8.2 Policies 4.1 and 4.2 of the London Plan (2011) seek to ensure the availability of sufficient and suitable workspaces in terms of type, size and costs for small and medium sized enterprise. Policies S025 and SP06 of the Core Strategy (2010) support a range of flexible workspaces in both town and main street locations.
- 8.3 Saved Policies EMP3 and EMP8 of the adopted UDP and Policy DM15 of Managing Development: DPD (Submission Version May 2012) encourages employment growth in suitable locations.
- 8.4 The site is underused and has been mostly vacant since June 2011. A small portion of the site, approximately 724m<sup>2</sup> of the total site area was previously leased to a long-standing tenant for various car related and storage uses (Sui Generis). Since the tenant has vacated, the arches have been difficult to re-let.
- 8.5 The application site has no specific designations in the adopted Unitary Development Plan 1998 (UDP) or the Managing Development DPD (Submission Version May 2012) (MD DPD) and the site has been underutilised for some time and Network Rail consider that the potential of the site for long term employment use is undermined by its poor condition, and its 'back-street' location including lack of a 'main road' frontage, and the restricted access to and from the site (through primarily residential environments).
- 8.6 There are no objections in principle to a change of use of the site for residential purposes in land use terms given the site constraints and period of vacancy. Given the site constraints and void period, the loss of employment floor space would not be contrary to Policies 4.1 and 4.2 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), and Policies EMP3 and EMP8 of the Unitary Development Plan.

## **Housing**

### Affordable Housing

- 8.7 Increasing housing supply is a key priority both nationally and locally and this is affirmed in the National Planning Policy Framework.
- 8.8 London Plan Policies 3.3 and 3.4 reinforce this and also set out the London Mayor's aim to improve London's housing supply by encouraging boroughs to identify new sources of supply and to maximize the development potential of sites to an extent that is compatible with local context, public transport capacity and strategic design principles to ensure targets are achieved where appropriate.
- 8.9 The London Plan (2011) policies 3.9 – 3.13 set out guidance on the delivery of new affordable housing, which promotes mixed and balanced communities and has a good mix of housing tenures. This emphasises the requirement for borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mix-use schemes. In doing so, each council should have regard to its own overall target for affordable housing provision. Policy 3.10 of The London Plan (2011) defines affordable housing as affordable rented and intermediate housing including shared ownership/equity and intermediate rental products.
- 8.10 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.

- 8.11 Affordable rented housing is defined as:  
Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
- 8.12 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. Home Buy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.
- 8.13 Strategic Objectives 7, 8 and 9 and Policy SP02 of the Core Strategy (2010) set out the borough's overall target for delivery of 43,275 new homes (2,885 a year) between 2010 and 2025. It requires 30% of developments to be 3 bedroom units or larger, but within the social rented sector 45% should be for families. Policy DM3 in the Managing Development DPD (Submission Version 2010) seeks to maximise all opportunities to secure affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought
- 8.14 The application site is a brownfield site that is currently underutilised and the site has not been allocated for an alternative use. The principle of using the site for affordable housing is acceptable given the residential nature of surrounding uses. The proposal accords with Policy SP02 (1c) of the adopted Core Strategy (2010) and Policy DM3 in the Managing Development DPD (Submission Version May 2012) and guidance set out in National Planning Policy Framework (2012), which seek to encourage key objectives of maximising the supply of family and affordable housing, where this is appropriate.

#### Dwelling Mix

- 8.15 London Plan Policy 3.8 seeks to ensure that new residential proposals incorporate housing choice. This is supported in the Mayors Supplementary Planning Guidance, which seeks to secure family accommodation within all residential schemes, specifically within the rented sector.
- 8.16 Saved policy HSG7 of the UDP requires development to provide a mix of unit sizes and this is reflected in Policy SP02 of the Core Strategy and MD DPD Policy specify the particular mix of unit sizes required across different tenures in the Borough. This is discussed in more detail on the next page.

Table 1		Affordable Housing							
		Affordable Rent			Intermediate				
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %	Total	%
Studio	0	0	0%	0	0	0	0%	0	0%
1 bed	12	7	16%	30%	5	31%	25%	12	20%
2 bed	25	19	43%	25%	6	38%	50%	25	42%
3 bed flat	15	10	41%	45%	5	31%	25%	15	38%
3 bed houses	3	3			0			3	
4 bed house	5	5			0			5	
<b>TOTAL</b>	<b>60</b>	<b>44</b>	<b>100</b>	<b>100</b>	<b>16</b>	<b>100</b>		<b>60 (100%)</b>	

8.17 As shown in Table 1 above, 23 (38%) of the overall units provided will be for families. Policy SP02 requires 30% of developments to be 3 bedroom units or larger, and within the rented tenure 45% should be for families.

8.18 The scheme will deliver 38% family housing overall and within the affordable rented mix, 41% of units would be family units of three or more bedrooms, which falls slightly below the Council's policy requirement of 45%. The intermediate mix proposed would deliver more than the required proportion of family housing at 31% against 25% required by the borough.

8.19 Whilst this level of provision of family sized accommodation for affordable rent is not policy compliant, the scheme on balance would be acceptable given that it is for the delivery of 100% affordable housing within a constrained urban site and the overall provision of family sized affordable housing is acceptable and has been maximised within the development.

#### Affordable Rent / Intermediate Ratio

8.20 Policy 3.11 in the London Plan seeks to attain a mix of affordable tenures with a split of 60% rent and 40% shared ownership. Policy SP02 of the Council's Core Strategy requires a split of 70% within the affordable rented tenure and 30% shared ownership to meet the housing needs identified in the borough. The sixty affordable units will comprise 44 units for rent and 16 intermediate units (this equates to 76% units for affordable rent and 24% intermediate units). As such, the proposal would broadly accords with Policy SP02 of the Core Strategy (2010) given that Borough's preference for affordable rented accommodation.

8.21 The proposed rent levels have been agreed with the Council's Housing Strategy Team as part of the Royal Mint Street scheme. The rent levels will be based on the POD borough average rental levels in line with guidance from the POD partnership. The Council's Housing Strategy Team has assessed the proposal and is satisfied that it best reflects local housing need in its existing form. The rent levels proposed are:

The POD Borough average rents for the current financial year are:

- 1 Bed £192.26
- 2 Bed £213.58
- 3 Bed £240.35

4 Bed £270.65

- 8.22 Objections were received in connection with the proposed dwelling mix and type of affordable housing provided on grounds that it failed to meet local housing needs. Officers consider that a good mix of units including family housing has been incorporated into the scheme and this would improve housing choice and increase the overall supply of family sized housing in the locality. As such, the proposal would comply with Policy 3.8 of the London Plan (2011), saved Unitary Development Policy HSG7 and Policy SP02 of the Core Strategy Development Plan Document 2010 and Policy DM3 in the Managing Development DPD (Submission Version May 2012).

#### Wheelchair Housing and Lifetime Homes Standards

- 8.23 Saved Policies DEV1 of the Tower Hamlets Unitary Development Plan (2004) and Policy 3.8 of The London Plan (2011) seek to ensure that all new housing is built to Lifetime Homes standard. The London Plan (2011) Policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.
- 8.24 The proposal provides six wheelchair accessible units which are mainly the 4 bed units for Affordable rent. This meets the Council's 10% target requirement. Each of the six units will have a designated parking space. It is considered that the scheme would meet 100% Lifetime Homes standards and 10% of the units provided are to be wheelchair accessible, which meets the policy objectives above. The detail of this is to be secured by a condition.

#### Housing Quality and Amenity Space Provision

- 8.25 London Plan Policy 3.5 seeks to ensure that the design and quality of new housing proposals are of the highest standard internally and externally and in relation to the wider environment and this requires new dwellings to conform to the dwelling space standards set out in Table 3.3 to enable efficient layouts. The Mayor's London Housing Design Guide (Interim Edition, August 2010) provides further guidance on this. Policy SP02 of the Core Strategy (2010) and Policy DM4 of the Managing Development DPD reiterate the same policies.
- 8.26 The units proposed would all meet the minimum internal floor space standards and as such the layout and quality of the units would accord with Policy 3.5 of the London Plan 2011 and Policy DM4 in the Managing Development DPD (Submission Version May 2012). All units will have adequate natural lighting, good outlook and are double aspect.

#### **Density**

- 8.27 The London Plan (2011) Policy 3.4 requires that development should seek to optimise the number of residential units, having regard to the local context, matters of design and the level of public transport acceptability. Target guidance ranges for the density of new residential development are set out in Table 3.2 Sustainable Residential Quality (SRQ) density matrix, which supports Policy 3.4 of The London Plan (2011). The density guidance ranges specified in this table are related to the site location setting, the existing building form and massing, the indicative average dwelling size, and the Public Transport Accessibility Level (PTAL) of the site.
- 8.28 The application site has a Public Transport Accessibility Level of 4 and its immediate setting is considered to be 'urban' in character. The application site measures approximately 0.22 hectares. The London Plan density matrix suggests that sites in such locations can be developed at densities between 200-700 habitable rooms per hectare.
- 8.29 Policy HSG1 of the Interim Planning Guidance (2007) specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the

Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.

8.30 The proposal will result in 219 habitable rooms or an equivalent density of 995 habitable rooms per hectare. The proposed density exceeds the indicative minimum range provided in the London Plan density matrix for a site within a central setting and in the simplest of numerical terms; this would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.

8.31 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason in itself to warrant refusing a planning application. What is more significant is how the densities translate in the form and layout of the proposal and whether there are unacceptable impacts on existing developments surrounding the site. Typically an overdeveloped site would experience significant shortfalls in one or more of the following areas:

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

These specific factors have been considered in detail in later sections of this report – and were found to be acceptable.

8.32 In this instance, officers consider that the site has the capacity to accommodate a higher density than the suggested minimum density range and on balance this is acceptable, given that (i) that site location is relatively sustainable, (ii) the proposal is of a high quality design and the units proposed are satisfactory in terms of layout and standards, (iii) the proposal also provides an acceptable quantum of external amenity space and (iv) it would not cause demonstrable harm in terms of its amenity impacts.

8.33 Some residents expressed concerns that the proposal will result in an overdevelopment of the application site. Officers considered that matters regarding overdevelopment of sites are considered on a case-by-case basis. In the case of the application being considered, officers are not of the view that the scheme would result in overdevelopment of the subject site. One of the key thrusts of current government policy is to ensure that land is used more efficiently in providing new homes and it is considered that the proposal would achieve this aim.

8.34 On balance, officers are satisfied that the development makes the most efficient use of land, whilst providing an increase in the supply of housing. As such, the proposal accords with Policies 3.4 and 3.8, policies of the London Plan, Policies S07 and SP02 of the Core Strategy (2010), policy DM3 in the Managing Development DPD (Submission Version May 2012), IPG policy HSG1 as well as guidance set out in National Planning Policy Framework (2012).

## **Design**



- 8.35 Paragraph 56 of Part 7 (requiring good design) of the National Planning Policy Framework 2012 highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.36 Paragraph 57 of Part 7 highlights the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Similarly, Paragraph 63 of the NPPF provides support for innovative designs, which help raise the standard of the area.
- 8.37 Policy SP10 of the Core Strategy seeks to ensure new developments is of a high quality design. Policies DM24 and DM26 in the Development Management DPD (Submission Version 2012) seek to ensure that taller buildings are of high quality and responds positively to its context.
- 8.38 London Plan policies 7.4, 7.6 and 7.9, saved Policies DEV2 and CON2 of the Interim Planning Guidance (2007) seeks to ensure that taller buildings are of a height and scale that is proportionate to its location, contribute positively to the skyline and take account of any historic context.



#### Impact on Conservation Area and Regents Canal

- 8.39 The site is located within the Regents Canal Conservation Area, which was designated in 2008. The conservation area extends along the boundaries drawn tightly around the Canal and features associated with it including bridges, locks, lock cottages, warehouses and industrial features such as the Bethnal Green gasholders. It is the association between all these elements that form part of the canal's special character and interest.
- 8.40 In terms of the townscape quality of the Canal, its historic features and the associated built fabric, are recognised as being of a special character requiring protection. The character of the canal is highly dependent upon buildings and uses which adjoin it and

these vary along the length of the Regent's Canal. Some sections retain more industrial heritage than others, some sections adjoining Mile End Park offer a more spacious open character, and some sections reflecting the changing nature of the canal with its increased amenity value. Examples of each of the different characters can be seen at different points along the canal's journey through the Borough.

- 8.41 The existing site is run down and of a poor quality, lacking a sense of distinctive place and in its current condition, it detracts from the character and appearance of the conservation area including the canal setting.
- 8.42 The proposed building delivers an active front to the canal, therefore improving its setting and providing opportunities for passive surveillance which relates back to the Canal's industrial heritage. The scale, proportions and height of the proposal will be similar to the adjacent residential development further south of the site at Guinea Point, which is also hard up on the canal boundary. The alignment of buildings along the canal frontage, including the massing, scale and height of the proposal would form an appropriate response to the waterside and conservation area context.
- 8.43 Regent's Canal forms part of the Ribbon Network and during the application process, Canal & River Trust engaged with the applicant to explore the mooring potential of the site and the opportunity to create a more active frontage, which has been welcomed by the applicant. An application will be submitted in due course to take this discussion forward.

#### Scale, design and appearance

- 8.44 The site is located within a challenging context where the architectural styles and heights of buildings are varied. The scale of buildings within the immediate locality range from 2 to 10 storeys high. Immediately south of the site, is a mixed-use residential led development at Guinea Point, which rises to 10 storeys in height along the canal frontage. On the east, side of the canal is the Locksley Estate, which reaches 6 storeys high.
- 8.45 Given the large variation in building heights, officers consider that the principle of a seven storey building on the application site would not be at odds with the overall building heights in the area. The bulk, mass, height, scale and form of the proposal including its alignment along the canal frontage, would form an appropriate design response to the canal context. The scale, proportions and height of the proposal will be similar to the adjacent residential development immediately south of the site at Guinea Point, although it is recognised that the intensity of development would reduce the openness of the site adjoining the canal, which is welcomed given the surrounding context.
- 8.46 The proposed siting and scale of the proposed building is acceptable from a design perspective. The architectural approach will be sympathetic to the varied urban grain of the site and would complement the existing buildings in the area.
- 8.47 Officers consider that the high quality finish to the building is still critical to the success of the scheme and given the importance of these details, a condition is required to ensure that external materials are subject to a condition to ensure a high quality appearance and finishes.
- 8.48 Advice was sought from the LBTH Crime Prevention Officer who welcomed the principle of the scheme. Although there were a number of points of issues raised to improve the safety and to create defensible space to units, most of the suggestions and advice has been incorporated into the proposal. A condition is recommended to ensure secure by design objectives are further addressed within the proposal.
- 8.49 Overall, it is considered that the proposal would be acceptable in terms of its urban

townscape principles and the proposed bulk, mass; scale, height including design and use of materials would be sympathetic to the canal side setting and Regents Canal Conservation Area. As such, the scheme subject to conditions will accord with London Plan Policies 7.1 – 7.8(Inc.) which seeks to ensure buildings and places are of a high quality design and visually appropriate. The application schemes also accords with saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), SO20, SO21, SO22, SO23 and SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (Submission version May 2012)

### **Amenity**

- 8.50 Policy 7.6 of The London Plan (2011), Policy SP10 (4) of the adopted Core Strategy (2010), Policy DM25 in the Managing Development DPD, policy DEV2 and DEV50 of the UDP 1998 and Policy DEV10 of the Interim Planning Guidance, seek to ensure that developments, protect and improve residential amenity and proposals which cause unacceptable impacts on privacy and overlooking; overshadowing and outlook; noise and vibration levels; odour, fumes and dust or microclimate should be resisted.
- 8.51 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

### Daylight

- 8.52 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no skyline (NSL) assessment where internal room layouts are known or can reasonably be assumed.
- 8.53 The target figure for VSC recommended by the BRE is 27%, which is considered a good level of daylight recommended for habitable rooms with windows on principal elevations. This assessment has determined that the VSC can be reduced by about 20% of its original value before the loss is noticeable.

### Sunlight

- 8.54 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). 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.
- 8.55 A daylight and sunlight report was submitted with the application to assess its impact upon neighbouring properties, as well as daylight/sunlight conditions for the proposed units within the development. This assessment included properties at Shaw Crescent; No.86-144 and 146-204 Rhodeswell Road and the north facing windows (upper ground, first and second floors) within the residential block at Guinea Point, which lies to the south of the site.

### Shaw Crescent,

- 8.56 In respect of the two storeys residential properties at Shaw Crescent, 22 properties were analysed containing windows at ground floor and first floors.
- 8.57 The study illustrates that most of the ground and first floor rear windows along the terrace would retain a vertical sky component of between 20% and 27%, which is acceptable given the site context and the fact that the rear elevations of these properties back onto the existing railway viaduct. Four of the windows failed the VSC test, however it is noted

that the rear elevations of these properties possess overhanging balconies at first floor level.

8.58 Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC levels, and on the area receiving direct skylight. Additional tests were undertaken without the obstructions, and this demonstrated that daylighting would meet the BRE guideline, demonstrating that the impacts are symptom of the building's own design.

8.59 The results of the study show annual and winter sunlight levels for the same properties and all of the windows except those located directly under balconies retained in excess of 25% of annual probable sunlight hours. Most of the units also retain 5% of winter sunlight hours. Although, the report show that some of the units will experience minor reductions in daylight and sunlight levels, on balance, the reductions are part of a pre-existing condition and not considered so significant as to warrant refusal of the planning application.

Flats No.'s 86-144 and No.'s 146-204 Rhodeswell Road

8.60 The VSC tests were undertaken for a total of 48 windows (ground and first floors) within the above two residential blocks. The report asserts that above first floor level, all windows if tested would meet the BRE guidelines.

8.61 As assessed, the report illustrates that eight of the twenty four windows assessed at ground and first floors of each block would experience acceptable daylighting levels within BRE Guidelines or marginally below (2%). The report illustrates that eight of the tested windows (which equates to 33% of the habitable windows tested) would fail the VSC daylight test.

Photograph 1-showing Rhodeswell Road Block



8.62 The photograph above shows 146-204 Rhodeswell Road; there is the same window arrangement at 86-144 Rhodeswell Road. The sixteen windows affected (eight in each block) are all set within recessed balconies. Given the proximity of these windows to recessed balconies, it would be typical for minor variations in daylighting levels to have more of a disproportionate impact on rooms.

8.63 Although the submitted report indicates that there may be a noticeable reduction in daylighting to some habitable rooms within this development, it is considered that much of the impacts would arise by virtue of the window location being behind the balcony rather than from the direct impacts of the proposal. On balance, officers consider that there would not be a significant or unreasonable worsening of prevailing lighting conditions for these rooms. Additionally, the flats themselves would continue to receive adequate lighting levels by virtue of being dual aspect.

8.64 As neither of the blocks faces within 90 of due south, no sunlight analysis was undertaken.

#### Guinea Point

8.65 There are multiple windows on the north facing elevation of the residential development at Guinea Point on all levels. The report tested sixteen windows for loss of daylight on the upper ground, first and second floors, being the worst-case affected windows.

8.66 The submitted report indicates that eight of the north-facing windows tested (50%) for the Guinea Point development would retain above 70% of its original lighting levels. However, eight of the windows failed the VSC Test (as they will retain between 53% and 69% of their original lighting levels) and as a result these affected rooms (upper ground, first and second floor flats) would experience variations in daylight reductions. It is noted that one of the windows (J) will retain approximately 1% of its original lighting level, which indicates that the light loss reduction will be particularly noticeable. This window lies within a recessed balcony.

8.67 The approved floor plans for the Guinea Point development (PA/05/02100) indicate that the affected windows relate to six flats. Five of these flats form part of dual aspect units and therefore the lighting levels will not be significantly reduced to the whole flat. There is only one single aspect unit affected, and it is considered that much of the impacts to this window would arise by virtue of its location behind a balcony rather than from the direct impacts of the proposal.

8.68 In considering development proposals, the BRE guidelines emphasise that in densely developed urban area, greater flexibility should be applied in interpreting the results. Therefore, where the daylight/sunlight reports that a development proposal may involve significant or unreasonable worsening of existing lighting levels, other factors would need to be considered including pre-existing lighting conditions or the relationships between existing and proposed developments. It is a fact that lower lighting levels are experienced to all north-facing windows. However, in this case, the windows in Guinea Point with north facing aspect are hard up against the development's northern boundary. Accordingly, any new development of a modest size would have an impact on these windows. North facing windows would also have lower expectations to sunlight due to their aspect.

8.69 The occupant of Flat 502 Guinea Point expressed concern about the potential impacts of the proposal on habitable rooms (bedroom and balcony windows) at fifth floor level. As noted in the submitted daylight and sunlight report, all the habitable rooms above second floor level would receive adequate daylighting.

8.70 In conclusion, officers acknowledge that the proposal would have some impact on adjoining north facing windows; however, this will be more noticeable for the single aspect unit rather than the dual aspect ones. The poor lighting to this flat window already occurs by virtue of its recessed design, rather than from the direct impacts of the proposal. On balance, officers consider that there would not be a significant or unreasonable worsening of prevailing lighting conditions to the flats affected, particularly where they are dual aspect.



### Proposed properties

- 8.71 Daylight provision in the form of Average Daylight Factor was calculated for sample number of flats within the proposed development (Units 1, 2, 3 and 7) containing rooms considered to represent a worst-case scenario. Five of the rooms assessed would achieve the Average Daylight factor recommended. Of the three rooms that do not meet the sunlight requirement, it is noted that these are combined Kitchen/Dining rooms with southeast aspect. Although failures are acknowledged, it should be noted that the rooms affected are all dual aspect and any reduction to these areas would be more than compensated for by the satisfactory outlook, and the size of the units.
- 8.72 In terms of sunlight, a number of windows were tested on the southern elevation of the proposed development and it should be noted that all the windows assessed achieve the recommended level of both annual probable sunlight hours and winter sunlight hours.
- 8.73 Whilst, the proposal would provide a relatively intensive form of development with significant site coverage, it is considered that the overall impacts of the scheme would not result in an unduly detrimental loss of amenity for existing neighbouring occupants or future residents. On balance, the proposal is therefore acceptable and complies with UDP policy DEV2, Core Strategy Policy SP10, DM25 of the MD DPD (Submission Version May 2012) and IPG policy DEV1.

### Privacy

- 8.74 Saved UDP Policy DEV2 and Policy DM25 of the MD DPD (Submission Version 2012) requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policies state that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.75 The proposed development achieves a separation distance of 10.5 metres between the proposed development and the Guinea Point to the south of the site, however instances of overlooking have been designed out by the staggered positioning of balconies/windows which reduces the intervisibility between units.
- 8.76 Due to the height of the proposal, it would rise above the railway viaduct affording views over Shaw Crescent, Carr Street and Maroon Street, however, the privacy distance (between 17 metres and 24 metres) would ensure that any direct overlooking would be minimised.
- 8.77 Within the development, a certain degree of overlooking will be permitted between residential units obliquely looking towards the inner courtyard and most of the units would be dual aspect. It is considered that the proposed layout of the site will provide sufficient space between main blocks so as to provide a satisfactory level of privacy overall.
- 8.78 Concerns have been raised during the consultation process regarding the impact of the proposal on privacy; however it is considered that the relationship of the proposal to surrounding buildings would not be unduly detrimental to amenity.

### Sense of enclosure

- 8.79 The above-noted policies seek to ensure that there is no unacceptable increase in the sense of enclosure, which is something, which cannot easily be measured. As noted above, the relationship of the proposal to surrounding buildings is considered acceptable. The distance between the proposal and surrounding buildings are also typical of an urban

context. The taller elements of the proposal are to the corner of the Repton Street end, and the building steps down towards Maroon Street, which reduces the impact on the adjoining properties. Given the proposed layout and the distance of surrounding properties, it is considered that the proposal would not result in any material loss of amenity.

- 8.80 Representations have been received on grounds that the proposal would result in unacceptable increases in the sense of enclosure and a loss of outlook. As noted above, this is subjective and cannot be readily assessed in terms of a percentage or numerical loss of outlook. Whilst the built form on the site would increase, it is not considered that this would result in an unduly detrimental material loss of amenity, given the urban context of the site and its relationship to adjoining buildings.

#### Noise and Vibration

- 8.81 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the MD DPD seek to ensure that new development proposals reduce noise impacts by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.82 There are potentially significant noise impacts that could arise from the proposal. These are high levels of noise and vibration from the adjoining railway viaduct on the eastern boundary. There are also potential noise impacts arising from construction noise, which may impact on residential amenity and objections have been received in this regard.
- 8.83 A Noise Impact Assessment Report accompanied the application and the Council's Environmental Health (EH) Team has assessed this. Officers were generally supportive of the proposal, but remain concerned about the impacts of rail noise and ground borne vibration. EH recommends conditions to ensure high performance acoustic glazing and ventilation is provided on all residential facades. Additionally, a Post Completion Testing for Internal Noise levels of all habitable rooms on all floors and facades is recommended to ensure that all habitable rooms meet the 'Good standard' of BS8233. Similar tests are required for the proposed amenity spaces, and these have been secured by condition.
- 8.84 In respect of the concerns raised about the impact of noise pollution during the construction phase, Environmental Health has powers under the Control of Pollution Act to agree or impose limits on the hours of work and noise and vibration levels and this can be secured by condition.

#### Microclimate

- 8.85 The planning application is supported by Wind Microclimate Desk Study, which seeks to identify the likely wind impacts arising from the proposal including the general suitability of areas around the application site for likely pedestrian activities. The report takes account of factors such as building heights, orientation, and site context and seeks to identify where unpleasant wind speeds might be expected and if necessary general mitigation that may be taken to mitigate the impacts of wind speed.
- 8.86 The report concludes that most of the site would be suitable for its intended purpose, however, there is likely to be localised wind at the pinch points between the southeast boundaries of Repton Street. As a result, the south-eastern elevation may experience pockets of localised winds, which may render the private amenity spaces unsuitable for the most wind sensitive pedestrian activity (i.e. such as long-term sitting). Given that this impact is localised and the majority of the site is fit for purpose, officers accept the findings of this report and note that no mitigation is required to address this.

#### Air Quality

- 8.87 Policy 7.14 of the London Plan, Policy SP03 of the Core Strategy and Policy DEV11 of the Interim Planning Guidance (2007) seek to ensure that air quality is protected. The application was accompanied by an Air Quality Assessment Report, which illustrates the measures that the applicant is proposing to minimise impact on local air quality (such as providing a car free development, gas fired CHP and boilers). The measures in place are considered to be acceptable and no further mitigation has been proposed with the report.
- 8.88 Concerns were expressed regarding dust emissions during the construction phase and its impacts on residential amenity. These concerns have been taken into account in the report, however, it is considered that a condition can be imposed requiring the developer to submit a Construction Management Plan which should go some way to address this concern.

#### TV and Radio reception

- 8.89 Policy DM26 of the Managing Development DPD (Submission version 2012) requires proposed tall buildings not to interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks. The application is supported by a report to assess potential impacts to terrestrial and satellite television and radio reception associated with the proposed development. This concludes that there will be some adverse impacts on up to four TV signals installations during the construction phase. Officers recommend that a clause is secured through the s106 Legal Agreement, requiring further details of potential impacts and details of mitigation of these impacts.

#### Contaminated Land

- 8.90 There is historic evidence of contamination within the immediate vicinity of the site. The Council's Environmental Health Team has raised no objection to the proposed development, but has recommended planning conditions seeking information regarding contamination assessments and appropriate mitigation.
- 8.91 The conditions are accepted in full and as such the proposal would accord with policy DEV51 of the Adopted UDP (1998), policy DM30 of the Managing Development DPD (Submission Version, 2012), Policy DEV22 of the Interim Planning Guidance which states that developments on land that may be contaminated must contain a site investigation.

#### Flood Risk

- 8.92 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (Para 100). Policy 5.12 of the London Plan, Saved policy U2 of the Tower Hamlets Unitary Development Plan (1998) and Policy DEV21 of the Interim Planning Guidance (2007) seek to reduce the susceptibility of new developments to the incidence of flood risks.
- 8.93 The application has submitted a flood risk assessment that was reviewed by Environment Agency (EA). No objection was raised because the application site lies within Flood Zone 1 and typically the only flood risk issue would relate to the management of surface water run-off.
- 8.94 In conclusion, the proposal does not give rise to significant flood risk. A planning condition is recommended relation to surface water run-off and drainage that would mitigate the effects of the development.

#### Residential Amenity Space

- 8.95 Saved UDP Policy HSG 16 requires that new development should make adequate



provision for amenity space, Policy HSG7 in the Interim Planning Guidance (2007) and Policy DM4 in the Managing Development DPD(submission version 2012) sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan Policy 3.6 on the provision of child play space is also relevant.

- 8.96 Policy DM4 in the Managing Development DPD (submission version 2012) advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 square metres of useable child play space per child). The policies above seek to ensure that amenity space is integrated into a development, in a safe, accessible and usable way.
- 8.97 The application proposes private amenity space in the form of ground floor gardens and balconies to all properties. The private external amenity space for each of the units would meet the policy requirements for the delivery of adequate private amenity space.
- 8.98 In respect of the child play space, the total expected child occupancy generated by the proposal would be approximately 65 children. This should generate a requirement for 650 sq metres of child play space requirements of which 250 sq. metres would be expected to be provided on site (25 children will be under 5 years old) to comply with policy requirements.
- 8.99 The application proposes a hard play area beneath one of the railway arches which is approximately 103m<sup>2</sup>. Although the proposal falls short of overall policy requirements, officers consider that it will go some way to meeting the recreational needs of under 5's subject to conditions regarding its layout. This level of provision is supported given the site constraints. Additionally, all children will have access to private amenity space. There are other play facilities within walking distance of the site for older children within Stonebridge Wharf within 90 metres from the site.
- 8.100 Policy DM4 in the Managing Development DPD (submission version 2012) requires that all new developments in excess of ten residential units should provide 50 square metres for the first ten units and a further 1 sqm for each additional unit. In this case, it is considered that to meet the communal amenity space policy provision, a minimum of 100sq metres should be provided. The scheme proposes 395 sq. metres of communal amenity space, which exceeds policy requirements. A condition is to be attached in respect of the landscaping proposal on the canal walkway.
- 8.101 Given the physical constraints of the site, there will be no open space provision. Under normal circumstances, the developer will be required to mitigate this requirement through a financial contribution. However, the s106 package for the proposal will be limited and as such, this will not provide any opportunity to address this requirement. However, as part of the s106 financial obligations proposed £8,946 is to be secured for public realm improvements. Whilst this in no way compensates for the lack of open space, it should go some way to improve the public realm around the site

#### Refuse

- 8.102 Policy 5.17 of the London Plan, Policy DM14 of the Managing Development DPD (Submission Version, 2012), Policy SP05 of the Core Strategy, and Policies DEV55 and DEV56 of the UDP require developments to make suitable waste and recycling provision.
- 8.103 The scheme incorporates two Underground Refuse Systems (URS), which will be located adjacent to the plant room near Repton Street, and the second on the far side of the railway arches in Maroon Street.
- 8.104 The Council's Waste Management Team has no objections in principle and support the

use of URS systems where feasible subject to the highway considerations being satisfied. However, the Council's Highway and Transportation Team remain concerned about the impact of the URS scheme on highway safety, in particular the URS Hopper location/operation proposed adjacent to Maroon Street.

- 8.105 Revisions were sought to address this, but officers are unsatisfied with the servicing implications for refuse. Further revisions will be required and the applicant has accepted that for this to be addressed by a condition. Overall, subject to the imposition of conditions, the Council's Highway Team would be satisfied with the proposal, and are of the view that the principle of the refuse arrangements is acceptable, subject to detailed design.

#### Biodiversity

- 8.106 London Plan 7.19 states "Development Proposals should where ever possible make a positive contribution to the protection, enhancement and, creation and a management of biodiversity". This is supported in London Plan Policy 5.10 relating to Urban Greening and Policy 7.21 regarding trees.
- 8.107 Policy SP04 (3) of the Council's Core Strategy (2010) states that it will expect the opportunity to be taken to enhance and attract biodiversity.
- 8.108 An Initial Ecological Survey was submitted with the application to assess the biodiversity potential of the site. This concludes that the potential for biodiversity exists and recommends the provision of a biodiversity enhancement plan, as part of the proposed landscaping plan. It recommends that any of the trees to be retained should be protected where possible. The survey also advises for all vegetation to be disturbed or removed should be checked to ensure that there are no nesting birds.
- 8.109 An initial Bat survey was undertaken in connection with the application proposal, the report highlights that the canal and bordering vegetation on site would provide a potential foraging habitat for bats and it was concluded that although most of the site does not show any habitat potential, an endoscope survey was recommended for the areas not surveyed.
- 8.110 The Council's Biodiversity officer has been consulted and recommends that a condition be attached to ensure that the survey is undertaken prior to any commencement works on site. In addition, conditions are recommended for a biodiversity enhancement plan and for vegetation removal to comply with Wildlife and Countryside Act 1981(as amended). A condition is also advised to ensure that the protection is provided for any trees to be retained on site.
- 8.111 The Canal & River Trust were consulted on the proposal, which incorporates part of land in their ownership. They originally raised concerns about the proposal in terms of its impact on the canal setting and lack of mooring potential within the scheme and the need to softening the impact of the development through softer landscaping. Meetings have been held with the applicant in this regard and it was agreed that the landscaping arrangement be reconfigured, improving access to the canal. It has also been agreed that softer landscaping be provided and mooring infrastructure be put in place. The applicants have agreed revisions to the canal towpath although it will be maintained as private space for residents and the walkway above this will also be private space. Officers are satisfied that this requirement can be secured by way of a condition, and the principle of residential moorings in planning terms would need to be assessed by way of a separate planning application.
- 8.112 It is considered that the measures above would provide new habitat opportunities for ecological enhancement, and with the proposed conditions described above, the proposal would accord with the London Plan and Council's policy objectives.

## Trees

- 8.113 An Arboricultural Survey was submitted with the application. This highlights that there are 15 trees (11 Sycamore Trees, 3 Cherry Trees, 1 x Ash and a Goat Willow tree) located on the canal embankment to the east of the site. The report highlights that the Goat willow Tree is in poor condition and should be removed. The remaining trees (9 Category 'B' and 5 Category 'C' trees) are to be felled to facilitate the proposal.
- 8.114 Whilst it is normally desirable to retain 'B' category trees, the Council's Arboricultural officer has raised no objections in this instance. The loss of the trees would therefore be acceptable to the council in view of the applicant's intention to re-provide some trees as part of the landscaping proposal. Canal & River Trust was consulted about the tree works on their land and no objections were raised.
- 8.115 The removal of trees would not harm the visual amenity of the conservation area, and subject to a landscaping condition secure details of replacement planting and canal-side landscaping, the proposal accords with saved policies DEV14 and DEV15 of the Tower Hamlets Unitary Development Plan (1998) and policy DEV13 of the Council's Interim Planning Guidance (2007), policy SP04 of the Adopted Core Strategy (2010), Policy DM23 and DM27 of the Managing Development DPD (Submission Version May 2012)

## Sustainability and Energy

- 8.116 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies.
- 8.117 The NPPF advises that when determining planning applications, local planning authorities should expect new development to:
- § comply with adopted Local Plan policies on local requirements for decentralised energy
  - § supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - § take account of landform, layout, building orientation, massing and landscaping to
  - § minimise energy consumption
- 8.118 Policy 5.1 of The London Plan (2011) seeks to achieve an overall reduction in London's carbon dioxide emissions of 60 per cent by 2025. Policy 5.2 of The London Plan (2011) sets out the 'lean, clean, green' approach to sustainability, which is expanded upon in Policies 5.3, 5.7, 5.9, 5.10 and 5.11 of the London Plan. Overall, The London Plan (2011) requires a 25% reduction in carbon dioxide emissions over Building Regulations 2010 Target Emissions Rate (TER), and to achieve Code for Sustainable Homes (CSH) Level 4 (for residential).
- 8.119 Policy 5.2 and 5.7 state that new developments should achieve a reduction in carbon dioxide emissions of 40%. Core Strategy Policy SP11 has similar aims to London Plan Policy.
- 8.120 The applicant submitted an Energy Statement with the application, which explores the various sustainability options for the development and advises of what measures are recommended. Alongside passive energy measures such as using MVHR, PIR and improved U values for the fabric of the building, beyond that required for Part L, a gas fired CHP system is proposed together with 150m<sup>2</sup> PV. The report confirms that the London Plan requirements for 20% reduction in on site renewables, is technically feasible if the PV surface area is increased to 305m<sup>2</sup>. However, this option is not financially viable.

- 8.121 The Council's Energy Team have assessed the energy statement and welcome the proposed range of passive design features and measures to reduce carbon emissions of the proposal. To ensure compliance with the above planning policies, it is recommended that a planning condition be applied to address sustainability matters and ensure that the development will achieve the appropriate level to meet the Code for Sustainable Homes standards. Details of the PV's on the roof of the proposal and layout of the CHP details are to be secured by condition.

## **Transportation and Highways**

### Car Parking

- 8.122 Paragraph 29 in the National Planning Policy Framework states that transport policies have an important role to play in facilitating sustainable development but also in contributing to the wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The NPPF maintains a town centre first approach and encourages the development of sites close to good public transport at higher densities.
- 8.123 London Plan Policies 6.3, 6.9 and 6.13, Policies SP08 and SP09 of the Core Strategy (2010), saved UDP policies T16, T18, T19 and T21 and Policy DM22 in the Managing Development DPD supports reduction in car travel and encourage uses the use other more sustainable means of travel.
- 8.124 The application site is relatively sustainable and has a PTAL of 4 and for this reason; the applicant has proposed a car free development. This is to be secured by a section 106 agreement to ensure that residents are not eligible for a resident's permit to park on the adopted highway.
- 8.125 The scheme provides for 6 disabled parking units (four parking spaces on site and two at the stub end of Repton Street). The Council's Highways and Transportation Team has no objections to the parking provision save that two of the parking bays be relocated in arches closer to Repton Street. The applicant has agreed that the revisions can be secured by condition.
- 8.126 The Council operates a Permit Transfer Scheme (PTS), which allows prospective occupiers of existing 3+ bedroom social rented units to retain one car-parking permit per household. This could be potentially applicable to the 23 of the proposed family units within the scheme. The Council's Highway and Transportation Team have assessed that there will be sufficient capacity within the adjoining streets to accommodate the additional level of parking associated with the scheme.

### Cycle Parking

- 8.127 London Plan Policies 6.1 and 6.9 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity. Policy SP09 of the Core Strategy and Policies DM22 and DM23 in the Managing Development DPD (submission version 2012) seek to provide better facilities and a safer environment for cyclists.
- 8.128 The scheme provides for 98 cycle parking spaces proposed within two separate locations (88 in the railway arches within the site adjacent to Repton Street and a further 10 at Maroon Street end). The spaces are to be provided using the semi-vertical bike rack supplied by Bike Dock solutions.
- 8.129 The Council's Highway and Transportation Team have considered the location and type of cycle parking provided, however, justification is required as to why Sheffield Stands are not provided. The cycle stands should be provided in a secure location. As such, revisions are required for the final design of the cycle parking stands and this can be

secured by condition.

- 8.130 In conclusion, the provision of the 6 disabled parking spaces alongside a car and permit free agreement for the proposal is acceptable. Officers consider that the proposal subject to conditions will not have an adverse impact on the adjoining highway network. The applicant will be required to enter into an s278 agreement with the Council in respect of highway improvement works necessary to facilitate the proposal.

### **Planning Obligations**

- 8.131 Policies 8.1 and 8.2 of The London Plan (2011) seek to ensure that development proposals make adequate provision for both infrastructure and community facilities that directly relate to the development. Developers will be expected to meet the full cost of facilities required as a consequence of development and to contribute to resolving deficiencies where these would be made worse by development.

- 8.132 Policy DEV4 of the adopted UDP and policy SP13 of the Core Strategy (2010) state that the Council will seek to enter into planning obligations with developers where appropriate and where this is necessary for a development to proceed.

- 8.133 Community Infrastructure Levy Regulations 2010 (“the CIL Regs”), establish a payment or other benefit offered pursuant to a Section 106 Agreement cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations CIL Regs (Regulation 122), which provide that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing infrastructure such as such as health, community facilities and open space and to ensure that appropriate infrastructure exists to accommodate the impacts of the new development

- 8.134 Regarding Community Infrastructure Levy (‘CIL’) considerations, following the publication of London Mayors’ Community Infrastructure Levy, Members are reminded that the London Mayors’ CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to this scheme is £177,030, based on the Gross Internal Floor Area (GIA) of the proposal. As the proposal is to provide 100% affordable housing, it will qualify for Social Housing Relief.

- 8.135 The Council’s Supplementary Planning Document on Planning Obligations (January 2012) sets out further guidance regarding financial contribution. The application proposal is a major development, and this triggers the need for financial contributions to mitigate against associated impacts on the local infrastructure within the locality.

- 8.136 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £990,944. This has been calculated using the following heads of terms set out in the SPD:

- (a) £13,176 towards employment initiatives for the construction phase
- (b) £19,782 towards the Idea stores and Library facilities
- (c) £668,778 towards the provision of education
- (d) £52,469 towards leisure
- (e) £125,980 towards public open space (amend)
- (f) £98,072 is required towards the provision of health and well being
- (g) £10,332 is required towards public realm improvements.
- (h) £2,355 towards sustainable transport

## Non-Financial Contributions

- a) 100% affordable housing units (44 units for affordable rent at POD level rents and 16 units for intermediate)
- b) Car and permit free agreement
- c) Commitment to utilise employment initiatives

- 8.137 Following a financial assessment of the approved scheme on the Royal Mint Street site, a total of **£9,625,081** was set aside in connection with the affordable housing delivery (the equivalent of 445 habitable rooms) on the two identified donor sites. Within this, the S106 legal agreement included a provision (**£1.5 million**) to meet the financial obligations to off-set associated impacts on the local infrastructure within the locality of the donor sites.
- 8.138 This £1.5 million is to be apportioned across both of the donor sites. The applicants (THCH) have updated the costs associated with the proposal since the original viability assessment was undertaken during the consideration of the Royal Mint Street scheme, and officers are satisfied that the ability to secure financial contributions has been maximised.
- 8.139 The provision has therefore been apportioned according to the housing densities on each donor site. Therefore, £705,000 is the total financial contribution available in this instance to mitigate any associated impacts arising from this development, whilst £795,000 is apportioned to the scheme proposed at Pedley Street.
- 8.140 Whilst the amount is lower than would normally be expected for a scheme of this size, officers are minded to accept the financial contributions on offer because of the benefits that the parent scheme will deliver across the three sites. The affordable new homes, on the two donor sites are for those residents in housing need within the borough. Given this, it is considered that the financial contribution offered will go some way to offsetting the overall impacts on the sites.
- 8.141 Given the overall s106 package that can be delivered, the financial contribution has been apportioned to meet the key priorities for the Council under the following heads:

### Financial contribution

- (a) **£13,176** Towards employment initiatives for the construction phase
- (b) **£668,778** towards education
- (c) **£8,946** towards public realm
- (d) **£14,100** towards monitoring

**TOTAL: £705,000**

### Non financial contribution

- § 100% affordable housing units (44 units for affordable rent at POD level rents and 16 units for intermediate)
- § Car and permit free agreement
- § Commitment to utilise employment initiatives (reasonable endeavours to secure 20%)
- § Overage Mechanism – to review the financial viability of the proposal prior to completion
- § TV Reception

- 8.142 The Planning Contribution Overview Panel has accepted the level of contributions proposed by the developer and the key priorities identified to be met in light of the viability of the scheme.

- 8.143 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:
- 8.144 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 considerations
- 8.145 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.
- 8.146 In this context “grants” might include the new homes bonus and payment of the community Infrastructure levy.
- 8.147 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.148 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 Mayoral CIL will be applicable to this scheme; however, developments involving affordable housing will qualify for social housing relief.
- 8.149 The Coalition Government introduced the New Homes Bonus during 2010 as an incentive to local authorities to encourage housing development. The initiative provides finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data, which is ratified by the CLG, with additional information from empty homes and additional social housing, included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six-year period.
- 8.150 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £106,852 within the first year and a total of £641,114 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

## **CONCLUSION**

- 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.







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