

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 24 January 2013 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

Members:	Deputies (if any):
<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, 24 January 2013**

**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 13<sup>th</sup> December 2012.

**5 - 14**

**4. RECOMMENDATIONS**

To RESOLVE that:

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

## **5. PROCEDURE FOR HEARING OBJECTIONS**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **15 - 16**

The deadline for registering to speak at this meeting is 4pm Tuesday 22<sup>nd</sup> January 2013.

## **6. DEFERRED ITEMS** **17 - 18**

- 6 .1 Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14 (PA/12/02107)** **19 - 86** **Blackwall & Cubitt Town**

## **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. **87 - 90**

- 7 .1 Skylines Village, Limeharbour, London (PA/11/3617)** **91 - 156** **Blackwall & Cubitt Town**

- 7 .2 Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14 (PA/12/02856)** **157 - 210** **Limehouse**

# 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, 13 DECEMBER 2012**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Shahed Ali  
Councillor Zara Davis  
Councillor Stephanie Eaton  
Councillor Judith Gardiner  
Councillor Carlo Gibbs  
Councillor Dr. Emma Jones  
Councillor Helal Uddin

**Other Councillors Present:**

None.

**Officers Present:**

Pete Smith	– (Development Control Manager, Development & Renewal)
Michael Bell	– (Strategic Planning Manager, Development & Renewal)
Mandip Dhillon	– (Principal Planning Officer, Development and Renewal)
Jerry Bell	– (Applications Team Leader, Development and Renewal)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Bill Turner.

## 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests (DPIs) were made.

However non DPIs on items were declared as follows:

Councillor Helal Abbas declared an interest in agenda item 7.2. (Fakruddin Street and Pedley Street, London E1) (PA/12/02228) and 7.3 (47 Repton Street, London E14 7BF) (PA/12/02131). This was on the basis that he was a Council appointed Board Member of Tower Hamlets Community Housing. He had also received briefings and representations on these items from interested parties but had not expressed an opinion.

Councillor Carlo Gibbs declared an interest in agenda item 7.2. (Fakruddin Street and Pedley Street, London E1) (PA/12/02228) and 7.3 (47 Repton Street, London E14 7BF) (PA/12/02131). This was on the basis that he was a Council appointed Board Member of Tower Hamlets Community Housing. He had also been contacted by interested parties on agenda item 7.2.

Councillor Helal Uddin declared an interest in agenda item 7.2. (Fakruddin Street and Pedley Street, London E1) (PA/12/02228) and 7.3 (47 Repton Street, London E14 7BF) (PA/12/02131). This was on the basis that he was a Council appointed Board Member of the Tower Hamlets Community Housing.

## 3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 8<sup>th</sup> November 2012 be agreed as a correct record and signed by the Chair.

## 4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

## **5. PROCEDURE FOR HEARING OBJECTIONS**

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

## **6. DEFERRED ITEMS**

Nil items.

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

With the agreement of the committee, the order of business was varied as set out below

### **7.2 Fakruddin Street and Pedley Street, London E1 (PA/12/02228)**

Update report tabled.

A Member requested that, in future, the update reports be e-mailed to Members prior to the meeting, to give Members more time to read them. Officers agreed to consider this. The meeting was adjourned for 10 minutes to allow Members to read the update.

Pete Smith (Development Control Manager) introduced the application at Fakruddin Street and Pedley Street, London E1.

The application stemmed from the Royal Mint scheme granted permission in 2011 by the committee. This scheme fell below the threshold for schemes normally considered by this committee. However, the Service Head for Planning Services had considered it appropriate for the scheme to be dealt with by this committee due to the links with the Royal Mint scheme.

The Chair invited registered speakers to address the Committee.

Aulad Miah spoke in objection. He stated that he was speaking on behalf of the 700 people that signed the petition and the letters against. This was unfair as the proposal was for private luxury homes. The Pedley Street site was next to railway lines. Therefore was not suitable for residential development. The noise and vibration would be unacceptable as shown by the report on the Weavers House by Gateway Housing. The scheme breached the sunlight policy. Officers should visit the site as the report was based on a desk based study.

The Chair clarified that Officers were required to visit sites in researching applications. Members were familiar with the site.

Mr Miah stated that there was a lack of services to support the increased population i.e. GP places. The developers had ignored the feedback from the consultation.

Members asked questions of Mr Miah for clarity. In reply, Mr Miah stressed that there was a lack of services to accommodate the scheme and open space. The Gateway report (on Weavers House) was undertaken when the East London Line extension was undertaken. It found that the noise impact on Weavers House from the line was unacceptable. This scheme was even closer to the line. Much of the land around the Pedley street site was designated as open space.

He was not against the development of the site in principle as there was a need for affordable housing. Yet the units were not affordable. There was a lack of family units and no amenity space. The height and number was excessive and should be reduced. The quality was poor with focus on numbers rather than quality to meet the Royal Mint permission obligations. The existing units in the area were of high quality so this would be out of keeping. These issues should be addressed.

Tim Limberick spoke in objection. He stated that he was speaking on behalf of a resident of Weavers House of 25 years. He objected to: the height of the proposal, overdevelopment, the impact on infrastructure, parking, segregation with the community due to the design, impact on sightlines, lack of family homes, oversupply of smaller units at the expense of the former and loss of light and privacy.

The scheme would obstruct the access route for larger vehicles including emergency vehicles to Weavers House. A large number of the residents affected were not English speaking. Yet the consultation was only done in English so this breached human rights.

Peter Exton spoke on behalf of the applicant in support. The scheme would provide 100% social housing on a not for profit basis. The applicant had carried out extensive consultation with residents. There was an interpreter available at meetings and the letters were sent out with options for alternative languages. The houses would be of high quality with private gardens and family units. It would help address the issues with asb at the site by creating an active frontage.

Mr Exton referred to the Gateway report mentioned by the previous speaker Aulad Miah. The property tested here was old and of low quality and not comparable to the proposal. The density of 411 habitual rooms per hectare fell comfortable within the policy density range.

Members asked questions of Mr Exton . In reply, he explained the rent levels for the affordable units. The units complied with policy in terms of quality and size. They was superior to the older schemes that he had worked on due to the stricter policy standards.

It was planned to redesign the community facility with Spitalfields Housing Association. They were committed to ensuring it was accessible for all community groups. The scheme would vary in height to protect privacy. The consultation letters (sent by the applicant) was sent to all residents in the area affected. They held open days at all times of the day.

Mr Exton noted the differences in density figure cited by himself (411 habitable rooms per hectare) and the Officers report. (734). The difference was purely due to the way each had been calculated. But in essence, both assessments complied with policy. Mr Exton noted the concerns about asb at the site. Part of the problem now was that the site was disused that made it attractive for asb. Therefore, the activation of the site should help address this. The scheme was secure by design.

Amy Thompson (Planning Officer) presented the detailed report. She explained the links to the Royal Mint site development. The purpose of this application was to fulfil the obligations in that application for off site affordable housing. 141 letters and 13 petitions had been received with 2 letters in support. She explained in detail the site location and surrounding area. She described the housing mix, the s106 contributions, the proposed layout and plans for the new and expanded community facilities.

Jerry Bell clarified the differences in density assessments (between Mr Exton and Officers). He confirmed that both were generally the same and complied with policy.

Members asked questions of Officers. Their responses are summarised below.

- Officers explained the changes in designated open space at the site arising from the East London Line extension. In particular, the discrepancies in policy in relation to this matter as set out in the Officers report.
- It was considered that the access plans were acceptable. There was provision for larger vehicles. It would not affect access to the Weavers House as suggested by the speaker in objection.
- The s106 was explained. The contributions had been considered by the Council's Planning Contributions Overview Panel taking into account the SPD. It was decided that education should be prioritised. It was considered that the maximum level of contributions had been secured based on viability testing.
- The allotment space would be relocated on site. Details of which was explained.
- The child play space for the under 5's complied with policy. Officers were also satisfied that there was adequate provision for older children off site.
- The separation distances were considered acceptable with no impact on privacy. The update report provided further information on this.

- The issues around noise and vibration had been fully investigated.
- The scheme had been designed to minimise this. Environmental Health had considered the application and had suggested further conditions that would be secured.
- Officers referred to the emerging plans for the wider area. Together with this scheme, the plans should make the whole area safer and help address ASB in the area.

On a vote of 5 in favour, 1 against and 2 abstentions, the Committee RESOLVED:

1. That planning permission Fakuaddin Street and Pedley Street, London E1 (PA/12/02228) be **GRANTED** for the redevelopment of site (including land at Fakuaddin 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) subject to:
2. The prior completion of a legal agreement to secure the obligations set out in the report.
3. The conditions and informatives set out in the report

### **7.3 47 Repton Street, London E14 7BF (PA/12/02131)**

Pete Smith (Development Control Manager) introduced the application regarding 47 Repton Street, London E14 7BF.

Shahanur Khan spoke in objection to the scheme. He stated that he was speaking on behalf of a residents association for the area. He objected to the pressure on services, the enforceability of the car free agreement and lack of affordable housing. The scheme would result in overdevelopment and ASB, obstruct sunlight and views, increase pollution and lead to health hazards. There was a lack of consultation with residents.

Peter Exton spoke in support of the scheme. He highlighted the extensive consultation carried out with residents. The community centre on the site would be retained on site. The housing was genuinely affordable. The scheme complied with policy and should be granted.

Amy Thompson (Planning Officer) presented the detailed report. The scheme also sought to fulfil the obligations on the Royal Mint scheme (PA/11/00642) for affordable housing, similar to the previous item (7.2 on the agenda). She explained the outcome of the local consultation, the site location and surrounds. She described the housing mix, height, design, the communal space and the access route.

In reply, Members asked questions of Officers. Their responses are summarised below.

- Officers referred to the community space within the development site. There was sufficient space to accommodate this in the scheme.
- The s106 had been assessed in accordance with the Council's SPD by the Planning Contributions Overview Panel. They considered it important to prioritise the statutory obligations. Overall, Officers considered that the benefits of the scheme (such as the additional affordable housing) outweighed any disadvantages.
- The contributions were intended to help towards the costs to services. Besides, there was a duty on services such as the NHS to meet the needs of the population. Therefore they should receive additional funding for any population growth. This should help meet the costs of the proposal in addition to the s106.
- It was necessary to take into account viability. This issue was a material planning issue.
- The site was considered appropriate for residential use. The loss of employment use was acceptable. Officers were not aware of any alternative uses or proposals for the site. The committee could only consider the application before them on its own merits.
- Conditions had been attached to secure soft landscaping near the canal so that it complemented the canal.

On a vote of 6 in favour and 1 against, the Committee RESOLVED:

1. That planning permission 47 Repton Street, London E14 7BF (PA/12/02131) be **GRANTED** for the 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 subject to
2. The prior completion of a s106 legal agreement to secure the obligations set out in the report.
3. The conditions and informatives set out in the report
4. 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.

Councillors Judith Gardiner and Helal Uddin left the meeting at this point (9:40 pm)

### **7.1 Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14 (PA/12/02107)**

Update report tabled.

Pete Smith (Development Control Manager) introduced the application regarding the Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London.

There were no registered speakers.

Mandip Dhillon (Planning Officer) presented the detailed report and the update report. She explained the site location, the current use, the surrounds and the planning history. Permission was granted in 2012 for residential use of the site. Therefore the principal of residential use had been established. However that scheme was found to be undeliverable. This scheme on the other hand was fully viable.

17 letters of objection had been received to the proposal. The issues raised in objection were outlined.

Ms Dhillon explained the housing mix. Housing services were satisfied with the affordable rents in relation the accepted levels. It included an overall 35% affordable housing (made up of affordable rent and shared ownership). Furthermore 10% of all units would be wheelchair accessible. Other features included a gym available to all residents.

CABE did raise issues with the design. However it was considered that the revised proposal was in keeping with the area. Their points had now been addressed. The s106 had been assessed by the Council's Planning Contributions Overview Panel. It was considered that education should be prioritised.

On balance it was considered that the scheme was acceptable and Officers recommended that it should be approved.

In response Members asked questioned about:

- The child play space. The levels particularly for older children failed to meet the minimum in policy. It was unrealistic to expect children to visit the gym as a replacement for play space.
- Pressure on transport given the high density of the scheme. The service was already at full capacity. The contributions were insufficient.
- The shortfall in open space. There was a severe lack of open space in the area but there was nothing in the s106 to compensate for this
- The s106 assessment.
- The design in relation to the Coldharbour Conservation Area.

- CABE's views on the revised scheme.
- Air quality and the Port of London Authority comments.
- The extant scheme - details of the affordable housing and the s106 contributions.
- Reasons why the POD rent levels fell in the middle of the Isle of Dogs/Canary Wharf rent levels.

Officers addressed each point as summarised below.

- Officers did not consider that the proposal had any signs of overdevelopment taking into account all the key issues.
- The site had a good PTLA rating of 5.
- The proposal would be car free. There were a number of basement spaces. This could accommodate occupants eligible to transfer permits (under the Council's transfer scheme).
- The under 4 play space complied with policy.
- Whilst there was a shortfall in play space overall, the scheme would provide a gym for use and private amenity space. This may be used by older children. Therefore on balance, the proposal was considered adequate in terms of play space.
- It was considered that the level of open space was acceptable given the existing provision around the site and the plans for additional play space from a separate scheme nearby.
- The applicants had met with CABE to discuss this new scheme. It was considered that their comments had been adequately addressed by the amendments. So they were not re consulted.
- There were conditions to minimise noise and vibration as set out in the report
- The extant scheme would have benefited from government subsidy in terms of the affordable housing.
- Officers explained the transport contributions.

On a vote of 0 in favour of the Officer recommendation, 5 against, with 1 abstention, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission at Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14 (PA/12/02107) be **NOT ACCEPTED** for 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, due to Members' concerns over:

- The lack of child play space
- The density range in relation to the London Plan 2011
- The impact on infrastructure, particularly transport and the adequacy of the s106 to address this.

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

(The Members that voted on this item were Councillors Helal Abbas, Zara Davis, Carlo Gibbs, Emma Jones, Stephanie Eaton and Shahed Ali)

The meeting ended at 10.45 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> 24 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director 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. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
13 <sup>th</sup> December 2013	PA/12/02107	Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14	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.	The lack of child play space  The density range in relation to the London Plan 2011  The impact on infrastructure, particularly transport and the adequacy of the s106 to address this.

## 3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.
- Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14
- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

# Agenda Item 6.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 24th January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<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 CubittTown	

## 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 G;
- 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 B
- 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)
- Block A Roof Terrace- drawing no. 1317-0136

- Amenity Areas Plan- drawing no. 1317-0135
- 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;
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- 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).
- Accommodation Schedule, Amenity Space Calculations Rev D

**Applicant:** Telford Homes Plc

**Owner:** Baladine Properties Ltd

**Historic Building:** N/A

**Conservation Area:** N/A

## **2.0 RECOMMENDATION**

- 2.1 That the Committee notes the details of this report and officers' advice regarding the appropriate form of the suggested reason for refusal set out at paragraphs 5.19-5.21 following the previous resolution not to accept the officers' recommendation.

## **3.0 BACKGROUND**

- 3.1 This application for planning permission was reported to Strategic Development Committee on 13<sup>th</sup> December 2012 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendix1 & 2 of this report.

- 3.2 After consideration of the report and the update report, the Members resolved not to accept the officers' recommendation and were reminded to refuse planning permission on the following grounds:

- The lack of child play space;
- The density range in relation to the London Plan 2011; and

- The impact on infrastructure, particularly transport and the adequacy of the S106 obligations to address this.

3.3 In accordance with Rule 10.2 of the constitution and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 5.0 of this report.

#### 4.0 INFORMATION UPDATE

##### Child Play Space and Communal Amenity Space Revisions

4.1 Following on from the concerns raised at the committee meeting regarding the communal amenity space and child play space provided on site as part of the proposed development, the applicants have revised their submission with regard to these two elements of amenity space.

4.2 Details of the communal amenity and child play space requirements are set out within paragraphs 8.64-8.69 of the original committee report (Appendix 1). For information purposes, a review of the requirements is set out below:

	LBTH/London Plan/SPG Policy Req't	%	Proposed within scheme
Communal Amenity Space (LBTH policy)	230sq.m	N/A	283sq.m
Child Play Space-Under 4	260 sq.m	39%	263.5sq.m
Child Play Space-Under 5-10	240 sq.m	36%	210sq.m
Child Play Space-Under 11-15	170 sq.m	25%	0
Total	670sq.m		473.5sq.m
Shortfall Child Play Space	196.5sq.m		

4.3 The applicant has amended the ground floor/podium layout to provide an increased area of child play space within the scheme. Whilst the ground floor private amenity space has been reduced for two of the proposed units, the retained private amenity space for each unit is above the policy requirements and is therefore considered to be acceptable.

4.4 As such, the scheme now provides on-site child play space for the Under 4's which accords with London Plan policy requirements. The amendments have also sought to provide 210sq.m of the 240sq.m of 5-10 year old child play space on site, at podium level. Whilst there is a minor shortfall of 30sq.m in the provision of play space for this age group, the London Plan standards do allow for this age group to be accommodated within play areas which are within walking distances. It is therefore considered that on balance, the provision of on-site child play space alongside the provision of local facilities is considered to be acceptable.

4.5 The London Plan standards seek to secure 170sq.m of child play space for 11-15 year olds.

The London Plan standards allow for the play space for this age group (11-15 years) to be accommodated within play areas which are within walking distances. No child play space for 11-15 year olds is provided on site for this age group and it is considered that there are facilities in the local area to accommodate this age group, such as local pocket parks and the East India Dock Basin.

- 4.6 The proposals in December 2012 proposed 200sq.m of communal amenity space at podium level. The proposed development is required to provide 230sq.m based on policy DM4 of the Managing Development DPD (Submission Version 2012) and modifications. The scheme has been revised to provide 283sq.m of communal amenity space on the roof of the taller 26 storey block (Block A). This has been achieved through a reduction of the private terraces within Block A. The retained private amenity space for each unit within Block A remains above the policy requirements and is therefore considered to be acceptable. The communal amenity space provided on-site is now in excess of the policy requirements and considered to be acceptable.
- 4.7 The applicants have submitted documentation and plans which identify land which fronts Yabsley Street at ground floor as communal amenity space. The area of land referred to is not considered to be quality usable communal amenity space and is not therefore counted for the purposes of this application. This area of land is considered to be defensible space which provides access into the new building. Whilst, this area of land is not considered to be of sufficient quality to be included in the communal amenity space calculations, it remains available and accessible to future occupiers to use as they see fit.

#### Policy Update; Managing Development – Development Plan Document

- 4.8 Following the Examination in Public in September 2012 into the Managing Development – Development Plan Document (MD DPD), the appointed Planning Inspector issued his report on the 17<sup>th</sup> December 2012, providing an assessment of the soundness of the MD DPD in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended).
- 4.9 A number of modifications have been requested prior to the adoption of the MD DPD to ensure the document is consistent with the National Planning Policy Framework (NPPF). Some of the modifications requested have implications for this planning application and are set out below:
- Affordable Housing- Policy DM3
- 4.10 The current planning application at Yabsley Street proposes affordable rent units at POD levels (paragraph 8.58 of Appendix 1) which are units considered to be more affordable to local borough residents. The Inspector's Report noted that the imposition of maximum percentages for affordable rent levels (based on the POD levels set out in Table 2 of Policy DM3) does not constitute an appropriate element in a planning policy for the whole borough and is in conflict with the NPPF and out of general conformity with the London Plan.
- 4.11 In light of the Inspectors Report and its findings, a future "call in" by the GLA or a future appeal, could well result in the developer securing affordable rented units with rent levels at up to 80% of local rents, as opposed to the current proposed offer of POD rent level housing.

## **5 CONSIDERATION OF REASONS**

- 5.1 Members raised three areas of concern on which they resolved that they were minded to refuse this application. The following are suggested reasons for refusal based on these concerns, followed by officer's comments and advice pertaining to each of the proposed reasons.
- 5.2 Officers are recommending that only two reasons for refusal should be carried forward by

Members when refusing the application (as set out in paragraph 5.19-5.21). These two reasons for refusal are a combination of all concerns raised by Members at the previous Strategic Development Committee.

### Comments on Members Suggested Reasons for Refusal

#### Reason 1

- 5.3 The proposal fails to deliver on-site child play space for the age groups 11-15 years contrary to Policy 3.6 of the London Plan 2011 and the Mayor of London SPG Shaping Neighbourhoods: Play and Informal Recreation, saved Policy OS9 of the Unitary Development Plan 1998, Policy SP02 of the Core Strategy 2010 and Policy DM4 of the Managing Development DPD (Submission Version 2012) with modifications.

#### Officer's Comments

- 5.4 Members indicated that the lack of child play space on-site would be detrimental to the future occupants of the proposed development, in light of the scale of development in the local area.
- 5.5 The applicants have amended their scheme to incorporate a greater provision of child play space and communal amenity space, as detailed in paragraphs 4.1-4.3 of this report. As a result of these amendments, the 0-4 child play space requirements would be met in full on-site, the 5-10 child play requirements would be a minor shortfall and there would be no provision for the 11-15 year old age group. It is noted that guidance states that the 11-15 year old child play space can be accommodated off site, in local pocket parks, or the East India Dock Basin.
- 5.6 In addition to the increase in child play space on-site, revised plans have also been provided which indicate an increase in communal open space at the application site, for use by all proposed residents.
- 5.7 Given the above amendments, officers consider that a refusal of permission based on the lack of child play space for 0-10 year olds would be extremely difficult to defend on appeal. The scheme however provides no on-site child play space for the 11-15 year old age group which is considered a sustainable reason for refusal.

#### Reason 2

- 5.8 The proposal exceeds the density standards set out within the London Plan and represent overdevelopment of this brownfield site contrary to Policy 3.4 of the London Plan 2011, Policies SP02 of the Core Strategy 2010, Policy HSG1 of the Interim Planning Guidance 2007 and the National Planning Policy Framework.

#### Officer's Comments

- 5.9 Members indicated that they considered the proposed density of development, which is proposed as 2,103 habitable rooms per hectare to be an overdevelopment of the site, where the London Plan, Policy 3.4 indicates a density level of 1,100 habitable rooms per hectare for a site within this type of area of accessibility (PTAL 5).
- 5.10 As stated in the substantive report, high density normally indicates an overdevelopment of the site where it would result in 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

- 5.11 This is considered to be a suitable reason for refusal if it can be shown that the density of development results in one or more of the unacceptable impacts identified above. The only areas where Members indicated their concerns related to the lack of child play space and the impact on transport infrastructure.
- 5.12 With regards to child play space and as outlined above, the applicants have now amended the scheme and the only area where there is a material deficiency relates to the provision of child play space for 11-15 year olds. The scheme generates 17 children of the age group 11-15 years and therefore a requirement of 170sq.m amount of play space is required which the scheme fails to deliver.
- 5.13 With regards to transport infrastructure, Members were concerned that the existing transport infrastructure is at capacity and that the proposal would add additional pressure that cannot be mitigated through the planning obligations secured.
- 5.14 Officers recommend that Members amend Reason 2 to reflect the concerns Members previously highlighted in respect of impact of the proposed development, which officers interpret to be child play space and transport infrastructure. This reason for refusal is summarised at paragraph 5.20.

### Reason 3

- 5.15 The proposed development, by virtue of its failure to make adequate planning contributions towards services and transport infrastructure, would result in a detrimental impact on local services and infrastructure contrary to saved Policy DEV4 of the Unitary Development Plan 1998, Policy IMP1 of the Interim Planning Guidance 2007, Policy SP13 of the Core Strategy 2010, the Planning Obligations SPD 2012 and policy 8.2 of the London Plan 2011.

### Officer's Comments

- 5.16 The application was supported by a viability toolkit. The Councils undertook an independent review of the assessment and through the course of the negotiations, it was established that £826,408 of planning obligations were available, alongside 35% affordable housing in order to deliver a viable scheme.
- 5.17 Members indicated that the impact on local services and in particular transport infrastructure was not considered to be adequately mitigated by the S106 package offered. It should however be noted that the development will be liable for a CIL payment of approximately £564,305, which is itself a contribution towards transport infrastructure.
- 5.18 Whilst officers consider that the viability of the proposal has been robustly tested by independent consultants, this is considered to be a sustainable reason for refusal.

### **SUGGESTED REASONS FOR REFUSAL**

- 5.19 If the Committee is still minded to refuse the application, subject to any direction by The Mayor of London, officers consider that the appropriate reasons for refusal should read:

### Reason 1

- 5.20 The proposals exceed the density standards set out within the London Plan and represent overdevelopment of this brownfield site which results in a lack of child play space for 11 to 15 year olds and an unacceptable impact on the capacity of the local transport infrastructure contrary to Policies 3.4, 3.6, 6.1 and 6.18 of the London Plan 2011, Policies SP02, SP08 and SP09 of the Core Strategy 2010, saved Policies T10, T16, T18 and OS9 of the Unitary Development Plan 1998, Policies DEV17 and HSG1 of the Interim Planning Guidance 2007, Policies DM4, DM20 and DM22 of the Managing Development DPD (Submission Version) with modifications, the Mayor of London SPG Shaping Neighbourhoods: Play and Informal Recreation and the National Planning Policy Framework.

### Reason 2

- 5.21 The proposed development, by reason of its failure to make adequate planning obligations to mitigate against the unacceptable impact on transport infrastructure, would result in an overdevelopment of this site contrary to Policies 3.4 and 8.2 of the London Plan 2011, saved Policy DEV4 of the Unitary Development Plan 1998, Policy IMP1 of the Interim Planning Guidance 2007 and Policies SP02 and SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012 and as a result is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

### **IMPLICATIONS OF THE DECISION**

- 5.22 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):
1. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:  
  
*"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".*
  2. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)
  3. A future "call in" by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents across this site, as opposed to the current proposed offer of POD rent level housing currently negotiated.

- 5.23 Whatever the outcome, your officers would seek to defend any appeal.

### **6.0 CONCLUSION**

- 6.1 All relevant policies and considerations have been taken into account. Whilst officers remain satisfied that planning permission for this proposed development should be granted, Members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous report and update report presented to the Strategic Development Committee on 13<sup>th</sup> December 2012 (see Appendices 1 and 2) and determine the planning

application as appropriate.

## **7.0 APPENDICES**

- 7.1 Appendix One - Committee Report to Members on 13<sup>th</sup> December 2012
- Appendix Two – Update Report to Members on 13<sup>th</sup> December 2012

Planning Application Site Map PA/12/02107



 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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<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.

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- 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	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

**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 etc are 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 Map PA/12/02107



 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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**LONDON BOROUGH OF TOWER HAMLETS**

**STRATEGIC DEVELOPMENT COMMITTEE**

13<sup>th</sup> December 2012

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**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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**INDEX**

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
7.1	PA/12/02107	Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14	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.
7.2	PA/12/02228	Fakruddin Street and Pedley Street, London	Redevelopment of site (including land at Fakruddin Street) to provide a car free development of 63 units for 100% affordable housing within three blocks measuring between two and seven storeys including associated shared and private amenity space, the provision of allotments, disabled parking, cycle parking, child play area and community centre (273sqm).
7.3	PA/12/02131	47 Repton Street, London, E14	Redevelopment of site to provide a car free development (seven storeys) of 60 units for 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.

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/12/02107
<b>Location:</b>	Car Park at South East Junction of Preston's Road and Yabsley Street
<b>Proposal:</b>	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.

## 1.0 TYPOGRAPHICAL ERRORS

- 1.1 Paragraph 8.45 of the Committee Report discusses the affordable housing provision within the scheme. There is a typographical error in the text, the current report states:

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

- 1.2 This text should read:

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

- 1.3 The typographical error does not alter the comments raised within the Affordable Housing chapter or the merits against which the scheme was assessed.

- 1.4 Paragraph 8.65 of the Committee Report discusses communal amenity space within the scheme. There is a typographical error in the text, the current report states:

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.

- 1.5 This text should read:

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.

- 1.6 The typographical error does not alter the comments raised with regard to Communal Amenity Space or the merits against which the scheme was assessed.

- 1.7 Paragraph 8.89 of the Committee Report discusses Sunlight within the proposed development. There is a typographical error in the text, the current report states:

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.

- 1.8 This text should read:

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 sunlight, 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.

- 1.9 The typographical error does not alter the comments raised with regard to sunlight or the merits against which the scheme was assessed.

- 1.10 Paragraph 8.94 of the Committee Report discusses Sunlight within Arran House. There is a typographical error in the text, the current report states:

Arran House was not tested for daylight in accordance with the BRE guide as it does not face within 90degrees of due south.

- 1.11 This text should read:

Arran House was not tested for sunlight in accordance with the BRE guide as it does not face within 90degrees of due south.

- 1.12 The typographical error does not alter the comments raised with regard to sunlight or the merits against which the scheme was assessed.

- 1.13 Paragraph 8.131 of the Committee Report discusses the Energy and Sustainability of the Proposed development. There is a typographical error in the text, the current report states:

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.

- 1.14 This text should read:

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 34%. 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.

- 1.15 The typographical error does not alter the comments raised with regard to energy and sustainability or the merits against which the scheme was assessed.

## 2.0 CLARIFICATIONS

- 2.1 Paragraph 8.154 of the Committee Report discusses the planning obligations secured for the scheme. No monetary sum is included for the monitoring fee, therefore a updated summary of obligations is set out below for clarification. The report states:

This can be summarised as follows:

### Financial Obligations

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

### Non-Financial Obligations

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

- 2.2 This text should read:

This can be summarised as follows:

### Financial Obligations

- o Education: £586,907
- o Enterprise & Employment: £42,000
- o Community Facilities: 75,972.84
- o Health: £75,000
- o Transport for London: £30,000
- o Monitoring & Implementation 2% of total (**£16,528.16**)
- o **Total Financial Contributions Secured: £826,408**

### Non-Financial Obligations

- o 35% affordable housing
- o Access to employment initiatives
- o 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.

2.3 The clarification set out above does not alter the comments raised within the planning committee report.

### **3.0 FURTHER STATUTORY CONSULTEE COMMENTS**

3.1 The Tower Hamlets NHS Primary Care Trust has sought a contribution of £322,360 to help mitigate the demand of the additional population on local healthcare facilities.

3.2 (OFFICER COMMENT: Due to the financial viability of the scheme, a sum of £75,000 have been secured towards local healthcare facilities.)

3.3 This planning obligation of £75,000 had been secured for healthcare facilities within the original committee report in accordance with the Councils Planning Obligations SPD 2012.

### **4.0 FURTHER NEIGHBOUR REPRESENTATIONS RECEIVED**

4.1 One additional letter of representation has been received objecting to the proposal. The comments raised the following points:

- Loss of daylight and sunlight
- Overlooking
- Loss of local views
- Loss of River Views
- Disruption during construction phase
- Loss of value to property

4.2 These comments raised have all previously been raised and have been addressed fully within Section 7 of the committee report, of Section 8, the main body of the committee report.

4.3 The loss of local and river views and the loss of value to the properties in the area are not however material planning considerations.

### **5.0 RECOMMENDATION**

Officer's recommendation remains unchanged.

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/12/02228
<b>Location:</b>	Fakruddin Street and Pedley Street
<b>Proposal:</b>	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).

## 1. ADDITIONAL REPRESENTATIONS AND AMENDMENTS TO BE NOTED WITHIN THE REPORT

- 1.1 Since the publication of this report, further representations have been made to the Council in respect of the proposal. Supplementary information has also been submitted to officers to support the objections and the petition letters submitted to date. The information has been reviewed and the following points are noted:

### Planning History

- 1.2 Correspondence was submitted to show that a previous application was submitted to the Council under **PA/00/00574** for the removal of existing temporary building and erection of a two storey building to create a single wheelchair accessible house and six flats on the application site. The application proposal is documented on the council's website and it appears that officers were minded to recommend approval. However, no further action was taken in respect of the application.
- 1.3 Copies of historic information and correspondence between objectors, Spitalfields Housing Association (SHA), Oona King MP and Officers of the Council in respect of planning application PA/04/00459, which forms part of the application site.
- 1.4 The correspondence includes a copy of planning officers response to a Members Enquiry to Councillor Alexander dated 23<sup>rd</sup> October 2006 for PA/04/00459 relating to land at rear of 22-32 Fakruddin Street for a proposal comprising the removal of temporary buildings (in community use), erection of a part two, part four storey building comprising of 18 residential units (2 x one bedroom, 10 x two bedroom and 6 x three bedroom flats). This application was submitted to the Council's on 20/04/2004, but was withdrawn on 12 June 2004
- 1.5 The Members enquiry sought officers' response as to why the planning application had been withdrawn. The letter outlined officers concerns about the unacceptability of the scheme and illustrated that they were minded to recommend refusal for the proposal reasons cited below:
- The site is within the Cross rail safeguarding line and it would impede the construction of the construction of the Cross rail project if developed
  - Absence of detailed noise and vibration assessment to address the impact of the existing railway on future occupiers of the scheme.
  - The proposal would result in an unacceptable sense of enclosure to the current occupiers of 22-32 Fakruddin Street;

- The ground floor of the new residential properties would be unsafe and insecure
- There would be direct overlooking of existing residents at No.28-32 Fakruddin Street and a resultant loss of privacy
- No refuse storage was provided
- No cycle parking was provided
- The loss of the existing community facilities was acceptable

1.6 **(Officer Comment:** Whilst the site history is noted, officers consider that the current application should be considered on its own planning merits.

The following points should be noted:

- (a) Crossrail has been consulted on this proposal and no objections were raised, and the safeguarding status as provided for in the UDP no longer carries significant weight and has not been carried forward in current policy as the East London Line has been constructed and is operational.
- (b) A Noise and Vibration assessment was lacking in the previous scheme whilst a Noise and Vibration report was submitted with this application. The report has been reviewed by the Council's Environmental Health Team, who advised that subject to mitigation, the scheme would be acceptable. The mitigations required are to be secured by condition and therefore officers are satisfied that the application will not unduly impact on the amenity of future residents within the proposal.
- (c) Officers have considered the sense of enclosure issue arising from the proposal. It is not considered that there would be any undue impacts on the amenity of existing and future residents.
- (d) The refuse storage provision for the proposal has been considered and is acceptable.
- (e) The Council's Highway and Transportation Team considered the level of cycle parking proposed to be acceptable.
- (f) The proposal re-provides a community facility on site.

1.7 A copy of Greater London Authority Stage 1 assessment on planning applications PA/11/00460 and PA/11/00459 was submitted to officers. It should be noted that the planning applications were validated by the Council in March 2011, but were subsequently withdrawn by the applicant on 21 November 2011

1.8 Planning application PA/11/460 was validated by the Council on 1st March 2011 for the erection of buildings of part 1, 2, 3, 4 & 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). The application was withdrawn on 21 November 2011

- 1.9 Planning application PA/11/00459 validated on 1 March 2011 was for the erection of buildings of part 1, 2, 3, 4 & 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). The application was withdrawn on 21/11/2011.

- 1.10 A copy of the consultation forms submitted to residents of Fakruddin Estate. The consultations undertaken by Tower Hamlet Homes on 11<sup>th</sup> July 2012 sought residents' views as to whether the design was appropriate for the area and in respect of the proposed dwelling mix.

The following comments were made:

- Since Pedley Street has been opened to traffic, there has been various anti-social behavior issues
- That residents do not want a development which causes problems to existing walls and boundaries
- Too much noise and traffic
- The existing port cabins should be replaced with a permanent community Centre
- That the car parking that KPM use should be in the Fakruddin estate
- That the crime rate will go up;
- The new map plan should replace the current one
- Concerns about safety and security in the area and for high walls and fences within the development to be removed
- The proposed community Centre should be under the management of Shahjalal committee
- That the green areas should be retained for children to play

**(Officer comments:** The consultation feedback has been provided for information purposes only and is separate to the statutory planning consultations that have been undertaken during the planning application process. The outcome of the applicants consultation events have been presented in the Statement of Community involvement submitted as part of the application.

### **Representations**

- 1.11 13 letters of representations plus an email letter dated 13/12/2012 have been received making detailed objections to the proposal on the following grounds:

- land use,
- amenity,
- design
- highway considerations
- lack of adequate infrastructure to accommodate the proposal

- 1.12 The points raised above, are similar in content to previous points raised in earlier representations which has been addressed in detail within the body of the committee report.

- 1.13 Additional points not addressed in the Committee report are addressed under the headings below:

## Housing

- 1.14 The site is unsuitable for housing and it is protected as a Green and Common Space from any encroachment by the Commons Act 1857 (section 12 and section 29).

**(Officer comment:** The application site does not form part of a village green and as such Section 12 of the Enclosure Act 1857 and Section 29 of the Commons Act 1876 which relates to the encroachment onto or enclosure of a green are not applicable to the application proposal)

- 1.15 **The proposal is unacceptable as it lies within Strategic Views Consultation Area**

**(Officer comment:** The proposal does not have any impact on any Strategic Views)

- 1.16 Due to the recent Welfare Benefit Reforms, the rental levels for the proposed units will be unaffordable for local residents

**(Officer comment:** this is considered in the main report)

### **There is no funding or legal requirement for affordable housing**

1.17

**(Officer comment:** whilst there is limited funding for affordable housing, it is still a requirement within national planning framework and within the adopted Development Plans)

- 1.18 There are a number of community centres within close proximity to the site and a further one would saturate the need for community venues

**(Officer comment:** The principle of a community centre is supported by officers and in this instance, it will result in the upgrade of an existing community facility )

### **Amenity**

- 1.19 A copy of a Noise Report, prepared by Bickerdike Allen Partners (1<sup>st</sup> May 2009 ref A9073-R01-Tg-VT) on behalf of Gateway Housing was submitted to officers to illustrate that the noise levels from the trains were beyond acceptable levels and therefore the assertion is that the proposal would be adversely affected by rail noise

**(Officer comment:** This aspect is addressed in the 'Amenity' section of the Committee report and the requirement for mitigation is to be secured by conditions)

### **S106**

- 1.20 The proposal does not indicate any support for the local community particularly as it does not employ at least 25% of local unemployed people within the development

**(Officer comment:** This aspect is addressed within the part of the committee report under the planning obligations heading.)

- 1.21 Consultation – A copy of the public notice dated 5/09/2012 was submitted to the council citing that insufficient time has been given to residents during the consultation process.

**(Officer comment:** Officers do not agree that this is the case and this point is addressed within the officers response to residents objections in paragraph 7.22 of the committee report )

## Other

- 1.22 Request for the application to be called in by the Secretary of State under Section 77 of the Town and Country Planning Act :

**(Officer Comment:** there is a procedure for objectors to request for the application to be called in by the Secretary of State, and this independent of the council. The onus is on the objectors to follow through with the process)

- 1.23 The proposal will lead to an increase in anti-social behaviour and increased crime in the locality

**(Officer Comment:** The scheme has evolved in close consultation with the Crime and Prevention Officer and is found to be acceptable. A condition has been imposed that addresses secure by design within the development. Notwithstanding this, officers have not seen any evidence to suggest that the proposal would lead to an increase incidence in crime or anti-social behaviour)

- 1.24 An email was received from Spitalfields Women's Network on 13<sup>th</sup> December 2012 raising objections to the proposal. It is considered that save one point (considered below), the concerns outlined in the email have been previously addressed in the Committee report.

The concerns states:

*"There is strong conflict of interest in this proposal, as this is the affordable housing element of the larger private development at the Royal Mint Street jointly owned by Tower Hamlets Council, as such decision made by the Council as a planning authority for this housing scheme will be biased. Although this application is not a strategic proposal, it clearly does not fall into that category, it should be considered by the Development Committee, and however the Council has unfairly decided to consider this application in its Strategic Development Committee."*

It is not considered that there is any conflict of interest arising from the proposal. The Council has no interest in the land at Royal Mint Street and at the time of grant of the Royal Mint Street scheme, the application site had already been identified as a donor site to meet the applicant's off-site affordable housing requirement. In this case, the application has been referred to the Strategic Development Committee under part 8.5 of the Council's constitution (scheme of delegations), which allows the applications to be referred to either Development Committee or Strategic Development Committee at the discretion of the Corporate Director. In this case, the Corporate Director considered that given the link between this current proposal, and the Royal Mint Street scheme, it would be appropriate for both applications to be considered by the same committee.

## Amendments to the planning report

- 1.25 Paragraph 3.3(21) of the report contains a typographical error accordingly, the proposed hours for the community use should be between 8.00am and 10.30pm Mondays to Fridays and 10.00-10.00pm Sundays and Bank Holidays.
- 1.27 Paragraph 7.26. The officer comment made requires clarification in respect of the current uses on the site. It is noted that a precedent exists for part of the site which lies within the Fakruddin estate for residential use. The site to the west of Pedley Street 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 (1999) and the Strategy (2010). Given the current designation of the application site as a whole, a residential proposal would be acceptable in

principle. As such, officers are not of the opinion that the descriptions of the development or the site attributes are in any way misrepresented)

1.28 "Further to paragraph 8.16 of the original report, Officers have confirmed that TfL are obliged under the London Underground (East London Line Extension) Order 1997 to provide compensatory open space at Allen Gardens".

- 1.29 Paragraph 8.52 of the report requires further clarification in respect of the density figures proposed so as to address the concerns raised by objectors in respect of overdevelopment of the site. It is stated in the report before committee that:

*"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"*

- 1.30 It should be clarified that the proposed density is 734 habitable rooms per hectare, and therefore it exceeds the suggested minimum density (700 habitable rooms) set out in the density matrix in the London Plan by 34. This is considered to be a small margin and as such, officers do not consider that this will not lead to the overdevelopment of the site.

- 1.31 Paragraph 8.80 of the report contains a typographical error, as such it should be amended as follows:

*"In the case of existing lighting levels to east facing habitable rooms at the 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."*

- 1.32 Paragraph 8.92 contains typographical errors. The paragraph should be amended to read:

*"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 to adjoining developments, officers are satisfied that given the urban context the new proposal would not result in any 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).*

- 1.33 Paragraph 8.94 requires further clarification in respect of the impact of the proposal on the privacy of surrounding developments as this remains a concern for objectors.

#### **Further clarification**

##### Impact on Weavers House

- 1.34 It is considered that the application proposal will not result in any undue impact on privacy to Weavers House. The proposal will achieve an acceptable separation distance of approximately 15 metres between windows and this is considered to be acceptable given the urban context.

### Impact on existing dwellings within the Fakruddin estate

- 1.35 To the west of the application site (the former car park), it is considered that there will be some overlooking will result between the proposal and the residential dwellings within Fakruddin Estate (No.'s 13-21), however, it is considered that given that the separating distances between interfacing windows would be between 10-12 metres, it is not considered that the proposal will result in an unacceptable reduction to privacy given the urban context.
- 1.36 The residential dwellings within Fakruddin estate (No.'s 28-32) are the closest buildings to the community centre. There are no windows on the southern elevation of the propose corner block, however, there are balconies linked to the residential elements on the first and second floors. The location of the proposed balconies will introduce some incidental overlooking to the rear windows of the existing dwellings, however, this will be minimised by way of a condition to secure the provision of privacy screens.

### Within the application site

- 1.37 Due to location and orientation of windows within the proposal, it is considered that some incidental overlooking will result as the separating distances between windows will between 6-10 metres. Given the site constraints and the urban context, it is considered that level of overlooking permitted within the development would be acceptable and would not give rise to any undue impacts on the amenity of future residents. Furthermore, the level of overlooking will be minimized through the use of a condition to provide privacy screens, translucent glazing and boundary enclosures.

1.38 Paragraph 8.122 contains a numerical error; the reference to 374 square metres of community centre amenity space should in fact read 329 square metres.

## **2. RECOMMENDATION**

- 2.1 The above points have been considered and do not change the officers' recommendation as set out in the committee report.

<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/12/02131
<b>Location:</b>	47 Repton Street
<b>Proposal:</b>	Redevelopment of site by the erection of a seven storey residential building comprising 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.

## 1. AMENDMENTS

1.1 The overage clause referred to in Paragraph 3.2 (under Non-Financial Contribution) and paragraph 8.141 to be deleted.

1.2 Para 8.61, reference to eight out of twenty four windows on the first line should be amended to read sixteen. The full paragraph should read as follows:

“As assessed, the report illustrates that sixteen of the twenty four windows assessed at ground and first floors of each block would experience acceptable levels within BRE Guidelines or marginally below (2%).....”

## 2. RECOMMENDATION

2.1 The above points have been considered and do not change the officers' recommendation as set out in the committee report.

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 24 <sup>th</sup> January 2013	<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:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

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

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

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

**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

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# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 24 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Tim Ross/Pete Smith		<b>Ref No:</b> PA/11/3617	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Skylines Village, Limeharbour, London

**Existing Use:** Office (Use Class B1)

**Proposal:** Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys, comprising of the following:

- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of flexible retail/office floor space (Use Class B1/A1 – A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities

The application also proposes new public open space, associated hard and soft landscaping.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 2011 (as amended).

**Drawing Nos:** Submission Documents

PA/03/010 - Site Plan With Red Line 1/1250 A1  
PA/04/010 - Existing Site Plan 1/300 A1  
PA/04/011 - Existing Context Elevations 1/300 A1  
PA/04/012 - Existing Context Site Sections 1/300 A1  
PA/05/010 - Proposed Location Plan 1/1250 A1  
PA/05/011 A Proposed Basement Plan #1 1/300 A1  
PA/05/012 A Proposed Basement Plan #2 1/300 A1  
PA/05/013 A Proposed Ground Floor Plan 1/300 A1  
PA/05/014 A Proposed Typical Floor 1/300 A1  
PA/05/015 A Proposed Landscape Plan 1/300 A1  
PA/05/016 A Proposed Roof Plan 1/300 A1  
PA/05/020 A Proposed Context Site Sections 1/2000 A1  
PA/05/021 A Proposed Context Site Sections 1/2000 A1  
PA/05/026 A Context Elevation 1/1500 A1  
PA/05/025 A Context Elevation 1/1500 A1  
PA/05/030 A Buildings A and B - East Elevation 1/300 A1  
PA/05/031 A Buildings A and B - West Elevation 1/300 A1  
PA/05/032 B Buildings A and B - North & South Elevations 1/300 A1  
PA/05/040 A Buildings B1 and C- North Elevation 1/300 A1  
PA/05/041 A Buildings B1 and C - South Elevation 1/300 A1

PA/05/042 A Buildings B1 and C - East Elevations 1/300 A1  
 PA/05/043 A Buildings B1 and C - West Elevations 1/300 A1  
 PA/05/048 A Detailed Plan Marsh Wall 1/250 A1  
 PA/05/049 A Detailed Plan Limeharbour 1/250 A1  
 PA/05/050 B Landscape Sections AA & BB 1/250 A1  
 PA/05/051 A Context Site Section CC 1/250 A1  
 PA/05/052 A Context Site Section DD 1/250 A1  
 PA/05/053 A Context Site Section EE 1/250 A1  
 PA/05/054 A Context Site Section FF 1/250 A1  
 PA/05/055 A Context Site Section GG 1/250 A1  
 PA/05/056 A Context Site Sections HH & II 1/250 A1  
 PA/05/057 A Context Site Section JJ 1/250 A1  
 PA/05/058 A Context Site Section JJ 1/250 A1  
 PA/05/059 - Proposed Connection with Aste Street 1/250 A1  
 PA/05/060 A Blocks A & B Sections EE & FF 1/300 A1  
 PA/05/061 A Blocks B1 & C Sections HH 1/300 A1  
 PA/05/062 A Block B1 & C Section GG 1/300 A1  
 PA/05/070 A Building A Plans – Typical Plans - sheet 1 1/250 A1  
 PA/05/071 A Building A Plans – Typical Plans - sheet 2 1/250 A1  
 PA/05/072 A Building A Plans – Typical Plans - sheet 3 1/250 A1  
 PA/05/073 A Building A Plans – Typical Plans - sheet 4 1/250 A1  
 PA/05/073 superseded by July 2012 Addendum  
 PA/05/080 A Building B Plans - Typical Plans - sheet 1 1/250 A1  
 PA/05/081 A Building B Plans - Typical Plans - sheet 2 1/250 A1  
 PA/05/090 A Building B1 Plans – Typical Plans - sheet 1 1/250 A1  
 PA/05/091 A Building B1 Plans – Typical Plans - sheet 2 1/250 A1  
 PA/05/092 A Building B1 Plans – Typical Plans - sheet 3 1/250 A1  
 PA/05/093 A Building B1 Plans – Typical Plans - sheet 4 1/250 A1  
 PA/05/094 A Building B1 Plans – Typical Plans - sheet 5 1/250 A1  
 PA/05/100 A Building C1 Plans – Typical Plans - sheet 1 1/250 A1  
 PA/05/101 A Building C1 Plans – Typical Plans - sheet 2 1/250 A1  
 PA/05/110 A Building C2 Plans – Typical Plans- sheet 1 1/250 A1  
 PA/05/120 A Building C3 Plans – Typical Plans- sheet 1 1/250 A1  
 PA/09/010 - Building A & B - Typical Cladding Arrangement 1/100 A1  
 PA/09/011 - Building B1 & C - Typical Cladding Arrangement 1/100 A1

Supplemental Planning Statement prepared by Rolfe Judd Planning;  
 Revised Drawings and Area Schedule prepared by Farrells;  
 Design Statement Addendum and Access Statement Addendum  
 prepared by Farrells;  
 Updated Environmental Statement Non-Technical Summary  
 prepared by URS;  
 Environmental Statement Addendum Volume I and Volume III  
 (Appendix B) prepared by URS;  
 Environmental Statement Volume II Addendum: Townscape and  
 Visual Impact Assessment prepared by Peter Stewart Consultancy  
 and Glow Frog;  
 Environmental Statement Addendum Volume III (Appendix A –  
 Daylight and Sunlight Addendum Report) prepared by GIA;  
 Energy Statement (July 2012) prepared by Watermans;  
 Sustainability Statement (July 2012) prepared by Watermans;  
 Waste Management Plan (July 2012) prepared by ARUP;  
 Transport Letter responding to comments from TfL and LB of  
 Tower Hamlets prepared by WSP;  
 Skylines Employment Statement 21/12/12 prepared by Rolf Judd  
 Skylines Open Space Covering letter January 2013 prepared by Rolf  
 Judd

**Applicant:** ZBV (Skylines) Ltd & Skylines (Isle of Dogs) Ltd  
**Owner:** Multiple owners  
**Historic Building:** N/A  
**Conservation Area:** N/A

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

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets 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 May 2012) with Modifications; as well as the London Plan (2011) and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development DPD (Submission Version May 2012) with Modifications and in accordance with the objectives of the Borough's Site Allocation for Marsh Wall East as outlined in the Managing Development DPD (Submission Version May 2012) with Modifications and objectives for the Central Sub Area of the Isle of Dogs Area Action Plan (IPG 2007).
- 2.3 The development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance Policies 7.8 of the London Plan (2011), and Policy SP10 of the Core Strategy (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the scheme is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved Policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24 and DM27 of the Managing Development DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the nearby by Coldharbour Conservation Area.
- 2.5 The density of the scheme would not result in 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), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance, the 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 given the urban nature of the site. 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 May 2012) with Modifications and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.7 On balance, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with Policy 3.6 of the London Plan (2011), Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 The scheme would deliver improved permeability and accessibility through the scheme and wider area whilst being designed to provide a safe and secure environment for residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Core Strategy (2010), Policies DM23, DM24, DM27 and the site allocation of the Managing Development DPD (Submission Version May 2012) with Modifications and Policy DEV4 of the Council's Interim Planning Guidance (2007) which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.9 Transport matters, including parking, access, and servicing are acceptable and accord with Policies 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 May 2012) with Modifications and Policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 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 May 2012) with Modifications and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the 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 Strategic Development 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:

#### 3.2 Financial Obligations

- a) A contribution of £277,020 towards enterprise & employment.
- b) A contribution of £668,039 towards leisure and community facilities.
- c) A contribution of £202,982 towards libraries facilities.

- d) A contribution of £2,269,169 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £1,017,150 towards health facilities.
- f) A contribution of £828,386 towards public open space.
- g) A contribution of £23,385 towards sustainable transport.
- h) A contribution of £368,754 towards streetscene and built environment.
- i) A contribution of £224,700 towards TfL London Buses.
- j) A contribution of £15,000 towards wayfinding.
- k) A contribution of £117,891 towards S106 monitoring fee (2%)

**Total: £6,012,477**

### 3.3 Non-Financial Obligations

- a) 36% affordable housing, as a minimum, by habitable room
  - 71% Social Target Rent
  - 29% Intermediate
  - Development viability review clause to secure any uplift.
- b) Employment and Training Strategy including existing business retention and relocation initiatives
- c) Provision of two floors 'shell and core (including internal walls)' in Block B for youth and community services at a 'peppercorn rent' for 5 year period – precise details still to be agreed with applicant and Council.
- d) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- e) Provision of real time DLR information board
- f) DLR Radio Communication signal booster mitigation (where necessary)
- g) On Street Parking Permit-free development
- h) Basement car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
- i) Electric Vehicle Charging Points
- j) Travel Plan
- k) Code of Construction Practice
- l) Off-site Highways Works
  - New raised table, pedestrian crossing and associated works Marsh Wall/Limeharbour

- m) Access to open spaces during specified periods
- n) 24 Hours access to public square
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

3.5 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**

#### 'Compliance' Conditions –

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. Lifetime Homes Standards
4. Parking details (provision of 10% disabled spaces and 20% electric vehicle charging)
5. 10% wheelchair homes
6. Code for Sustainable Homes Level 4
7. BREEAM Excellent
8. In accordance with approved Flood Risk Assessment (floor finish levels, surface water drainage solutions)
9. Hours of construction
10. Cranage height & max building height restriction (London City Airport)
11. Compliance with energy strategy

#### 'Prior to Commencement' Conditions:

1. Contamination – investigation and remediation (in consultation with LBTH Environmental Health and the Environment Agency)
2. Approval of all external materials
3. Approval of child play equipment
4. Landscape and public realm detail (including boundary treatment, ground surface materials, planting scheme, furniture, lighting, Fire Safety measures and location)
5. Estate Management Plan (Maintenance of open space, child playspace, operation and publicly accessible hours, and details of 24/7 concierge and monitored CCTV)
6. Details of replacement trees, existing tree protection, assessment of amenity value of trees to be replaced, and associated mitigation
7. Construction Environment Management Plan
8. Waste Management Strategy (detailing storage & collection of waste and recycling).
9. Air Quality Management Plan
10. Archaeology mitigation in accordance with a Written Scheme of Investigation
11. Thames water (drainage, waste water, and infrastructure capacity statement)
12. Thames water (piling method statement)
13. National Grid (safety and integrity of apparatus statement)
14. Biodiversity mitigation measures (brown and green roofs)
15. Cycle storage details
16. Noise insulation and ventilation measures (consult LBTH Environmental Health)
17. Detail of plant extract equipment (for A3/A5 uses)
18. Delivery and Servicing Plan
19. S278 agreement required

#### 'Prior to Occupation' Conditions:

20. Approval of hours of Operation for non-residential uses

21. Shop front and signage detail

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

#### 3.7 **Informatives:**

- Thames Water Advice
- London City Airport Advice
- Operational substation on site

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

3.9 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.

#### 4.0 **INTRODUCTION**

4.1 This case was initially presented to the Strategic Development Committee on the 8<sup>th</sup> November 2012 but following detailed questioning from Members, the item was withdrawn from the Agenda with the intention to re-submit the report at a later date. Since that time, your officers have been in detailed discussions with the applicant on a number of related planning matters and this report not only comprehensively covers the material planning considerations associated with this case, but also deals specifically with the issues and questions raised by Members when it was last presented to the Strategic Development Committee.

#### 5. **PROPOSAL AND LOCATION DETAILS**

##### **Site and Surroundings**

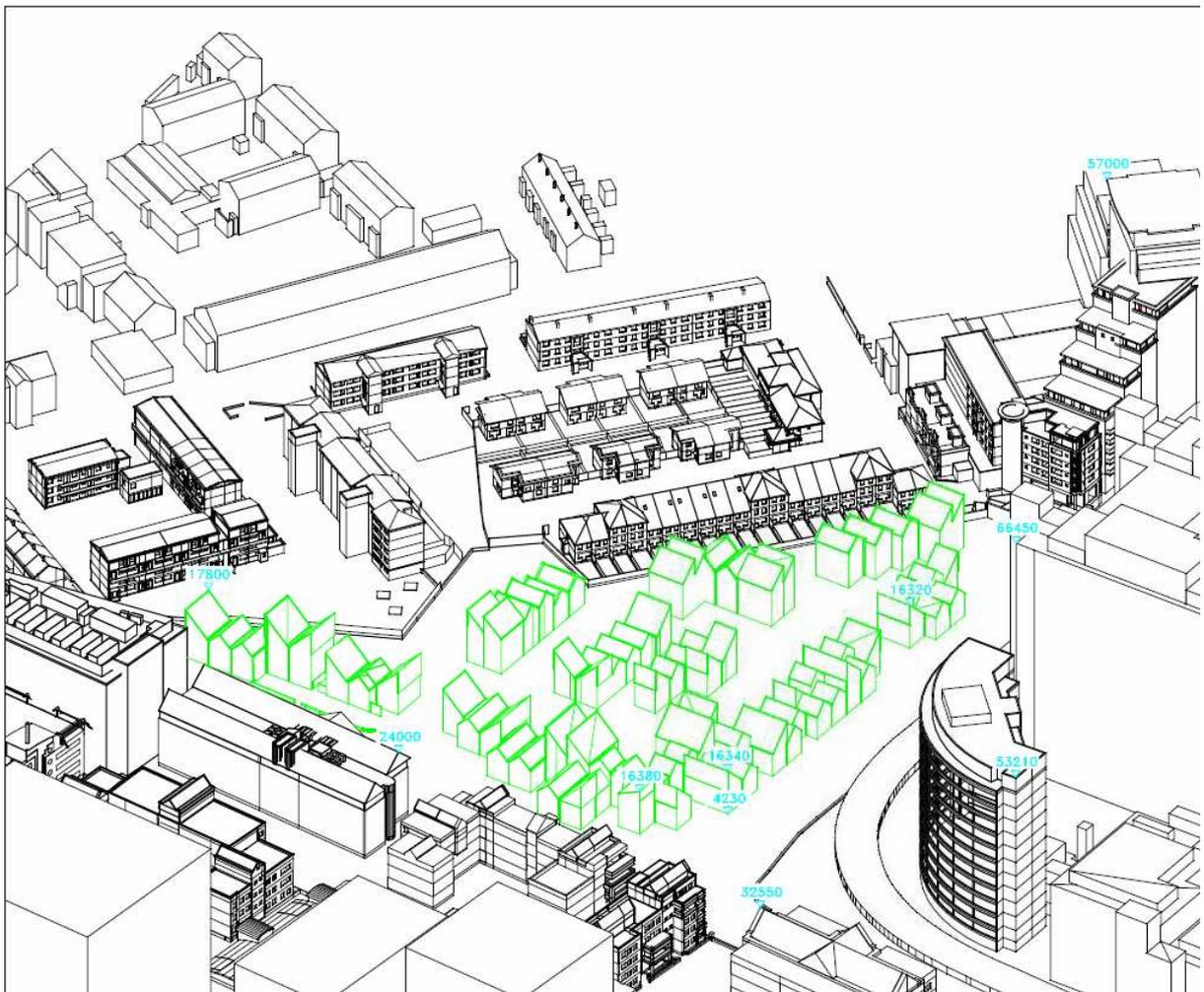
5.1 The application site is a triangular piece of land, approximately 1.44 hectares in area, presently occupied by "Skylines Village" which comprises 59 small business units of 2 to 4 storeys with associated ground floor car parking and pedestrian and vehicular circulation space and incidental landscaped areas. The site includes a vegetated bank which presents a significant level drop to residential properties to the south-east, fronting Aste Street.

5.2 The site is bounded to the north by Marsh Wall and by Limeharbour to the west, beyond which are situated medium-rise commercial buildings such as Harbour Exchange Square to the west and Meridian Gate and the Angel House to the north, fronting Marsh Wall. The site is bounded onto both Limeharbour and Marsh Wall, by a row of semi mature trees, adjacent to the back edge of footway.

5.3 To the south of the site is Limeharbour Court and the ASDA superstore. ASDA is a constituent part of the allocated Crossharbour District Centre. Limehouse Court is 17 storeys at its maximum height and consists of 213 residential units. The Council's Strategic Development Committee of 27<sup>th</sup> September 2012 resolved to grant planning permission for the redevelopment of the ASDA superstore site, which comprised demolition of existing supermarket and a comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to

850 residential units, including building heights of up to 23 storeys.

5.4 The application site lies 200 metres to the east of South Quay DLR station, which was modified/relocated around 3 years ago to accommodate the three-car upgrade. Crossharbour DLR station is located 250 metres to the south of the site, whilst Canary Wharf Underground Station is located 600 metres to the northeast. Five bus routes can be accessed within 300 metres of the site (Routes 135, D3, D6, D7 and D8). Consequently, the site's Public Transport Accessibility Level (PTAL) is 4; in other words "Good". It is likely that the PTAL level will improve over the next few years as Crossrail comes on line and public transport improves alongside the implementation of future development proposals.



**Figure 1: The application site (as existing)**

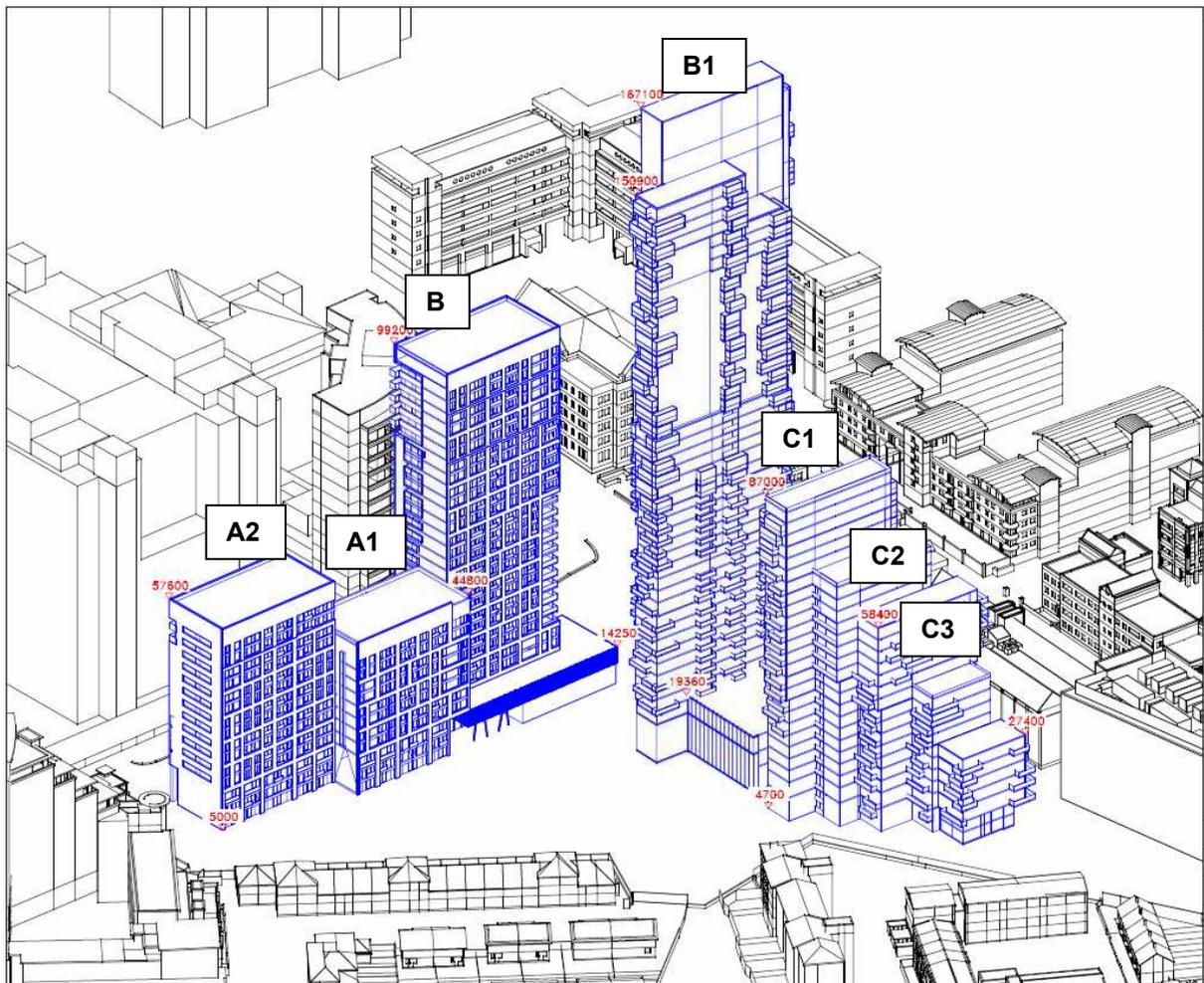
### **Proposal**

5.5 The application proposes the demolition of the 59 existing small business units and the erection of buildings ranging from 2 to 50 storeys, comprising of the following:

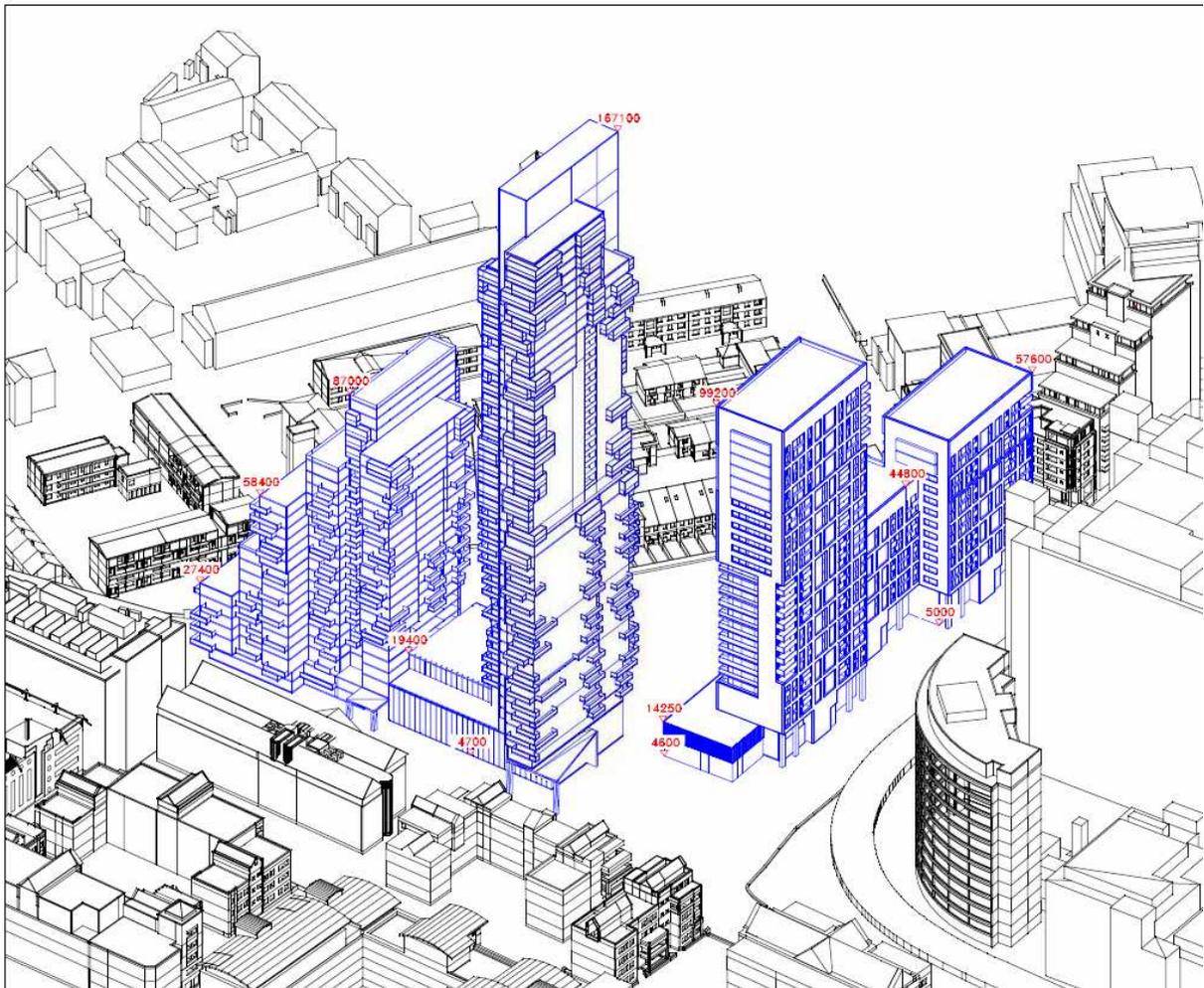
- 764 residential units (Use Class C3);
- 1,982 sq.m (GIA) of retail floor space (Use Class B1/A1 - A5);
- 4,480 sq.m (GIA) of office floor space, including a business centre (Use Class B1)
- 2,250sq.m (GIA) of community floor space (Use Class D1);
- A double/two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities.

- 5.6 The proposal is based on principles of delivering a strong and active frontage to Limeharbour and Marsh Wall, minimising building footprints and giving more space to landscape, allowing the creation of a large south facing public and semi-private open space. This is illustrated in Figure 2 and 3 below.
- 5.7 The proposal incorporates blocks along both Marsh Wall and Limeharbour with a proposed public square proposed at the junction of these two roads. The distribution of uses within each building is set out below and illustrated in Figure 2
- Block A1 would rise to ten storeys in height with social target rented maisonettes (at ground and first floors) fronting onto the proposed internal open space. Flexible use of floorspace fronting onto Limeharbour would comprise flexible Class A type uses (retail, restaurants etc) as well as B1 business accommodation. The upper floors would comprise social target rented apartments.
  - Block A2 would rise to sixteen storeys with social target rented maisonettes fronting onto the proposed internal open space. Again, the ground floor accommodation fronting onto Limeharbour would comprise flexible Class A and B1 uses with 74 intermediate residential apartments above.
  - Block B would rise to twenty seven storeys would provide two floors of flexible Class A and B1 uses (at ground and first floor), six floors (second to seventh floor) of community orientated floorspace (2,557 sq.m - Class D1) with the remaining floors comprising 107 social target rented apartments.
  - Block B1 is proposed to be the tallest built element on the site and would rise to fifty storeys in height (167metres AOD) and would include a three storey podium element which would provide space for two flexible retail/office units at ground floor level with business accommodation proposed at first and second floor levels. It is intended that this business floorspace (in the form of a quasi-business centre) would be specifically designed to be attractive to small business enterprise and business start-ups. The upper floors of this proposed built element would comprise 332 residential units for sale.
  - Blocks C1, C2, and C3 would rise to twenty-four, eighteen and nine storeys respectively and collectively, would provide flexible Class A and B1 uses at ground floor level and Class B1 uses at first and second floor of Building C1 and 204 residential apartments for sale.
- 5.8 The triangular form of the site at the corner of Marsh Wall and Limeharbour encourages the development of buildings running along Marsh Wall and Limeharbour, creating active frontages to these two main thoroughfares and creating space for the provision of a new open space within the site. A new public square is also located at the junction of the two highways, creating separation as part of the overall built form, a significant area of public realm and helps draw pedestrians into the interior of the site. All buildings would have a significant set back from the street edges, to provide widened pavements along both Limeharbour and Marsh Wall.
- 5.9 The tallest built element is proposed to be linked to the remaining buildings fronting onto Marsh Wall by the proposed three storey podium (with the second floor set back from Marsh Wall. The linked podium would act as a visual break in the Marsh Wall built frontage, with the reduced height to Blocks C1, C2 and C3, seeking to relate to the overall scale of developments to the east and on the opposite side of Marsh Wall. The Marsh Wall buildings would be stepped and staggered to respect potential development parcels that might come forward on neighbouring sites. As Members may be aware, the Council has received an outline planning application for the redevelopment of Angel House, situated on the opposite side of Marsh Wall.

- 5.10 The new landscaped spaces would include a public square with three routes (publically accessible at certain times of the day) leading to the internal open space/communal open space areas, private amenity spaces and child play space provision, along with a possible connecting route through to Aste Street and/or Chipka Street. The routes through the site would be active spaces for both the residents and visitor day-users of the site.
- 5.11 The 764 residential units would provide a mixture of one to five bedroom apartments, 35.7% of which (by habitable room) would be allocated as affordable housing.
- 5.12 The proposal would provide a total of 189 car parking spaces (a ratio of 0.25 per residential unit) of which 19 spaces would be available for disabled users. 32 motorcycle spaces and 1,060 cycle parking spaces would also be provided within the proposed basement accommodation.



**Figure 2: Massing as viewed from the south-east**



**Figure 3: Massing as viewed from north-west**

## Relevant Planning History

### Application Site

- 5.13 There have been a number of small scaled changes of use consents over the years covering the Skylines Village complex, but none of these have any significance to the current application.
- 5.14 More recently, a planning application was submitted to the Council on 28 January 2010 (LBTH Ref PA/10/00182) for the demolition of all existing buildings within the Skylines Village site and the erection of six buildings with heights varying from 2 to 50 storeys and comprising the following:
- 806 residential units;
  - 123-bedroom hotel;
  - 2,020sqm, of Flexible retail, restaurant and office floor space;
  - 6,900sqm business centre providing flexible office floor space;
  - 5,575sqm crèche and school capable of accommodating 584 pupils together with a 1,765sqm associated sports hall;
  - 1,075 sqm community centre; and
  - A two-level basement containing 220 vehicular parking spaces, associated plant, storage and refuse facilities.

5.15 The application also proposed new public open space, associated hard and soft landscaping and the creation of a servicing and taxi parking bay on Marsh Wall and a vehicular site entrance from Limeharbour.

5.16 The application was refused under delegated powers on 16th December 2010 for the following reasons):

- Excessive height, scale and mass and poor quality design would appear out of character with the surrounding area and existing urban form and would significantly impact on the ability of adjoining sites to deliver sustainable residential development within the Isle of Dogs Opportunity Area;
- An unacceptable amount of affordable housing and mix of units with the lack of a section 106 agreement failing to mitigate the impact of the development;
- An inadequate quantum of private amenity space;
- Impacts in terms of loss of privacy, increased overlooking, loss of sunlight and daylight and unacceptable noise upon future and existing residents;
- The scheme would impede the effective formulation and implementation of the emerging Marsh Wall East Masterplan Supplementary Planning Guidance;
- Unacceptable traffic, highway safety and parking impacts
- The Environmental Statement was considered to provide insufficient information and was therefore deemed incomplete.

#### Adjoining Sites

5.17 As highlighted above, the Council has received an application for outline planning permission (LBTH Ref: PA/12/02414) in respect of Angel House, 225 Marsh Wall, located directly to the north of the Skylines Village site on the opposite side of Marsh Wall. This planning application is pending determination and was submitted on 1<sup>st</sup> October 2012. The application proposes the demolition of the existing Angel House building and the erection of a building of 47 storeys in height with an 11 storey podium, comprising the following:

- 249 residential units (Use Class C3);
- 554 sqm (GIA) of retail floor space (Use Class A1);
- 1,863 sqm (GIA) of office floor space, including a business centre (Use Class B1)
- 155 bedroom hotel, 6,695 sqm GIA (Use Class C1);
- 10 disabled car parking spaces, cycle parking, associated plant, storage and refuse facilities
- Public open space.

## **6. POLICY FRAMEWORK**

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

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations

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

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

Proposals:	ID46	Development Site ID46 (Residential, Employment, Public Open Space, Retail and Leisure) Flood Risk Zone 2 and 3
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
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
CON5	Protection and Management of Important Views

#### Isle of Dogs

##### AAP Policies:

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Provision
IOD4	Education Provision
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD18	Employment Uses in the Central Sub-Area
IOD19	Residential Uses in the Central Sub-Area
IOD20	Retail and Leisure Uses in the Central Sub-Area
IOD21	Design and Built Form in the Central Sub-Area
IOD22	Site Allocations in the Central Sub-Area

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

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations
Annexe 9:		Cubitt Town Vision, Priorities and Principles

#### Managing Development Plan Document (Submission Version May 2012) with Modifications (MD DPD)

Allocations:	20	Marsh Wall East
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Proposals:

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

**Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

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

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

- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

#### **London Plan Supplementary Planning Guidance/Documents**

- London Housing Design Guide 2010
- London View Management Framework 2012
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- Housing 2012
- London World Heritage Sites – Guidance on Settings 2012

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

- The National Planning Policy Framework 2012 (NPPF)

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

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

- 6.2 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public which took place between 18<sup>th</sup> and 21<sup>st</sup> November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications. The Inspectors Report comments specifically on the Council's emerging affordable housing

policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further educational infrastructure (in particular the site allocation for the Westferry Printworks site). Significantly, the Inspectors Report is generally silent on the Council's proposals for the area known as Marsh Wall East (Site Allocation 20) which includes the Skylines Village site. The Marsh Wall East allocation seeks to deliver over 3,000 new net additional homes within the plan period.

## **7. CONSULTATION RESPONSE**

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

7.2 The following were consulted and made comments regarding the application:

### **LBTH Inclusive Access**

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

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

### **LBTH Environmental Health**

7.4 Contaminated Land

LBTH Environmental Health has requested the inclusion of conditions relating to site investigation to investigate and identify potential contamination.

#### Noise

Significant policy changes have occurred since the original application including the withdrawal of PPG24 and the implementation of the Noise Policy Statement for England (NPSE). Whilst the development will be exposed to a significant amount of external noise from local railway, aircraft and road traffic, these have now been adequately addressed by the applicant with community spaces, producing noise breaks. The building should now be able to meet the requirements of BS8233 "good internal noise design standard". Conditions though should be imposed to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements for a good internal living standard.

(OFFICER COMMENT: Following further discussions the Council's Environmental Health has confirmed there are no objections subject to appropriately worded conditions.

### **LBTH Communities Leisure and Culture**

7.5 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities

(OFFICER COMMENT: Planning obligations have been negotiated in response to these requests).

### **LBTH Energy Efficiency**

#### 7.6 Energy

The information provided in the energy strategy is in accordance with adopted climate change policies and follows the revised "Energy Hierarchy". The scheme proposes BREEAM 'Excellent' and Code for Sustainable Homes Level 4. The proposed energy strategy exceeds the requirements of DM DPD Policy DM29. An appropriately worded planning condition should be applied to ensure the detailed energy strategy and sustainability strategy is adhered to.

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

### **LBTH Highways**

7.7 The applicants submitted a Transport Assessment as part of their proposals, which was assessed by the Council's Highways Section. Further information and amendments were requested.

- Highways will require a s278 agreement to reinstate/redesign the highways and access and planning obligations designed to improve the public realm, cycle route connectivity and the junction of Limeharbour and Marsh Wall,
- A modest commuted sum to improve Preston's Road roundabout. The cumulative impact of this and other committed and proposed large schemes in the area will impact negatively on the capacity of both of these;
- The increased permeability through the site provided for pedestrians and cyclists is welcomed;
- Concerned about the potential impact on on-street parking of the 82x3 bed+ flats in view of the Permit Transfer Scheme;
- The proposed layby off Limeharbour is off the public highway as an in-out arrangement, which is acceptable provided this can be kept under surveillance to prevent non-delivery drivers using this private bay.
- The level of on-site parking is acceptable, subject to a substantial number of spaces in the basement being allocated to those who qualify for the Permit Transfer Scheme. Limeharbour has a day-time occupancy figure over the parking stress threshold (80%).

The following non-financial obligations should also be secured:

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

#### Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- Section 278 Highways Agreement
- No blocking of footway and carriageway during construction
- Provision of car parking spaces specifically for those who qualify for the Councils 'Permit Transfer Scheme'.

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

this report).

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

- 7.8 Statement required stating how refuse will be moved to ground floor level.

(OFFICER COMMENT: This has been discussed with the applicant and your officers are satisfied that this could be satisfactorily dealt with as part of a condition requiring an Estate Management Plan which will specifically deal with refuse storage and collection arrangements).

### **Tower Hamlets Primary Care Trust (PCT)**

- 7.9 PCT have confirmed the HUDU model requires:

A Capital Planning Contribution	£1,071,696
A Revenue Planning Contribution	£4,097,632

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions).

### **Canal and River Trust**

- 7.10 The Canal and River Trust support the comprehensive master-planning process for the area and hope development of this site will be considered as part of this area, despite the early stages of the strategy. Planning contributions are requested for off-site enhancement of the waterspaces and docks.

(OFFICER COMMENT: Planning contributions for off-site enhancements of waterspaces and docks are not required to mitigate the impact of the proposed development and have not been included in the proposed heads of terms).

### **English Heritage**

- 7.11 The proposed development is located to the south of the main cluster, approximately 1.5km from the boundary of the World Heritage Site (WHS). The proposed development by virtue of its scale and distinctive massing forms a noticeable part of the wider setting, particularly in the important view from the General Wolfe statue.

Whilst the view from the General Wolfe has been subject to much change, particularly in the last twenty years, it has to date retained some sense of order with the tallest towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. The clear recessive planes, the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers are important characteristics. The visual layers of development instil a degree of visual order and importantly, the distance serves to reduce the impact of the tall buildings.

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

### **Environment Agency**

- 7.12 The Environment Agency has no objections, subject to the imposition of the following conditions:

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

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

### **Greater London Authority (GLA)**

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

- Design – concerns around layout, height and massing, particularly the height difference between southern 20 storey block and existing residential properties to the south;
- Additional information required around density, access, affordable housing (linked to a viability assessment), provision of child playspace (double counting), climate change and transport;
- The principle of residential led mixed-use development in the Isle of Dogs Opportunity Area is in the interest of good strategic planning in London;
- The proposed residential density exceeds the London Plan guidance of 650-1,100 HR/ha.

(OFFICER COMMENT: Revisions have been made to the scheme to address the GLA's concerns above, in particular a reduction in the height of the southern Blocks A1 and A2. Similarly, there has been much discussion with the applicant on the levels and form of affordable housing proposed, the calculation of child play space alongside other forms of amenity space provision and the proposed density of the development and its ability and capacity to contribute towards the delivery of infrastructure improvements in order to mitigate its impact. The GLA has declined to make any further comments on the revised proposals until referral of the application at Stage II.

7.14 Following receipt of amended drawings in July 2012 and subsequent discussions with your officers and with the applicant, the GLA have recently forwarded updated comments on this proposed development. The following updated comments have been received:

- Density: Using a plot ratio approach to density, the ratio would be 5.6:1. The London Plan density guidelines suggest a plot ratio of 5:1 in Central London and other accessible areas may be acceptable – taking into account the high residential quality.
- Design: Satisfied that previous issues associated with the relationship between the proposed ground level residential units and the courtyards have been mostly resolved by ensuring that primary entrances from the courtyard. This will ensure this courtyard side of the scheme is to be used as the main entrance, ensuring the courtyard space is better used. Changes to the height and massing are subtle and does not deal with the issue raised about the dramatic and abrupt difference in height between the site and the two storey terraces to the south and is likely to create a development which is alienating to neighbouring residents. However, considering the changing context of the area, the changes made to the scheme and the information submitted may be acceptable. The further note refers back to the Stage 1 comments which the GLA have requested should be borne in mind.

- Playspace: The note raises no objection to the provision of on-site play space, and accepts that space for older children can be provided off site in a nearby open space – with contributions made for its improvement.
- Affordable Housing: The GLA have raised various questions in respect of the form of affordable housing proposed and whether a social target rented option applies to all unit sizes. The GLA has advised that social target rent would not be acceptable. The GLA would need to know the final viability position and be forwarded a copy of the independent review.
- Climate Change Mitigation: The applicant should provide further details as to where the energy plant would be sited and its size etc – assuming that the scheme would be unable to connect to the Barkantine Heat n Power Network. The GLA has also requested further details as to the location of the proposed PVs.
- Transport: Remain of the view that contributions should be provided for South Quay DLR station and Legible London
- Social Infrastructure: Whilst the allocation of private sites for schools is noted, further discussions in respect of delivery will be needed prior to Stage II.

### **London City Airport**

- 7.15 London City Airport have withdrawn their previous objection and make the following comments:

No safeguarding objection subject to conditions to ensure safe construction methods and ensuring landscape details discourage bird activity which presents an aircraft strike risk.

(OFFICER COMMENT: Appropriately worded conditions have been included with Section 3 of this report).

### **London Fire and Emergency Planning Authority**

- 7.16 Unable to make any meaningful observations as there is no detailed ground floor plan showing road access around and within the site, hydrant provision as provided on the roads adjoining the site and main entry points to the proposed buildings

(OFFICER COMMENT This response refers to detailed and layout considerations that are generally addressed during later stages of the schemes evolution. There is no reason why these issues cannot be suitably resolved at a later stage, prior to commencement of development and controlled through the imposition of a planning condition – which has been referred to in Section 3 of this Report.

### **London Underground Ltd**

- 7.17 No comments received.

### **National Air Traffic Services Ltd (NATS)**

- 7.18 No objections.

### **Natural England**

- 7.19 Natural England considers that both brown and green roofs should be incorporated in order to provide habitat for Black Redstarts. Also they recommend the imposition of the following conditions

- § Methods to improve the surrounding landscape ecology; and
- § Any trees to be felled are surveyed for their potential to support bats, a European

Protected Species.

(OFFICER COMMENT These request will be captured through the imposition of suitably worded planning conditions)

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

#### **7.20 Trip generation and Highway Impact**

TfL are satisfied with the discussions that have taken place between Tower Hamlets and the developer to determine the improvements along the Marsh Wall corridor and design of the junctions.

#### *Buses*

TfL welcome the total contribution of £224,700 to be secured through the S106 agreement.

#### *DLR*

TfL have requested a contribution of £250,000 towards two additional lifts at South Quay station.

TfL accept the proposed real time information boards, providing timetabled information for a number of different modes. However, it is a requirement that DLR information must be included and this is to be confirmed through S106.

In relation to the DLR Radio Communications, TfL request that a S106 planning obligation should be secured to allow before and after tests of signal strengths. This will allow TfL to assess the level of mitigation required if required.

#### *Pedestrian Crossing*

TfL support the plans for the pedestrian crossing and the proposed junction layout.

#### *PERS*

If the public realm improvements are to include removal of the guard railing on the section of the footway on the south side of Marsh Wall between South Quay DLR station and the Bus Stop 'SH', TfL recommend that bollards are installed for the section, currently the railings prevent any vehicles driving onto the station forecourt.

#### *Legible London*

TfL consider the contribution of £15,000 towards Legible London way-finders should be required. Other developments of a similar scale in the area have contributed the same amount and therefore TfL regard £15,000 to be reasonable contribution from this development.

#### *Parking*

TfL understands the parking ratio and is satisfied with these figures. TfL welcome the permit parking suggested, which should be secured through a S106 Agreement.

#### *Crossrail/CIL*

Contributions are applicable.

#### *Summary*

Overall TfL has no significant objections to the principle of the proposed development. However, TfL request contributions for improvements to South Quay Station and Legible London to be confirmed.

(OFFICER COMMENT: All requests for planning contributions from TfL have been met by the developer, either in kind or through a financial contribution, with the exception of a financial contribution towards additional lifts at South Quay DLR station which is not

considered to be necessary to mitigate the impact of this development)

### **Design Council/CABE**

7.21 Design Council/CABE made the following comments – on the proposal as initially submitted:

- § Currently the landscape design appears non-specific and disconnected from the architecture surrounding it and it is suggested that the team explore a design approach that relates both to the order of the buildings and the triangular space. The proposed diagonal route through the site demands an equally considered approach to find a balance between the public and private zones.
- § Commend the striated organisation of the building and support their height and composition – but much depends upon their relationship with the landscape. In our view, the proposed elevational treatment seems to relate to its context and we think they have the potential to form a successful ensemble.
- § Welcomes the comprehensive approach to environmental sustainability and the site would need to ensure that all options are explored to ensure that the site links into local heating networks.

OFFICER COMMENT – Following receipt of these comments, the landscape strategy for the site (particularly the function and form of the internal open spaces and play space) was further considered. There is now a much more legible and clearer approach being adopted in terms of the allocation of the open spaces as part of the development of the spaces.

### **British Broadcasting Corporation (BBC)**

7.22 No comments received.

### **Greenwich Maritime World Heritage Site**

7.23 No comments received

### **Association of Island Communities**

7.24 No comments received.

### **London Borough of Greenwich**

7.25 No objections raised.

### **London Wildlife Trust**

7.26 No comments received.

### **Metropolitan Police**

7.27 The Police are pleased to see that there is a will to ensure that this development remains secure and that there will be two sets of security doors for access/egress from the buildings. There are many very good points to this proposal.

There are concerns regarding the 'undercroft areas' which offer access to the development from Marsh Wall and Limeharbour. Based on discussions between the Police, the applicant and officers on estate management arrangements, the Police believe that the development shall be successful, provided the appropriate management regime is in place (a 24/7 concierge system, CCTV monitoring and a robust plan for dealing with any individuals or groups who start to use the open access space within the undercroft and across the development as a whole for undesirable activities).

(OFFICER COMMENT: Pre-commencement conditions are recommended to ensure that a Management Plan, CCTV and 24/7 concierge are put in place and the Police are consulted on these proposed arrangements.

### **National Grid**

- 7.28 The letter received from National Grid (dated 24th April 2012 and 13<sup>th</sup> August 2012) provided general advice to the applicants on the presence of National Grid apparatus (low to medium sized gas pipes and above ground gas sites and equipment). National Grid's response provides advice to landowners and developers on carrying out due diligence to ensure that works do not infringe National Grid's legal rights and that any contractor working or operating near National Grid apparatus follow the HSE Guidance Notes HSG47 "Avoiding danger from Underground Services" and GS6 "Avoid danger from overhead power lines".

(OFFICER COMMENT: The applicant has forwarded additional information which provides officers with assurances that National Grid's apparatus will not be compromised. This additional information has been forwarded to National Grid (emailed on 21 December 2012) and any further comments will be reported in an Update Report. In any case, a pre-commencement condition has been recommended in order to ensure that National Grid installations are accommodated as part of future engagement.

### **Port of London Authority**

- 7.29 No objections raised.

### **EDF Energy**

- 7.30 No comments received.

### **Thames Water**

- 7.31 Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of the application. Should the local planning authority look to approve the application, Thames Water would like the following Grampian Style condition imposed ensuring that development is not commenced until a drainage strategy is in place in consultation with Thames Water. The letter also requires the imposition of conditions relating to existing water infrastructure and the strategies that would need to be in place to determine the magnitude of any additional capacity. Further the letter refers to a requirement for a piling method statement with measures put in place to prevent and minimise the potential for damage of the subsurface.

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

## **8. LOCAL REPRESENTATION**

- 8.1 A total of 2,699 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. This was done twice, in March 2012 and July 2012, following an number of scheme amendments.
- 8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses: 29      Objecting: 28      Supporting: 0      Neither: 1

No of petitions received: None

8.3 The following local groups/societies made representations following an organised consultation event at the St John's Community Centre on Monday 15<sup>th</sup> October 2012 at 7:30pm:

St Johns Tenants and Residents Association (there were approximately ten attendees)

The main points raised were:

- A 50 storey tower is too tall for the site
- Scheme overlooks residents properties
- Lack of infrastructure on the Isle of Dogs, such as school places, medical centres.
- Social housing for rent is falling short of 24,000 homes needed.
- Object to DLR receiving s106 money for South Quay DLR Station as it is a new building
- Request that St John's TRA is involved in community space.
- Green space to provide buffer between properties to the south.

(OFFICER COMMENT: The first three points raised are dealt with in the report and repeat objections in the table below. The planning obligations secured have been subject to an independent viability assessment and officers are content that the provision of social target rented housing has been maximised in line with policy. A financial contribution towards new lifts at South Quay DLR is not being sought. A green buffer is proposed directly at the back of properties with outlook onto the site.

8.4 Discussions are on-going with the applicant about how the local community can be involved in the future use of the proposed community space and open space.

8.5 Two of the letters that have been received are from agents acting on behalf of neighbouring land owners. Both letters raise concern, albeit in relation to separate sites (Angel House on the north side of Marsh Wall and "The Triangle site" to the west of the application site on the south side of Marsh Wall) over daylighting and sunlighting impacts and how the proposed development might blight future redevelopment of these neighbouring sites. It should be noted that the letter commenting on the Angel House site was submitted prior to the submission of the current outline planning application in respect of Angel House and officers have not received any further comments from these two landowners, following the re-consultation on the current application which took place in July 2012.

(OFFICER COMMENT: These letters pre-dated amendments to the schemes which sought to deal with a number of issues (including daylight and sunlight) and Section 9 (paragraphs 9.153 to 9.155) below provides more detailed commentary on daylight and sunlight indicators.

Objection Issues	Number of representations citing objection issue.	
	Submitted scheme (March 12)	Amended scheme (July 12)
1. Local services (GP surgeries, schools, nurseries and dentists) cannot support the level of development proposed.	11	6
2. The development is excessively tall / overbearing	6	4
3. The proposals will result in negative daylight/sunlight, overshadowing and microclimate impacts.	4	1

4. The proposal is excessively dense and will result in overcrowding.	2	4
5. Existing businesses do not want to move / protect existing SME space / health and well-being of existing employees.	2	2
6. Additional office space is not required	2	0
7. The local transport network cannot support the proposed level of development.	2	3
8. Homes in Aste Street and Chipka Street will experience a loss of privacy and suffer worse security	2	0
9. The proposals will exacerbate high parking stress levels in the area	1	0
10. House prices in the area will fall as a result of the development	1	1
11. Safety concerns regarding the new public square	0	1
12. Insufficient open space provided	0	1
13. Proposals will blight neighbouring development sites.	2	0

## 9. MATERIAL PLANNING CONSIDERATIONS

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

- General Principles.
- Design
- Housing
- Community Infrastructure
- Amenity
- Transport, Connectivity and Accessibility
- Energy and Sustainability (including biodiversity)
- Health Considerations
- Planning Obligations and CIL

### General Principles

9.2 At National level, the National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets

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

### 9.4 Land Use and Site Allocations

The Council's Core Strategy 2010, identifies Cubitt Town as an area where there will be residential led growth as part of mixed use development. CS policy SP12 and Annexe 9 "Delivering Placemaking" sets out the vision for Cubitt Town.

The Core Strategy Vision provides guiding principles including:

- New development focussed in the north of Cubitt Town;
- Housing types suitable for families promoted south of Cubitt Town and around Millwall Park;
- Development should protect the setting of Mudchute and Millwall Park and protect general views from these parks towards Canary Wharf;
- Development should provide a transition between higher rise commercial area to the north and low-rise residential to the south and east.

9.5 At a local level, the Skylines site falls within the Marsh Wall East site allocation within the Managing Development DPD (Submission Version May 2012) with Modifications. The vision for Marsh Wall East is to deliver comprehensive high-density mixed-use development. As such, the principle for a residential led development proposed at Skylines Village would accord with the site allocation objectives for this area.

9.6 The site allocation for Marsh Wall East in the Managing Development DPD (Submission Version May 2012) with Modifications considers that any development should:

- Complement the tall building cluster in Canary Wharf through appropriate taller building heights, whilst respecting and being informed by the existing character, scale, height, massing, views and urban grain of its dockside location and surrounding built environment, particularly the lower rise buildings of Cubitt Town to the south-east.
- Be developed as a series of tall and medium scale buildings with a well-articulated built form and skyline, avoiding significant adverse environmental impacts, including overshadowing of adjacent sites either within the area or outside, particularly along the main routes of Marsh Wall East and Limeharbour.
- Create a legible, permeable and well-defined movement network through the site centred on Millwall and Marsh Wall, connecting to the surrounding existing street network and docksides, with a new bridge crossing to the north.
- Tall buildings should be fully integrated with and facilitate delivery of the new public realm and be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages. Be stepped back from the docksides to enable these areas to be enhanced by fully accessible active frontages.
- Create a series of inter-connected pocket parks and open spaces, to deliver new amenity space and the Green Grid route network in the area, particularly along the waterfronts of West India and Millwall Docks.
- Additionally, walking and cycling connections should be improved to, from and be created within the site, specifically to the dock sides, north to Canary Wharf Major Centre and Mudchute Park. These routes should align with the existing urban grain to support permeability and legibility.
- Protect and enhance the setting of all heritage assets in and around the area, including the historic docks and the setting of the Maritime Greenwich World Heritage Site to the south.
- Improve biodiversity and nature conservation along the water edges and within open spaces.
- Tall building developments will be required to demonstrate how they relate positively to other proposals for tall buildings and the surrounding townscape, in terms of immediate setting, relationship and cumulative impact.
- Development should seek to deliver over 3000 new net additional homes to help meet the housing target for the place of Millwall.
- In addition to the delivery of a district heating facility within the site, development should be connected to or demonstrate potential to connect to the Barkentine Energy Centre to help create a local energy network.
- Development should re-provide and intensify existing employment floorspace.

- Development should accord with any flood mitigation and adaptation measures stated within the Borough's Level 2 Strategic Flood Risk Assessment (2011) and the sequential test.
- 9.7 The application site is a designated development site (ID7) within the Interim Planning Guidance (2007). Although this document now carries little weight in planning decisions, it demonstrates that the Skylines Village site has been identified as capable of delivering planned housing growth in the borough for a number of years. Policy IOD22 within the IPG Isle of Dogs Area Action Plan states that site ID7 shall have preferred uses of residential (Use Class C3), employment (Use Class B1) and public open space.
- 9.8 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. With regard to the Core Strategy's vision for Cubitt Town, the 764 residential units as well as retail, business and community floorspace and new public open space, would meet these objectives.
- 9.9 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes a new public square, new pedestrian links through to the communities to the south and new community orientated floorspace. The proposed community use is therefore considered to accord with Policy SP03, which encourages provision of "high quality social and community facilities".
- 9.10 In line with the Mayor of London's objectives for the Isle of Dogs Opportunity Area; alongside the vision and priorities of LAP 7 & 8 of the Council's adopted Core Strategy (2010) and the priorities of the Managing Development DPD (Submission Version May 2012) with Modifications the principle of major residential redevelopment along with supporting and ancillary uses such as retail and community uses is encouraged.
- 9.11 With the above in mind, the proposed development is considered to accord with the above policies which together seek to encourage residential led mixed use development.

#### Employment Uses

- 9.12 The existing site contains 59 small-scale business units. The application advises that the site (assuming full occupation) could employ an estimated 280 people. Utilising the former English Partnerships Employment Density Criteria, the proposed development could well lead to the creation of 430 new jobs (providing a net increase of 150 jobs) through the following elements of the scheme:
- 4,480sqm (GIA) business centre providing flexible business space for SMEs;
  - A total of 1,982sqm (GIA) of flexible retail/restaurant/office space for use classes A1-A5 and B1 at ground and first floor levels;
  - Community space of 2,250sqm (GIA) with the potential use as a youth club, GP surgery, dentist, nursery or other employment generating use.
- 9.13 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant; and
  - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area.
- 9.14 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where inter alia, there is evidence that there is intensification of alternative employment uses on site.

- 9.15 Currently, there is approximately 8,969sq.m (GIA) of B1 office space within Skylines Village. The proposed scheme would provide 5,091sq.m (GIA) of dedicated replacement B1 office space but also 1,982sqm of flexible commercial space (use classes B1/ A1-A5). Whilst the scheme would result in (best case) a net loss of office floorspace of 1,893sqm, which assumes that all units identified for flexible use are used for business purposes, the scheme also proposes a significant community floorspace (Class D1) which would generate additional employment. This site is not located within a Preferred Office Location and it is important to recognise that employment can be generated by all commercial uses and is not necessarily limited to B1 uses.
- 9.16 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications seeks to ensure that development should not result in the loss of active and viable employment uses.
- 9.17 However, there have been modifications proposed to this policy by the Planning Inspector who presided over the DM DPD Examination in Public, which recommended the removal of the requirement to provide 12 months marketing evidence to confirm that the employment uses were unviable. During the recent DM DPD Examination in Public it was suggested by the Inspector and agreed by Council Officers that the following amendment be made:

*'Exclusion of a 12 months marketing exercise for site allocations will be referenced within supporting text of policy DM15. Replace last sentence in paragraph 15.4 to read, "As such Part (1) of the policy does not apply to Site Allocations'.*

- 9.18 This modification is now referred to in the Planning Inspector's Report.

#### Existing employment levels compared to projected future levels

- 9.19 As highlighted above, it is estimated that the current uses/buildings within Skylines Village have the potential to accommodate up to 280 employees. However, due to the inability to attract tenants to these largely out-dated premises, a large proportion of the existing floorspace (believed to be as much as 30%) is currently vacant and it is understood that the site currently employs approximately 135 people.
- 9.20 In terms of employment generating space, the proposed development includes approximately 4,073 sq. m (net internal) of proposed B1 floorspace, approximately 1,802 sq. m (net internal) for commercial use (class A1-A5, B1). Based on the employment densities in the Planning Obligations SPD 2012 this equates to approximately 434 jobs. The space provided for community uses (approximately 2,046 sq. m net internal) may generate additional full time employment, depending on the type of activities that the space is used. The proposed community orientated space has not been factored into the employment calculation. Therefore, assuming full occupation, the employment levels could possibly exceed the 434 jobs estimated.
- 9.21 A complete assessment of employment created should take into account the number of job that currently exist on-site. As stated earlier, it is understood that the existing occupied commercial buildings on the site provide employment for up to 135 workspaces. This will therefore result in an additional 299 employees on the site from what currently exists. The scale of the proposed development, with an estimated construction period of 39 months, will also ensure the creation of a large number of construction jobs on the site. Opportunities for local people to compete successfully for any of the jobs on offer (either through the construction of operational phase of the development) will be captured through the pooled employment and enterprise planning obligations, the delivery of a site specific employment and training strategy and local engagement in relation to employment opportunities through the Council's Skillsmatch service.
- 9.22 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 May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

#### Displacement of Existing Businesses

- 9.23 The proposed redevelopment would result in the displacement of approximately 30 businesses and 135 jobs, which are currently accommodated within the Skylines Village development. The applicant has confirmed that these tenants have been letting space within the building on a short-term basis and that all tenants have been made aware of the plans to develop the site over a number of years. It is understood that tenants have a minimum six month notice period in their leases and that many of the tenants were made aware of the forthcoming redevelopment plans when they entered into leases.
- 9.24 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications provides the emerging local approach in terms of managing development that would be likely to displace existing businesses. Part 2 of the emerging policy states *"Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere."*
- 9.25 The employment statement submitted with this application sets out the proposed details of an employment retention and relocation strategy, which is recommended to be secured as part of the S.106 Agreement. This will be prepared and implemented by the developer in partnership with Council's Employment & Enterprise Team. It is proposed, subject to agreement with the Council at a later date, to deliver this strategy through the following activities and measures:
- Extended notice period for vacant possession provided to all existing tenants;
  - Financial assistance of £2,500 to be offered to all existing tenants to help mitigate costs associated with relocation;
  - Free advice and assistance to be provided to existing tenants by professional advisers, for a minimum of six months, by email and at open days at Skylines Village. Such advice will include assistance with property searches and identifying suitable space for tenants to move to, along with advice on the process of moving;
  - First right of refusal to occupy new SME space created in the new scheme; and most importantly
  - Transitional relief on rent to existing tenants (first year rent free and second year at half rent)
- 9.26 To facilitate any smaller existing tenants on the site, the proposed business centre within Blocks B1 and Block C on Marsh Wall has been designed to provide modern flexible business space that it is capable of subdivision to accommodate spaces for smaller and medium size businesses (SMEs) similar in scale to what is currently available on site. This would include a variety of sizes ranging from around 40sqm up to around 600sqm.
- 9.27 The above principles for the proposed retention and relocation strategy would be similar to the approach taken in respect of other recently permitted development proposals. To further mitigate the potential impacts of displacing the small and medium sized businesses, the applicant has proposed an employment and training strategy which will be secured through the Section 106 Agreement.
- 9.28 Due to the site allocation for Marsh Wall East, the likely employment levels generated in the proposed scheme compared to the existing level and commitment to make provision for existing businesses, the proposal is considered to accord with Policy DM15 of the Managing

Development DPD (Submission Version May 2012) with Modifications which seeks to ensure that development should not result in the loss of active and viable employment uses.

## **Design**

- 9.29 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.30 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 (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.31 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 complement the local character, quality adaptable space and optimising the potential of the site.
- 9.32 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy policy SP10 and Policy DM23 and DM24 of the 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.

## Design Strategy

- 9.33 The application is supported by a Design and Access Statement (and Addendum). The proposal is based on the principles of maintaining the street edge, minimising building footprints and giving maximum space to landscape, allowing the creation of a large south facing green open space and child play space which would be available for use, not only by the users of the buildings, but by neighbouring sites and residential areas, particularly during the day.
- 9.34 The triangular shape of the site, which is located at the junction of Marsh Wall and Limeharbour, allows a built form that fronts both streets with a significant opportunity for a taller built element at the junction, framed by a large area of public open space designed to welcome pedestrians into the site, and one that provides an active public realm adjacent to commercial uses. The scheme would successfully introduce active frontages to these two main thoroughfares and create space for the provision of a significant new open space within the site. A new square is also located where the streets converge creating a gap and breathing space to the built form, whilst inviting access to a soft landscaped open space internal to the site
- 9.35 The hard landscaped square would be approximately 0.1ha, situated at the junction of Marsh Wall and Limeharbour and would be publicly accessible 24 hours a day. It would play an important role in improving the local streetscene and the pedestrian experience and would become a fully active space through the provision of active uses such as shops, cafés and restaurants fronting onto the square. The larger area of new landscaped public open space, located towards the centre of the site, would be fully accessible (apart from night-time hours) and would have similar management arrangements as a traditional London Square. This internal space (which would enjoy significant amounts of sunlight penetration) would incorporate child play space, a biodiversity area and important new pedestrian links to through the site, potentially in the future linking Marsh Wall and Limeharbour with the existing residential neighbourhoods to the south, thereby significantly improving permeability in the wider area and links into the Council's Green Grid Strategy.

- 9.36 The siting of the tall building at the corner of Marsh Wall and Limeharbour would landmark this key junction and act as an appropriate way-finder to the new public space. The proposed development establishes an appropriate hierarchy of building heights across the site reflecting their importance and relationship with the existing and future character and scale of development. All buildings have also been set back from the street edge to provide wide pedestrian pavements and create 25m wide boulevards along both Limeharbour and Marsh Wall.
- 9.37 Officers have worked with the applicant as part of pre-application process following the previously refused application (PA/10/00182). The current application is for a scheme that has attempted to respond to the design related reasons for refusal stated in the report for the previous scheme, taking on board changes in policy and local context. This is set out below.
- 9.38 Key amendments were made to the design of the scheme submitted to the November 2011 to take account of concerns from the Council, GLA, Design Council/ CABI. The changes to the design were re-consulted on in July 2012 and are summarised as follows:
- Height reductions to Buildings A1 (minus 2 storeys), A2 (minus 4 storeys), B1 Podium (minus 2 storeys) and C3 (minus 1 storey);
  - Height increase to Buildings B (plus 2 storeys) and B1 (plus 5 storeys);
  - Floorspace area updates to reflect the massing amendments;
  - Residential unit schedule and mix updates to reflect the massing amendments
  - An enhanced landscaping strategy including further details on safety and security, open space and children's playspace.
- 9.39 The overall design of the tall buildings (as amended) is considered to be of a high standard and the bulk and proportion of tall buildings carefully considered. The positioning of the towers and distribution of massing is such that the towers would not dominate the townscape. The detail design of the scheme and materials have been well considered. The scheme with large public spaces at ground level and appropriate landscaping would be a more considered approach and would relate more satisfactorily with lower rise residential sites nearby and the changing ground levels.
- 9.40 The site is located at a strategic axis along Marsh Wall and is very prominent from local and long distant views. However, the proposed tall building with the new public square would help strengthen this axis and make it an appropriate addition to the local context. The recently consented Wood Wharf and Dollar Bay are in immediate local context. Significantly, the Inspector's Report into the DM DPD confirmed that it would not be reasonable to require a clear transition in heights between the Canary Wharf Preferred Office Location and their surrounding areas, not least in the light of outstanding permissions. The Inspectors Report instead suggests a more "flexible expectation" and individual solutions within the context of overall Core Strategy objectives and Design Council/ CABI Guidance.
- 9.41 Furthermore, the work carried out by the team to deal with sunlight/daylight and overlooking issues should ensure that future scheme proposed for neighbouring sites, including Angel House, should be able to come forward without impacting negatively on development capacity of adjacent sites.
- 9.42 The site layout drawing is shown below in Figure 4.



**Figure 4: the indicative masterplan**

Justification for Tall Buildings

- 9.43 With reference to the London Plan and Design Council/CABE Guidance, a tall building is described as one which is significantly taller than its surroundings or has 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; has ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 9.44 The tall buildings guidance paper prepared by CABE 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. Design Council/CABE in their response were supportive of the principle of a tall building in the proposed location and English Heritage did not raise an objection to a tall building in this location.
- 9.45 Policy SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The recent Inspectors report regarding the Managing Development DPD states that there should be a 'flexible expectation' for building heights around the Canary Wharf cluster.
- 9.46 The site is located south of the existing tall building cluster of Canary Wharf and proposed large scale development site at Wood Wharf and east of the tall buildings of the Millennium Quarter. While the site currently comprises mainly commercial elements of small to medium scale, it shares a similar character to these other dockside areas, separated from them by

the South Dock and Millwall Inner Dock. Bordering the docks are a number of larger scale office and housing development within Canary Wharf, the Millennium Quarter and Baltimore Wharf, whilst to the south-east beyond the site are the significantly lower-rise housing estates of Cubitt Town.

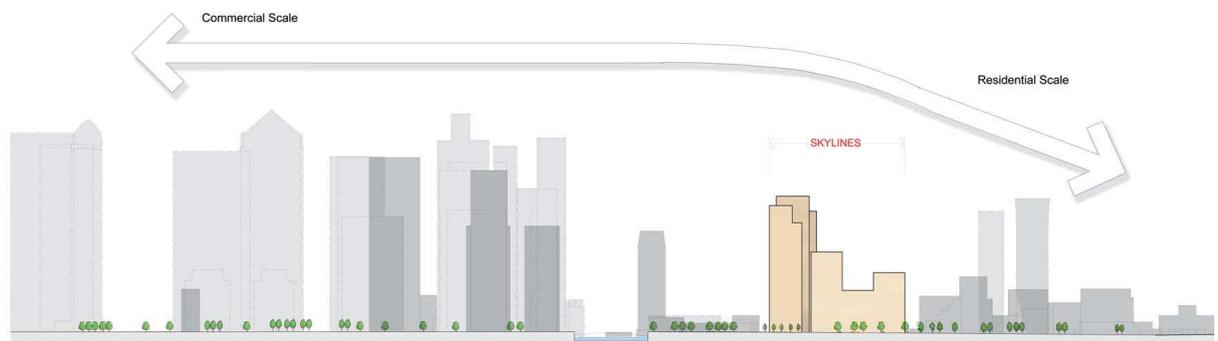
- 9.47 Canary Wharf and the Isle of Dogs in general are recognised as a key location for high density development and iconic tall buildings, reflecting its status as an important commercial/corporate hub in London. A larger scale of development has extended beyond the original commercial cluster in recent years to include new high density mixed-use and residential developments, particularly to the south, east and west of Canary Wharf. Higher density residential developments have replaced older low density commercial buildings (which traditionally bounded Canary Wharf) and have started to change the skyline around Canary Wharf. Indeed, these new buildings have started to form new clusters/landmarks which define the transition between the commercial heart of Canary Wharf and the more residential aspects to the south. Marsh Wall (both east and west) sits on the border of this transition point and has been the focus for a number of new mixed-use and residential developments.
- 9.48 The general bulk, scale and mass of the building blocks proposed are considered acceptable as an overall reduction of massing and height from the taller buildings to the north at Canary Wharf, following an established pattern for new buildings set by developments such as Baltimore Wharf, moving south down the Isle of Dogs. The tallest element of the proposal is situated at the north-western corner of the site, providing a marker and assisting with wayfinding, with scale stepping down (with some variation) toward the lower scale developments to the south. The distribution of heights is considered to be appropriate and conducive to successful placemaking.
- 9.49 It must be recognised that the delivery of 3000+ new residential units within the Marsh Wall East allocation, with limited site areas forming part of the allocation, will inevitably lead to the introduction of taller buildings and higher density development with all the associated challenges. The London Plan and the Core Strategy are aligned in their promotion of high density residential development for the Isle of Dogs and the emerging DM DPD (which is now at an advanced stage of preparation) specifically focusses on the significance of the Marsh Wall East allocation in delivering high density mixed use development and 3000+ new residential units. For any redevelopment scheme to accord with these development objectives for the Marsh Wall East allocation there will inevitably be a degree of contrast in built form between the Skylines site and its immediate lower density neighbours.
- 9.50 It is acknowledged that the proposed buildings at Skylines are larger in scale and height than many of the buildings to the south of the site, particularly the 2 and 3 storey residential properties at Aste Street. However, this is not an unusual situation on the Isle of Dogs and many examples of similar transition sites can be cited. These include Wood Wharf (PA/08/1215), City Pride (PA/08/2293), Dollar Bay (PA/11/01945), Alberta House (PA/07/00241) and 22-28 Marsh Wall (PA/07/02744). The proposed development responds to the transition in scale between the high rise office buildings of Canary Wharf and residential scale of the area to the south of Skylines. Of particular note are extant consents for a 43 storey tower on the former London Arena site, now known as 'Baltimore Wharf', a 31 storey tower on 'Dollar Bay' and a 23 storey tower on the Asda, Crossharbour site. Skylines is north of the latter two, providing a marker by which to signalise a reduction in scale from Canary Wharf to the proposed scheme.
- 9.51 Officers consider the tallest built element (Block B1) to have a unique architectural quality in that it has been designed and detailed to stand out as an outstanding element which acts as a focal point for the area. It provides an address and destination. The scale and placement of Block B1 on the site has been carefully considered to ensure that it strongly identifies this key position whilst also reducing its visual impact from adjoining streets and providing an identifiable separation from the lower scale buildings proposed and existing lower buildings

in the wider area, particularly to the south.

- 9.52 In compliance with these policies, Block B1 demonstrates an exemplar level of design quality and would constitute an elegant addition to the local and wider skyline, acting as a focal point for the wider Marsh Wall East regeneration area. The height of the building provides the opportunity to respect Canary Wharf and other large consented schemes in the local area, whilst the remainder of the development can respond to the scale of the built form to the south. It has been set back from Marsh Wall and Limeharbour in order to frame a new high quality public square on the site and an existing viewing corridor from the south east of the site across the docks to the city beyond.
- 9.53 The proportion and articulation of the tower has been designed to emphasise slenderness as has its orientation. Its narrow north-south profile minimises its impact on the developable land to the north and its visual perception from existing residential areas to the southeast. It will frame a new high quality public square for the local community as well as provide an attractive setting for a substantial new pocket park within the site. Furthermore, the building facades have been designed to reflect the importance of the role of the building as a landmark element of the proposals. The high quality of the design reflects its position, height and mass. There is a level of layering and subtlety to the facades of the building which provide an articulation that can be read from long, medium and short distances.

### Townscape

- 9.54 Figure 5 provides an eastern view of the Isle of Dogs, demonstrating the transition discussed in paragraph 9.50 and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building within the north-west corner of this triangular site is considered acceptable in principle.



**Figure 5 – Eastern view of key buildings, Isle of Dogs**

### *Impact of Height to the South-West*

- 9.55 Concerns from both LBTH and the GLA noted that the difference in height between the November 2011 scheme proposals and the existing residential buildings was overly abrupt and potentially negative in terms of visual impact on the neighbouring residents. The current proposals respond to these comments by reducing the height of three of the buildings (A1, A2 and C3) closest to the adjacent terraces to the south.
- 9.56 The heights of the buildings now step further down towards the existing scale of Limeharbour and Marsh Wall. This reduction in height would help to create a more sensitive and complementary massing with the additional benefit of more daylight/sunlight infiltration through the scheme.

### Strategic Views

- 9.57 Assessment Point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect. English Heritage suggested that the Borough satisfies itself with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site.
- 9.58 Verified views have been considered and whilst the taller elements of the development would be visible, they would blend in with the existing cluster of tall buildings within the area and break down the scale of the commercial buildings within Canary Wharf. English Heritage commented that:

*“Whilst the view from the General Wolfe has been subject to much change, particularly in the last twenty years, it has, to date, retained some sense of order with the tallest towers located at the northern end of the Isle of Dogs and some lower towers located slightly further south in developments centred around the Millennium Quarter. EH have also previously noted that the clear recessive planes - the impressive Palace complex, the trees of Island Gardens, followed by low rise buildings, beyond which rise the towers - are important characteristics. The visual layers of development instil a degree of visual order and, importantly, the distance serves to reduce the impact of the tall buildings”*

#### Heritage & Conservation

- 9.59 The NPPF sets out the Government’s objectives in respect of conserving and enhancing the historic environments.
- 9.60 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.
- 9.61 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) with Modifications 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.
- 9.62 It is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Maritime Greenwich World Heritage Site, as well as nearby Coldharbour Conservation Area.

#### Local Views and Impacts

- 9.63 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which, following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London’s skyline, without causing detriment to local or long distant views.
- 9.64 Key views surrounding the site have been considered and assessed, although there are no protected local views.

#### Aste Street/ Chipka Street

- 9.65 Properties that back onto the site along Aste Street would have clear views of the proposed development. The current proposals have been reduced to be less overbearing and are of a smaller scale at the edges. The tower elements are as far away from the smaller scale properties as the site allows which would minimise views of the proposal in close proximity so that taller elements would not dominate properties on Aste Street and Chipka Street. However, it is noted that due to the suburban feel of Aste Street and Chipka Street the views of the completed development would alter views currently experienced, bringing the 'the City' closer to views from this area.

#### Marsh Wall

- 9.66 The completed development would create a landmark building within the streetscene of Marsh Wall, creating an edge to the road and a more vibrant streetscene. As mentioned previously, the overall design of the tall buildings is considered to be of a high standard, and the bulk and proportion of tall buildings carefully considered.

#### Blue Bridge, Preston's Road

- 9.67 The development is visible from the blue bridge but this would be interrupted when other sites in the Marsh Wall East allocation come forward for redevelopment, particularly Dollar Bay and Angel House.

#### St Johns Park

- 9.68 Views within St John's Park would remain relatively uninterrupted due to the screening effect of trees. The middle and upper storeys of the completed development would be visible from St Johns Park. The setback of tower elements away from the southern boundary would minimise views of the proposal in close proximity so that taller elements would not dominate.

#### Mudchute/ Millwall Park

- 9.69 Although visible, the proposal is considered to adequately protect views from these parks towards Canary Wharf and the remaining cluster.

#### Layout and Disposition of Uses

- 9.70 The podium adjoining Block B1 and C would provide a more gradual height transition along Marsh Wall. The height of the lowest block (C3) has also been reduced by a further storey to assist with this relationship. The building to the edge of the scheme have been lowered to respond to the existing neighbourhoods
- 9.71 As the affordable accommodation has been relocated in Blocks A1, A2 and B, the location of the community uses within Block C was reviewed. The proposals site the community uses within the lower floors of Block B, meaning this community space would be located more centrally for all residents to use, and the wider Isle of Dogs community. In addition, the use of these lower floors for community space would be more acceptable than residential uses in terms the noise impact of the adjacent DLR.
- 9.72 Figure 4 above (paragraph 9.42), illustrates those elements being proposed at ground level, which include flexible retail space, offices, maisonettes, and a lay-by servicing area, together with access to basement car and cycle parking and new public square. The pavilion fronting on to the public square is considered to provide animation and a human scale at ground level.
- 9.73 The overall improvement to the site's permeability is welcomed as this would greatly enhance connectivity and permeability through the site, providing step-free access through

the site. The location of pedestrian routes, open spaces and play space is considered to be acceptable, with the proposed building layout and use allocation ensuring that they are legible and have good surveillance.

- 9.74 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the area. The proposal appears sensitive to the character of its surroundings in terms of overall layout, bulk, scale and use of materials.

#### Detailed Design/ Elevational Treatment

- 9.75 The detailed design of the scheme and materials is well considered. The proposed materials and appearance of the two groups of buildings comprise a varied textural and colour palette which is complimentary to each building group. For example, Blocks A and B adopt a more solid 'hole-in-wall' (e.g. recessed balconies within a flat façade), appearance, whereas Blocks B1 and C take a more sculptural, interlocking geometry with more simple faced treatments.
- 9.76 Blocks A and B are designed to reflect the surrounding residential community. The façades would utilise a mixture of precast concrete panels, dark aluminium cladding and coloured glass balustrade. The main material of the façades of Blocks B1 and C would be glazed panels varying in opacity and colour, with protruding balconies and projected panels which provides three dimensional character to the buildings' exterior.
- 9.77 The facades have been designed to reflect the importance of the role of Block B1 as the scheme's landmark element. There is a level of layering and subtlety to the facades which provides an articulation that can be read from long, medium and more local views.

#### Secured by Design

- 9.78 The applicant has engaged with the Metropolitan Police who are content with the applicant's response on all issues, except for some outstanding concerns regarding the two covered pedestrian routes onto the site off Marsh Wall and Limeharbour and the potential for these areas to become a crime generator. However, following the confirmation that that these spaces could be closed off at night with the site being managed through a robust Estate Management Plan (which would be secured by planning condition, in consultation with the Police) officers are satisfied that the development would provide adequate safety and security for occupiers as well as visitors to the site of the proposed development. Gating such developments at night-time can act against the overall objectives of providing inclusive and permeable forms of development but safety, security and crime prevention is also an important consideration and on balance, officers feel that closing the site off during night-time hours should help ensure that the site and its immediate environs remain secure. There could well be some night-time activity onto Marsh Wall and Limeharbour, associated with the ground floor commercial uses, which would help maintain surveillance of the area into the evening.

- 9.79 The Police have requested that any Estate Management Plan should require the provision of 24/7 concierge systems along with monitored CCTV and a robust plan for dealing with any antisocial activity within the covered routes and within the main open spaces/play areas on site.
- 9.80 The public realm will be landscaped with high quality material and lighting to create an attractive environment and make a positive contribution to the area. Planting will be well maintained to ensure they do not become screening devices that create dark corners around the site. In addition, pivot gates have been added to the design of the landscaping to allow the public realm associated with the revised proposals to be treated as any other local pocket park. The gates would allow for the closure of the community space after dark/at dusk. This will significantly enhance the safety and security of the amenity space and the residents of the revised scheme. The proposed security plan is shown in Figure 5 below.
- 9.81 To conclude this section of the report, your officers are satisfied that 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 May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.



**Figure 5 Secure By Design Diagram**

**Housing**

- 9.82 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. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period

- 9.83 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 completions per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Appendix 2 of the Council's adopted Core Strategy reviews the delivery programme of new housing investment and seeks to provide within the Plan period (2010-2025) a new housing allocation of 4,190 new homes for Cubitt Town, 2,640 new homes for Canary Wharf and 6,150 new homes for Millwall; a total of 12,980 new units across all three "Places" as defined by the Core Strategy and exceeds the overall London Plan target for the Isle of Dogs Opportunity Area.
- 9.84 The emerging DM DPD has identified various strategic sites (Billingsgate Market, Wood Wharf, Millennium Quarter, Westferry Printworks, Crossharbour Town Centre and Marsh Wall East) in order to accommodate housing growth alongside other complementary uses. Development completed prior to 2010 are not factored into the housing targets outlined above. The implementation of targets could well be hampered unless further progress is made in the short to medium term towards further residential permissions and starts on site, especially in view of the current economic climate.

#### Residential Density

- 9.85 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, as well as design and amenity considerations.
- 9.86 The site has a "Good" public transport accessibility level (PTAL 4). For central locations with a PTAL 4, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek to provide a density of between 650 and 1,100 habitable rooms per hectare. The proposed density is 1,574 habitable rooms per hectare (or approximately 530 units per hectare). However, the intent of the London Plan and Council's DM DPD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.
- 9.87 The scheme incorporates new pedestrian routes through the application site, as well as planning obligations towards transport infrastructure, public realm and connectivity to improve sustainable travel options.
- 9.88 It should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment and on balance, promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above. This is further supported by the site's designation within the Central Activities Zone, the Isle of Dogs Opportunity Area, the Marsh Wall East Site Allocation and the Isle of Dogs Area Action Plan, all of which encourage high density development in central locations. It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

#### Affordable Housing

9.89 As detailed in Table 1 below, the proposed development would provide 35.7% affordable housing provision by habitable room (or 228 units) split between social target rent and intermediate housing. Furthermore, the affordable element is split 71:29 in favour of social target rented accommodation, which would be generally in line with the Council's policy target of 70:30.

	<b>Units</b>	<b>% of units</b>	<b>Habitable rooms</b>	<b>% Hab rooms</b>
Affordable Social Target Rent	154	20%	584	25.3%
Affordable Intermediate	74	10%	241	10.4%
<b>Total Affordable</b>	<b>228</b>	<b>30%</b>	<b>825</b>	<b>35.7%</b>
Market Sale	536	70%	1441	64.3%
<b>Total</b>	<b>764</b>	<b>100%</b>	<b>2266</b>	<b>100%</b>

**Table 1: The proposed indicative overall tenure mix**

9.90 The affordable housing offer would comply with current LBTH policy, as it is in the range of 35%-50% and your officers are satisfied, following advice from independent viability consultants and taking into account the current economic climate, that the level of affordable housing at social target rent has been maximised. It is also important to note in this context, that the applicant has agreed to meet all the necessary planning obligations required to mitigate the impact of the development.

9.91 The Council's independent review of the viability assessment concludes that the applicant's affordable housing offer and other financial contributions are the optimum that this development could deliver (at the time of the assessment). Although the viability assessment concludes that the provision of 35.7% affordable housing (based on social target rented provision) is not viable, the applicants have expressed their commitment to providing this on the basis that market conditions will improve in the future which will result in more viable proposition. In time, there is also a possibility that the developer may be able to accept a lower developer profit (currently fixed at 20%) assuming that developer risk is reduced through funding being made available to facilitate a commencement on site.

9.92 Following the publication of the Inspectors Report into the DM DPD, the viability assessment has been further amended, to consider other potential scenarios but the applicant has made it clear that the proposed development has been submitted on the basis of that the rented affordable accommodation is proposed at social target rents.

9.93 The applicant has also agreed to include a review clause in the S106 Agreement to reassess development viability immediately prior to implementation of the scheme to determine whether affordable housing could be further increased, on the terms already negotiated (with rented stock being social target rents). It has been also been accepted that any review mechanism would not reduce percentages already negotiated and agreed.

Housing Type and Tenure Mix

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

9.95 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

- 9.96 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.
- 9.97 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).
- 9.98 Table 2 below outlines the proposed housing mix in the context of the Borough's preferred dwelling mix:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	53	0	0%	0%	0	0%	0%	53	10%	0%
1 bedroom	263	46	30%	30%	19	25%	25.0%	198	37%	50.0%
2 bedroom	251	40	26%	25%	36	49%	50.0%	175	33%	30.0%
3 bedroom	145	43	28%	30%	19	26%	25%	83	15%	20%
4 bedroom	45	18	12%	15%	0	0%		27	5%	
5 bedroom	7	7	5%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>764</b>	<b>154</b>	<b>100%</b>	<b>100%</b>	<b>74</b>	<b>100%</b>	<b>100%</b>	<b>536</b>	<b>100%</b>	<b>100%</b>

**Table 2: Indicative overall unit and tenure mix**

- 9.99 The housing mix is considered to be in line with the Council's policies and includes the provision of much needed larger family accommodation. The proposal delivers 45% family accommodation in social rent tenure, including provision of 4 and 5 bed homes. There is also an acceptable level of family housing in the intermediate and private tenures. This equates to 26% family housing (3 bedroom and above) across all tenures which helps the borough meet its Core Strategy (Policy SP02) strategic target of 30% of all new housing across the borough to be of a size suitable for families.
- 9.100 The proposal would provide an acceptable mix of housing and could contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the social rented tenure is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

#### Internal Space Standards

- 9.101 The submitted plans demonstrate that the applicant has met the internal space standards set out within both the Housing Design Guide and London Plan. All proposed affordable family homes include a separate kitchen and dining room, although the recently published Inspector's Report states that separate kitchens should not be insisted upon and should be deleted from emerging policy.

## Private and Communal Amenity Space

- 9.102 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.
- 9.103 The proposals provide significant amounts of amenity space of different types which is set out in Table 3 below.

	<b>Amount provided</b>	<b>Policy requirement</b>	<b>+/-</b>	<b>Comments</b>
<b>Private amenity space</b>	5,486sqm	4,721sqm	+ 765sqm	<ul style="list-style-type: none"> <li>• Provided as balconies, private gardens, terraces, and winter gardens</li> </ul>
<b>Communal amenity space</b>	1,483sqm	804sqm	+ 679sqm	<ul style="list-style-type: none"> <li>• Provided as communal gardens on buildings A1 and B1 (podium).</li> </ul>
<b>Children's playspace</b>	2,290sqm	2,590sqm	Minus (-) 300sqm	<ul style="list-style-type: none"> <li>• child playspace also provided on building A1 as a roof garden. This is included as communal amenity space (equal to 325sqm) in this table rather than child playspace.</li> <li>• It is also reasonable to reference the 420 sqm of ground level private residential gardens dedicated to the large family-sized social rented units at the base of Blocks A1 and A2 as usable children's playspace which isn't included in the amount provided figure</li> <li>• 2,290sqm child playspace provided at ground level which will be accessible to the public during daylight hours</li> </ul>
<b>Ground level public open space / public realm</b>	6,942sqm	N/A		<ul style="list-style-type: none"> <li>• Includes widened pavements, new public square (1100sqm) open 24 hours a day. Also includes a new public open spaces closed during night-time including 505sq.m biodiversity area and areas of lawn alongside the southern boundary of the site.</li> <li>• Excludes 2,290sq.m child playspace provided at ground level which will be accessible to the public during daylight hours (if included there is 9,232sq.m of provision).</li> <li>• The Interim Planning Guidance Isle of Dogs AAP identifies the site as capable of providing 0.29ha or 20% of site area which is exceeded, however little 'weight' can be afforded to this policy.</li> </ul>

**Table 3: Amenity Space Provision**

- 9.104 The level of private and communal amenity space provision is acceptable and in fact exceeds the policy requirements. Communal and private amenity spaces are provided in a variety of external spaces, including private gardens at ground floor level for the ground/first floor maisonettes, generous balconies and roof terraces/gardens which would provide usable amenity for future residents.

### Child Play Space

- 9.105 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation', which sets a benchmark of 10 sq m of useable child play space per child.
- 9.106 Using LBTH child yield calculations and based on the overall submitted unit mix, the overall development is anticipated to accommodate 259 children and accordingly the development should provide a minimum of 2,590sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10 sq.m per child as shown in Figure 4 above. Children's playspace is provided for both 0-5 and 5-11 age groups on site at ground level, which results in the development delivering 2,290sq.m of dedicated child play space, resulting in under provision of 300sq.m. This is considered acceptable due to the provision of both play facilities for younger as well as older children, the overprovision of private and communal amenity space and the provision of public open space in the form of the proposed public square and other incidental areas of open space. Maintenance of the child playspace will be required through imposition of an Estate Management Plan which it is recommended to be secured by condition.
- 8.107 As such, given the on-site provision of children's play space and adjacent playable soft landscaped area and availability of public play space within 800m of the site (i.e. Millwall Park, Sir John McDougal Park and St John's Park) your officers are satisfied that the revised Skylines development will have a beneficial impact on play space in the local area
- 9.108 A condition has been suggested requiring the submission of details of accessible play equipment.

### Wheelchair Housing and Lifetime Homes Standards

- 9.109 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.
- 9.110 Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

### **Community Infrastructure**

#### Open Space

- 9.111 The landscape strategy outlines the hierarchy of the spaces starting with the public square, the route/communal gardens, the possible future connection with Aste Street/ Chipka Street, and the private amenity spaces/gardens provided for the Skylines residents. It also summarises the play space provision for the site. The routes through the site will be active areas both for the residents and for visitors/day-users of the site. Benches and cycle parking would be distributed along their lengths as well as elements of landscape design such as low level perennial planting, variety of materials, street furniture and lighting. The new public space will also be capable of contributing to the Green Grid in the area.
- 9.112 New routes which would connect the key public spaces would be fully accessible and would be open to the public (apart from during night-time hours) which would be controlled through

an Estate Management Plan as previously referred. When the routes are closed to the public, residents will still have access via pass gates located at all locations. The routes would be well illuminated allowing residents to use them safely and securely throughout the evenings and early mornings. This addresses previous concerns raised by CABE/Design Council regarding landscaping and a lack of clarity around the function of open space provided

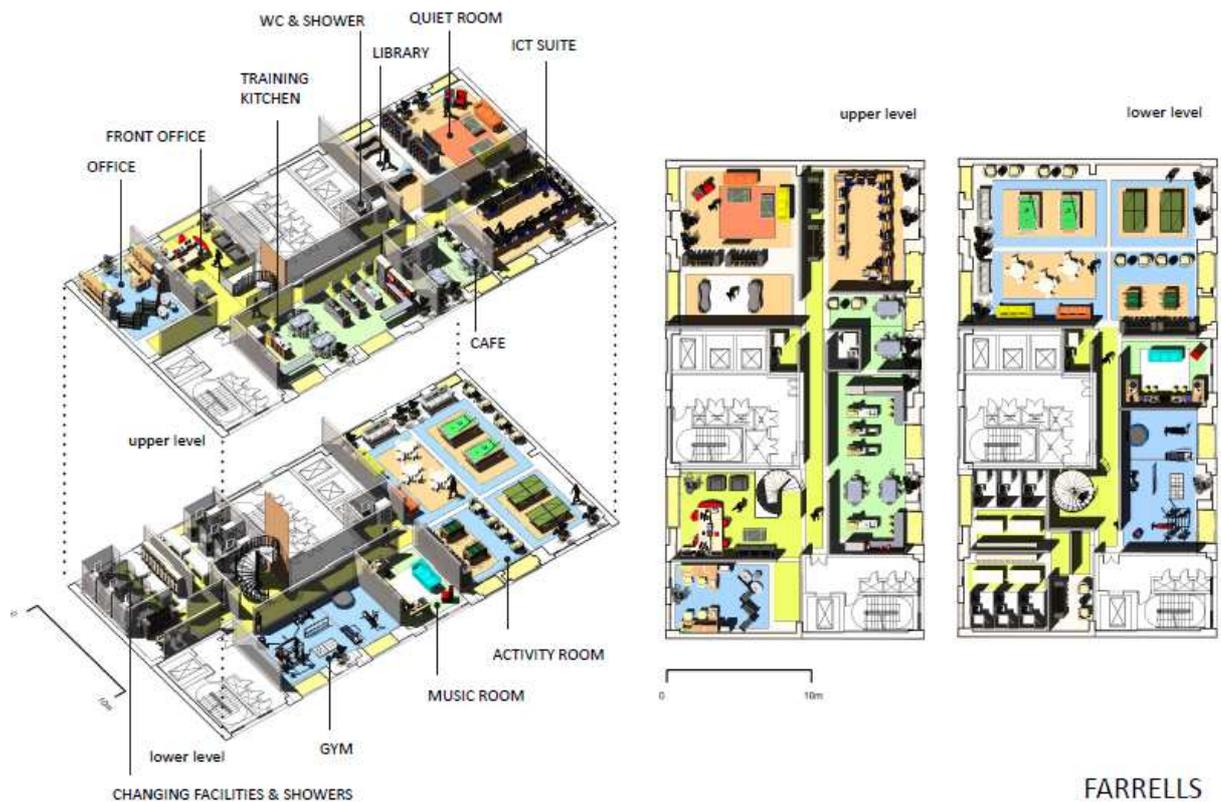
- 9.113 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. The development proposals will accord with the objectives of this policy.
- 9.114 Policies DEV12 and HSG16 of the UDP, Policy DEV13 of the IPG, and policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 9.115 The scheme would deliver 6,462 sq m of public open space and 9,232 sq m (including the proposed publicly accessible play space). Opportunities to provide new areas of open space are always challenging on the Isle of Dogs with heavy reliance on pocket parks and other open spaces that form an integral part of the Green Grid Network across the Island. The Isle of Dogs AAP (which should be afforded only limited weight but is still of relevance) identifies the site as having the potential to deliver a minimum open space provision of 0.29ha. It is clear that the current proposal would exceed this open space target for the site.
- 9.116 This new public open space and public realm improvements would help to mitigate the impact of the new population and provide a new area of public open space accessible to new local residents and employees as well as existing residents and employees in the area. The addition of new open space will also compliment the five local parks and small open spaces within 1.2km of Skylines Village and help to mitigate the existing deficiency of local parks within the wider Borough and contribute to the Green Grid.
- 9.117 Irrespective of this, the proposed level of open space would still fall below LBTH's standard of 12 sq m per occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy) and would provide approximately 4 sqm per person (based on 0.646ha for 1,601 additional residents). Accordingly, the applicant has agreed to a financial contribution of £828,386 to mitigate this impact, which would be in compliance with the Planning Obligations SPD requirement.
- 9.118 The southern aspect of the majority of the public open space and play space should ensure good levels of sunlight which should not suffer from permanent overshadowing.
- 9.119 It is considered that the scheme benefits outweigh the shortfall in open space per head of population. The submitted public realm and landscape strategy have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

### Local Schools

- 9.120 The Council is taking a positive approach to planning for the social and physical infrastructure necessary to support the growth in homes and jobs across the Borough over the next 15 years and beyond, through its Local Development Framework.
- 9.121 The Inspector, in his recent report into the Managing Development DPD, supported all of the Council's site allocations for infrastructure provision. This will enable the delivery of a range of infrastructure including new primary and secondary schools, health facilities, local parks and IDEA Stores. This includes the allocation of private development sites for 2 new secondary schools (including Westferry Printworks on the Isle of Dogs) and a minimum of 5 new primary schools.
- 9.122 These allocations will complement the Council's proposals to expand its existing school estate and use of its own land to provide new school places. In a number of cases your officers are discussion opportunities for new primary school facilities on sites not explicitly allocated for such a purpose but could well contribute positively towards mixed use solutions and complement formal allocated school sites.
- 9.123 The approach to planning for school places and other infrastructure takes into account committed and potential development as well as demographic projections. This information is kept under continual review to ensure that the correct type and amount of infrastructure is provided.
- 9.124 The Managing Development DPD also includes site allocations in the Isle of Dogs for a new Health Facility and IDEA Store and requires the provision of new areas of open space, public realm improvements, new connections and transport improvements.
- 9.125 Work on the site allocations has been integrated with the Council's processes for negotiating and securing planning obligations. This ensures that all development contributes to infrastructure provision, either as part of the development proposals/allocations themselves or through planning obligations.
- 9.126 The application recognises that it should fully contribute towards the provision of primary and secondary school places and a fully compliant Planning Obligations SPD contribution has been offered by the applicant.

### Community Floorspace/Youth Club

- 9.127 Following on from Members previous concerns about lack of opportunities for the wider community arising out of this proposed development, your officers have put the applicant in touch with the Council's Youth and Community Service which has had a long standing aspiration to provide further youth facilities in the Cubitt Town area. It is understood that these discussions have been positive and parties have agreed to continue to work together to develop a shared vision to deliver a new Youth Club in the community space proposed to be spread over two of the seven floors of community space. There is significant need within the Isle of Dogs area for this facility as there is currently only one purpose built youth centre available for use (Britannia Road). Further work is required to realise this vision including fine tuning plans and consulting with local young people but the applicant has offered the space (shell and core) plus internal walls and a commitment for a peppercorn rent for a period of five years whilst meeting service charges. This will be secured in the S106 Agreement. A potential layout for a youth facility is reproduced below.



Skylines Youth Centre Study December 2012

## Amenity

### Daylight and Sunlight

- 9.128 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.129 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.130 The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.
- 9.131 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.
- 9.132 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.133 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties as well as its impact on the development potential of

neighbouring sites within the Marsh Wall East allocation (DM DPD – Submission Version with Modifications).

- 9.134 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:

*“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”*

*Proposed Development*

- 9.135 The daylight/sunlight assessment for the new blocks to be constructed demonstrates that all main facades will receive good levels of sunlight. A total of 338 units are single aspect (233 are within the private sale properties) but none of these are north facing and officers are satisfied that all of these properties would provide satisfactory living conditions.

*Neighbouring Properties*

- 9.136 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.
- 9.137 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the relevant buildings surrounding the development site. Those dwellings in close proximity of the site and where those dwellings have windows which have a direct outlook onto the Site itself are shown in the table below.

<b>Address</b>	<b>Percentage of windows that exceed 40% reduction in daylight</b>
26-44 East Ferry Road	45%
6-13 Cipka Street	68%
1-39 Aste Street	98%
1-6 Roffey Street	19%

**Table 4: Daylight impacts on properties with direct outlook onto Skylines Village**

- 9.138 When these failings are assessed against historical standards previously adopted by the Council, they would be assessed as unacceptable as the impact on the existing levels of natural daylight would exceed a 40% reduction which is a key test set out in the BRE guidance, and in many cases well above 40%. This will result in demonstrable harm to the amenity and in particular principal living rooms and rear bedrooms. However, these levels of reduction are not uncommon when higher density development is proposed in accordance with strategies in place to optimise residential densities and plot ratios.

9.139 Buildings further away from the site or buildings which do not have windows with a direct outlook onto the Site which were assessed are as follows:

1-114 Meridian Place  
1-52 Antillies Bay  
12-24 East Ferry Road  
22-25 Chipka Street  
30-33 Chipka Street  
1-30 Landoverly House  
1-12 Ash House  
1-18 Rugless House  
13-14 Roffey Street  
Limeharbour Court

9.140 The impact on properties named above which are remote from the site or do not have a direct outlook onto the site could perhaps be described as “moderate/major adverse”.

9.141 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the south of the site that is in excess of the maximum levels set out in BRE guidance. However it should be acknowledged that in a city centre or urban context such as the Skylines site, significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines “should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” Similar daylight impacts have been found to be acceptable, on balance, in other cases in the Borough.

9.142 In many instances residential properties to the south of the application site, including those on Chipka Street, Roffey Street and Aste Street, already receive daylight levels which are below the BRE targets. These properties are therefore particularly sensitive to relatively small changes in lighting conditions. As the Skylines site is currently occupied by very low rise buildings and has a raised site level (around 3 metre difference) when compared to the residential properties to the south, the construction of any meaningful scale of development on the site will inevitably cause some impact on daylight levels to these properties;

9.143 Through the creation of a substantial new public open space at the southern end of the site as well as a new biodiversity area along the southern boundary, the proposed development would in fact improve the aspect to existing residential properties to the immediate south. As detailed in the design and access statement, the final height of the set-back buildings proposed along Limeharbour will be below the sight-line created by the existing buildings (when viewed from the rear gardens along Aste Street).

9.144 Despite letters of objection received on the basis that neighbouring properties would be affected by these proposals, considering the overall proportion of failures and the range of benefits and issues this proposed development is expected to deliver/resolve, it is considered on balance that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.

#### Sense of Enclosure, Outlook and Privacy

9.145 Policy SP10 of the Core Strategy 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.

9.146 In terms of impacts upon neighbouring properties, those which are the most sensitive are to

the south fronting Aste Street and Chipka Street. 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.

- 9.147 Accordingly, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the site.
- 9.148 With relation to overlooking to existing residential properties, the level of overlooking would not be any worse than existing. The existing Skylines Business Village includes a number of business units along the southern boundary with windows fronting directly on to the rear gardens of lower scale residential properties at Aste Street. When combined with the 3 metre level difference along the southern boundary, the existing relationship contributes to an existing sense of enclosure and overlooking which officers believe would be improved as a consequence of the development.
- 9.149 The Skylines proposal seeks to relieve this situation by demolishing the existing business units along the southern boundary and replacing them with new high quality buildings set further back from the boundary. Although these buildings will be taller, their position further away from these properties should ensure that separation distances between opposing windows are substantially increased, thereby minimising opportunities for overlooking or loss of privacy.
- 9.150 In terms of impact on itself, the scheme has been designed to minimise directly facing habitable rooms within 18 metres. The proposals are therefore generally in keeping with the abovementioned policies.

#### Development Proposals on Adjacent Sites

- 9.151 A further material planning consideration is the impact of Skylines proposal on the submitted application for Angel House (PA/12/02414) mentioned in the relevant planning history section of this report. The review by the Council's independent specialist has confirmed that the proposed Skylines building should not affect the opportunity to develop the site as the proposed residential facades achieve acceptable VSC levels.
- 9.152 A typical proposed residential floor for Angel House application indicates that accommodation can be provided as dual aspect, thus enjoying daylight from two directions, one of which would not be impacted by the Skylines proposal. Therefore even at the lowest residential floor the VSC levels achieved at Angel House would suffice to ensure that the proposed dual aspect accommodation would meet or exceed the minimum internal daylight levels for Average Daylight Factor.
- 9.153 On balance, the daylight and sunlight results for both the proposed and existing residential units and public spaces indicate that the scheme will deliver good levels of amenity for new residents, whilst ensuring the amenity of neighbouring properties is not unduly detrimentally affected.

#### Air Quality

- 9.154 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.155 The Air Quality assessment (Chapter 11 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality, during construction and the development itself. During construction it is intended that the construction process will be

managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.

- 9.156 The statutory review and assessment of local air quality within the LBTH resulted in the entire Borough being declared an Air Quality Management Area (AQMA).
- 9.157 An assessment has been undertaken of potential impacts associated with the forecast changes in traffic flows on nearby access routes; dust and vehicular emissions during demolition and construction; and the anticipated emissions from vehicles associated with the completed development. The impact assessment has been updated to reflect the recently issued vehicle emissions factors. These vehicle emissions factors have been issued by the Department for Environment Food and Rural Affairs (Defra). The results of the updated assessment are presented in Chapter A15: Air Quality of the July 2012 ES Addendum.
- 9.158 Any air quality impacts arising from demolition and construction dust are predicted to be minor adverse at the nearest sensitive receptors, lasting only for the duration of the demolition and construction phase. An Environmental Management Plan will be prepared for the site prior to the commencement of any onsite works and will be agreed with the Council, which will include a whole suite of measures to reduce dust emissions.
- 9.159 It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 9.160 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy DEV2 of the UDP, Core Strategy Policy SP02, Policy DM9 of the MD DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

#### Noise and Vibration

- 9.161 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.
- 9.162 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.
- 9.163 Significant policy changes have occurred since the original application including the withdrawal of PPG24 and the implementation of the Noise Policy Statement for England (NPSE). Whilst the development will be exposed to a significant amount of external noise from local railway, aircraft and road traffic, these have now been adequately addressed by the applicant with community spaces, producing noise breaks. Environmental Health has confirmed that the building should now be able to meet the requirements of BS8233 "Good Internal Noise Design Standard". Conditions are recommended to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements, for a good internal living standard.
- 9.164 Facades of the rear blocks would be acoustically screened from Marsh Wall, Limeharbour and the DLR. The most affected blocks would be Blocks B, A1 and A2. These blocks are proposed to be designed with the lift core facing Limeharbour, to minimise the impact on habitable room and proposed façade attenuation measures and specifications would provide

adequate insulation for good resting and sleeping conditions in dwellings. It is recommended that the approval of these details is conditioned to facilitate detailed consultation with Environmental Health officers at a later stage.

- 9.165 The proposed development has considered the likely effects of noise both positive and negative on the local amenity and any sensitive receptors, the cumulative noise impact as part of the Environmental Impact Assessment and to mitigate any impacts. Conditions are also recommended which require the approval of noise insulation measures in consultation with Environmental Health, restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions, and requiring the submission for approval of hours of operation for any A1-A5 uses
- 9.166 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.

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

- 9.167 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.
- 9.168 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.
- 9.169 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site lies 200 metres to the east of South Quay Docklands DLR station, which has previously been upgraded/relocated to accommodate the three-car upgrade. Crossharbour DLR station is located 250 metres to the south of the site, and Canary Wharf Underground Station is 600 metres from the site to the northeast. Five bus routes can be accessed within 300 metres of the site (nos. 135, D3, D6, D7 and D8).

### Highways

- 9.170 The application proposes access to an underground car park and servicing area (off Limeharbour). The proposal also includes a lay-by which is off the public highway and is accessed from Limeharbour for incidental servicing and deliveries.
- 9.171 The submitted Transport Assessment demonstrates that the development will generate a net decrease of 3 AM peak hour and 13 PM peak hour two-way vehicle trips on the surrounding highway network compared to the existing business operation. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBTH Highways.

### Servicing and Deliveries

- 9.172 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in the IPG and Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

- 9.173 The proposed layby off Limeharbour provides for most servicing and deliveries. The basement allows sufficient headroom for delivery and serving vehicles if required which are able to enter and exist in forward gear.
- 9.174 Servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the detailed scheme and further phases.

#### Waste, Refuse & Recycling

- 9.175 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.
- 9.176 Notwithstanding the above, the indicative scheme shows that within the residential block, residents have access to communal waste stores within the basement where they deposit their waste. Waste collection vehicles enter the basement and collect full bins from designated presentation areas or directly from the waste rooms. The inclusion of large lifts and ramps allows waste to be transferred from the basement to ground levels, where refuse vehicles, using the Limeharbour drop-off to minimise any impact on traffic flows, can collect the waste if required. Commercial waste would be stored and collected from the basement.

#### Car Parking

- 9.177 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy 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.
- 9.178 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. It should be noted however that the recent Inspectors Report concluded that the DM DPD should specify parking levels according to PTALs rather than singling out Canary Wharf or the Isle of Dogs as separate geographic zones. He also recognised that minimal parking levels could have a materially adverse effect the viability of development.
- 9.179 The scheme proposes a maximum of 189 car parking spaces within a basement. All of these spaces are allocated for residential use (170 standard, 19 disabled). Spaces would be allocated to affordable housing units, according to the number of new residents which would qualify under the Council's Permit Transfer Scheme. This will be secured through planning obligation. The overall parking provision reflects a ratio of 0.25 spaces per residential unit which exceeds the current MD DPD policy but is considered acceptable by LBTH Highways on the basis that provision is made for those new residents who qualify for the Council's Permit Transfer Scheme. This is to prevent the exacerbation of existing parking stress levels on local roads. It is also justified by the fact that there are existing car parking spaces, the replacement of which is not considered to increase local traffic.
- 9.180 The residential parking is in accordance with LBTH IPG Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit. However is in excess of the MD DPD Planning Standard 1 which allows for 0.1 spaces per family unit (3 bed plus), and no parking for smaller units which has been justified. Electric vehicle charging points are provided with each car parking space which will be secured by condition.
- 9.181 The Transport Assessment also considered the impact of the development upon the highway network. This assessment was based upon the initial proposal which included a total of 205

parking spaces (although 189 are now proposed) which indicated that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years but the Council has already collected planning obligations from other developments for improvement works.

- 9.182 Notwithstanding the above, the LBTH Highways support the proposed parking levels subject on street parking permit-free agreement being secured through the planning obligations restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme).
- 9.183 In addition to the above, further measures to discourage car use in this development proposal include 1,060 cycle parking spaces, improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements beyond the site boundary.
- 9.184 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 development, whilst not causing detriment to the free flow of traffic on the surrounding highway network.

#### Provision for Cyclists

- 9.185 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 1,060 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan Policy 6.13.

#### Public Transport Improvements

##### *Docklands Light Railway*

- 9.186 TfL considers that it is likely that most trips will be made from South Quay DLR station. A programme of works has already been identified to improve this station, relating to the installation of additional lifts to improve accessibility. Whilst TfL has requested a financial contribution of £250,000, the applicants have refused to meet this request on the basis that the development would not increase capacity of the local public transport system and therefore does not meet the legal test for planning obligations.
- 9.187 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.
- 9.188 Given the height and proximity of the proposed development, TfL may require a contribution towards a signal booster to mitigate the impact of the proposals on the DLR radio communications. TfL therefore require the developer to conduct before and after tests of signal strength to allow TfL to assess the level of mitigation needed. The funding of any mitigation measures required as a result of the test will need to be secured via the Section 106 Agreement.

##### *Crossrail*

- 9.189 The development is required to make a contribution of around £2,343,285 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London. CIL takes precedence over the Mayor of London's Crossrail SPG contribution, as the overall figure is higher.

##### *Buses*

- 9.190 The PTAL rating for the site is good. Five bus routes (135, D6, D8, D3 and D7) are within close proximity of the site, and the new South Quay DLR station is approximately 200m to the west of the proposal site. The site is also approximately 980m (12-13 minutes walk) from the Canary Wharf Underground station. The site has good pedestrian access to the aforementioned public transport modes via the adjacent Marsh Wall.
- 9.191 As the development site is within walking distance of Canary Wharf for the Jubilee Line, TfL assume a lower bus trip generation and therefore accept the lower figure of 39 bus trips. TfL have requested £224,700 towards London Buses, to be secured via the S106 Agreement.

#### Pedestrian Environment

- 9.192 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility in and around the site. The proposal incorporates a new diagonal north-south route linking Marsh Wall and Chipka Street. The proposal seeks to ensure active retail frontages to the pavilion and residential overlooking of this route, ensuring a high level of passive surveillance.
- 9.193 The proposal would secure high quality public realm within the site, with high quality materials, the use of natural stone paving, lighting and street furniture. The applicants have also agreed to a financial contribution of £828,386 towards open space improvements. In addition, this development proposal will contribute to the following pedestrian improvements which will be secured through a S278 Agreement:
- A new urban square at the junction of Marsh Wall and Limeharbour, and new pedestrian routes linking East Ferry Road, Marsh Wall and Limeharbour.
  - Improved pedestrian crossing at junction of Limeharbour and Marsh Wall to be secured through a S278 Agreement.
  - 'Legible London' directional signage is also proposed to assist the pedestrian environment and general wayfinding through a financial contribution of £15,000
- 9.194 In addition, the introduction of a raised table and new pedestrian crossing via a S.278 highways agreement would further serve to improve the pedestrian experience along Marsh Wall and Limeharbour.
- 9.195 Conditions are recommended seeking full details of the improvement works to be delivered in addition to financial planning obligations towards public realm improvements.

#### Inclusive Access

- 9.196 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the Core Strategy and Policy DM23 of the MD DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.197 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.
- 9.198 With high PTAL levels and the provision of step free access routes, the proposed development would be accessible, usable and permeable for all. The proposed public realm strategy for the site, including the private and communal gardens, would be accessible to all (subject to access times as previously discussed).

#### **Energy & Sustainability**

- 9.199 At a National level, the NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.
- 9.200 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 9.201 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.202 The information provided in the submitted energy strategy is principally in accordance with adopted 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 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 Managing Development DPD (Submission Version May 2012) with Modifications which requires:
- 2011-2013 = 35% CO2 emissions reduction;
  - 2013-2016 = 50% CO2 emissions reduction; and
  - 2016-2031 = Zero Carbon
- 9.203 The emerging Managing Development DPD, Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential development to achieve a minimum of BREEAM Excellent.
- 9.204 The Energy Statement (July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The proposals are to link to the Barkantine District Heating System to supply the space heating and hot water requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions by 38% (Be Clean).
- 9.205 Photovoltaic cells are proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 4.4% carbon savings over the regulated energy baseline. It is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (110m2 PV array) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 9.206 The total anticipated CO2 savings from the development are 38% (573 tonnes CO2 per annum), through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy therefore exceeds the

requirements of Policy DM29 which seeks a 35% reduction in CO2 emissions. Therefore the CO2 savings proposed for this development are considered acceptable and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.

- 9.207 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non residential development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets emerging Managing Development DPD.
- 9.208 The submitted Sustainability Statement (including Code Pre-assessment and BREEAM pre-assessment) details how the development will achieve a Code for Sustainable Homes Level 4 and BREEAM Excellent for the offices and retail elements. It is recommended that the achievement of a Code Level 4 rating for all residential units and BREEAM Excellent ratings for the office and retail elements are secured through an appropriately worded Condition with the Code for Sustainable Homes Final Certificates submitted to the Council.

## **Environmental Considerations**

### Contamination

- 9.209 In accordance with the requirements of the NPPF, saved UDP Policy DEV51 and Policy DM30 of the MD DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.210 The Council's 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.
- 9.211 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated.

### Microclimate - Wind

- 9.212 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 9.213 The submitted Environmental Statement assessed the microclimate of the proposed development and found that the majority of testing points were suitable for the purpose of the use (for example, amenity areas were suitable for sitting out and walking) during the summer season, with windier results for the worst case winter season. Appropriate mitigation can ensure that entrances to buildings are appropriate in microclimate terms and these can be conditioned. The results for the detailed element of the proposal are acceptable.

### Flood Risk

- 9.214 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.
- 9.215 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 9.216 The application site lies within Flood Zone 3 as shown on the EA Flood Map. This zone

comprises of land assessed as having 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.

- 9.217 The site levels are between 4m AOD and 5m AOD. As a result of this it is proposed that for part of the development levels will be raised to 5m AOD. Finished floor levels (FFLs) at ground floor, and basement entrances will be at a minimum level of 5.1m AOD. Based on the River Thames levels, this provides ground floor levels 300mm above the 1 in 200 tidal peak level for the year 2107. Safe refuge and evacuation routes from the basement and ground floor levels will also be provided. This has been agreed with the EA which has confirmed that the proposed mitigation is acceptable.
- 9.218 In order to meet with the regulatory and planning policy requirements to reduce rainwater run-off, an attenuation tank (located in the basement) will be installed at the Site to slow down the rate of surface water run-off. Increased requirements for water supply will be mitigated by providing water efficiency measures such as low flow fittings and metering. Rainwater will be recycled for use on gardens and grey water will be collected from residential units to be used for flushing of toilets to ground floor commercial units. In addition Thames Water Utilities Limited (TWUL) is implementing a series of measures to increase capacity and deal with waste water (e.g. including Thames Tunnel).
- 9.219 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.

#### Biodiversity

- 9.220 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, Core Strategy Policy SP04 and Policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.
- 9.221 Through the provision of a landscaping scheme that includes the creation of a biodiversity area, including native planting at ground level such as trees, scrubs and ornamental planting, the proposed development would provide an ecological enhancement to the local area.
- 9.222 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies. Any trees lost alongside the boundary of the site will be replaced and retained trees would be protected.

#### **Health Considerations**

- 9.223 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.
- 9.224 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.
- 9.225 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

9.226 The applicant has agreed to a financial contribution of £1,017,150 to be pooled to allow for expenditure on health care provision within the Borough.

9.227 The application will also propose public open spaces within the site. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and potential route through to existing open space.

9.228 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning Obligations and CIL**

9.229 Planning Obligations Section 106 Head of Terms for the proposed development at the Skylines Village site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

9.230 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.

9.231 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.

9.232 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 Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.233 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

9.234 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council and through the course of negotiations the proportion of affordable housing has been secured at 35.7% affordable housing based on a social rent to intermediate split of 71% and 29% respectively. The independent advice includes a revised appraisal using alternative benchmark values to those used by the applicant. The revised appraisal produces a lower residual land value than the applicants own appraisal therefore the independent advice concludes that:

*“The development as proposed cannot support any additional affordable housing or financial planning obligations”.*

9.235 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications and Planning Obligations SPD (2012).

9.236 Also factored into this was a maximum financial contribution secured through planning obligations (s106) of **£6,012,477** and in addition to this the proposed development would be liable for the Mayor of London’s CIL charge of approximately **£2.34 million**.

8.237 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

- A contribution of £277,020 towards enterprise & employment.
- A contribution of £668,039 towards leisure and community facilities.
- A contribution of £202,982 towards libraries facilities.
- A contribution of £2,269,169 to mitigate against the demand of the additional population on educational facilities.
- A contribution of £1,017,150 towards health facilities.
- A contribution of £828,386 towards public open space.
- A contribution of £23,385 towards sustainable transport.
- A contribution of £368,754 towards streetscene and built environment.
- A contribution of £224,700 towards TfL London Buses.
- A contribution of £15,000 towards wayfinding.
- A contribution of £117,891 towards S106 monitoring fee (2%)

9.238 Non-Financial Obligations

- 36% affordable housing, as a minimum, by habitable room
  - 71% Social Target Rent
  - 29% Intermediate

- Development viability review clause to secure any uplift.
- m) Employment and Training Strategy (including business retention/relocation initiatives)
  - n) Access to employment (20% local procurement; 20% local labour in Construction; 20% end phase local jobs)
  - o) Provision of real time DLR information board and testing and resolution of any communication issues arising (signal booster)
  - p) On Street Parking Permit-free development
  - q) Basement Car parking spaces for new residents eligible of the Council's Permit Transfer Scheme
  - r) Travel Plan
  - s) Code of Construction Practice
  - t) Off-site Highways Works
    - New raised table, pedestrian crossing and associated works Marsh Wall/ Limeharbour
  - u) Access to public open space during daylight hours
  - v) 24 Hours access to public square

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

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

9.239 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 15<sup>th</sup> January 2012, Parliament has enacted an amended section 70(2) as follows:

9.240 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.

9.241 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.

9.242 In this context "grants" might include:

- a) New Homes Bonus;

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

- 9.244 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 9.245 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £2,343,285
- 9.246 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.
- 9.247 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 £1,345,324 - £1,589,690 in the first year and a total payment £8,071,944 - £9,538,141 over 6 years. 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**

- 9.248 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:-
- 9.249 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".
- 9.250 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.
- 9.251 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.

- 9.252 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.
- 9.253 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.254 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.
- 9.255 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**

- 9.256 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.
- 9.257 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.
- 9.258 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.259 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, 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.
- 9.260 The contributions to affordable housing support community wellbeing and social cohesion.

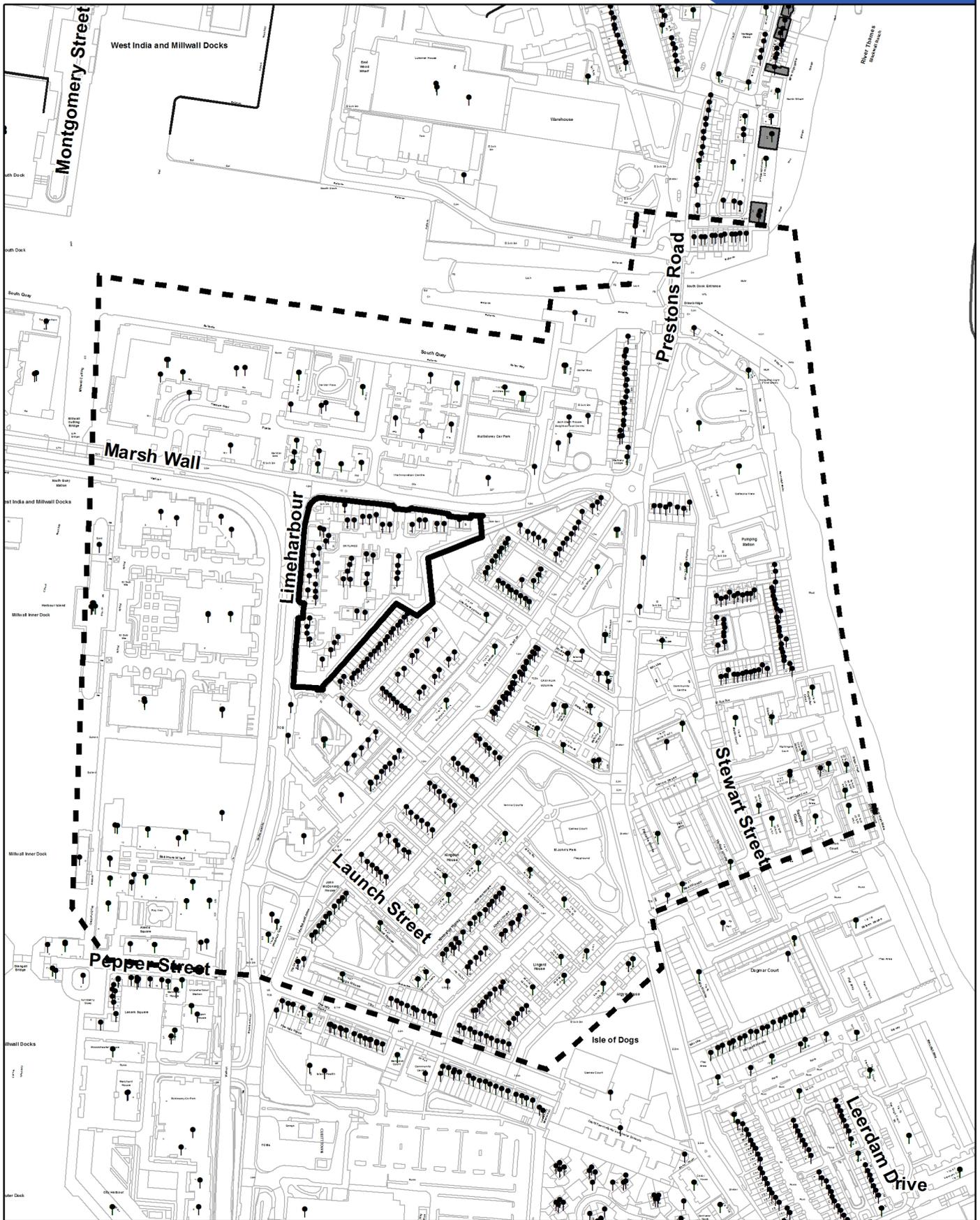
## **10 Conclusions**

- 10.1 The proposed development would form an integral part of the Marsh Wall East site allocation to deliver the objectives of the Core Strategy. It provides much needed affordable

housing in a high quality, well designed, mixed use development. The proposals comply with the National, Regional and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.

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

# Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

 Land Parcel Address

0 15 m  


  
1:4,500

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

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# Agenda Item 7.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 24 January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Paul Buckenham	<b>Ref No:</b> PA/12/02856 (Full Planning Application)
	<b>Ward:</b> Limehouse

## 1. APPLICATION DETAILS

**Location:** Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14

**Existing Use:** Vacant land, open space and changing rooms

**Proposal:** Demolition of the existing single storey temporary shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings (43 x 1 bed, 64 x 2 bed, 37 x 3 bed, 4 x 4 bed and 2 x 5 bed), together with a 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works.

**Drawing and documents:** List of Plans:

2291-PL-001-P01; 2291-PL-002-P01; 2291-PL-005-P01; 2291-PL-006-P01;  
2291-PL-100-P02; 2291-PL-101-P02; 2291-PL-102-P02; 2291-PL-103-P02;  
2291-PL-104-P02; 2291-PL-105-P02; 2291-PL-106-P02; 2291-PL-107-P02;  
2291-PL-108-P02; 2291-PL-109-P02; 2291-PL-110-P02; 2291-PL-120-P03;  
2291-PL-121-P01; 2291-PL-122-P01; 2291-PL-123-P01; 2291-PL-124-P01;  
2291-PL-125-P01; 2291-PL-126-P02; 2291-PL-127-P01; 2291-PL-128-P01;  
2291-PL-129-P01; 2291-PL-130-P02; 2291-PL-131-P01; 2291-PL-140-P03;  
2291-PL-141-P02; 2291-PL-142-P02; 2291-PL-143-P02; 2291-PL-144-P02;  
2291-PL-145-P02; 2291-PL-146-P02; 2291-PL-147-P02; 2291-PL-148-P02;  
2291-PL-149-P02; 2291-PL-150-P03; 2291-PL-151-P02; 2291-PL-200-P02;

2291-PL-210-P01; 2291-PL-211-P01; 2291-PL-212-P01; 2291-PL-220-P02;  
2291-PL-221-P02; 2291-PL-222-P02; 2291-PL-300-P01; 2291-PL-310-P02;  
2291-PL-007-P02; 2291-PL-008-P01; 2291-PL-009-P01; 2291-PL-010-P01  
2291-PL-011-P01; 2291-PL-012-P01; 2291-PL-013-P01; 2291-PL-014-P01  
2291-PL-320-P01; 2291-PL-321-P01; 2291-PL-322-P01; 2291-PL-323-P01  
2291-PL-324-P01; 2291-PL-325-P01; 2291-PL-400-P01; 2291-PL-401-P01  
2291-PL-402-P01; 2291-PL-403-P01.

- Design and Access Statement
- Planning and Impact Statement
- Statement of Community Involvement
- Land Quality Phase 1 Desk Top Study Report
- Noise Survey Report
- Arboriculture Impact Assessment
- Energy Statement
- Energy Statement Addendum Note 1
- Sustainability Statement
- Air Quality Assessment
- Sustainability Statement
- Sunlight and Daylight Report
- Preliminary Ecological Appraisal
- Wind Environment Assessment
- Transport Assessment
- TV and Radio Reception Study
- Viability Assessment

**Applicant:** Poplar HARCA

**Ownership:** London Borough of Tower Hamlets and East Thames Group

**Historic Building:** None

**Conservation Area:** None

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

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version May 2012) as amended, the London Plan (2011) and the National Planning Policy Framework 2012, and have found that:
- 2.2 The principle of redeveloping the brownfield site to provide a mixed use proposal consisting of 150 residential units, a modern, purpose built waterside centre and a café together with the extension of the Bartlett Park would complement and enhance the surrounding area and the Limehouse Cut Canal. This proposal is acceptable in land use terms and is

consistent with adopted, national and local planning policies SCF1 of the Interim Planning Guidance (2007), SP01, SP02, SP03, SP08, SP09 and SP12 of the Adopted Core Strategy (2010) and Policies DM3, DM8, DM10, DM12, DM23, DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) as modified.

- 2.3 The proposal makes efficient use of the site and provides an increase in the supply of housing and affordable housing at an acceptable density. As such, it accords with policies 3.3 and 3.4 of the London Plan (2011), Policy SP02 of the Adopted Core Strategy (2010), saved Policy DEV3 of the Unitary Development Plan (1998), Policy DM3 of the Managing Development DPD (Submission Version May 2012) as modified and Policy HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.
- 2.4 The scheme will result in a net gain of open space by the extension of the Bartlett Park. It will also provide replacement and additional facilities to ensure the function, use and enjoyment of the open space is maintained and enhanced in accordance with Policy DM10 of the Managing Development DPD (Submission Version May 2012) as modified and Policy SP04 of the adopted Core Strategy (2010).
- 2.5 The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment. This 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 Adopted Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) as modified and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and does not have a significant adverse impact on neighbouring amenity.
- 2.6 The proposed development responds sensitively and positively to the sites' constraints; it does not create unacceptable impacts on the surrounding environment or on social and physical infrastructure. Furthermore, the 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 the benefits of the scheme are considered to outweigh any harm caused as a consequence of amenity impacts. As such, the proposal accords with Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP10 of the Adopted Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 The proposed residential units would be designed to achieve good standards of accommodation and amenity. The new units would comply with the London Mayor's London Housing Design Guide (2012). All the new units would be built to "Lifetime Homes" standards and 10% would be easily adaptable for wheelchair bound users. As such, the proposal would accord with policy 3.8 of the London Plan (2011), policy SP02 of the Core Strategy and DM4 of the Managing Development DPD (submission version 2011) as modified.
- 2.8 On balance and in view of site constraints and proximity to Bartlett Park, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and broadly 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 Adopted Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV2, DEV3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007)

which seek to improve amenity and liveability for residents.

- 2.9 The building height, scale, bulk, design and relationship of the proposed development with the surrounding local area including the Bartlett Park are acceptable and accord with, Policies 3.5 and 7.17 of the London Plan (2011), saved Policies DEV1, DEV2 of the Council's Unitary Development Plan (1998), Policies SP04 and SP10 of the Adopted Core Strategy 2010, Policies DM24 and DM27 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design and are sensitive to the appearance and character of nearby Limehouse Cut Conservation Area and the setting of the nearby Grade II listed building (St Saviours Church).
- 2.10 The scheme would deliver improved and accessibility into Bartlett Park whilst being designed to provide a safe and secure environment for existing and future residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Adopted Core Strategy (2010), Policies DM23 and DM24 of the Managing Development DPD (Submission Version May 2012) as amended and Policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.11 Transport matters, including disabled car parking, cycle parking, vehicular access and servicing, pedestrian access and inclusive design on balance would be acceptable and in view of the site constraints and the availability of on street car parking spaces in the vicinity of the site would be broadly in line with London Plan Policies 6.1, 6.9, 6.13, saved Policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), Policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), Policies SP08 and SP09 of the Adopted Core Strategy Development Plan Document (2010) and Policy DM22 of the Managing Development DPD (proposed submission May 2012) as amended, which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.12 Sustainability matters, including energy and climate change adaptability are, on balance, acceptable and accord with Policies 5.1-5.3 of the London Plan (2011), Policies SP04, SP05 and SP11 of the Adopted Core Strategy (2010), Policy DM29 of the Managing Development DPD (Submission Version May 2012) as amended and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.13 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the 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 Strategic Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/12/02856 subject to:
- 3.2 A. Any direction by **The London Mayor**;

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

• Contribution to training, employment and enterprise initiatives	£41,047
• Contribution to Idea Stores, libraries and archives	£41,814
• Contribution to Bartlett Park landscape master plan	£648,507
• Contribution to primary and secondary education	£754,744
• Contribution to primary health care	£75,000
• Contribution to sustainable transport projects	£4,905
• Standard monitoring charge (2%)	£26,718
<b>Total</b>	<b>£1,592,735</b>

#### Non Financial Obligations

- Provision of affordable housing (54% by habitable room) with appropriate triggers and controls over delivery
- Phasing of housing delivery linked across both sites
- Replacement of open space lost to the development (land at the junction of Stainsby Road and Lindfield Road) within a specified period
- Car free agreement
- Submission of a scheme and associated planning application for treatment of Cotall Street and access to the Limehouse Cut
- Commitments to employment, training and procurement of goods and services at construction and end user phases

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

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

#### **Conditions**

3.6 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. 20% electric vehicle charging points on site
4. Compliance with Energy and Sustainability Strategy submitted
5. All residential accommodation to be completed to lifetimes homes standards
6. Refuse and Recycling to be implemented in accordance with approved plans
7. The scheme to meet the standards of Secure by Design
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Ensure pedestrian access points are level or gently ramped.
10. Restrict use as a waterside centre unless otherwise agreed in writing
11. Works to be undertaken in compliance with Flood Risk Assessment

### 3.7 Prior to commencement

1. Ground contamination – investigation and remediation
2. No impact piling shall take place until a piling method statement has been submitted and approved
3. Drainage details and mitigation of surface water run-off
4. Submission of all facing materials and samples
5. Approval of sound insulation measures in accordance with agreed standards
6. Construction Environmental Management Plan
7. Scheme of Highways Works (S.278)
8. External lighting and CCTV details
9. Details of brown and green roofs and other ecological mitigation measures
10. Landscaping and boundary treatment details
11. Submission of details of the wheelchair housing specification/standards to show at least 10% units are wheelchair adaptable
12. Details of cycle storage
13. Details of on-site disabled parking bays
14. Details of external plant and ventilation, including noise attenuation measures
15. Details of external flues to café
16. Archaeological investigation and watching brief

### 3.8 Prior to Occupation

17. Delivery and Servicing Plan
18. Waste Management Plan
19. Code for Sustainable Homes post completion assessment
20. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

## **4. SITE AND SURROUNDINGS**

- 4.1 The application relates to two sites located on the east side of Stainsby Road and Cotall Street. One site occupies a corner position with Stainsby Road and Lindfield Street; the other part fronts onto Cotall Street, occupying part of the site of the recently demolished 6 storey building known as 1-94 Cotall Street. The application site either forms part of or is immediately adjacent to Bartlett Park. Further east is the derelict Grade II listed St Saviours Church and the Bartlett Close residential development. The application site also lies south of the Limehouse Cut, with the Cotall Street blocks lying directly south of the canal offering a river view for future residents of these new blocks.
- 4.2 The Limehouse Cut is a 20 metre wide canal with a towpath along its southern boundary. The canal and towpath was designated as a conservation area in 2011. Whilst the site overlooks the canal, no parts of the application site fall within this conservation area.
- 4.3 The two sites collectively are 0.35 hectares in area. The Cotall Street site measures 0.22 hectares and all previous buildings have been demolished and the site is currently hoarded off. The area is currently being used as an unauthorised car parking area. The corner site at Stainsby Road (0.15 hectares in area) contains some single storey temporary buildings, used as changing/shower rooms in connection with sporting activities in the Park.
- 4.4 The area is predominantly residential in character with several existing 1950s blocks and some more recent taller developments to the west of Stainsby Road; namely

Abbotts Wharf and Vickery's Wharf. To the east of the road on the same side of the application site, is a row of residential buildings ranging from 4 to 6 storeys. The proposed development would be sited at either side of these residential buildings, creating a "book end" effect with two taller blocks at either end with similar building heights (5 and 6 storeys) in between. On the opposite side of Lindfield Street, at the same junction with Stainsby Road, is a ten storey block of flats known as Anglesey House. Close by, on the west side of Upper North Street and to the south of Lingfield Street is the more recent New Festival Quarter development which is a large mixed use/residential development ranging from 5, 6, 7, 9 and 14 storeys.

- 4.5 Whilst the application site has a strong link with the Limehouse Cut to the north, it also relates quite strongly to the rest of the surrounding area especially Bartlett Park. The park is approximately 5 hectares in area and is bounded by Upper North Street to the east and Lindfield Street to the south. Upper North Street is a primary road in this area with Stainsby Road, Cotall Street and Lindfield Street being narrower roads and less used by traffic.
- 4.6 The site has a PTAL (public transport accessibility) of 1b/2 being poorly accessible (where level 6 is regarded as being excellent levels of accessibility). However, public transport within this part of the Borough is improving and is served by three DLR stations, Langdon Park which is about 900m away and All Saints and Poplar are located 1179.2m/1km 179m and 1237.43/1km 237m away (respectively). There are bus routes along Upper North Street, East India Dock Road and Bow Common Lane.
- 4.7 There are a number of schools in the vicinity of the application site including nursery, primary and secondary stages. In addition to the Bartlett Park, there is also several children's play areas scattered within the residential blocks. The new Festival Quarter would boast a new community facility plus leisure uses too.

## **5.0 RELEVANT PLANNING HISTORY**

### The Application Site

- 5.1 On 24 December 2009, a decision was reached which confirmed that prior approval was not required for the proposed demolition of 1 to 94 Cotall Street (LBTH Ref: PA/09/02565).
- 5.2 On 26 June 2012, an EIA Screening Opinion was issued which confirmed that an EIA submission was not required for the construction of 150-160 dwellings, cafe and environmental works (LBTH Ref : PA/12/01186).

### 52 Stainsby Road – (adjacent to application site)

- 5.3 On 9 November 2000, planning permission was granted for the demolition of existing building and erection of a six storey building comprising eight, two bedroom flats, five, one bedroom flats and one penthouse with ancillary parking and garden (LBTH Ref: PA/00/01234).

### Former site between 52 and 88 and site north of 88 Stainsby Road

- 5.4 On 4 December 2003, planning permission was granted for the demolition of existing garages and erection of a replacement four storey building to provide 46 residential flats (24 for shared ownership and 22 for rent) plus 9 off-street and 9 on-street parking spaces (LTH Ref: PA/02/00364).

Former Blessed John Roche Secondary School, Upper North Street (New Festival Quarter)

5.5 On 21 September 2010, planning permission was granted for the demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floor space (Use Class A1), restaurant and cafe floor space (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping (LBTH Ref: PA/10/00161).

## 6.0 DETAILS OF THE PROPOSED DEVELOPMENT

6.1 Planning permission is sought for the demolition of existing single storey temporary changing/shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings together with a 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works.

6.2 The Stainsby Road/Cotall Street building would provide 66 new residential apartments and the Stainsby Road/Lindfield Street would provide 84 apartments. Both buildings would provide a mix of tenures and unit sizes.

6.3 The overall mix of the units would consist of 43 one bedroom, 64 two bedroom, 37 three bedroom, 4 four bedroom and 2 five bedroom units. The overall development would therefore provide 150 residential units with the following mix of tenures:

Private units for sale	75
Affordable rented units	52
Shared ownership units	23
<b>Total</b>	<b>150</b>

6.4 Amenity spaces within this development would consist of new open spaces and private amenity spaces. The proposal seeks to provide some open spaces at the ground floor of the Stainsby Road/Cotall Street building. This would open out into the park and consist of an area of 110 sqm located close to the proposed waterside centre and 81 sqm, beyond the café's terrace. Overall, the proposal would provide additional parkland, as the new building on Cotall Street would be smaller than the footprint of the previous building by 322sqm.

6.5 Each residential unit would have access to either a balcony, terrace and/or private gardens. Front and rear gardens are proposed for the ground floor units on both buildings.

6.6 Both buildings are mainly rectangular in shape and the blocks would be flat roofed. The buildings would be brick built and contrasting bricks are proposed; the ten storey and six storeys would be in a lighter coloured bricks and the smaller block would be in a darker colour. The architectural approach comprises a series of broad and

slender brick components with a strong vertical emphasis, some large recessed windows interspersed by slim vertical glazing and colour-glazed spandrels running between. The balconies/balustrades would be glazed.

- 6.7 The proposal would be car free and existing permit holders would be allowed to keep/transfer their parking permits. A total of 4 disabled parking spaces are proposed, three of which would be situated at the far end of the site, beyond the café open air sitting area with the other accessed off Lindfield Street. The proposed development would seek to create a total of 191 cycle spaces within the basement of the Stainsby Road/Cotall Street building.
- 6.8 Access to the proposed development would be via four common entrances, two each for the affordable rent/shared ownership apartments and the private sale/shared ownership apartments. All entrances would be at ground level and easily accessible. Lifts would be provided to access the upper floors. Ground floor units would be accessed off Cotall Street/Stainsby Road and would be provided with front gardens/defensible spaces. The core areas would also be equipped with wheelchair accessible lift cars. All entrances for non-residents would be controlled by an entry phone system and all units would be constructed to comply with Lifetime Homes standards.
- 6.9 The proposed development, as initially submitted has been amended in response to comments received as part of the consultation process. The application as initially submitted proposed only one on-site disabled persons' car parking bay and this has now been increased by a further three off street spaces. Furthermore, amendments have been received which would in effect pull the Stainsby Road/Lindfield Street north facing flank elevation 800mm away from the south facing flank elevation to 52 Stainsby Road. The implications of these changes are covered in Section 9 of this report.

## **7.0 POLICY FRAMEWORK**

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:

### **7.1 Government Planning Policy**

NPPF - National Planning Policy Framework

### **7.2 Spatial Development Strategy for Greater London - London Plan 2011**

- 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Community
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.11 Green Roofs and Development Site Environs

- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 6.1 Strategic Approach
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.13 Parking
- 7.1 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
- 7.18 Protecting Local Open Space
- 7.24 Blue Ribbon Network
- 7.25 Increasing the Use of the Blue Ribbon Network
- 7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use
- 7.28 Restoration of the Blue Ribbon Network
- 7.29 The River Thames
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

**7.3 Tower Hamlets Adopted Core Strategy 2010**

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

**7.4 Managing Development DPD (Submission Version May 2012) and amendments**

- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM8 Community Infrastructure
- DM10 Delivering Open Space
- DM11 Living Buildings and biodiversity
- DM12 Water Spaces
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building Heights
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

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

DEV1 Amenity  
DEV2 Character and Design  
DEV3 Accessibility and Inclusive Design  
DEV4 Safety and Security  
DEV5 Sustainable Design  
DEV6 Energy Efficiency  
DEV7 Water Quality and Conservation  
DEV8 Sustainable Drainage  
DEV9 Sustainable Construction Materials  
DEV10 Disturbance from Noise Pollution  
DEV11 Air Pollution and Air Quality  
DEV12 Management of Demolition and Construction  
DEV13 Landscaping and Tree Preservation  
DEV14 Public Art  
DEV15 Waste and Recyclables Storage  
DEV16 Walking and Cycling Routes and Facilities  
DEV17 Transport Assessments  
DEV18 Travel Plans  
DEV19 Parking for Motor Vehicles  
DEV20 Capacity of Utility Infrastructure  
DEV21 Flood Risk Management  
DEV22 Contaminated Land  
DEV27 Tall Buildings Assessment  
HSG1 Determining Residential Density  
HSG2 Housing Mix  
HSG3 Affordable Housing  
HSG5 Estate Regeneration Schemes  
HSG7 Housing Amenity Space  
HSG9 Accessible and Adaptable Homes  
HSG10 Calculating Affordable Housing  
SCF1 Social and Community Facilities

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

DEV1 Design Requirements  
DEV2 Environmental Requirements  
DEV4 Planning Obligations  
DEV9 Control of Minor Works  
DEV12 Provision of Landscaping in Development  
DEV17 Street Furniture  
DEV42 Archaeological Remains  
DEV43 Locally Important Archaeological Site or Remain  
DEV44 Development of Archaeological Sites  
DEV50 Noise  
DEV51 Contaminated Soil  
DEV55 Development and Waste Disposal  
DEV56 Waste Recycling  
DEV57 Development and Sites of Nature Conservation Importance  
DEV65 Protecting Existing Walkways  
DEV69 Water Resources  
HSG7 Dwelling Mix and Type  
HSG13 Internal Space Standards  
HSG16 Housing Amenity Space  
T10 Priorities for Strategic Management

T16 Traffic Priorities for New Development  
T18 Pedestrians and the Road Network  
T21 Pedestrians Needs in New Development  
OS9 Children's Playspace  
OSN Blue Ribbon Network  
OS9 Children's Playspace  
U2 Development in Areas at Risk from Flooding  
SCF11 Meeting Places  
U2Development in Areas at Risk from Flooding  
U3Flood Protection Measures

## **7.7 Supplementary Planning Documents**

Designing out Crime Parts 1 and 2  
Planning Obligations SPD 2012

## **7.8 Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

## **8.0 CONSULTATION RESPONSE**

8.1 The following were consulted with regard to the application. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

8.2 As the proposed development was amended, in an attempt to address concerns raised as part of the initial consultation process, officers have determined that it was not necessary to carry out any re-consultation on the amended plans.

### **LBTH Housing Development & Private Sector**

8.3 The application is generally supported with the proposed development delivering 55% affordable housing at E14 (Poplar) POD rents. This suitably maximises on site affordable housing. The tenure split within the affordable housing is 69%:31% in favour of rented. This generally meets the Council's target of a 70%:30% split, but does not meet with the target set by London Plan split of 60:40.

8.4 The applicant has stated that the scheme will be delivered in line with the space standards set out within the London Housing Design Guide.

8.5 Typical layout drawings have been provided of the unit types. The two bed units however which provide some two bed three person and some at two bed four person. The bedroom sizes within the two four person seem very tight to allow for two separate beds to be provided within layout shown in the design and access statement. We would suggest that these units come forward as two bed three persons to allow for a better outcome. All wheelchair units must be to Habinteg design code. The family sized affordable units should all provide a separate kitchen

and living area.

- 8.6 Communal amenity space should be provided within the footprint of the development this is provision of space is unclear from the current layout and design where the communal space will be provided.

#### **LBTH Environmental Health**

- 8.7 Environmental Health have raised no objections subject to the imposition of conditions to ensure that noise levels from plant is properly mitigated, hours of use of commercial uses are properly controlled and the properties are properly insulated in terms of potential noise sources to recognised standards.
- 8.8 They have requested that the Internal Floor Area comply with the minimum standards in the GLA's London Housing Design Guide. Sound insulation testing report[s] should be provided to Environmental Health to demonstrate compliance with Part E of the Building Regulations s - Resistance to the Passage of Sound. They have requested that a requirement for a high degree of noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room and that the noise insulation between any residential and commercial premises should meet at least a Dntw 60 dB. Adequate acoustic ventilation should also be incorporated within the development and acoustic trickle vents should only be used with the express agreement of the Planning Authority in conjunction with the Environmental Health Department. Furthermore, they have requested that any electrical or mechanical plant should not increase the general background noise level LA(90)t (LA(90)t to be agreed with the Local Authority) at the times required to operate. I would suggest that standard construction hours are imposed and that any piling methods and construction management plan should be agreed.

#### Noise & Vibration

- 8.9 No objection as long as the noise insulation and ventilation incorporated meets an agreed high standard (see above). Conflicts of use may occur with the proposed A3 use and this should be appropriately sited in an area that will not conflict with any residential development.

(OFFICER COMMENT – suggested conditions have been included as part of the recommendation to grant planning permission to deal with the issues raised).

#### **LBTH Biodiversity Officer**

- 8.10 Some trees on the site have the potential to support roosting bats and therefore recommend further surveys for signs of bat roosts in any trees to be removed. As four trees are to be removed as part of the development and a fifth is recommended for removal by the arboriculture report, these five trees should be surveyed for signs of bat roosts before planning permission is granted. If signs of bat roosts are found, a detailed mitigation strategy will be required.
- 8.11 Removal of trees, shrubs and tall herbaceous vegetation should be undertaken outside the bird nesting season (i.e. not during March to August inclusive). If this is not possible, vegetation to be removed should be surveyed for nesting birds by a suitable qualified person immediately before removal. If any nests are found, they must be left undisturbed until the young birds have left the nest. This should be secured by condition.

- 8.12 The Design & Access Statement refers to living roofs, and the sustainability statement refers to exemplar planting for wildlife, provision of bird, bat and bee boxes and a long-term Ecological Management Plan. A condition should require details of ecological enhancements, including green roofs, landscaping and boxes for animals, to be submitted to and agreed by the Council before work commences, and then to be implemented as agreed.

(OFFICER COMMENT: Further surveys have been undertaken by the applicant to determine whether there is evidence that the trees have been used as bat roosts. There was no evidence to suggest that this was the case and this information has been passed onto the Biodiversity Officer who has accepted that no further survey work would be necessary).

### **LBTH Energy Efficiency Unit**

- 8.13 The current proposals are for Code level 4 and BREEAM Very Good. Whilst this falls short of the policy target the applicant has demonstrated there are specific site constraints that minimise the ability to achieve an “Excellent” rating and in this specific instance only the achievement of “Very Good” is accepted.
- 8.14 The proposals falls short of DM29 requirements for reducing CO2 emissions by 35% against a 2010 Building Regulation baseline and the applicant should revisit the energy strategy to seek to achieve greater CO2 savings. The proposals now seek to achieve 30% reduction through the use of CHP and PV. However, this level is still below the 35% requirement of DM29.
- 8.15 The proposals are not in conformity with the requirements of London Plan policy 5.6 which seeks for developments to deliver a site wide solution. The explanatory text for policy 5.6 sets out that ‘the feasibility of CHP needs to be considered on a site-wide basis connecting different uses and/or group of buildings or an individual building’, and that all ‘CHP systems must be designed to run efficiently and be optimally sized to maximise carbon dioxide savings.’ The current proposals are for separate CHP’s to serve the different residential blocks and for a gas boiler to serve the waterside centre. They are effectively saying they cannot achieve greater emission reductions due to the finances involved with 1: linking the two buildings 2: increasing level of PV proposed.
- 8.16 Would ideally want to push for the two sites to be linked and a greater area of PV integrated to meet DM29 policy requirements, but if the scheme would then be unviable it is not worth pursuing these, as they have demonstrated the design has followed the energy hierarchy and the scheme exceeds the London Plan emission reduction targets.
- 8.17 The applicant is proposing PV for the roofs but this is not shown on the relevant roof plan. The applicant should submit full details of these systems, including, m2, peak output (kWp), location on roof plans and elevations to demonstrate that they are appropriate and deliverable.

(OFFICER COMMENT: These issues are covered in Section 9 of this report)

### **LBTH Parks and Open Spaces**

- 8.18 To minimise disruption to the use of the football pitches in the park, Parks Service will require the continued provision of changing room facilities, currently located within the Stainsby Road site, during the construction phase of the proposed development.

The developer is expected to liaise with Parks Services to identify a suitable alternative location within the park until purpose built facilities are provided. It is expected that the relocation of the facilities and any costs incurred, will be borne by the developer.

- 8.19 The Landscape Improvement Plan currently being finalised seeks to increase accessibility to the park. To achieve higher levels of accessibility, particularly along the western boundary of the park along Stainsby Road, would welcome either the retention or improvement of the existing access or the creation of a new one at a suitable location. The retention or creation of an access point into the park along the western boundary will ensure a greater catchment area for the park and will also contribute to linking the park to the existing and proposed elements of the wider Green Grid. Improving accessibility will also contribute to achieving the objectives of Tower Hamlets Green Grid Strategy.
- 8.20 Parks Service welcomes the boundary design between the proposed development and the park, which has been designed in consultation with LBTH and the Park Masterplan consultants to complement the proposed improvement works to the park. Parks Services would expect the developer to work with Parks Service to ensure there is clarity around the maintenance and management of land where boundaries are not so distinct, particularly around the café piazza area and the vehicle turning head proposed towards the east of the Cotall Street development.
- 8.21 The Park Service requires clarity over the proposed implementation timetable, especially the occupation of the Stainsby Road plot and the release of the Cottall Street park extension plot. The Parks Service is currently in the process of planning implementation of the Bartlett Park Landscape Improvement Plan and will require this information to inform phasing.

(OFFICER COMMENT: The proposed developments to open up access into the park and the applicant and officers from Parks and Open Spaces have been working closely together to ensure that there is synergy between the two proposals. The timing of various works is not really a matter for the town planning process although the planning permission would need to ensure that replacement parkland is re-provided in a timely fashion. This would be controlled through the S.106 Agreement).

#### **LBTH Communities, Localities & Culture (Strategy)**

- 8.22 The units proposed will result in an estimated 327 new residents within the development. A combination of the non-residential floor space proposed on site will result in an estimated 28 new employees within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.
- 8.23 £41,814 is required towards Idea Stores, Libraries and Archives.  
£128,704 is required towards Leisure Facilities.  
£266,295 is required towards Public Open Space.  
£4,905 is required towards Smarter Travel.  
£98,400 is required towards public realm improvements.
- 8.24 In light of the emerging Bartlett Park Landscape Improvement Plan, CLC proposes to combine the contributions for Public Realm improvements, leisure facilities and parks and open spaces, totalling £493,399. The Landscape Improvement Plan will provide mitigation against the impacts relating to these aspects and combining the sums is therefore considered to deliver greatest benefit. It is not proposed to integrate the

contributions for Idea Stores and Sustainable Transport as these will not be mitigated through the Landscape Improvement Plan.

(OFFICER COMMENT – these views have been factored into the consideration by the Planning Contributions Overview Panel and specific focus, in terms of S.106 financial obligations is recommended to be directed towards enhancing Bartlett Park.

### **LBTH Transportation & Highways**

- 8.25 The highways and transportation issues associated with this case have been discussed at some length, dealing with the lack of on-site car parking, especially on site car parking spaces for disabled persons and potential over capacity of on street car parking facilities. At a final case meeting on 7th January Highways' parking issues and request for further information was discussed and agreed. This included a request for up-to-date census car ownership information (unfortunately this has not been received) and a further night-time parking survey, which has been received.

#### Parking Survey

- 8.26 The car parking study submitted by TPP Consulting indicates that on Cotall St, 41 spaces were available around midnight. It is understood that the Masterplan's intentions to turn Cotall St into part of Bartlett Park will not be carried through until after this development is up and running (if approved). Therefore it is accepted that although there are ASB issues associated with Cotall Street, which may account for such a large number of vacant spaces, through time and following the re-occupation of the area at the end of Stainsby Road, there could well be a reservoir of spaces on Cotall Street for about a year or more that current and new residents may use.
- 8.27 It is noted that 50% fewer vacant spaces were found in Stainsby Road for the January 2013 survey, compared with the Oct 2012 survey. The report states that at midnight 8 spaces rather than 16 were vacant, although this seems not to accord with the report for Stainsby Rd, which states there were only 6 vacant spaces. Although almost the same number of vacant spaces (28 against 29) were found in January in Lindfield Road compared with October, these figures seem reasonable.
- 8.28 The applicant argues that any impact from the lack of on-site parking will be off set by the comparative impacts from the 93 flats that previously occupied the site which didn't have any permit-free agreement. It is also understood that the previous site had no on-site parking. It is accepted that this would have a significant lessening impact, but this would not account for the permit transfers for eligible social renting-families which may account for 22 transferred permits.

#### Disabled Parking

- 8.29 There remains concern over the under-provision of convenient and accessible disabled parking for residents. Highways seek this on-site, so that residents do not have to compete with other blue-badge holding residents also in the area for spaces. On-street parking for disabled holders is not continuous and would also require a disabled driver to change spaces every few hours. For this and other reasons, Parking is against converting parking spaces on-street to meet the disabled parking needs of new, large developments. The applicant has increased the number of spaces for disabled residents (and indeed for the entire development) from one to 4 spaces since the meeting last week. This would still represent an under-provision for a development this size, considering that all the flats are wheelchair accessible. However, it is acknowledged that the site is limited and on further on site spaces

have been accommodated. With this in mind, the level of provision is considered acceptable.

- 8.30 Please add a condition to require the provision of a detailed parking plan, with dimensions, as the applicant has not supplied this.

S278/s106/ex-redline legal agreement.

- 8.31 An informative should be added that a S.278 Agreement will be required and needs to be signed before the development is occupied. Such works will include improvements to Stainsby Road and provision of appropriate signed in regard to where vehicles can turn at the north end of Stainsby St (in front of the Waterside Centre). I note that the disabled spaces will be outside the red-line of this development (but off the public highway). Therefore, the applicant will need to sign or demonstrate through the legal agreement or by condition that the on-site spaces will only be able to be used by disabled residents of both blocks and patrons of the Waterside Centre.

- 8.32 In view of the information supplied, LBTH Highways raises a concern rather than an objection (in other words, the development falls short of highways best practice and strict standards, but the impact on highways is not likely to be so significant that an objection is sustained).

(OFFICER COMMENT: these issues are addressed in Section 9 of this report and a number of issues are proposed to be captured/dealt with through either the S.106 Agreement or by way of conditions).

Car and cycle parking

- 8.33 The applicant has sought to clarify issues, in response to previous concerns in respect of the access convenience to the proposed basement bicycle store. Highways are disappointed that the storage will have neither level access to its basement cycle parking nor any Sheffield stands. The proposed 'runnel' to wheel bikes up and down stairs is particularly of concern and it is unprecedented in my experience to have so many spaces/units served by this arrangement. Both the runnel and the double-stacked stands, which did not have any mechanical assistance to haul bikes upwards (nor a second point for secure locking) are likely to be a strong discouragement to using this sustainable mode of transport.

- 8.34 In the southern block, the applicant has assured officers that Sheffield stands will be the design for all the cycle storage (which is ground floor). No visitor cycle parking for patrons or staff at the waterside centre/cafe has been demonstrated on a plan.

- 8.36 Should the Case Officer be minded to recommend this for approval, this will require a condition to submit details of cycle parking, including visitor parking. A further condition, requiring the retention and maintenance of the approved cycle storage for the purpose of cycle parking only, is also recommended.

OFFICER COMMENT: Details of cycle parking can suitably be controlled through the imposition of planning conditions. Whilst the use of Sheffield Stands is the Council's preferred storage arrangement, alternative systems have been found to be acceptable by the Planning Inspectorate on appeal, especially in respect of constrained sites.

**LBTH Waste Policy and Development**

- 8.37 Waste Management Plan is acceptable as described in Transport Statement and Design and Access Statement. Please ensure that the capacity of the bin store is according to LBTH-MD-DPD document.
- 8.38 Also ensure that the commercial units have their own separate bin storage area and the collections need to be arranged with a private contractor as Council will not be responsible for collecting waste for commercial units but frequency of collection can be determined based on the holding capacity and the amount of generated waste.

OFFICER COMMENT: These aspects will be secured through the approval of a Waste Management Strategy for the site – which would be controlled through the imposition of a planning condition.

### **LBTH Children Schools and Families (Education Development)**

- 8.39 Standard contributions towards primary and secondary school places are requested in line with the Council's Planning Obligations SPD.

(OFFICER COMMENT: Educational contributions feature as part of the S106 Agreement).

### **LBTH Enterprise & Employment**

#### Construction Phase

- 8.40 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 8.41 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.
- 8.42 The Council will seek to secure a financial contribution of **£38,174** 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.

#### Completed Development Phase

- 8.43 The Council seeks a monetary contribution of **£2,873** towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the A3 and D2 uses at the end-phase or training within employment sectors in the final development.
- 8.44 Commitments should be made within the S106 agreement to an introduction with the Café and Waterside Centre operator prior to occupation, as well as a commitment to provide Skillsmatch with information on all non-technical job vacancies.
- 8.45 Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

OFFICER COMMENT: These requests/comments are addressed in Section 9 of this report which deals with S.106 Heads of Terms

### **External consultation responses**

#### **British Broadcasting Corporation (Reception Advice)**

8.46 No comments received

#### **Canal and River Trust**

##### Café and Waterside Centre

8.47 Is supportive of the principle of these proposed uses, in conjunction with the residential uses above, which is hoped to provide some animation and passive surveillance of the canal-side and promote use of the Limehouse Cut for water-based recreation. There is some concern about how the operator would get access to the water, as the freeboard (the distance from the top of the water to the towpath coping) is high and not as indicated on page 37 of the Design and Access Statement. Some method of entry to the water will be required, or alternatively, we suggested in our response to the recent Bartlett Park consultation that the towpath could be lowered to reduce the freeboard, as it is under the adjacent road bridge.

(OFFICER COMMENT: The canal-side is outside the red line boundary and changes to the freeboard would have to form part of future Bartlett Park improvement works, linked to the establishment of the Waterside Centre. It is recommended that the S.106 Agreement requires the preparation and submission of a planning application for approval to determine how the canal-side public realm might be modified to ensure that the various uses operate collectively).

##### Biodiversity

8.48 It is noted that the Daylight and Sunlight Report does not consider the impact of overshadowing of the waterway or towpath. There could be potential adverse impact on waterway biodiversity, amenity of the canal and towpath for users. It is also requested that further details of any proposed lighting, which should not spill over the waterway environment, as this could adversely affect bats using it as a feeding corridor.

(OFFICE COMMENT: Details of proposed lighting would be required through the imposition of a planning condition).

##### Integration with Towpath

8.49 The previous relationship between the canal environment and the adjacent Cotall Street/Bartlett Park was quite segregated and was improved by the demolition of the block of flats. The proposed layout still allows for better integration with the towpath and waterway and we would support the development contributing towards these further works that were discussed with regard to the Bartlett Park Masterplan consultation, to include removal of the green railings and the introduction of wide steps down to the canal (similar to Granary Square, King's Cross).

(OFFICERS COMMENT: These views have been passed onto colleagues engaged in the Bartlett Park Masterplan)

- 8.50 If the Council is minded to grant planning permission, it is requested that the following conditions and informative be attached to the decision notice relating to the approval of a Risk Assessment and Method Statement for carrying out works adjacent to the Limehouse Cut, proposed landscaping in the vicinity of the canal and details of CCTV and lighting in the vicinity of the canal.

OFFICE COMMENT: Conditions have been imposed as appropriate but conditions can only relate to works within the application red line boundary. As advised above, works adjacent to the canal would form part of future works associated with the remodelling of Bartlett Park.

#### **English Heritage Archaeology**

- 8.51 No comments received

(OFFICER COMMENT: Notwithstanding the lack of comment, it would be advisable to impose an archaeological watching brief condition to any grant of planning permission)

#### **Environment Agency**

- 8.52 The Environment Agency has identified flood risk as the only constraint for the application site. The main issue is the management of surface water run-off and the need to ensure that drainage from the development does not increase flood risk either on site or elsewhere. It is recommended that surface water management good practice is adopted in this development. Furthermore, surface water runoff rates and volumes must be managed in accordance with the London Plan 2011 rather than the NPPF (which sets lower standards). Please refer to policy 5.13 of the London Plan 2011.

(OFFICER COMMENT: It is recommended that the development be managed in accordance with the submitted Flood Risk Assessment and this will be captured through use of a planning condition.

#### **Greater London Authority**

- 8.53 The application is generally acceptable in strategic planning terms, although resolution of issues summarised below will be required to ensure the proposals are in compliance with the London Plan.
- 8.54 Housing – The London Mayor accepts that former affordable housing at 1-94 Cotall Street has been re-provided elsewhere. The proposed scheme can be considered as net additional housing. The proposed provision of 50% affordable housing is supported in line with the London Plan, subject to demonstration that this is the maximum level that could be delivered.
- 8.55 Proposed housing mix, tenure split, residential standards and play space provision is acceptable. Clarification is sought with regard to density to ensure accordance with the London Plan.
- 8.56 The proposed reconfiguration of the open land (Bartlett Park) would help deliver quantitative and qualitative improvements to Bartlett Park and accord with London Plan.

- 8.57 Urban design - The proposed development is well designed and represents a suitable approach to dealing with urban infill plots. The GLA particularly welcomes the smaller Cotall Street footprint, compared to the previous building on site and the scale of the development responds well to that of neighbouring development and would not harm the character and appearance of the Limehouse Cut Conservation Area and the nearby Grade II listed church building. The development is therefore broadly supported in accordance with the London Plan policy 7.1.
- 8.58 Inclusive access - The approach to inclusive access is broadly supported however the applicant should seek to make an increased provision of disabled parking spaces in accordance with the principles of the London Plan policies 6.13 and 7.2.
- 8.59 Sustainable development – the proposed energy strategy is broadly supported in line with London Plan Policy 5.2. However, further information is sought with respect to district heating and combined heat and power to ensure accordance with London Plan policies. Planning conditions are also sought with respect to renewable energy technologies, green roof provision and sustainable urban drainage in accordance with London Plan policies 5.7, 5.10, 5.11 and 5.13. Further information is also sought with respect to the tree replacement strategy.
- 8.60 Transport - Clarification and commitments are sought with respect to car parking, cycling, travel planning, construction and deliveries to ensure accordance with London Plan polies 6.3, 6.9, 6.13 and 6.14 (see TfL comments).

(OFFICER COMMENTS: all these issues are addressed in Section of this report).

#### **London Fire & Civil Defence Authority**

- 8.61 No comments received

#### **Metropolitan Police (Crime Prevention Officer)**

- 8.62 Front door recesses should not exceed 600mm.
- 8.63 It is recommended that only one access/egress point is designed for the basement area of the building at Cotall Street and only one door is allowed for the boiler room of the same building. All doors within the basement area must be secured to a minimum of SBD standard.
- 8.64 If metal railings are to be used on the lower wall for the park side of the building, the gaps within the railings must be no more than 50mm. The CPO would prefer and recommend that a set of 2.4m high metal railings with no horizontal strengtheners are utilised.
- 8.66 The relationship between boundary treatment, canopies and windows above needs consideration to prevent opportunities to access upper windows through climbing.

(OFFICER OMMENT: These aspects are matter of detail and can be addressed through discharge of planning conditions relating to boundary treatment and approval of elevational details).

#### **NHS Tower Hamlets**

- 8.67 No comments received

## **National Grid**

- 8.68 No comments received

## **Thames Water Utilities**

### Waste comments

- 8.69 It is the responsibility of the developer to make adequate provision for surface water drainage to ground, water courses or a suitable sewer. Where the developer proposes to discharge to a public sewer, prior approval is required from Thames Water is required to ensure that the water discharge from the site would not be detrimental to the existing sewerage system. Preferred option for the disposal of all surface water is by using SUDs in accordance with Policy 5.13 of the London Plan 2011.
- 8.70 Thames Water also requests that the developer incorporate protection to the property by installing a non-return valve or other suitable device to avoid the risk of backflow at a later date.
- 8.71 Further approval must be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or come within 3 metres of a public sewer.
- 8.72 Recommended that a fat trap is installed on all catering establishments. In line with best practice for the disposal of fats, oils and grease, it is also recommended that a contractor collects waste oil for the purposes of recycling for the production of bio diesel.

### Water comments

- 8.73 An informative is recommended with regards to the minimum water pressure to be provided by Thames Water. The developer is advised to take this into account when the proposal is being designed and built.
- 8.74 No impact piling shall 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. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

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

- 8.75 The car free approach is supported; taking into account the potential effect of the Permit Transfer Scheme, based on the results of the applicant's parking survey. Concern is raised about the availability of parking for people with disabilities (only one space proposed). Electric vehicle charging points should be secured through conditions and number should be increased if parking provision is revised. Proposed cycle parking provision would be two spaces less than the minimum standard for residential development set out in London Plan policy 6.9 and should be increased to meet the minimum standard. Proposal to provide two spaces each for the A3 and D2 use is supported.
- 8.76 TfL is of the view that the scheme is unlikely to generate significant additional trips on the highway or public transport network.

- 8.77 TfL welcomes submission of a draft travel plan and the council is advised to secure the final travel plan through the Section 106 agreement.
- 8.78 TfL welcomes provision of a pedestrian environment review system audit of as part of the transport statement. Continued engagement with the Council should determine whether any of the improvement identified could be secured as planning obligations.
- 8.79 Construction and deliveries - a delivery and servicing plan covering both sites should be submitted and secured within the Section 106 agreement in line with London Plan Policy 6.14.

### **Local Representation**

- 8.80 Site notices were displayed on 19 November 2013. The proposal was also advertised in the press on the same date. A total of 1084 addresses were notified in writing. 26 letters of objection have been received from local residents and 1 letter of support has also been received. 1 letter queried about timescale for construction works
- 8.89 For completeness, all issues raised in objection or in support are summarised in this report. The full representations are available to view on the case file.
- 8.90 The objections relate to the following matters:
- proposed buildings are too high (and on the edge of the park)
  - proximity of two tall buildings will cause a massive noise tunnel detrimental to the environmental health of existing and future residents
  - proposal constitutes an over-development of the area
  - blocking/severe restrictions of views
  - blocking/severe restrictions of light
  - development would create overshadowing in parts of the park
  - reduction of park land and park spaces
  - no parking facilities are proposed and there would be an increase in parking issues
  - increased traffic overall due to the number of proposed units plus increase in leisure facilities/activities
  - decrease of wildlife in canal
  - direct overlooking on properties across Stainsby Road
  - loss of privacy
  - detrimental impact on the quality of living for existing residents
  - kitchen window for flats in 52 Stainsby Road would be completely blocked
  - loss of natural light through kitchen windows
  - no means of ventilation for the kitchens
  - loss of view from these windows
  - high rise buildings contradict the concept and planned upgrade for the park
  - construction/building works would severely disrupt and impact on existing residents lives and health in terms of noise and dust
  - overcrowding in terms of population
- 8.91 Further to the above, it is also noted that many of the residents/objectors made reference to the council's letter dated 16 July 2010 with regards to the design principles of any future development and priorities for the park.
- 8.92 One objector raised concerns with regards to existing residents of Stainsby Road who are either disabled or suffer from mental health problems. These residents

would suffer considerably (and more than other more abled residents) during building works from the impact of noise and dust.

### Community Forum

- 8.93 A Community Forum was held on 21 November 2012 with regards to this proposed development. An exhibition was held followed by the meeting at 7pm, at the Lansbury Lodge Centre, 117 Ricardo Street. Representatives from the council, Poplar Harca, Leaside Planning, Jestico and Whiles Architects, East Thames Homes and Telford Homes hosted the forum.
- 8.94 20 residents attended the forum; only 14 signed the attendance sheet.
- 8.95 The purpose of the Community Forum was to engage with interested parties to discuss the application for planning permission for the redevelopment of vacant sites adjacent to Bartlett Park – known as the Cotall Street/Stainsby Road sites. Planning Application (LBTH Ref: PA/12/02856).
- 8.96 Many of the concerns and issues raised that evening have already been echoed by residents who have written in. These are detailed above. However, it is noted that residents present during the forum expressed serious concerns about parking stress and increased traffic. They were also unsure about the boat centre and café.
- 8.97 The response to third party representations in the assessment of the applications is included in Section 9 below - Material Planning Considerations.

## **9. MATERIAL PLANNING CONSIDERATIONS**

### **Background**

- 9.1 The regeneration of Cotall Street and Bartlett Park has been a long standing aspiration of the Council over the last 10 years and has been the subject of two Cabinet reports in December 2008 and March 2011.
- 9.2 The 2008 cabinet report agreed the demolition of 1-94 Cotall Street. It also set out key requirements for the development of the park which were
- the production of a coherent masterplan for the park,
  - extending the park northwards to the Limehouse Cut,
  - the stopping up of Cotall Street,
  - provision of new community facilities and
  - achieving a new mixed tenure residential development.
- 9.3 The Council committed to the regeneration of the Park through the demolition of Cotall Street by granting the block decant status back in the early 2000's. It was not considered possible to develop the community facilities before the Cotall Street block is demolished because of physical site constraints and the need to ensure no 'net loss of green space' through the process. The Cotall Street block was demolished in 2011 and the site has been boarded off.
- 9.4 The more recent 2011 cabinet report provided an update on progress for the redevelopment of the Park plus offered some revised key requirements. The revisions, consisted among others of the scaling back of the development to two sites on Stainsby Road and Cotall Street, separating out the arrangements for delivery of dwellings from park improvements, development of approximately 150 new homes

on the nominated sites and the transfer of undeveloped area into park usage to deliver the extension towards the Limehouse Cut.

- 9.5 Further feasibility studies were prepared to progress the transfer of land following the 2011 Cabinet report and the Council is preparing and has carried out consultation on a coherent masterplan for the park. It is noted that this masterplan would be independent of the proposal under consideration here; however, it would take into account this proposal and the new residential blocks.
- 9.6 The vision for regeneration of this area has been carried through into the adopted Core Strategy and in particular the place making principles for Poplar which includes proposals for the expansion and enhancement of Bartlett Park, connection of Bartlett Park to the Canal and focussing family housing around the Park.
- 9.7 The proposed development, subject of this application, is a key component in delivering the Core Strategy vision and supporting wider regeneration aims of the previous Cabinet reports.
- 9.8 In terms of the application to be considered by the Strategic Development Committee, the main planning issues raised are as follows:
- Land use
  - Housing density, mix and quality
  - Design
  - Residential amenity
  - Transport and access
  - Energy efficiency, climate change and sustainability
  - Planning obligations

### **Land Use**

- 9.9 The NPPF (2012) sets out the Government's objectives on land use planning and sustainable development. Paragraph 7 requires the planning system to ensure a supply of housing in their areas that will provide sufficient homes to meet the needs of present and future generations. This paragraph also notes that there should be "accessible local services that reflect the community's needs and support its health, social and cultural well-being." Paragraph 9 highlights that the pursuit of sustainable development includes widening the choice of high quality homes, replacing poor design with better design and improving the conditions in which people live and work.
- 9.10 Paragraph 17 states that it is a core planning principle of the Government to reuse land that has previously been developed and to encourage the benefits that mixed-use developments can bring.
- 9.11 The London Plan highlights the need to plan for continued growth and states the need to ensure that "...the best use of land that is currently vacant or under-used, particularly in east London where the greatest potential exists" The London Mayor's objective is to ensure London is "A city that meets the challenges of economic and Londoners".
- 9.12 The Cotall Street and Stainsby Road sites are not given a specific designation in any of the Council's policy documents. The adopted Unitary Development Plan (1998) identifies the Stainsby Road site as land which has the potential to be incorporated into the Park. The UDP identifies Bartlett Park as a District Park which Policy OS1

safeguards as public open space. Policy OS7 states that the Council will not normally permit the loss of open space except where an equivalent or better recreational facility is provided as replacement open space.

- 9.13 Tower Hamlets Core Strategy (2010) in its Delivering Place making section highlights that new residential development is desirable in around Bartlett Park. It also notes the need to expand and improve the size of the park as a facility that supports housing growth in the local area. The Managing Development DPD (2012) does not identify the site specifically within its site allocations.
- 9.14 The Cotall Street site has until recently been used as residential land prior to the demolition of the residential block of 93 flats in 2010. Use of this site for residential purposes is acceptable, and indeed desirable in policy terms, given that it meets national, London wide and local policy aspirations to focus new residential development on previously developed sites.
- 9.15 The former residential block extended along most of the length of Cotall Street and screened the park from the canal side. It has been a long standing objective, confirmed through public consultation over the past 10 years, to extend the park northwards to the edge of the Limehouse Cut. Accordingly only xx% of the previous residential footprint area on this site is proposed for development.
- 9.16 The demolition of 1-94 Cotall Street has presented the opportunity for a land-swap arrangement whereby development of the Stainsby Road site (currently open space and changing facilities) and a portion of the previously developed Cotall Street site would facilitate an increase in open space and enable the park to connect with the canal.
- 9.17 The Council's emerging masterplan for the enhancement of Bartlett Park is being progressed in accordance with these proposals and shows how Bartlett Park would be extended at the north eastern corner and combined with the closure of Cotall Street to traffic and public realm improvements would provide significant increase in the quality and quantity of open space in the park.
- 9.18 Core Strategy and Managing Development policies states that the Council will not normally permit the loss of open space except where an equivalent or better recreational facility is provided as replacement open space.
- 9.19 In terms of the effect on open space, the combined site areas of Stainsby Road and Cotall Street is 322 sqm less than the area occupied by the former residential block at 1-94 Cotall Street. Furthermore the scheme proposes to "gift" two areas of space, within the development site boundary of the Cotall Street block, to the park and also proposes an outdoor terrace area for the café. The diagram and table below shows the location of these spaces.

*Table 1 – Net increase in public open space*

Proposed open space elements	Area
Net reduction in site area	322 sqm.
Area 1 - rear of waterside centre (in site boundary)	110 sqm
Area 2 – adjacent to café terrace (in site boundary)	81 sqm
Area 3 – public realm changes to Cotall Street	1038 sqm
Café terrace	159 sqm
TOTAL	1710 sqm

- 9.20 Taken together with future proposals to close Cotall Street to traffic and extend the park across this space to provide a connection with the canal, the proposals would generate a net increase of 1710 sqm of open space.
- 9.21 In addition, the waterside centre supporting boating activities on the canal together with a cafe overlooking the park and canal (within the ground floor of the Cotall Street site), would comply with policies to provide enhanced recreational facilities to compliment the park and assist in integrating the park with the Canal. The waterside centre in particular would provide a rare opportunity for interaction with the water space through supervised leisure and learning activities. The provision of the centre is supported by the Canals and Rivers Trust, subject to further information about practical arrangements for access.
- 9.22 The Stainsby Road site includes two temporary buildings that provide changing and showering facilities for users of the sports pitches within Bartlett Park. In the longer term the Bartlett Park masterplan proposes to provide new permanent modern changing facilities within the boundary of the Park. If planning permission is granted and implemented for the development of the existing Stainsby Road site for housing, there may be a period where replacement temporary changing facilities would be required, prior to permanent facilities being developed. In accordance with comments from LBTH Parks and Open Spaces Service, the developer will be required to work with the Council and contribute towards the provision of temporary changing facilities as an obligation secured in the Section 106 Legal Agreement.
- 9.23 In terms of land use, the application would achieve the sustainable development of a brownfield site with a residential led mixed-use scheme that would make efficient use of land, contributing significantly to meeting local housing needs. The proposed development would align with the emerging landscape masterplan for Bartlett Park and together would lead to a quantitative and qualitative enhancement of local open space, leisure and recreation facilities contributing positively to the place making objectives of the Core Strategy.
- 9.24 In conclusion, officers are satisfied that the general principle of development of these sites for housing along with a café and leisure facility, including the principle of the land swap to ensure no net loss of open space would comply with land use planning policies at the national, London Plan and local levels and would therefore be acceptable.

### **Design**

- 9.25 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 9.26 Policy 7.1 of the London Plan provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improving people's access to social and community infrastructure.
- 9.27 Policy SP02 of the Core Strategy (2010) states that the Council will ensure that new housing assists in the creation of sustainable places by optimising the use of land. Policy SP 10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality,

sustainable, accessible, attractive, durable and well integrated with their surroundings.

- 9.28 Managing Development policy DM24 requires development to be designed to the highest quality taking into account the surrounding context. Policy DM26 provides further criteria for considering tall buildings.

#### Layout

- 9.29 The proposal echoes the existing building layouts on the south eastern side of Cotall Street and Stainsby Road in terms of plot depth and building footprints. The development would complement the existing 4 and 6 storey residential buildings along this frontage. It will reinforce Stainsby Road with a typical and traditional urban form of dwelling frontages.

- 9.30 Access points into the residential units are taken from the street frontage whilst park side access will also be incorporated for the waterside centre and cafe. This arrangement complements the footfall around the area and maximises the personal security of those using the site and the park. Terraces and balconies would overlook the park, the street and the canal adding to the vibrancy and security of these public areas.

- 9.31 There would be a clear distinction between public and private space, with small front gardens providing a degree of defensible space between the street edge and front doors into the maisonettes and cores to the flats. Secure private gardens would be provided for the larger family units at the rear of the development.

#### Height, mass and scale

- 9.32 The built form of the development comprises a pair of 5, 6 and 10 storey buildings on two linked sites. The total height of the development has been deliberately kept below the height of some of the adjacent and surrounding park side development and also relates well to many of the older residential blocks, which are typically between 5 and 6 storeys in height.

- 9.33 Both sites include a taller element up to 10 storeys located at the northern and southern ends of the sites, respectively. Whilst there are buildings nearby which are of equivalent or greater height (Anglesey House at 10 storeys and Abbots Wharf at 12 storeys), objections have been raised to the principle of tall buildings as part of the redevelopment by local residents. The tall elements of the proposed development must be considered in the context of the Managing Development Policy for building heights (DM26).

- 9.34 The starting point of policy DM26 is that outside of identified tall building clusters, building heights should be considered against the town centre hierarchy. The amended table to support policy DM26 indicates that outside of town centres. Building heights should respond to predominant local context. As stated above, the local context is extremely varied and does contain some tall buildings. There is no prevailing building height. Hence officers are satisfied that there is scope for taller elements in the development.

- 9.35 The second part of policy SM256 provides a list of criteria that tall buildings must satisfy in order to be acceptable. Not all of the criteria are directly relevant in spatial terms to development in this location; however officers have assessed the proposals carefully against the relevant criteria relating to design impact on local views, impact on heritage assets, amenity and microclimate. In addition to the detailed plans, the

application includes CGI views of the development along key public routes and from vantage points within Bartlett Park.

- 9.36 The proposed taller elements would act as “bookends” at either end of the proposed development sites. The tall element on the Stainsby Road site, would complement the height of Anglesey House on the corner of Lindfield Street, but would be less bulky and off set from the corner of Anglesey House, hence providing a focus for height at the Stainsby Road/Linfield Road junction. The park itself provides a setting to accommodate an increased in height that would be much harder to justify in urban design terms if the sites were surrounded on all sides by built development.
- 9.37 The proposed ten storey element on Cotall Street would complement the height of the tower element of Abbots Wharf but remain subservient in terms of overall height. Furthermore, the location of this taller element adjacent to the proposed extension of Bartlett Park provides a suitable setting for a tall element on this site. Based on the information provided, officers are confident that the proposed taller elements of the proposals would be of a high architectural quality, provide a positive contribution to the skyline and enhance local views across the park. The proposed development would be set back from the Limehouse Cut Conservation Area and would provide an appropriate backdrop to the views along the canal in terms of height and mass.
- 9.38 The overall mass of the tall buildings would be broken down by the rhythm of the finer grain architectural approach and the provision of entrances into the ground floor dwellings and in the case of Cotall Street, the entrances to the waterside centre and cafe ensure that the taller elements present a human scale at street level. The applicant’s microclimate (wind) assessment demonstrates that the tall buildings would not introduce problems of unacceptable turbulence at ground level and this finding has been independently verified by consultants appointed by the Council.
- 9.39 In conclusion, officers are satisfied that the height of the proposed buildings, would comply with the relevant criteria in Managing Development policy DM26 and would also be appropriate in terms of meeting other policy objectives to optimise residential development and to prevent encroachment of the building footprint onto adjacent open space.

#### Architectural appearance and landscape

- 9.40 Both buildings would be constructed from traditional materials, predominantly brick. Two contrasting tones are proposed – a high quality light coloured brick is proposed as the main material, with a contrasting dark coloured brick for elements of the ground, upper floors, mid and end sections that step in from the main elevations.
- 9.41 The windows are set within deep recesses and expressed in grid form. The use of coloured glazed spandrels would further enliven the elevations, allowing appropriately proportioned windows to reflect the position of units and the location of different rooms, creating visual interest whilst maintaining the robust approach to the grid form. The grid approach would also break down the perceived mass of the buildings when viewed from the Park or the Street.
- 9.42 Balconies would project from the main elevations, but are located away from corners to maintain a strong building form with clean lines and clear connection between the taller elements and the ground. None of the balconies would project over the public highway or extend beyond the site boundary.
- 9.43 External boundary treatment has been carefully considered with low brick walls defining the front garden areas and rear boundary treatment takes account of the

emerging Park Improvement Plan to ensure compatibility with landscape proposals adjacent to the site boundary. The proposed café terrace would be raised 1.2m above the external levels and surrounded by a 1.1m high balustrade, to ensure a clear delineation but allowing views across Bartlett park from the café and terrace.

- 9.44 In conclusion, officers are satisfied that the external appearance of the buildings has been carefully considered and designed to complements the existing buildings on Stainsby Road and Cotall Street including more recent developments such as Abbots Wharf. The materials proposed would be high quality and the buildings would create visual interest and relate well to the street at ground level. Overall the development would provide a positive enhancement to the street scene and the setting of Bartlett Park.

#### Secure by design

- 9.45 The scheme will deliver significant benefits in terms of safety and security by providing active frontages to the street and the park, delivering natural surveillance across the park and canal through over-looking from upper floors and by using decorative, perforated security grilles in preference to roller shutters when the café and waterside centre are closed at night.
- 9.46 Rear gardens are secured with boundary treatment up to 2.4 metres in height where they adjoin the park and defensible space is provided at the front of the development with 1 metre high boundary walls and low level planting to front gardens. Through further discussions with the Crime Prevention Officer (CPO) at pre-application stage, additional measures including CCTV and lighting have been incorporated.
- 9.47 The CPO has raised some further concerns with respect to potential to step from boundary walls, on to front floor canopies or climb up to first floor balconies and the security of the basement parking and plant rooms. The applicant amended the basement plans to provide only one means of access to the cycle parking and plant rooms and has committed to providing further details to ensure that the potential for first floor access can be eliminated through consideration of the relationship between boundary treatment, canopy and balconies at the detailed design stage.
- 9.48 Overall officers are satisfied that the scheme properly takes into account secure by design measures, will improve safety and security in the location of the site and will not introduce undue risk of crime to future occupiers as a result of detailed design.
- 9.49 To conclude this section of the report, your officers are satisfied that 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 May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

### **Housing**

#### Residential density

- 9.50 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 9.51 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across the Capital (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885. Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character.
- 9.52 Policy HSG1 of the Council's Interim Planning Guidance 2007) relates scale of development to the accessibility of the location to public transport and to shops and services.
- 9.53 Policy SP02 of the Core Strategy (2010) states that new residential development should optimise the use of their land and assist in the creation of sustainable places. It adds that dwelling densities should be related to town centre hierarchy and that development density should correspond with public transport accessibility.
- 9.54 The PTAL score for the site is 2 and as such, the site is ranked towards the lower end of the public transport accessibility scale. In areas of PTAL 2 within an urban area the Council's and London Plan policies (Policy 3.4 and Table 3A.2 density matrix) support densities of up to 450 habitable rooms per hectare (hrph). The London Plan acknowledges that the matrix is just one guide to appropriate density and proposals should also respect the local context and provide suitable standards of living for both existing and future residents.
- 9.55 The proposed development of the combined sites will achieve a density of 1371hrph. While the density is significantly higher than the guidance offered in Table 3A.2 of the London Plan, the policy is clear that development should maximise the highest possible intensity of use compatible with local context, good design and should optimise housing output. In this respect the London Plan states that it is not appropriate to apply the density guidance in Table 3.2 mechanically.
- 9.56 The sites lie adjacent to a large district park and many of the amenities and facilities necessary for future residents are within walking and cycling distance including numerous places of employment. Crisp Street Market (district centre) is within 600 metres of both sites and the nearest primary and secondary schools are within 500 and 750 metres respectively. The application proposes contributions towards increasing the capacity of local schools through a planning contribution, as set out in the Planning Obligations SPD. Notwithstanding the relatively low PTAL score, there are frequent bus services along Upper North Street and Langdon Park DLR station is 750 metres from the junction of Stainsby Road and Lindfield Street.
- 9.57 The proposed density of scheme has been raised in a number of objections from local residents. The Cotall Street site had previously accommodated a six storey residential block with 93 flats and 277 habitable rooms. The density of the previous block would have exceeded the upper level in London Plan Table 3A.2 at 791 habitable rooms per hectare. The development represents an uplift of 57 dwellings above the previous baseline.
- 9.58 Taking into account the context of the site as describe above, proposed development of the sites for a density above the London Plan guidelines is considered to be acceptable in principle subject to compliance with other relevant policies, assessment of the quality of the design and the impacts of the development to ensure that there are no symptoms of overdevelopment such as adverse impacts on residential

amenity, local environment or delivery of substandard housing. These matters are considered in detail in the following sections of the report.

#### Affordable housing

- 9.59 Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" (para. 49). It goes on to say that the Government seeks to boost significantly the supply of housing and that local planning authorities should assist them to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 9.60 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across London (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885 Table 3.1 of the London Plan Housing SPG. Policy 3.12 of the London Plan states that in negotiating affordable housing on individual schemes, the boroughs should take into consideration development viability, the availability of public subsidy and the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation. Overall, there is an emphasis on the need to "...encourage rather than restrain residential development." (para. 3.73).
- 9.61 Policy SP02 of Tower Hamlets Core Strategy (2010) and DM3 of the Managing Development DPD (2012) confirms the Council's approach to seek 35% to 50% affordable homes through a variety of sources, subject to viability, with a 70:30 split between social rented and intermediate tenures.
- 9.62 The proposed new development will provide a total of 150 units, 75 private (217 habitable rooms), 52 affordable rented homes (196 habitable rooms) and 23 intermediate tenure homes (67 habitable rooms). A detailed presentation of the mix is shown in Table 2 below.
- 9.63 The Cabinet reports (December 2008 & March 2011) state that the 93 units (277 habitable rooms) lost through demolition of 1-94 Cotall Street have not been replaced on a number of sites nearby. As such, the new homes provided on these sites are considered additional new supply. The GLA have also confirmed this approach in their Stage 1 consultation response.
- 9.64 The scheme would provide a social rent / intermediate housing mix of 70:30. Whilst the proposed mix would not meet the London Plan ratio of 60:40 it would accord with the TH Core Strategy. The GLA have not objected to the proposed tenure mix in their Stage 1 response.
- 9.65 The proposal achieves 54.8% affordable housing calculated by habitable room, or 50% by dwelling. This significantly exceeds the Council's policy minimum of 35% and meets the strategic target of 50%.

**Table 2: Proposed residential tenure split and accommodation mix**

<b>Ownership</b>	<b>Type</b>	<b>Units</b>	<b>Hab rooms</b>	<b>%age</b>			
<b>Private</b>	Studio	0	0	0.0			
	1 bed	23	46	30.7			
	2 bed	37	111	49.3			
	3 bed	15	60	20.0	Family Units	<b>Total Family 28.7%</b>	
	4 bed	0	0	0.0			
	5 bed	0	0	0.0	20.0%		
<b>Total new sale</b>		<b>75</b>	<b>217</b>	<b>100.0</b>	<b>45.2%</b>		
<b>Affordable Rented</b>	studio	0	0	0.0			
	1 bed	12	24	23.1			
	2 bed	18	54	34.6			
	3 bed	16	80	30.8	Family Units	<b>Total Family 28.7%</b>	
	4 bed	4	24	7.7			
	5 bed	2	14	3.8	42.3%		
	6 bed	0	0	0.0			
<b>Total affordable rent</b>		<b>52</b>	<b>196</b>	<b>69.3%</b>			
<b>Intermediate</b>	Studio	0	0	0.0			
	1 bed	8	16	34.8			
	2 bed	9	27	39.1			
	3 bed	6	24	26.1	Family Units	<b>Total Family 28.7%</b>	
	4 bed	0	0	0.0			
	5 bed	0	0	0.0	26.1%		
<b>Total intermediate</b>		<b>23</b>	<b>67</b>	<b>30.7%</b>			
<b>Total new affordable</b>		<b>75</b>	<b>263</b>		<b>54.8%</b>		
<b>Total new build</b>		<b>150</b>	<b>480</b>				

- 9.66 The application also follows the Council's stated approach in the Managing Development DPD (submission Version) (MDDPD) to provide affordable rent homes significantly below the Government's stated maximum 80% of private rent. The one and two-bed properties are capped at Tower Hamlets target affordable rents (POD rent) equivalent to 65% of private rent, the 3 and 4 bed units are capped at 45% of market rent whilst the 5 bed units would be below 40% of market rent. This fits well with the Council's approach to prioritise the larger family homes for social rent, or as in this case, as close as possible to social rent. No proposed rent would exceed £225 per week which will ensure that once the government's £500 per week benefit cap is implemented no family on benefits will pay more than 45% of net income in rent.
- 9.67 The Council's Housing Section have drawn attention to the Council's preferred approach to seek affordable housing at Social Target Rents - i.e. at the lower end of the rental spectrum and below the target affordable rents set out above.
- 9.68 The Inspector's report following the Examination in Public (EIP) into the MDDPD (dated December 2012) is a material consideration and makes specific comment on the Council's preferred approach to negotiating affordable housing and managing rent levels as set out in policy DM3.

- 9.69 The Inspector notes that the borough must be seen as part of the effective single housing market across London and therefore play its part in helping to meet wider strategic, not just local, housing needs. The Inspector concludes that the achievement of the objective to maximise affordable housing output would be negatively affected by the prioritisation of social rented housing, ahead of the new affordable rent type provision. Similarly, the implied introduction of maximum rents (via Table 2 in para 3.3) would also have the direct result of reducing the total number of new dwellings available for rent in new housing schemes, due to the viability implications for providers.
- 9.70 The applicant has provided a financial appraisal and development viability toolkit which confirms that as many new affordable homes have been included as possible and at rents as low as possible whilst maintaining the schemes' financial viability. Hence the applicant has sought to cap rental levels in line with the table in policy DM3 but at the same time has demonstrated through a financial appraisal and viability assessment that it is still possible to meet the strategic objective of delivering 50% affordable housing across the two sites. This has been achieved in part through detailed negotiations with the Council in its role as land owner and the applicant meeting the specific development objectives for the site in the 2008 and 2011 Cabinet reports.
- 9.71 Revising the rents further downwards, to achieve for example social target rents would inevitably affect the overall proportion of affordable housing that could be delivered through this scheme. It would lead to a situation whereby the combination of lower rents and less affordable housing would bring the proposals into direct conflict with the comments from the Inspector dealing with the MDDPD examination.
- 9.72 The Council has appointed independent consultant to carry out a review of the applicant's viability toolkit report. Their review concludes that the scheme as proposed is delivering the maximum amount of affordable housing given the assumptions that have been made about proposed rental levels, planning obligations and Community Infrastructure Levy.
- 9.73 In conclusion, whilst the EIP Inspector's report is clear that the Council should not be seeking to cap affordable rents, in this case it has been clearly demonstrated that rent capping below at a level below the maximum 80% of market rent would not be at the expense of maximising the overall delivery of affordable housing in line with the London Plan and TH Core Strategy. The proposed affordable housing offer is therefore considered to be in line with London Plan, Core Strategy and MDDPD policies. It is the maximum level that is viable in the scheme as proposed and would deliver housing with capped rent levels that would maximise affordability for Tower Hamlets residents.
- Dwelling sizes and mix
- 9.74 Policy SP02 of the Council's Core Strategy and Policy DM3 of the Managing Development DPD requires development to provide a mix of unit sizes and this is reflected in London Plan Policy 3.8 which also requires development to offer a range of housing choice. Policy DM3 of the Managing Development DPD specifies the particular mix of unit sizes required across different tenures in the Borough. These figures and the breakdown of the proposed accommodation is shown in Table 3 below.

**Table 3: Proposed new build housing mix**

Unit size	Total units	Affordable Housing						Market Housing		
		Affordable Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	0	0	0	0	0	0	0	0	0	0
1 bed	43	12	23	30	8	35	25	23	31	50
2 bed	64	18	34	25	9	39	50	37	49	30
3 bed	37	16	31	30	6	26	25	15		
4 bed	4	4	8	15	0	0	0	0	20	20
5 bed	2	2	4		0			0		
6 bed	0	0	0		0			0		
<b>Total</b>	<b>150</b>	<b>52</b>	<b>100</b>	<b>100</b>	<b>23</b>	<b>100</b>	<b>100</b>	<b>75</b>	<b>100</b>	<b>100</b>

9.75 The proposed mix generally corresponds with the Council's policy requirements, apart from a slight increase in the number of 2 bed dwellings and a reduction in the number of 1 bed dwellings in the private and affordable tenures. The level of family units achieved virtually matches the Council's policy requirement of 30% overall (the scheme achieves 29%), exceeds it slightly in the intermediate (26% actual/25% required) and is slightly below it in the affordable rent (42% actual/45% required).

Floor space and internal layout

9.76 All of the proposed residential units have been will be designed to achieve good standards of accommodation and amenity. The floor area of each of the residential units and individual room areas complies with the London Housing Design Guide (2010) and Policy DM4 of the Managing Development DPD.

9.77 All family accommodation in the affordable rent tenure (three, four and five bed dwellings) have been designed to include separate kitchen/dining and living areas.

9.78 Overall, 96 out of the 150 proposed dwellings have dual aspect. In terms of dwelling size, 100% of th3 three, four and five bedroom dwellings are dual aspect and 63% of the two bedroom dwellings are dual aspect. All of the remaining 54 single-aspect dwellings benefit from east or west facing orientation and 32 of these dwellings would enjoy views over the park.

9.79 Officers are satisfied that the proposed development would provide a high standard of living accommodation in terms of layout, floor space, aspect and orientation.

Wheelchair accessible and Lifetime homes

9.80 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.

9.81 The proposed break down of the wheelchair accessible homes would be:

- Private sale - 7 wheelchair adaptable units - (7x2 bedroom)
- Shared ownership - 2 wheelchair adaptable units (1x1 bed, 1x2B)
- Affordable rent - 6 wheelchair units (3x2 bed 1x 3bed, 2x5ed)

9.82 Overall the scheme would provide a total of 15 wheelchair accessible units with a good spread across dwelling sizes and tenures. Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

## **Open space**

- 9.83 This section of the report sets out an assessment of the application against the relevant policies and standards for the provision of private amenity space, shared amenity space, child play space and public open space.

### Amenity space

- 9.84 Saved Policy HSG16 of the adopted UDP requires that all new housing developments should include an adequate provision of amenity space. The Council's new Core Strategy (2010) states in Policy SP02 that all new housing development will require provision of housing amenity space including private amenity space and communal space. It also requires sites providing family housing to provide adequate play space. Policy SP04 of the Core Strategy states that there should be no net loss of open space through development and that opportunities for new publicly accessible open space should be maximised.
- 9.85 Policy DM4 of the Managing Development DPD (2012) expands the guidance requiring all new housing to provide both private and communal space based on dwelling type and scale of development and that child play space should be provided based on child yields. The policy sets minimum private amenity space for individual units and states that the minimum communal space required should be calculated on the basis of 50sq.m. for the first 10 units, plus a further 1sq.m. for every additional unit thereafter. The calculation of play space should be based on 10 sq.m. per child, using Tower Hamlets estimates of likely child yield.
- 9.86 All new homes will have access to private amenity space in the form of either a balcony, roof terrace and/or private gardens. All units will meet the London Mayor's design standards for private open space (London Housing Design Guide which is referenced in the Council's Managing Development Policy DM4. Furthermore, 26 homes would exceed the minimum standards such that a total amount of private amenity space proposed would exceed the minimum recommended space requirements by 669 sq.m. The larger four and five bedroom family dwellings have been designed to be directly accessible from the street with small front gardens providing defensible space and with access to private rear gardens or terraces, facing Bartlett Park.

### Communal amenity space

- 9.87 The Council's policy DM4 states that communal amenity space should be calculated on the basis of 50sq.m. for the first 10 dwellings plus a further 1sq.m. for each additional dwelling. As such, the scheme should provide 50 sq.m. for the first ten units and 140 sq.m. for the remainder making an overall requirement for communal amenity space of 190 sq.m.
- 9.88 The development does not propose communal amenity space but the additional 669 sqm of private open space provided in terraces and gardens would exceed this requirement. The supporting text to Policy DM4 states that variations to the provision of adequate communal amenity space will be considered where the Council accepts the provision of high quality, usable and publicly accessible open space within 300 metres of the site. The supporting text goes on to say that the Council will seek contributions towards the improvement of open space. As the application site overlooks Bartlett Park and the park itself is to be the subject of significant enhancements to the quality and usability of the open space. The application proposes a financial contribution towards delivery of the first phase of the park masterplan.

9.89 In conclusion, officers consider that the lack of communal amenity space provision would be acceptable in this instance and would be mitigated by the over provision of private amenity space and the proximity to the park. The proposals would therefore broadly comply with the objectives of policy DM4 with respect to minimum standards of private and communal amenity space.

Child play space

9.90 In accordance with Policy DM4 of the Council's Managing Development DPD, and using guidance produced in association with the London Plan Policy 3D.13, and SPG: Shaping Neighbourhoods: Play and Informal Recreation, it has been calculated that the scheme should provide a total of 767 sq.m. of children's play space. A breakdown of the figures identifying the amount of play space required for each of the age cohorts is provided below.

Type	Space Required	Space Provided	Over/Under
Play Space (0-4 years)	281	191	-90
Play Space (5-11 years)	327	0	-327
Play Space (12+ years)	159	0	-159
Totals	1862	1924	62

9.91 The scheme does not propose a dedicated child play space within either of the sites, partly due to the shape of the sites and the constraints of provision and also due to the proximity of the adjacent park and play facilities within close proximity of the sites, including the adventure play area at the Park's south eastern corner.

9.92 Door step play space for children under five years would be provided in terms of the small front garden areas for a number of the larger family dwellings. A total of 191 sqm is proposed. The London Plan SP reinforces the priority to provide child [play space on site wherever possible but also notes that in cases where development is not able to meet the overall requirements, account should be taken of proximity and accessibility of existing play space, including safe walking routes between the proposed development and the location of nearby play space. An assessment of provision against the SPG recommendations is set out below.

Type	Max walking distance	Assessment
Play Space (0-4 years)	100m	Bartlett Park adjacent and door step play facilities provided for larger family dwellings.
Play Space (5-11 years)	400m	Bartlett Park adjacent and play area on Upper North Street within 400m
Play Space (12+ years)	800m	Bartlett Park adjacent and play area on Upper North Street within 400m

- 9.93 On balance, given the objectives to maximise residential development and affordable housing and the location of the site adjacent to a district park which includes play facilities and is due to be enhanced with the provision of further opportunities for a range of children's play and recommendations space, the proposed development is on balance considered acceptable in this respect of play space provision and broadly complies with the Managing Development DPD policies , London Plan policies and the London Plan SPG .

#### Public open space

- 9.94 The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standards to help justify local need.
- 9.95 Managing Development policy DM10 states that development will be required to contribute to then delivery of an improved network of open spaces in accordance with the Green Grid Strategy and Open Space Strategy. Development on open space will only be allowed in exceptional circumstances including where "as part of a wider development proposal there is an increase in open space and a higher quality outcome is achieved."
- 9.96 To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 3924 sq.m. based on a likely population yield of 327 new residents. The combined development area of the two sites would be 322 sqm smaller than the overall site area of the former residential block at 1-94 Cotal Street, with the balance becoming part of the Park at the north east corner, Furthermore, within the site boundary, the scheme proposes a new café terrace (159 sqm), an area adjacent to the waterside centre (110 sqm) and a green space beyond the terrace, which will become part of the landscape proposals for Bartlett Park (81 sqm).
- 9.97 Overall the scheme would generate a 672 sq.m. of new publicly accessible open space. Whilst this is below the monitoring standard, delivery of the scheme combined with the implementation of the Park Masterplan, the closure of part of Cotal Street to traffic and the proposed public realm enhancements would provide a high quality environment that would visually link the green space to the canal and improve overall accessibility to Bartlett Park.
- 9.98 In conclusion, the proposed development combined with the implementation of the Park Masterplan would make a significant contribution to delivering the Core Strategy objective of creating a blue and green grid. It would also deliver the spatial policies of protecting, creating enhancing and connecting open space, through an overall increase in the quantity and enhancement to the quality of local open space. The proposed development would comply with Managing Development policy DM4, including meeting the test for allowing development on the existing changing room area and green space at Stainsby Road.

#### **Residential amenity**

- 9.99 Policy SP10 of the Core Strategy 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

#### Overlooking and privacy

- 9.100 The supporting text for Managing Development Policy DM25 states that a distance of 18 metres between windows of habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 9.101 The nearest dwellings with habitable windows facing the proposed development are those on Cotall Street and Stainsby Road. The face to face distance separation between windows in the proposed dwellings and existing homes would meet or exceed the 18 metre guideline in all but two cases. There are two dwellings in the southern end of the Stainsby Road Block where the distance separation reduces to 16.5 metres. This results from the stepping forward of part of the building where three flats would be opposite two three storey houses at 23-25 Stainsby Road. The policy notes that the figure would be applied as a guideline only depending on the design and layout concerned. Setting this part of the building further back would have an adverse effect on amenity space proposed to the rear (east side).
- 9.102 A distance of less than 18 metres for facing elevations across a street in an urban environment is not uncommon and given that the development meets the 18 metre guideline in 98% of cases, the minor reduction on Stainsby Road is considered acceptable.
- 9.103 Officers are satisfied that the proposed development would not create unacceptable problems of overlooking or loss of privacy to existing residential occupiers and would therefore be in line with Core Strategy, Managing Development and saved UDP policies.

#### Daylight and sunlight

- 9.104 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.105 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) 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.
- 9.106 British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.107 The application is supported by a Daylight and Sunlight Assessment (DSA) that states the amenity of existing and proposed residents has been a key consideration in the evolution of the design. The DSA shows that overall the levels of daylight and

sunlight received by the proposed dwellings is good for an urban environment and the impact of the development on neighbouring properties and the Park is minimal.

9.108 The applicant's daylight and sunlight assessment has been reviewed independently by consultants appointed by the Council. The review explains that the applicant's DSA conclusion is drawn from an aggregate overall position and to a certain extent masks the differential impacts on the dwellings affected. The independent review provides a more robust commentary on the effects of the development on individual neighbouring properties. The development has been assessed against the following neighbouring properties:

- Argent Court;
- 73-119 Abbots Wharf;
- 23-29 Dod Street;
- 1-35 Donne House;
- Dennison House (13-31 Stainsby Road)
- 14-16 Hind Grove
- Anglesey House.

9.109 The conclusions of the independent review commissioned by the Council are summarised below.

9.110 Argent Court - 3 rooms, one at ground, one at 1st and one at 3rd floor level, will experience a reduction in daylight that would fall below the minimum standard required for any habitable use.

9.111 73-119 Abbots Wharf – there will be a noticeable and material effect but the residual internal lighting conditions will remain above the New-Build design standards. The correct conclusion to be drawn in respect of Abbots Wharf is that the occupants within those flats will experience a material loss for their amenity but that the remaining amount of daylight (and sunlight) will remain adequate.

9.112 23-29 Dod Street - 2.11 We agree that there will be no material impact on the daylight and sunlight received within the flats within 23-29 Dod Street.

9.113 1-35 Donne House - 31 out of the 40 windows tested, even without the balconies taken into account, would experience losses in VSC in excess of the permissible margin of reduction and those losses will therefore be noticeable to the occupants of the flats. Three rooms will therefore experience a very significant loss of amenity.

9.114 Denison House (13-31 Stainsby Road) - all 22 of the windows that face onto the Application Site will experience significant losses of VSC. The loss of light will therefore be noticeable and material. The most severely affected windows are three ground floor kitchens, three ground floor bedrooms and one second floor bedroom. These rooms will therefore not only experience a material and significant loss of light, the residual level of amenity will be very poor.

9.115 14-16 Hind Grove, Stainsby Road - there will be no material impact on the daylight and sunlight received by this building.

9.116 Anglesey House - of the 10 windows tested, 5 will not meet the BRE recommendations but the residual VSC values that will be achieved will remain relatively high. There will be no material impact on the amenity enjoyed by the occupants.

- 9.117 In conclusion, the most severe impacts of the development in terms of effects on daylight and sunlight would be to the occupants of dwellings at Argent Court, 73- 119 Abbots Wharf, Dennison House and to a lesser extent Donne House.
- 9.118 In considering the effect of the proposed development on daylight and sunlight to neighbouring properties, the Committee should take into account the fact that both application sites are currently cleared and/or open space and that the former six storey block at 1-94 Cotall Street would have had a material impact on the daylight and sunlight at Abbots Wharf.
- 9.119 The block at 1-94 Cotall Street extended almost to the junction with upper north street and would have been prominent in views from Abbots Wharf. Whilst the proposed development is taller (5-10 storeys) it would occupy less than 50% of the site footprint and the remainder would be re-instated as open space. Furthermore the flats at Abbots Wharf are dual aspect with windows facing the development site and north-eastwards along Cotall Street. On balance, the effect on Abbots Wharf is considered acceptable in the context of the application of policy DM25 and the long standing intention to re-develop the site for housing.
- 9.120 In the case of Argent Court, Dennison House (13-31 Stainsby Road) and Donne House, these properties currently face open space and the single storey changing facilities. The applicant's supplementary report notes that any development above three storeys on this site would have a material effect on the daylight and sunlight received to front facing windows at Dennison House. The most severely affected rooms would be bedrooms and kitchens, but all of the affected dwellings are dual aspect, with rear habitable rooms facing to the west.
- 9.121 To overcome the effect on daylight and sunlight to the properties on Stainsby Road, the scheme would have to be re-designed with no development above three storeys on the Stainsby Road site. This would significantly affect the overall regeneration objectives of the proposal, delivering much reduced levels of new housing, a fundamentally different affordable housing offer and impacting on development viability. Furthermore, low rise development of this order would be out of character with the surroundings and would conflict with London Plan and Core Strategy policies to optimise development densities in housing development.

#### Relationship to 52 Stainsby Road

- 9.122 The proposed development as originally submitted proposed to build directly adjacent to the side wall of a six storey block of flats at 52 Stainsby Road. This elevation contains three circular windows positioned centrally at first, second and third floors, each approximately 0.8 metres in diameter. The first and third floor windows provide the only source of natural light to kitchens in these flats. The second floor window provides a secondary source of light to a living room – the main aspect being to Bartlett Park.
- 9.123 Objections have been received from occupiers of these flats referring to the effect of the development on outlook and light to their kitchen windows.
- 9.124 Officers note that the situation on the south facing side elevation is mirrored on the north facing elevation. Here a space of approximately 0.8 metres has been left between the development at 52 Stainsby Road and the more recent development of flats to the north on a site between 52 and 88 Stainsby Road.

- 9.125 The application has been amended to set the Stainsby Road block away from the boundary with 52 Stainsby Road by 0.8 metres, to mirror the situation to the north. The set-back provides an appropriate space to maintain some light to the two kitchen windows affected and to ensure space for ventilation and future maintenance.
- 9.126 Officers consider this approach would be acceptable in principle and mitigates the impact on the occupiers of 52 Stainsby Road.

#### Noise and vibration

- 9.127 The site is not located close to a main arterial road or existing noise emitting sources. Through traffic levels along Cotall Street would decrease following the implementation of the Park masterplan and closure of the northern part of the road to traffic. As identified in the comments from Environmental Health, the main sources of noise are likely to arise from the use of the café and waterside centre, particularly during the evening and at weekends when residents may be at home for longer periods of the day. Both uses are however compatible with a residential environment and would not be inappropriate as part of a mixed use development in this location, subject to control over opening hours, servicing hours and details of the location and type of any external ventilation or extraction plant and machinery.
- 9.128 An update to the applicant's noise assessment has been completed and submitted to the Council's Environmental Protection Team for review. Further comments have been provided by Environmental Protection confirming they are satisfied with the report and recommending planning conditions to ensure noise insulation to meet the "good" design standard of BS8233 in any bedroom or living room, appropriate noise insulation between any residential and commercial premises and adequate acoustic ventilation should also be incorporated within the development
- 9.129 Conditions are also recommended to restrict opening times of both facilities to 8am – 10pm, Mondays to Saturdays and 9am – 9pm on Sundays.
- 9.130 In conclusion, whilst officers note that there would be some impact on residential amenity arising from reductions in daylight and sunlight, this situation is not unusual in urban locations, particularly where there is a focus on delivering new homes and securing regeneration. There would be no other significant effects on residential amenity and therefore on balance, the proposals would comply with Core Strategy, Interim Planning Guidance, Unitary Development plan and Managing Development policies to safeguard residential amenity

#### **Transport and access**

- 9.131 The National Planning Policy Framework the Government states the government's view that transport policies have an important role to play in facilitating sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, incorporate facilities for charging plug-in and other ultra-low emission vehicles and consider the needs of people with disabilities by all modes of transport.
- 9.132 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Policy 6.9 seeks the introduction of cycle parking spaces in new developments and the promotion of safe,

accessible and convenient walking routes. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.

- 9.133 Policy DM20 of the Council’s new Managing Development DPD reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 9.134 Policy DM22 of the Managing Development DPD refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 1 and 2, parking for 1 and 2 bedroom units should not exceed 0.4 spaces per unit and not exceed 0.5 spaces per unit for 3 bedroom homes or larger. Parking for a community use will have to be supported by a transport assessment and there should be no parking for a cafe.
- 9.135 Cycle parking for residential should be provided at one space per 1 and 2 bedroom unit and two spaces per 3 or more bedroom units.
- 9.136 The site has a PTAL of 2 and is approximately 900 metres from Langdon Park DLR station. The sites are within 500 metres of the bus routes along Upper North Street, East India Dock Road and Burdett Road. Whilst the PTAL score is relatively low, the sites are in reasonable proximity to a range of public transport facilities that can be conveniently reached on foot and cycle.
- 9.137 A Transport Assessment accompanies the application and notes that given the anticipated small increase in movements created by the development and the reasonable volume of sustainable travel connections in vicinity of the sites, it is considered that the development will not generate any noticeable impact upon the local highway network or public transport network. This conclusion is supported by TfL’s comments in the GLA Stage 1 response.

#### Vehicular parking

- 9.138 Based on the standards in Managing Development policy DM22, the residential element of the proposals should provide up to 0.4 spaces per unit for the non family (less than 3 bed units) and up to 0.5 spaces per unit for the units larger than 3 bed. The application has been amended to include a total of four spaces for people with disabilities but would not provide any general needs parking. The Applicant is prepared to sign a car free agreement that will prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council’s Permit Transfer Scheme (PTS).
- 9.139 It is expected that the waterside centre and cafe will draw the majority of their users and visitors from residents local to the area. As such, the proposal does not provide vehicular parking for these facilities. The Managing Development parking standards would support zero provision for these uses.
- 9.140 The Council’s Transportation and Highways Section have raised significant concerns about the lack of on-site parking provision, given the low access to public transport and in particular the provision of only four disabled parking spaces, given that the

proposals would include up to 15 accessible homes. The general lack of parking provision and the impact on surrounding highways is a point that has also been raised by local residents objecting to the proposals.

9.141 The Transport Assessment includes a survey of on-street parking capacity in adjacent streets, undertaken at night time, after the existing controlled parking zone restrictions expire and carried out in October 2012. A further survey has been carried out in January 2013 at the request of officers, in order to validate the 2012 survey. The second survey shows that the surrounding streets have capacity for 135 parking spaces. In terms of the roads nearest to the application site, the following parking capacity was observed:

- Cotall Street - 41 spaces were available.
- Stainsby Road - 8 spaces were available.
- Lindfield Street - 28 spaces were available

9.142 A supplementary note to the Transport Assessment sets out the maximum parking demand arising from the development as a result of the PTS would be 22 spaces and a potential requirement for disabled parking spaces is likely to be up to 15 but in practice there would be some overlap with demand arising from the PTS.

9.143 The applicant has also referred to the previous situation whereby the 93 flats at 1-94 Cotall Street were not covered by a car-free agreement or any other form of parking restriction, did not include any off street parking within their curtilage and could have generated a significant demand for on-street parking over and above that which would be generated from a new development that includes a car free agreement.

9.144 The applicant has explored the possibility of a basement car park, but notes that the design and technical requirements would be extremely difficult to accommodate on relatively narrow sites and ultimately would affect development viability.

9.145 Officers consider that the constrained nature of the sites are such that provision of additional parking spaces on site would be detrimental to the overall objective of maximising the potential of the sites to deliver an optimal level of housing and good quality design. There is evidence to show that parking demand arising from the PTS could be accommodated on street close to the development and the targeting of the on-site parking [provision to disabled spaces is appropriate.

9.146 Officers are therefore able to recommend that the approach to dealing with car parking requirements is acceptable and in line with the overall strategic policies of the NPPF, London Plan and Core Strategy to minimise reliance on the car and promote sustainable forms of travel.

#### Cycle Parking

9.147 A total of 191 cycle spaces will be provided for the residential use. These will be accommodated insecure storage areas at basement and ground floor level within each of the buildings. Additional cycle parking spaces will be provided in the open areas adjacent to the cafe and waterside centre for visitors.

9.148 The Council's Transportation and Highways Section note that the amount of cycle parking would be in line with the Council's policies but have raised concern that the basement facilities in the Cotall Street block are not at grade and rely on cycle runnels along the stair cases to assist with access. All of the spaces in the Stainsby Road block would be at grade and hence on balance officer accept that appropriate cycle parking would be provided in line with eth Council's policies but that there is a

shortfall of two spaces with regard to London Plan policies. The applicant has confirmed that this additional provision can be accommodated within the scheme and an appropriate condition is recommended.

#### Servicing and refuse requirements

- 9.149 The applicant has provided an updated auto-track plan demonstrating safe manoeuvring would be possible for larger service and refuse vehicles in the proposed turning head adjacent to the Cotall Street building.
- 9.150 The capacity of the proposed refuse storage facilities serving the residential accommodation would comply with the standards set out in the Managing Development DPD. A condition requiring submission of a waste management plan to cover non-residential space (café and leisure facility) has been recommended.

### **Sustainability, energy efficiency and climate change**

#### Energy efficiency

- 9.151 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 9.152 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.153 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy -
- Connection to existing heating or cooling networks
  - Site wide CHP network
  - Communal heating and cooling.
- 9.154 The Managing Development DPD policy 29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 9.155 The current proposals are for Code level 4 and BREEAM Very Good. Whilst this falls short of the policy target the applicant has demonstrated there are specific site constraints that minimise the ability to achieve an excellent rating and in this specific instance only the achievement of Very Good is accepted.
- 9.156 The development will deliver energy savings through the use of renewable technologies including a combined heat and power centre in each block. Other improvement measures such as improved energy efficiency will complement the integrated approach to the sustainable energy objectives of the London Plan and London Borough of Tower Hamlets and reflect the aspirations of the regional and national policies
- 9.157 Concerns have been raised by the Council's Sustainability Team that the proposals do not go far enough in terms of reducing carbon dioxide emissions or meeting the requirements of Managing Development policy DM29. Specifically, further investigation into the feasibility of a site wide energy network, linking both sites has been requested.

- 9.158 The application has been amended to achieve 30% reduction through the use of a more efficient combined heat and power system, linking the residential and non-residential elements of the Cotall Street block and use of photo voltaic cells.
- 9.159 The applicant has stated that linking the two sites via a multi-site energy network would not be feasible due to the need for the distribution pipework to cross third party land and to maintain the network in perpetuity (Bartlett Park) and would also render the scheme's financially unviable, unless concessions are made with respect to other obligations (affordable housing and financial contributions).
- 9.160 The updated information has been reviewed by the Sustainability Team who confirm that the scheme is in compliance with the London Plan and accept that feasibility and viability issues will have to be taken into account in determining the acceptability of the scheme in energy efficiency terms.
- 9.161 In conclusion officers are satisfied that whilst the 30% reduction would still below the 35% requirement of policy DM29, the scheme would be in broad compliance with the London Plan's energy requirements. The proposals would meet the key objectives of national, London Plan and Tower Hamlets polices with regard to energy efficiency and climate change.

#### Ecology and biodiversity

- 9.162 The application is supported with a Preliminary Ecological Appraisal, carried out in October 2012. Neither of the sites are formally designated nature conservation sites. Cotall Street is a cleared site of a demolished residential block. Stainsby Road contains four trees that are proposed to be removed.
- 9.163 The trees to be removed from the Stainsby Road site have some potential to provide habitat for roosting birds and /or bats. A condition is recommended to ensure a survey is carried out prior to commencement of the development and to instigate appropriate mitigation measures if necessary.
- 9.164 The loss of the four trees would be outweighed by the potential to enhance the natural habitat within the Park and the application sites themselves through new native tree planting and appropriate landscaping.
- 9.165 Further biodiversity enhancements can be achieved through the development by including green and brown roofs and by including (as a minimum) native planting schemes and external and integrated wildlife boxes within the development proposal. Furthermore, the proposals to enlarge Bartlett park and provide a more direct link to the Limehouse Cut Canal, would create opportunities to link natural habitats within the park and the water space.
- 9.166 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Polices with respect to biodiversity.

#### **Health Considerations**

- 9.167 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.

- 9.168 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.
- 9.169 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 9.170 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.
- 9.171 The application will also help to facilitate the improvement and enlargement of Bartlett Park, both physically and through a financial contribution, to promote access to high quality public open space, leisure, sport, play and recreation facilities. The proposals include a new waterside facility to offer opportunities for participation in water based activities relating to the Canal. These factors will contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.172 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning obligations**

- 9.173 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 9.174 Policies 6A.5 of the London Plan (2008), saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 9.175 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.
- 9.176 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

9.177 If the priorities and standard calculations set out in the Planning Obligations SPD are applied to the proposed development the following contributions should be sought to mitigate the impact of the proposals.

Tower Hamlets SPD priority	Standard contribution
Employment training and enterprise	£41,047
Idea Stores	£41,814
Leisure	£128,704
Education	£754,744
Health	To be confirmed
Sustainable Transport	£4,905
Open Space	£266,295
Public realm	£98,400
Monitoring (2%)	£26,718
TOTAL	£ 1,362,627

9.178 The total requirement would be £1,362,627, excluding health. Tower Hamlets NHS have not yet responded to the Council's consultation letter.

9.179 The applicant has set aside a total of £1.9m to cover the Mayor of London CIL liability and planning obligations and have submitted a development viability toolkit report that demonstrates that the development could not afford further financial contributions. The estimated CIL liability is estimated to be in the region of £307,265. The applicant has factored this into their viability assessment to leave a total of £1,592,735 available towards financial contributions required as planning obligations to mitigate the impact of the development.

9.180 Officers have sought an independent review of development viability. The Council's advisors have confirmed that the total allocated towards planning obligations and CIL is the maximum that the development could afford without affecting the current affordable housing offer or adversely affecting development viability.

9.181 The Communities Localities and Culture Directorate has recommended that contributions towards open space, public realm and leisure be combined in this case and directed towards the proposed Bartlett Park Improvement Plan. This approach to combining contributions has been agreed by the Council's Planning Contributions Overview Panel (PCOP), however an additional contribution towards health care has been recommended

9.182 Notwithstanding the failure of NHS Tower Hamlets to respond to the consultation request, and in view of the need to prioritise the Bartlett park Improvements, a contribution of £75,000 is recommended to mitigate the impact of the population increase arising from the development on health facilities.

9.183 The total contributions required in line with SPD policies, including health would be £ 1,437,627.37 The applicant has offered a further £155,107 towards the Bartlett Park improvements, based on the difference between the SPD requirements and the total amount available in the applicant's budget for planning obligations and CIL.

9.184 Given the park improvements are a strategic priority for this area as set out in the Core Strategy and Open Space Strategy, officers consider that this approach to maximising the financial contributions that could be applied to delivering the first phase of the proposals would be acceptable, would comply with planning policy and meet the tests set out in national legislation.

9.185 In conclusion, the proposed planning contributions offered by the applicant and agreed by PCOP to mitigate the impact of the development are set out below.

Agreed scheme priority	Applicant's contribution
Employment, training and enterprise	£41,047
Libraries and Idea Stores	£41,814
Bartlett Park Improvements	£648,507
Education	£754,744
Healthcare	£75,000
Sustainable Transport	£4,905
Monitoring charge (2%)	£26,718
<b>TOTAL</b>	<b>£ 1,592,735</b>

9.186 In addition the following non-financial obligations would be secured:

- Provision of 50% affordable housing in accordance with details set out in application.
- Laying out of open space adjacent to Cotall Street (former residential site) to offset loss of open space at Stainsby Street;
- Commitments to employment and training at construction and end user phases;
- Provision of temporary changing facilities in Bartlett Park during course of construction;
- Provide proposals and to submit a planning application to show how public realm improvements/engineering works would facilitate access to the canal for the waterside centre.
- Car free agreement.

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

9.187 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:

9.188 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.

9.189 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.

9.190 In this context “grants” might include the New Homes Bonus.

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

9.192 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 non-ring 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.

9.193 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 £217,192 in the first year and a total payment £1,303,155 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions, and therefore this initiative does not affect the financial viability of the scheme.

9.194 With regard to Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £307,265.

### **Human Rights Considerations**

9.195 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:-

9.196 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".

- 9.197 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.
- 9.198 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.
- 9.199 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.
- 9.200 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.201 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.
- 9.202 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.

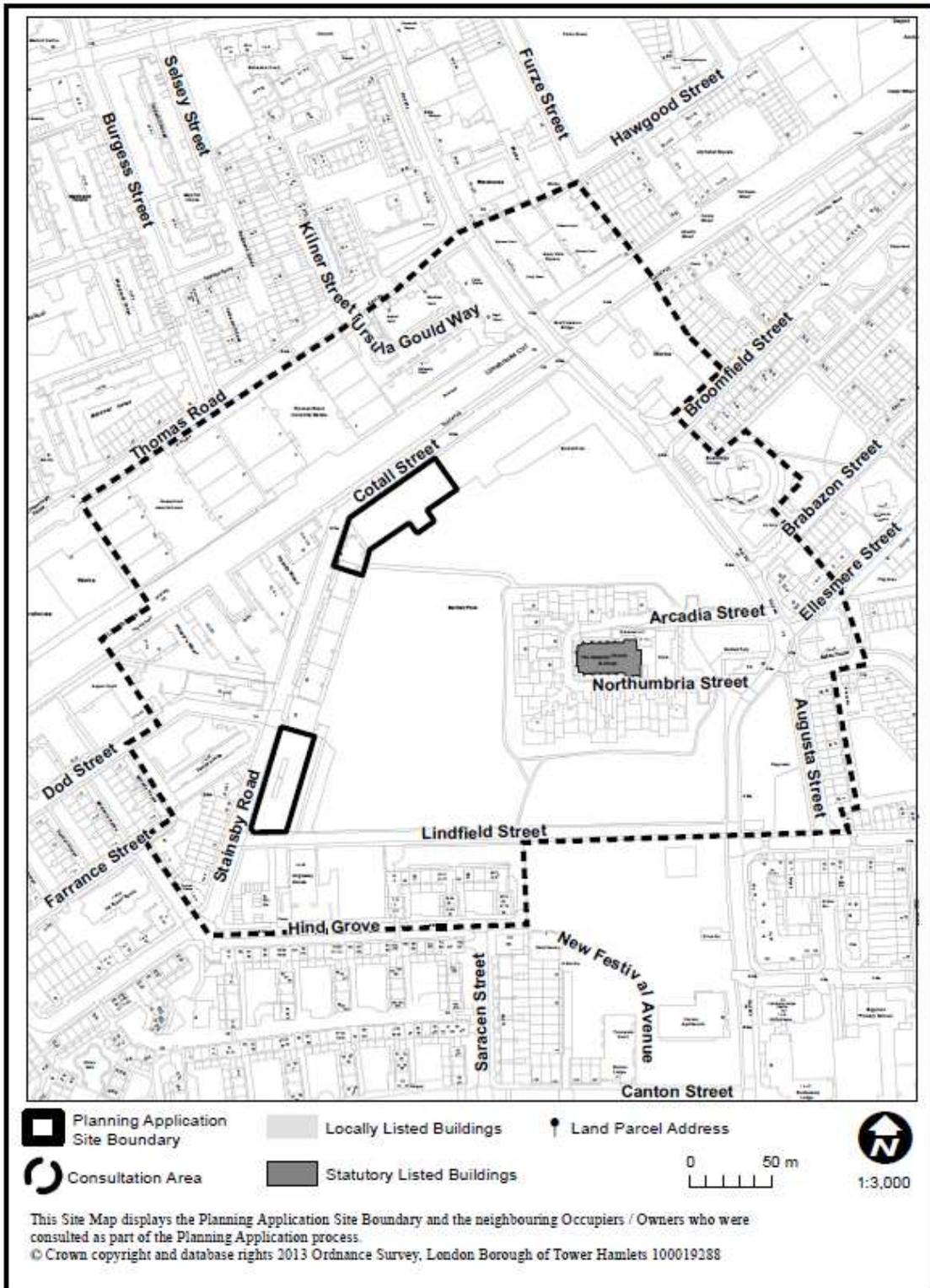
#### Equalities Act Considerations

- 9.203 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, gender 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.
- 9.204 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.

- 9.205 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.206 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, 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.
- 9.207 The contributions to affordable housing support community wellbeing and social cohesion.

## **10. CONCLUSION**

- 10.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.



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