



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 12 December 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Shiria Khatun	
Councillor Kosru Uddin Councillor Craig Aston Councillor Md. Maium Miah Councillor Anwar Khan 1 Vacancy	Councillor Dr. Emma Jones, (Designated Deputy representing Councillor Craig Aston) Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Peter Golds, (Designated Deputy representing Councillor Craig Aston) Councillor Tim Archer, (Designated Deputy representing Councillor Craig Aston) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun) Councillor Bill Turner, (Designated Deputy representing Councillors Helal Abbas, Anwar Khan, Kosru Uddin and Shiria Khatun)

[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

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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 12 December 2012

7.00 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 14th November 2012.

PAGE NUMBER	WARD(S) AFFECTED
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5 - 16

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

To note the procedure for hearing objections at meetings of the Development Committee.

17 - 18

The deadline for registering to speak is 4pm Monday 10th December 2012.

6. DEFERRED ITEMS

Nil items.

19 - 20

All Wards

7. PLANNING APPLICATIONS FOR DECISION

21 - 24

7 .1 Betty May Gray House and St Johns House, Pier Street, London, E14 (PA/12/01803)

25 - 66

Blackwall & Cubitt Town

7 .2 Wood Wharf, Preston's Road E14 (PA/12/02584)

67 - 96

Millwall

8. OTHER PLANNING MATTERS

Nil items.

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 14 NOVEMBER 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Shiria Khatun (Vice-Chair)

Councillor Kosru Uddin

Councillor Craig Aston

Councillor Anwar Khan

Other Councillors Present:

None

Officers Present:

- | | |
|-----------------|---|
| Jerry Bell | – (Applications Team Leader, Development and Renewal) |
| Richard Murrell | – (Deputy Team Leader, Planning, Development and Renewal) |
| Fleur Brunton | – (Senior Lawyer - Planning Chief Executive's) |
| Angelina Eke | – (Development Control Planner, Development and Renewal) |
| Benson Olaseni | – (Planning Officer, Development and Renewal) |
| | – |
| Amy Thompson | – (Deputy Team Leader, Development and Renewal) |
| | – |
| Zoe Folley | — ((Committee Officer, Democratic Services Chief Executive's) |

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NOTE: THE AGENDA ORDER WAS CHANGED AT THE MEETING BUT FOR EASE OF REFERENCE IT IS SET OUT AS ON THE AGENDA.

1. APOLOGIES FOR ABSENCE

Apologies for absence was received from Councillor Md. Maium Miah and from Councillor Peter Golds for item 6.2 (313 Cambridge Heath Road, London E2 9LQ (PA/12/00623 and PA/12/00624).

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were declared.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10th October 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

6.1 83 New Road, London, E1 1HH (PA/12/00605)

Jerry Bell (Applications Team Leader, Development and Renewal) introduced the proposal regarding 83 New Road London.

Richard Murrell (Planning Officer) presented the detailed report. At the last meeting on 10th October 2012, Members were minded to refuse the application due to: the impact on residents particularly from noise and nuisance from the premises and the overconcentration of A3 uses in the area.

Officers had since interpreted these reasons and had drafted suggested reasons for refusal as set out in the report. It was pointed out that the reasons

were set out in paragraph 3 not 3.3 as set out in the report. Officers considered that these reasons were defensible at appeal.

On a vote of 3 for and 1 against, the Committee RESOLVED:

That planning permission PA/12/00605 at 83 New Road, London, E1 1HH for Change of use from (A1) retail to mixed use coffee shop and restaurant (A1/A3) with no primary hot food cooking facilities, no associated extract flue system and seating area limited to ground floor only; including retention of No.4 AC units and alterations to shop front including new access door. be REFUSED for the reasons set out paragraph 3 of the report detailed below:

The restaurant element of the proposed use will have an adverse impact on the amenity of residents of the area by virtue of increased noise and disturbance associated with patrons coming and going. The proposal is therefore contrary to the objectives of policy SP01(2c) of the adopted Core Strategy (2010), policy S7 of the adopted Unitary Development plan 1998 and policy DM25(e) of the Managing Development DPD (Submission Version May 2012).

The restaurant element of the proposed use will result in the proliferation of such uses outside of a designated Town Centre, which is contrary to the objectives of policy DM1(4) of the Managing Development Development Plan Document (Submission Version 2012), which seeks to direct such uses into designated centres. The proposal will lead to the over-concentration of such uses in the area and as such is contrary to the objectives of policies SP01(2c) of the adopted Core Strategy (2010), policy S7 of the adopted Unitary Development plan 1998 and policy DM1(4) of the Managing Development DPD (Submission Version May 2012).

6.2 313 Cambridge Heath Road, London E2 9LQ (PA/12/00623 and PA/12/00624)

It was noted that Councillor Craig Aston could not vote on this item as he had not been present at the previous meeting where this item was considered and deferred (12th September 2012 Committee meeting).

Jerry Bell introduced the item regarding 313 Cambridge Heath Road.

The Committee were reminded that on 12th September 2012, Members were minded to defer the application due to concerns over the contemporary design of the northern element of the proposed scheme. Whilst they were satisfied with the scheme in principle including the size and bulk they considered that this element should be redesigned to fit in with the surrounding area including the Museum of Childhood. The applicant had since redesigned the scheme as requested and the revised scheme was before Members for consideration.

Benson Olaseni (Planning Officer) presented the detailed reported. He briefly explained the overall scheme. He described the previous design of the

northern elevation of the building and the new design that consisted of more traditional materials. In conclusion, the scheme as a whole complied with policy and officers recommended that planning permission should be granted for the development.

In response, Members welcomed the amendments. They commented that it was encouraging to see that the applicant had taken on board Members concerns and had revised the scheme accordingly.

On a unanimous vote, the Committee RESOLVED:

1. That planning permission PA/12/00623 at 313 Cambridge Heath Road, London E2 9LQ be GRANTED for the demolition of existing 3 -storey building and redevelopment of site by construction of a new 5 -storey building with basement and lower ground floor levels to provide 80 bedroom Hotel (Use Class C1) with associated rear servicing bay subject to the following:
2. The prior completion of a legal agreement to secure the planning obligations set out in the report
3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report
5. That Conservation Area Consent PA/12/00624 at 313 Cambridge Heath Road, London E2 9LQ be GRANTED for the demolition of existing 3 - storey building in connection with the construction of a 5 – storey building to provide a new 80 bed hotel and associated access and parking arrangements subject to the conditions set out
6. 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 and conservation area consent.

7. PLANNING APPLICATIONS FOR DECISION

Councillor Anwar Khan joined the meeting at this point 7:10pm for the remaining items of business

7.1 12 Hanbury Street, London (PA/11/01488)

Jerry Bell introduced the report 12 Hanbury Street, London regarding a new kitchen extract system with external duct riser.

Richard Murrell (Planning Officer) presented the detailed report. He explained the planning and enforcement history including the previous refusal in January 2011. The application was before Members as 12 representations in objection had been received during the local consultation along with a petition containing 19 signatures. The concerns covered: the design, amenity (i.e. noise, odours, fume control) and the impact on highways.

Mr Murrell described the revisions to the proposed flue to address the previous concerns. The flue would now terminate near roof level with a Swedish cowl to disperse the fumes and odours.

Environmental Health were satisfied with the revised scheme subject to an informative regarding maintenance. Highways services were satisfied with the proposal and the height of the undercroft in terms of vehicular access to the yard.

It was also proposed that the flue would be painted black to minimise visual impact.

Overall, Officers considered that the scheme was acceptable and that the changes addressed the previous issues. Officers recommended that the planning permission should be granted for the scheme.

On a vote of 4 in favour and 1 against, the Committee RESOLVED:

That planning permission PA/11/01488 at 12 Hanbury Street, London be **GRANTED** for partial retention of, with amendment to, new kitchen extract system with duct riser on rear elevation terminating vertically at roof level with Swedish Cowl subject to the conditions and informatives set out in the report.

7.2 Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital) (PA/12/01817)

Jerry Bell introduced the application. The proposal sought to vary condition 1 of planning permission PA/09/2608 to enable the retention of the temporary car park for a further limited period.

Richard Murrell presented the detailed report. He outlined the planning history of the case. He referred to the plans to redevelop and refurbish the Royal London Hospital. To facilitate this, a limited permission was granted for a temporary car park until 2010. The permission was then extended again until November 2012 due to delays with the hospital development.

This application now sought to extend that planning permission for a further period (until 31st December 2015 or the completion of the hospital's new multi-storey car park whichever is the sooner) to allow further time for the hospital development to be completed. The applicant had looked at other sites on the hospital estate but none had proven suitable. The car park was required by the hospital for operational reasons.

One of main issues raised in objection related to the access from Mount Terrace. However a new barrier had recently been installed to restrict access from this point and this should address the concerns.

In response, Members sought assurances about the hospital completion date of December 2015. Officers expected that it would be completed by then. It was unlikely that this temporary permission would be extended again at that time as set out in the informative to that effect. The Chair questioned if the car park could be accessed by Whitechapel Road and Mr Murrell explained the reasons why this might not be possible. One reason was the change in level from the road to the car park.

Members also queried progress with the landscaping works for the site. There was a need to improve the appearance of the site and this should be encouraged. Mr Murrell explained the steps being taken in this area and made suggestions on what else could be done. Officers would pursue this matter further with the applicant to take forward such improvements.

On a unanimous vote, the Committee RESOLVED:

That planning permission PA/12/01817 at Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital) be **GRANTED** for variation of condition 1 of planning permission granted on 26th January 2010, reference PA/09/2608 to enable the retention of a temporary car park for a further limited period subject to the conditions and informatives set out in the report.

7.3 Land bounded by Watts Grove and Gale Street, London, E3 3RE (PA/11/03577)

Update tabled.

Jerry Bell introduced the item Land bounded by Watts Grove and Gale Street for the provision of 3 residential blocks and associated works.

The Chair invited the registered speakers to address the meeting.

Michael Druce spoke in objection to the scheme. He stated that he was speaking on behalf of the freeholder of the commercial units near the proposed scheme. He referred to their letter of objection. The first two points had been addressed with the removal of the disabled car parking bay and the conditions regarding the pedestrian route that were welcomed. However the last two concerns in the letter had yet to be addressed. These related to:

- Overlooking. There would be overlooking to the commercial premises from the proposal (the Block C balconies). This could be seen in the submitted drawings. To address this, the windows of the southern elevation of the proposal should have obscured glazing.

- Noise from the commercial units. The noise would severely erode the amenity of the proposed development. To address this, the southern elevation of the proposal nearest the commercial units should have sound proofing.

In response to Members about contact with the applicant, Mr Druce stated that he had not discussed directly with them these specific two proposals. However the application had been amended to address the first two points so they were aware of the letter and it had been made public for some time. Regarding the noise impact, the report failed to address this. The report only referred to the noise impact from construction.

Dirk Peltzer also spoke in objection to the scheme. He stated that he was speaking on behalf of the Residents Association of David Hewitt House. He was not opposed to the principle of scheme. However he was concerned that the scheme would result in overdevelopment due to the close proximity of the scheme to David Hewitt House and the height and scale. As a result, there would be an increased sense of enclosure; a loss of light to such properties and a loss of privacy. The separation distances (17 metres) fell short of the policy requirements. The sun light levels failed to meet the policy requirements. The density exceeded the policy requirements. It was out of character with the area. The proposal should be reduced in height and moved further away from David Hewitt House.

Charles Moran spoke in support of the scheme. He outlined the applicants strong track record in providing similar housing developments with the Council. He stressed the merits of the scheme. The scheme would provide 100% affordable units at genuinely affordable rent levels.

The applicant had worked closely with the Council's planning department over the last two years and the application was subject to extensive community. This included 1-1 meetings with neighbours and consultation events with opportunities for feedback. The scheme had been carefully designed to prevent overshadowing and overlooking with set backs to aspects of the design. Whilst there would be some impact on light to a small number of properties, the levels would meet policy standards. He considered that the scheme would not harm in any way the commercial units. However, he was willing to accept the condition suggested by Mr Druce that the windows of the southern elevation have obscured glazing to prevent overlooking.

Furthermore, there were many houses around the area referred to by Mr Druce. It was evident from this that the commercial units could happily co-exist with such properties. However, he was also willing to accept the second condition proposed by Mr Druce regarding the soundproofing of the southern element in view of the concerns around noise from the commercial units.

In reply to Members he confirmed that he was willing to accept the two conditions suggested by Mr Druce.

Benson Olaseni presented the detailed report. He described the site location, the existing land use and proposals. He explained the housing mix and the

location of the different tenures. Blocks B and C would comprise of affordable tenures and Block A the shared ownership. He showed views from the surrounding areas and described the proposed pedestrian access route.

A total of 324 neighbouring properties were consulted and 5 letters in objection had been received. The concerns raised were about overdevelopment, overlooking, loss of privacy, noise from the existing units to the proposal.

In terms of land use, Officers considered that the site was suitable for residential use. Many of the surrounding properties were of a similar height. Furthermore, given the housing needs in the Borough and the encouragement to address this in policy, the plans fully complied with both Council policy and the London plan in this regard. It was also considered that the design, scale and massing was acceptable with wheelchair housing. A s106 agreement had been secured and this was explained.

It was considered that the density was acceptable with no signs of overdevelopment. It was not considered that it would have any undue impacts in terms of overlooking and sunlight due to the mitigation (the separation distances and the orientation of the proposal). The sunlight assessment complied with policy with no potential for direct overlooking. There was adequate defensible space.

It was considered that the impact on parking was acceptable. The scheme would be car free and there was an excellent level of public transport in the area. The Council's Highways Officers were satisfied with the scheme. The new pedestrian access was welcomed and there was a condition to maintain the safety of the route.

In response, Members questioned the loss of light to David Hewitt House. Officers responded that a small number of rooms at the ground floor would be affected. However, this was due to the fact that the site was presently clear. So naturally they would be some loss of light when the site was developed. However, despite the minor losses, the rooms affected still broadly met the BRE requirements.

On a unanimous vote, the Committee RESOLVED:

1. That planning permission PA/11/03577 at Land bounded by Watts Grove and Gale Street, London, E3 3RE be **GRANTED** for the redevelopment to provide three residential blocks ranging from 4-6 storeys to provide 50 dwellings (11 x 1 bedroom, 25 x 2 bedroom, 9 x 3 bedroom and 5 x 4 bedroom) plus bicycle parking, refuse recycling facilities and access together with landscaping including public, communal and private amenity space and creation of an east-west public walkway from Watts Grove to Gale Street subject to the conditions in the report AND the two additional conditions agreed by the applicant at the committee meeting as set out below:

2. The prior completion of a legal agreement to secure the planning obligations set out in the report.
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatics on the planning permission to secure the matters set out in the report and the two conditions agreed by the applicant at the meeting requiring:
 - installation of obscured glazing to the windows of the southern elevation of the scheme.
 - sound proofing to the southern elevation of the scheme.
5. That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

7.4 Royal Tower Lodge, 40 Cartwright Street, London E1 8LX (PA/12/02235)

Update report tabled

Mr Bell introduced the report regarding Royal Tower Lodge 40 Cartwright Street for the addition of two floors on the existing building.

The Chair then invited the registered speakers to address the Committee.

Rowland Jacks spoke in objection. He stated that he was one of 60 residents of the existing building. He objected to the plans to build on the roof. He especially objected to the actions of the freeholder, in making this application. They did not inform the residents and submitted the first application during the Olympic period at an inconvenient time. There was no need for the additional units; they would be penthouses not suitable for families. There were also cracks in the existing building and this could worsen this. This was also incremental development as the plans were for 9 units just under the 10 required in policy for affordable housing provision. If approved there was little confidence that the applicant would adhere to the conditions.

Charles Moran addressed the committee as the applicant's architect. He pointed out that the applicant was St James Development (UK) Ltd and had a proven track record in delivering similar developments. They had no connection with Consensus Business Group mentioned by Mr Jacks. The applicant had carried out extensive consultation for over a year with the Council's Planning Officers and also residents. He referred to the concerns with the previous scheme. As a result the scheme had been amended to overcome the issues. In terms of the consultation, the applicant had held an

open forum in March 2012 and a conference in a hotel where they made a presentation. Only 9 of the residents of the existing building attended this.

Members asked about the impact from construction dust on the residents below, for example on balconies and windows, and how this would be prevented to stop any health impacts. Mr Moran responded that it was planned to carry out most of the construction off site. Most of the material would be dry with minimal dust, for example timber framing. It was planned to complete the works as soon as possible.

Angelina Eke (Planning Officer) presented the detailed report. She explained in detail the proposal including the site location, character of the area, proposed floor layout, the materials, the improvements in refuse and servicing and increase in cycling provision. Overall it was considered that the scheme was acceptable with no adverse impact on the main building. In terms of the health impacts, it was possible to require a construction management plan to make certain there was no impact on residents.

In response to Members about sunlight, Officers highlighted the correction in the update regarding paragraph 8.29 of the main report. It stated that the paragraph should read that there would be no undue detrimental impacts on the amenity of adjoining residents (in terms of sunlight and day light). Members were satisfied with this answer.

Questions were raised about the family units, particularly whether more could be provided. Officers emphasised the limitations of the site in this regard due to the site constraints. Particularly the lack of child play space at the site to provide further family units. The policy stated that such housing should be discouraged in unsuitable places.

On a vote of 3 in favour and 2 against, the Committee RESOLVED:

That planning permission PA/12/02235 at Royal Tower Lodge, 40 Cartwright Street, London E1 8LX be **GRANTED** for the erection of two additional floors on existing building to provide 9 self-contained flats (7 x 2 bedroom, 1 x 3 bedroom flat and 1 x 1 bedroom flats) plus communal amenity space at roof top level subject to the conditions and in formatives set out in the report.

At the conclusion of this item, the Chair raised the issue of incremental development in relation to social housing.

In response, Officers referred to emerging Council policy to address this that should come into affect soon.

8. OTHER PLANNING MATTERS

8.1 The Boundary Estate - Marlow House, Clifton House, Molesey House, Sandford House, Hurley House, Sunbury House, Taplow House, Chertsey House, Shiplake House, Wargrave House, Walton House,

**Henley House, Hedsor House, Laleham House, and Iffley House
(PA/12/01642, PA/12/01784, PA/12/01760, PA/12/01790, PA/12/01793,
PA/12/01819, PA/12/01877)**

Richard Murrell presented the report and gave a brief presentation on the scheme. It was noted that the Council could not determine applications for listed building consent for its own buildings.

On a unanimous vote, the Committee **RESOLVED**:

That the application PA/12/01642, PA/12/01784, PA/12/01760, PA/12/01790, PA/12/01793, PA/12/01819, PA/12/01877 at the Boundary Estate - Marlow House, Clifton House, Molesey House, Sandford House, Hurley House, Sunbury House, Taplow House, Chertsey House, Shiplake House, Wargrave House, Walton House, Henley House, Hedsor House, Laleham House, and Iffley House for the installation of 7 communal digital TV systems to serve 15 blocks, each comprising three antennas and one satellite dish, with associated external cabling, including the removal of all existing unauthorised satellite dishes be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

**8.2 Lansbury Lawrence Primary School, Cordelia Street, London, E14 6DZ
(PA/12/02468)**

Amy Thompson (Planning Officer) presented the report and gave a brief presentation on the scheme. It was noted that the Council could not determine applications for listed building consent for its own buildings.

On a unanimous vote, the Committee **RESOLVED**:

That the application PA/12/02468 Lansbury Lawrence Primary School, Cordelia Street, London, E14 6DZ for listed Building Consent for the installation of new school entrance gates on Ricardo Street formed within existing school perimeter metal fence and brick wall be referred to the Government Office for West Midlands with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions set out in the report.

8.3 Appeal Report

Jerry Bell presented the report.

On a unanimous vote the Committee **RESOLVED**

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

The meeting ended at 8.30 p.m.

Chair, Councillor Helal Abbas
Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Agenda Item 6

Committee: Development	Date: 12 th December 2012	Classification: Unrestricted	Agenda Item No: 6. 1
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. RECOMMENDATION

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

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

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

Tick if copy supplied for register

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

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Agenda Item 7

Committee: Development	Date: 12 th December 2012	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Submission Version 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the 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, local finance considerations, so far as material to the application, and any other material

LOCAL GOVERNMENT ACT 2000 (Section 97)

LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

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Agenda Item 7.1

Committee: Development Committee	Date: 12 th December 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Nasser Farooq		Ref: PA/12/01803	
		Ward: Blackwall and Cubitt Town.	

1 Application Details

Location Betty May Gray House and St Johns House, Pier Street, London, E14

Existing Use: Residential Estate

Proposal: Regeneration of the Betty May Gray Estate including the refurbishment of existing homes, provision of new homes and replacement of St John's homes. The development comprises the following:

1. Re-cladding Betty May Gray House
2. Demolition of older person's bedsit accommodation of St John's House and the redevelopment of this site to provide a three storey terrace of 12 large family houses with gardens
3. Construction of a part seven, part four storey new block of 29 wheelchair accessible flats for re-provision of older persons (to replace St John's House) within an existing car park
4. The construction of a part seven, part 5 storey building fronting Manchester Road comprising of 27 one, two and three bedroom flats for market sale or intermediate rent

Proposal includes other associated works including car parking, refuse and landscaping.

Drawing no's P.05.01, P.10.01, P.10.02, P.10.03, P.10.04,
P.10.05, P.10.06, P.10.07, P.10.11, P.10.12,
P.10.13, P.10.14, P.10.15, P.10.16, P.10.17,
P.12.01.A, P.12.02.A, 2.12.03A, 2.12.04A, 2.12.05A,
P.12.06A, 2.12.07A, 2.12.08A, P.12.30A, P.12.31A,
P.12.32A, P.12.40A, P.12.41A, P.12.42A, P.12.50A,
P.12.51, P.14.01A, P.14.02B, P.14.03C, P.14.04B,
P.14.05A, P.14.06B, P.14.07A, P.14.08A, P.14.09A,
P.14.10, P.14.11, P.14.20, P.14.30A, P.14.31B,
P.14.32A, P.14.33, P.14.40A, P.14.41A, P.14.42A,
P.14.43A, P.14.44, P.14.50B, P.14.51A,
13389\SK\300-01 rev B and P.90.01 rev B.

- Documents**
- Arboricultural Survey and Arboricultural Implications Assessment dated January 2012 prepared by Thomsons Ecology ref: ACDN103/001/001
 - Bat Roost Inspection Report dated 4th May 2012 prepared by Southern Ecological Solutions.
 - Site Investigation Report reference C12663 dated June 2012 prepared by Ground Engineering
 - Planning Statement & Planning Obligations June 2012
 - Air Quality Assessment dated 14th May 2012 dated ACCON UK
 - Affordable Housing Statement prepared by Gateway Housing Association
 - Utilities Statement dated 15th June 2012 Ref: 1973.09.02.22 Utilities Statement Rev 0.
 - Sustainability Appraisal dated May 2012 Ref: K110696/NDG/G6 Rev02, prepared by Calford Seaden
 - Pier Street Estate Wind Microclimate dated 27th April 2012 prepared by Capita Symonds
 - Environmental Noise Assessment dated 29th May 2012 prepared by Cole Jarman
 - Photographs Existing Site and Buildings prepared by Rivington Street Studio
 - Report on the Availability of Natural Daylight and Sunlight dated June 2012 reference K110775/C7 PSD/hmt G8 prepared by Calford Seaden dated June 2012
 - Addendum Report on Daylight and Sunlight dated 7th September 2012 prepared by Calford Seaden
 - Ecological Scoping Survey and Biodiversity Statement dated January 2012 prepared by Southern Ecological Solutions
 - Site Waste Management Plan dated 24th May 2012 reference 1973.09.02.20 SWMP prepared by Cox Drew Neale LLP
 - Residential Travel Plan dated June 2012 reference 9X1476 prepared by Royal Haskoning
 - Transport Statement dated June 2012 reference 9X1476PL prepared by Royal Haskoning
 - Pier Street Design & Access Statement prepared by Rivington Street Studio
 - Accommodation Summary rev A dated 5th September 2012
 - Velfac 200 series- Manufacturers details
 - Josta 2 tier Bicycle Racks P.100.03
 - Corium Sample P.100.02

Applicant: Gateway Housing Association

Ownership: Gateway Housing Association

Historic Buildings: 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 Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan

(1998), the Council's Managing Development DPD (Submission version 2012), the London Plan (2011) and the National Planning Policy Framework (2012) and has found that:

- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The proposed development is acceptable in terms of design and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the London Plan (2011), Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (Submission version 2012), and saved policy DEV1 of the Council's Unitary Development Plan (1998), which seek to ensure buildings are of a high quality design and suitably located.
- 2.4 Subject to conditions requiring the submission of full details and material samples the scheme is considered to deliver high quality design, enhancing the street scene and local context. As such, the proposal is in accordance with government guidance set out in the National Planning Policy Framework, Policies 7.8 and 7.9 of the Mayor's London Plan (2011) as well as Policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the Unitary Development Plan (1998) and policies DM23 and DM24 of the Managing Development DPD (submission version 2012), which seek to ensure an acceptable standard of design.
- 2.5 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policy DM3 of Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy (2010) which seek to ensure that new developments offer a range of housing choices.
- 2.6 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010) and policy 3.5 of the London Plan (2011), which seek to provide an acceptable standard of accommodation for existing and future residents.
- 2.7 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- 2.8 The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission version 2012), and policy SP10 of the of the Core Strategy (2010) which seek to protect residential amenity.

- 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 The development, through a series of methods including communal gas fired boiler and Photovoltaic Panels would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy (2010) and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.11 Contributions have been secured towards the provision of affordable housing and education improvements for local people in line with Regulation 122 of Community Infrastructure Levy 2010; saved policy DEV4 of the Council's Unitary Development Plan (1998) and policy SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a **legal agreement** to secure the following planning obligations:
- 3.3 Financial contributions
- a) **£83,148** for Education
- 3.4 Non-financial contributions
- a) Minimum of 78% affordable housing, measured in habitable rooms comprising of:
- 4 x one bed intermediate units
 - 11 x two bed intermediate units
 - 3 x three bed intermediate units
 - 21 x one bed affordable rent units
 - 12 x four bed affordable rent units
- b) Car free development.
- c) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- d) A minimum of 16 two-week work experience placements to take place during the construction phase for local Tower Hamlets residents
- e) An expectation that 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

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

3.7 Conditions

1. Three Year time limit for full planning permission
2. Development in accordance with plans
3. Details of materials
4. Details of lighting, Balcony Screening, Entrance drawings and railings and gates.
5. Compliance with Boundary Plan
6. Compliance with Landscape management plan including the delivery of 35 new trees, details of species to meadow and communal garden, details/ of bird cages and other biodiversity measures
7. Compliance with Arboricultural Report in relation to tree protection
8. Details of ramp access for Blocks 3 and 4
9. Secure by design compliance statement
10. Compliance with Energy Statement and detailed energy strategy
11. Installation of Photovoltaic Panels
12. Details of future proofing to Block 3
13. Pre Assessment and post completion certifications demonstrating Code for Sustainable Homes Level 4
14. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
15. Development to comply with lifetime homes standards
16. 10% wheelchair housing retained
17. Implementation of Travel Plan
18. Retention of refuse facilities in accordance with drawing
19. Retention of cycle spaces
20. Retention of disabled spaces
21. Retention of car club spaces
22. Construction management plan
23. Surface Water Drainage details
24. Site remediation details
25. The development shall comply with the requirement of ‘Secured by Design’.
26. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.8 Informatives

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway
3. Developer to contact Council’s Building Control service
4. Thames Water informative
5. Compliance with the Town And Country Wildlife Act
4. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

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

4. PROPOSAL AND LOCATION DETAILS

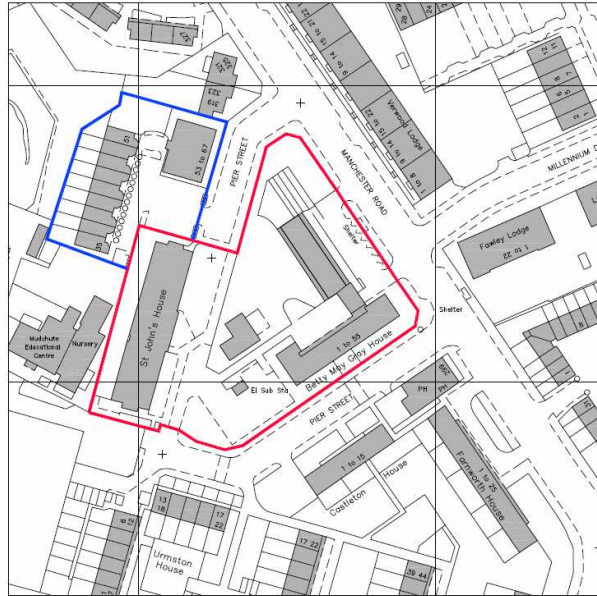
Proposal

- 4.1 The proposal seeks the regeneration of the Betty May Gray Estate comprising of the following works:
- 4.2
- The complete re-cladding of Betty May Gray House
 - The demolition of older person's bedsit accommodation of St John's House and the redevelopment of this site to provide a three storey terrace of 12 x four bed family houses with gardens
 - The re-provision of the older person's bedsit accommodation in a new part four, part seven storey new block of 29 wheelchair accessible flats within an existing car park located to the rear of Betty May Gray House
 - The construction of a part seven, part five storey building fronting Manchester Road comprising of 27 one, two and three bedroom flats for market sale or intermediate rent
 - The proposal also includes other associated works including car parking, refuse and landscaping.

Site and Surroundings

- 4.3 Betty May Gray Estate is a post-war housing estate occupying a triangular plot of land on the eastern side of the Isle Of Dogs within the Blackwall and Cubitt Town Ward.
- 4.4 The site is bounded by Manchester Road, and Pier Street which is located off Manchester Road to the north and runs along the triangular site before re-joining Manchester Road to the south. To the north-west of the site is Mudchute Farm/Park.
- 4.5 The estate contains two residential buildings – Betty May Gray House and St Johns House. Betty May Gray House is a part 9, part 5 storey building in an 'L' shaped design. The 9 storey element is located around 17m off the pavement edge of Manchester Road, the five storey element runs perpendicular from the larger block and fronts Pier Street to the south.
- 4.6 St Johns House is a part one, part two storey residential building accessed off the northern side of Pier Street. St Johns House contains 29 bedsits for older persons accommodation, together with a wardens flat.
- 4.7 A car park is located to the south of the site, as well an energy substation.
- 4.8 The surrounding area contains a number of residential developments with varying building heights.
- 4.9 At the southern corner of Pier Street and Manchester Road outside the application boundary, lies the Pier Tavern - a three storey public house.
- 4.10 The application site is shown on the plan below. The larger outline represents the sites boundary, whilst the smaller line represents the other areas outside the site boundary that are in the applicant's ownership.

4.11



Planning History

4.12 The following planning decisions are most relevant to the application and relate to the construction of the original buildings:

- PA/56/00411 The erection of two blocks of the balcony access type containing a total of 55 flats; block A of 9 and 5 storeys containing 35 flats and block B of 5 storeys containing 20 flats
Approved on 20/12/1956
- PA/59/00467 The development for the Isle of Dogs Housing Society Ltd by the erection of 55 dwellings in 5 and 9 storey blocks A and B of maisonettes and flats
Approved 20/07/1959
- PA/71/00473 The erection of a building containing 28 flats for old people and associated uses, as shown on the submitted plans including alterations to vehicular access and car park.
Approved on 29/03/1971

5. POLICY FRAMEWORK

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

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

Policies	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV51	Soil tests
	DEV56	Waste recycling
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	T16	Traffic priorities for new development.

5.4 Managing development DPD (Submission Version 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM11	Living buildings and biodiversity
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM29	Achieving a zero carbon borough and addressing climate change

5.5 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles
	HSG3	Affordable housing provision in individual private residential and mixed use schemes
	HSG10	Calculating the provision of affordable housing.

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

3.3	Increasing housing supply
3.5	Quality and design of housing design
3.6	Children and young people's play and informal recreation facilities
3.8	Housing choice
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
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
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.17	Waste capacity
5.21	Contaminated land
6.9	Cycling
6.11	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.15	Reducing noise and enhancing soundscapes
8.2	Planning obligations

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

5.8 **National Planning Policy Framework (2012)**

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 learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Environmental Health

Contaminated Land

6.3 The site and surrounding area have been subjected to industrial uses which have the potential to contaminate the area. Given ground works and soft landscaping are proposed, a potential pathway for contaminants may exist and will need further characterisation to determine associated risk. Condition recommended.

6.4 *(Officer comment: A condition is recommended for a remediation strategy to be submitted to and approved)*

Noise & Vibration

6.5 No objections to this development.

Health and Housing Team

- 6.6 Some of the three bedroom units fail to meet the Greater London Authorities London Housing Design Guide which states that dwellings with three or more bedrooms should have two living spaces.
- 6.7 *(Officer comment: All four of the three bedroom units have one living area as opposed to the two suggested in the London Housing Design Guide. Given all 12 of the four bedroom units have more than one living area and that all the units meet the overall space standards as well as the design guide not being is not an adopted Development Plan Document, on balance the lack of two living spaces for some of the units is considered acceptable in this instance, and the amenity of these units is considered acceptable)*

Health and Safety

- 6.8 Construction Phase: The development should comply with the Construction (Design and Management) Regulations 2007
- 6.9 *(Officer comment: This is noted however given this is a Building Control matter, it is considered outside of planning control.)*

LBTH Landscape Section

- 6.10 No comments received.
- 6.11 *(Officer comment: A landscape condition is recommended to ensure the landscaping proposed is of sufficiently high quality as shown in the submitted plans)*

Crime Prevention Officer (CPO)

- 6.12 Extensive discussions have taken place with the CPO with a view to making the scheme secure by design. These included an office meeting between the officer and the applicant.
- 6.13 *(Officer comment: These discussions have been noted and the scheme has been designed to be secure by design compliant. Final measures of secure by design will be conditioned to ensure they are implemented)*

LBTH Transportation & Highways

- 6.14 The site is in an area of average public transport accessibility (PTAL 3), though bus service provision locally is better than this would suggest. Parking occupancy is high/stressed at night on Manchester Road and Millennium Drive at over 80%. Within Pier Street occupancy is at 30%. For the avoidance of increasing pressure on spaces the market housing units (21) must be car-and-permit free. This will need to be applied through a legal agreement.
- 6.15 The applicants are providing a net total of 7 additional spaces for 39 additional homes (St Johns house is being re-provided via Block 4). Of these, two are wheelchair bays and one is car club. This equates to a provision of 0.17 spaces per additional dwelling, which is on balance acceptable.
- 6.16 The car club space has been located close to the access into the site which will not be gated, enabling residents both from within the development and located locally access to the car. This is acceptable and a condition is recommended for the space to be retained.

- 6.17 The overall provision of cycle spaces is acceptable although concerns exist over the hanging cycle space within the porches of the houses.
- 6.18 *(Officer comment: These comments have been noted and the requested conditions are recommended should consent be granted. With regards to hanging cycles whilst these concerns are noted, the houses each have additional space to store cycles within the rear garden if needed. Furthermore, alterations in layout have resulted in a further reduction of two parking spaces to those originally proposed which is welcomed. The level of parking along with its allocation within the blocks is discussed further in the Material Planning Section of the report)*

LBTH Biodiversity

- 6.19 The Ecological Scoping Survey shows that there will not be significant impacts on biodiversity. The bat survey confirms that there are unlikely to be any impacts on bats, which are European protected species.
- 6.20 The estate and surrounding area support a substantial population of the declining House Sparrow. The Biodiversity Statement recommends enhancements, including nest boxes, which would benefit house sparrows. The proposed landscaping includes a number of features which will enhance biodiversity. The most significant of these are areas of meadow in the main open space.
- 6.21 A condition should be imposed that full details of the extent and species mix of the meadow be agreed by the Council and the meadow then implemented as agreed.
- 6.22 Other landscape features which will benefit biodiversity include a log pile, and a number of shrubs and herbaceous plants which will provide nectar for bees and other invertebrates as well as berries for birds. These should be secured by condition.
- 6.23 The Biodiversity Statement makes several other recommendations for biodiversity enhancements, including nest boxes and a hedgehog home. A condition should be imposed that full details (including number, type and location) of nest boxes and other places of shelter for birds, mammals and invertebrates be agreed by the Council, and then installed as agreed.
- 6.24 *(Officer comment: these comments have been noted and it is recommended that these details be secured with full Landscape details)*

LBTH Access to Employment

- 6.25 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.26 To ensure local businesses benefit from this development the Employment and Enterprise section expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. LBTH will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.
- 6.27 The Council will seek to secure a financial contribution of £16,240 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.

- 6.28 *(Officer comment: Due to the viability of the scheme it has not been possible to seek a financial contribution for access to employment in this instance. Nevertheless, a clause is recommended in the s106 securing 20% of employment during the construction phase, and procurement within the borough. Please see the material planning section of the report for more information)*

Communities, Localities & Culture

- 6.29 No comments received

LBTH Waste Management

- 6.30 No comments received

- 6.31 *(Officer comment: The level of refuse provided is within the recommended guidelines set within Council policies. Furthermore the refuse is to be collected from within 10m from the highway and as such is considered acceptable)*

Environment Agency

- 6.32 Subject to a condition requiring details of surface water drainage no objections are raised to the scheme.
- 6.33 *(Officer comment: this is noted and a condition requiring further details of surface water drainage is recommended on this consent)*

Thames Water

- 6.34 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 6.35 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 6.36 In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should 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 would come within 3 metres of, a public sewer.
- 6.37 On the basis of information provided, Thames Water advised that with regard to water infrastructure they do not have any objection to the proposal.
- 6.38 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes.
- 6.39 *(Officer comment: these comments have been noted and have been sent to the applicant. An informative will be placed advising the applicant of Thames Water Comments)*

London City Airport

6.40 No objections raised.

Transport for London

6.41 TfL accepts the need for parking for large residential units, it is recommended that visitor parking should be allocated from existing car parking provision.

6.42 The proposed level of provision for electric vehicle charging point is consistent with London Plan standards. Proposed level of cycle parking provision is considered acceptable.

6.43 The finalised Travel Plan should be submitted for local authority's approval prior to the occupation of the site. The Travel Plan should be secured via planning obligation.

6.44 The submission of Delivery & Servicing Plan prior to the occupation of the site is recommended.

6.45 A Construction Management Plan and Construction Logistics Plan should be submitted for approval prior to construction work commences on site.

6.46 *(Officer comment: The requested conditions have been recommended on the consent. With regards to parking, two further parking spaces were omitted from the scheme, and as such, the visitor parking would be from the existing provision as recommended by TfL)*

Arboricultural Tree Officer

6.47 No comments received.

7. LOCAL REPRESENTATION

7.1 A total of 414 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.

7.2 The Council received 5 letters in objection to the development from local residents raising the following issues:

7.3 -Height out of character within the area
(Officer comment: the height has been reduced following pre-application discussions to a height that is considered acceptable within the area. This is further explained within the Material Planning Considerations section of this report)

7.4 -Impact on trees / open space / bird nesting
(Officer comment: the developments impact on local trees/open space and on birds nesting are all outlined within the Material Planning Considerations section of the report)

7.5 -Right to light
(Officer comment: Right to light in itself is not a material planning consideration, it is a separate civil matter. Development resulting in a loss of daylight/sunlight is material to the determination of the application and is discussed within the amenity section of

this report)

- 7.6 -Overpopulation for Isle of Dogs
(Officer comment: The Isle of Dogs and Tower Hamlets in general do not have a ceiling cap on population; the population targets are set by the Mayor of London within the London Plan 2011. However, overdevelopment of sites is considered on a case by case basis, and in the case of the application being considered officers are not of the view the scheme would result in overdevelopment of the subject site. This is discussed further within the Land Use section of this report found within the Material Planning Considerations Section of the report)
- 7.7 -Impact on health during construction
(Officer comment: Whilst this is noted, in itself it is not considered a valid reason for the refusal of the scheme as its impacts tend to be temporary. Nevertheless, a condition for a Construction Management Plan has been included by officers. This plan incorporates measures to control dust and noise during construction)
- 7.8 -Privacy Impacts
(Officer comment: The proposed blocks achieve the minimum separation distances set within policy DEV2 of the Unitary Development Plan (1998). Privacy matters are discussed in more detail within the amenity section of the report)
- 7.9 -Loss of 15 Sheds
(Officer comment: The loss of sheds is due to the siting of Block 3. Further clarification on this point was sought from the applicant who advised that existing residents do not have leases for these sheds, nor do they pay rent for them. Nonetheless, the Betty May Gray residents currently using sheds (11 in total) are to be offered compensation for the loss of use, although this is outside of the planning process. The loss of sheds is not considered to out-weight the benefits of the scheme as outlined in the material planning section of the report)
- 7.10 -Impact on buses/ DLR services
(Officer comment: Transport for London have been consulted on the application and they have not raised any objections along the ground of impact on public transport. as such, it is considered that any additional impact on the local transport network can be accommodated.)
- 7.11 -Impact on local facilities such as Health and Education.
(Officer comment: a financial contribution of £83,148 has been secured towards health. Due to financial viability of the scheme, the applicant is not able to meet the Councils S106 ask, in order to mitigate against the impacts of the development. This is discussed further within the Material Planning Section of the report.)

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of the Land Use and Density
 2. Design and appearance
 3. Amenity Impacts
 4. Affordable Housing and Dwelling Mix
 5. Quality of proposed accommodation
 6. Highways
 7. Energy and sustainability

- 8. Biodiversity
- 9. Planning obligation

Principle of Land Use and Density

Land Use

- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.3 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.4 Adopted policy SP02 further outlines that the majority of new housing should be focussed within the east of the borough including Blackwall and Cubitt Town where the application site lies.
- 8.5 The site does not have an allocation in the Unitary Development Plan nor the Managing Development DPD (submission version 2012). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

Density

- 8.6 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with good transport links should be within the range of 200-450 habitable rooms per hectare and between 70-170 units per hectares. This is reinforced by policy HSG1 of the Interim Planning Guidance (IPG) and policy SP02 (2) of the Core Strategy (2010) which seek to correspond housing density to public transport accessibility and proximity to town centres.
- 8.7 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.
- 8.8 The proposed density when taking into account the existing dwellings is around 556 habitable rooms per hectare. This falls outside the recommended guidelines outlined above. The primary reason for this is the large number of family sized units provided within the development for which there is a substantial demand and borough wide need.
- 8.9 The total number of units works out to around 187 units per hectare. This also falls outside the recommended guidelines of 70-170 units per hectares.
- 8.10 Given the sites location in close proximity to three DLR stations (Island Gardens,

Mudchute and Crossharbour), the proposed District Centre at Crossharbour (around 400m from the site) and the numerous bus stops on Manchester Road, it is considered that this level of development can be supported within this location. The proposal is supported by the Boroughs highways officers and TfL.

- 8.11 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 on the surrounding area.

Design and Appearance

- 8.12 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.13 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).
- 8.14 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and be a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (submission version 2012), and policy DEV27 of the Interim Planning Guidance (October 2007).

The Proposed Scheme

- 8.15 The proposed scheme consists of the regeneration of the Betty May Gray Estate include the refurbishment and recladding of the existing Betty May Gray House (the smaller block is referred to as Block 1, the larger 9 storey element is referred to as Block 2 within the submitted plans), demolition of St John's house and erection of three buildings of varying heights to provide additional residential accommodation. The new buildings are referred to as Blocks 3, 4 and 5 within this report and the application.
- 8.16 The existing and proposed blocks are shown in the following Block Plan.



Block 3

- 8.17 This block is proposed to be part 4, part 7 storeys in height and is to be located on a triangular site at the northern corner of Betty May Gray House at the junction of Manchester Road with Pier Street. The lower four floors wrap around to Pier Street with privacy buffers fronting the pavement. The seven storey element of the block is situated on Manchester Road and abuts the 9 storey Betty May Gray House forming a transition in building heights.

Block 4

- 8.18 This is a part 4 part 7 storey building proposed to be located on the existing car park at the west of the site, close to the entrance of Mudchute Park. The four storey element reflects the heights of buildings around Pier Street. The 7 storey element forms an L shape set back from the main building line. This block is proposed to re-house the old persons bedsits which are to be lost as a result of the demolition of St Johns House.

Block 5

- 8.19 This is a three storey terrace to be situated where St Johns House is currently located. The mono-pitch roof has its higher side along Pier Street to reinforce its appearance in relation to the taller buildings proposed around it.
- 8.20 In addition, the development would require the relocation of an existing substation which is located on the site of proposed Block 4. This is to be located along the northern part of Pier Street.

Design

- 8.21 To create a cohesive appearance with Betty May Gray House (BMGH), the proposal involves the re-cladding of BMGH in materials similar to those proposed in the new buildings. These include brick cladding with rendered panels, and recessed balconies. Distinctive openings within the brickwork are also proposed, using alternative brick colours added into or flush with the facades of the various blocks.

- 8.22 The windows to be use in the development are similar to those currently used within the estate and similarly handrails and metal balustrading will be the same throughout the new and existing buildings. This will create a collective and cohesive appearance throughout the estate.
- 8.23 In addition to the over-cladding of BMGH, a new lift core is proposed in a new vertical element adjoining the rear of the existing entrance core. This will flow directly from the existing stairwell and will have a further entrance door from the community garden. The lift will be in addition to the existing lift and will ensure improved access at all times.
- 8.24 In liaison with local residents the refuse arrangements are to change to avoid a current fly-tipping problem, with a newly designed refuse store. In addition, cycle spaces are proposed throughout the development for both the existing and proposed flats.
- 8.25 The height of proposed Blocks 3 and 4 was reduced from 9 storeys following concerns raised by officers at pre-application stage. The resulting height of no more than 7 storeys with a large proportion of the buildings no higher than 4 storeys, sits below the height of Betty May Gray House and is considered to fit comfortably within the streetscene.
- 8.26 The design has evolved following extensive pre-application discussions as well as presentations to CADAP (Conservation and Design Advisory Panel), who are supportive of the design of the development.
- 8.27 The proposal provides a high quality development that would contribute to an identified housing need. The proposed height of the development responds to its local context in accordance with London Plan policies 7.6 and 7.7, policy SP10 of the adopted Core Strategy and policy DM26 of the Managing Development DPD (submission version 2012) which seek to ensure building heights are suitably designed to be of high quality and appropriate height and scale to their context.

Security and Safety

- 8.28 Policy 7.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan and policy DM23(3) of the Managing Development DPD seek to ensure that developments are safe and secure.
- 8.29 The scheme design has developed through several discussions with the Councils secure by design officer and has taken into account many of the initial concerns raised. A condition is recommended to ensure secure by design measures are incorporated into the development to ensure the resulting scheme is safe and secure for residents.
- 8.30 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan and policy DM23(3) of the Managing Development DPD

Amenity

- 8.31 Adopted policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and DM25 of the Managing Development DPD (submission version 2012) seek to protect

residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Daylight, Sunlight and Overshadowing

- 8.32 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.33 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the 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.
- 8.34 Surrounding the application site exist a number of residential properties which could be impacted by the different blocks of the development. These include Blocks 1 and 2 of the existing Betty May Gray House.

Daylight

- 8.35 For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no 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.
- 8.36 With regards to VSC, BRE Guidelines advise that a loss of vertical sky of more than 20% becomes notable to residents and can potentially be considered as an adverse impact from the development.
- 8.37 The submitted daylight and sunlight reports assess the impact of the proposed development upon neighbouring properties, as well as daylight/sunlight conditions to future residents of the development.

Neighbouring Properties

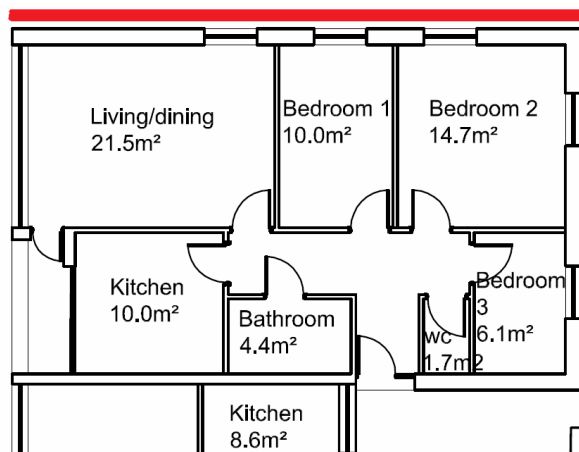
- 8.38 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site, those being:
- 13-22 Urmston House - located to the south of Blocks 4 and 5
 - 1-15 Castleton House- Located to the south of Block 5
 - 35-51 Pier Street- located to the north of Block 4
 - 53-67 Pier street- located to the north of Block 3
 - 319-325 Manchester Road located to the north of Block 3
 - 1-22 Verwood lodge & and 9-29 Ferndown Lodge both located to the north east of Block 3.
 - Betty May Gray House existing blocks 1 and 2
- 8.39 The submitted report confirms that all of the affected windows at 35-51 Pier Street, 319-325 Manchester Road, 319-325 Manchester Road, 1-22 Verwood Lodge, 9-29 Ferndown Lodge and Block 2 of Betty May Gray House would not see a VSC reduction of greater than 20% and as such according to BRE the impact of the

development on these properties is acceptable.

- 8.40 The ground floor properties of Castleton House would see a reduction in VSC of 20-21%. One room would see a 51% reduction in VSC however, given this is a bathroom it is considered acceptable as it is not a habitable room.
- 8.41 The submitted report demonstrates that the four ground floor windows of Urmston House will all see a VSC reduction of between 33 to 39%.
- 8.42 In addition, around 12 rooms within Block 1 of Betty May Gray House would result in a reduction in VSC greater than the 20%. The largest loss is 60% to a secondary bedroom.
- 8.43 Finally, the report outlined that all six of the affected windows to 53-67 Pier Street would see a reduction in VSC of between 22-27%.
- 8.44 As such, the report outlined that Urmston House, 53-67 Pier Street and Block 1 of Betty May Gray all required further testing to ensure the amenity impacts to these properties were acceptable. This further testing is discussed within the following sections of the report.

Block 1

- 8.45 Given Block 1 is within the application site, the submitted drawings outline the location of the affected windows and their uses. The affected façade is located to the south west elevation of Block 1 and contains 5 x three bedroom units, each located on a single floor of the five storey building. Three windows on each of the ground, first, second and third floors would see a VSC reduction of greater than 20%.
- 8.46 The following is part of the ground floor plan containing the affected unit (the layout is repeated over the other affected floors). The solid line represents the affected façade.



- 8.47 The layout of the flats shows that 2 of the 3 affected habitable rooms are dual aspect and would continue to receive light from other windows. The living room windows are larger on the unaffected elevation and are south facing and as such, will continue to receive a good and acceptable level of daylight. This is reflected in the daylight distribution figures for these 8 habitable rooms which show that light would still reach more than 97% of the former value in at least 7 of the 8 windows (four habitable rooms would not actually see any loss of daylight distribution).

- 8.48 This leaves the bedroom labelled as bedroom 1 in the above plan. Spread over four levels these habitable rooms (4 in total) will see a significant loss of VSC, and without any other window providing alternative daylight, these rooms will also see a loss of daylight distribution.
- 8.49 Officers have considered the amenity impacts to these rooms, and on balance, it is considered acceptable given the use of these rooms as a bedroom, and that these are only one of three bedrooms within each unit that actually fail.

Urmston House & 53-67 Pier Street

- 8.50 In order to understand the reasons why Urmston House & 53-67 Pier Street fail the VSC test under the BRE Guidelines it is important to look at the design of the properties. These are shown in the following photographs.

8.51



Urmston House

8.52



53-67 Pier Street.

- 8.53 The photos show the presence of over-hanging balconies and inset residential units in the majority of affected windows. In these instances paragraph 2.2.11 of the BRE Guidelines advise as follows:

- 8.54 *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place....this would show the presence of the balcony, rather than the size of the obstruction, was the main factor in the relative loss of light.*
- 8.55 When taking the overhangs away at Urmston House the loss of VSC to the four windows is between 11 to 13%. This is well within the 20% tolerance level within the BRE guidelines, this demonstrates that the failures at Urmston House are due in part to its design and not the proposed development.
- 8.56 With regards to 53-67 Pier Street, the loss of the balconies above would see VSC fall to around 24%. Whilst this is 4% higher than the recommended BRE Guidelines, given the rooms would continue to receive high sunlighting levels (as outlined in the following section of the report) it is considered acceptable in this instance.

Sunlight

- 8.57 The BRE report recommends that for existing buildings, sunlight should be assessed 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.
- 8.58 The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:
- Blocks 1 and 2 of Betty May Gray House.
 - 35-51 Pier Street
 - 319-325 Manchester Road
 - 53-67 Pier Street
 - Verwood and Ferndown lodge
- 8.59 The report demonstrates that 53-67 Pier Street, Verwood and Ferndown Lodge, 319-325 Manchester Road and 35-51 Pier Street will all continue to receive sunlight in excess of the minimum recommended levels set within the BRE Guidelines.
- 8.60 In terms of sunlighting conditions to Block 1, the report outlines that the Living/ Dining Rooms will all continue to receive sunlight in excess of the BRE guidelines.
- 8.61 Finally, the report outlines that many of the windows on the southern façade of Block 2 currently receive less sunlight than the recommended BRE Guidelines, this is presumably because of the existing obstruction caused by the existing Block 1 to the South. The daylight/sunlight assessment outlines that the proposed development would not have a significant impact compared to the impact that currently exists.
- 8.62 Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

Overshadowing

- 8.63 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 receive at least 2 hours of sunlight of 21 March”.
- 8.64 The report demonstrates that the majority of the amenity area within the development would receive at least 2 hours of sunshine during 21st March. As such, the proposal is acceptable in accordance with the above BRE guidance.

Privacy

- 8.65 The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings and existing buildings.
- 8.66 Block 3 is located 18m from 53-67 Pier Street which is the recommended distance from which any overlooking is considered acceptable. Whilst Block 3 is closer to the pavement edge than Betty May Gray House, the separation distance across Manchester Road is in excess of 30m which will ensure any overlooking that is likely to occur will not adversely impact on the privacy of existing and proposed residents.
- 8.67 Block 4 is located 19m and 22m respectively from Urmston House and Castleton House and as such is considered acceptable to ensure adverse impacts from overlooking are unlikely to occur.
- 8.68 Given Block 5 follows the same general site layout and window arrangements as St John’s House, it is considered that no undue detrimental privacy concerns will arise in excess of what currently exists. The distances between proposed Block 5 to proposed Block 4 is 18m, to proposed Block 3 is 22m, to 35 Pier Street is 14m (same as existing), and to Mudchute Nursery 7m (same as existing).
- 8.69 Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved in accordance with policy SP10 of the adopted Core Strategy, policy DEV2 of the Unitary Development Plan and Policy DM25 of the Managing Development DPD (submission version 2012). These policies seek to protect residential amenity.

Visual amenity / sense of enclosure

- 8.70 These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application sites and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.
- 8.71 In conclusion, it is considered that there would be no undue detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Affordable Housing and Dwelling Mix

Affordable housing

- 8.72 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account

site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

- 8.73 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.74 Consideration has also been given to the changes made to the national definition of the affordable rented product which offers eligible households dwellings at a rent of up to 80% of local market rents. The definition of affordable housing has therefore changed and as outlined below in more detail now includes social rented, affordable rented and intermediate housing.
- 8.75 Part 1 of Policy DM3 of the Managing Development DPD (submission version 2012) sets out the Council's approach to the new affordable rent product. The policy reaffirms the Core Strategy target for 70% of new affordable housing to be for Social Rent and 30% for Intermediate. Where it can be demonstrated that it is not viable to provide this level of Social Rent housing then Affordable Rent will be accepted. The policy confirms that the delivery of larger family homes should still be prioritised for Social Rent.
- 8.76 The subtext to Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on acceptable Affordable Rent levels are for the Borough as a whole. This has been informed by research carried out for the Council by POD (2011) which takes into account local socio-economic circumstances. In practice, rental levels on each individual scheme will be need to be agreed with the Council to reflect the particular local housing market of that area and the needs of the borough.
- 8.77 Social rented housing is defined as:
Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.
- 8.78 Affordable rented housing is defined as:
Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
- 8.79 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 ownership and shared equity products, other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.
- 8.80 The application proposes 68 residential units with the total number of habitable rooms being 213. Of these, 51 flats would be affordable housing. By habitable room the scheme provides a total of 78% affordable accommodation comprising 68% affordable rent and 32% intermediate. Estate wide the resulting affordable housing split is 83% affordable/social rent and 17% intermediate.
- 8.81 The following tables explain the existing housing on site, the proposed housing on-

site and the total housing on-site.

8.82

	Market Sale		Intermediate Housing		Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
Bedsits	0	0	0	0	27	27	27	27
1 Bed	0	0	0	0	24	48	24	48
2 Bed	0	0	0	0	24	72	24	72
3 Bed	0	0	0	0	10	40	10	40
4 Bed	0	0	0	0	0	0	0	0
Totals	0	0	0	0	85	187	85	187

Table 1: Existing housing on site (BMGH and St Johns House)

8.83 The majority of housing shown in Table 1 is located within Betty May Gray House (BMGH) and is due to be retained. The 21 bedsits and 9 one bedroom units at St John's House are to be demolished and re-provided within the scheme.

8.84

	Market Sale		Intermediate Housing		Affordable Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
1 Bed	6	12	4	8	21	42	31	62
2 Bed	10	30	11	33	0	0	21	63
3 Bed	1	4	3	12	0	0	4	16
4 Bed	0	0	0	0	12	72	12	72
Totals	17	46	18	53	33	114	68	213

Table 2: Proposed Scheme

8.85 As outlined in Table 2, a total of 68 new dwellings are proposed within the scheme, of which 51 would be either intermediate or affordable rent. These include the introduction of 12 four bedroom units at affordable rent.

8.86

	Market Sale		Intermediate Housing		Affordable (Social Rent)		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
Bedsits	0	0	0	0	6 (6)	6	6	6
1 Bed	6	12	4	8	36 (15)	72	46	92
2 Bed	10	30	11	33	24 (24)	72	45	135
3 Bed	1	4	3	12	10 (10)	40	14	56
4 Bed	0	0	0	0	12(0)	72	12	72
Totals	17	46	18	53	88	262	123	361

Table 3: Total provision estate wide minus the loss of accommodation at St Johns House.

- 8.87 Table 3 shows the resulting housing on the estate. The scheme proposes 78% affordable housing based on habitable room. When taking into account the re-provision of the bedsit accommodation lost within St Johns House the proposal results in an uplift of 60% affordable housing and 38 additional units within the estate.
- 8.88 The overall provision of affordable housing is in excess of the 35% required by Council policy, but as the applicant is a Registered Provider, their main objective is to provide affordable housing, and the housing for private sale is incorporated in order to provide a cross subsidy for the scheme. The scheme is also assisted by grant funding provided by the GLA to support the provision of new Affordable Rent housing.
- 8.89 The rent levels of the one bedroom flats and four bedroom houses will be set at the average Affordable Rent level for the borough within the POD tolerance levels. This follows extensive discussions with the applicant and follows a viability review which demonstrates that the scheme would be unviable if the rent levels were at social rent or at E14 levels excluding the Docklands areas. This was independently reviewed by consultants acting on behalf of the Council.
- 8.90 The rents proposed for this scheme are outlined in the table below with comparisons shown with the borough average as well as the E14 areas.

8.91

Postcode Area	Adjusted (pod) Rents per week				
	1 Bed	2 Bed	3 Bed	4 Bed	5 bed
E14 excluding Docklands	£152.70	£168.17	£187.85	£250.04	£282.98
E14 including Docklands	£206.55	£231.00	£244.50	£271.04	£304.69
Borough average rents all postcodes	£192.26	£213.58	£240.35	£270.65	£297.87
Rents proposed for this scheme	£192.26			£270.65	

- 8.92 Given the application proposes 78% affordable housing, with all the units within the POD levels for the affordable rent tenure, the proposed development is in accordance with the requirements of the London Plan (2011), and the Council's Housing policies as outlined above.
- 8.93 The proposed development replaces the social rented units at St Johns House with affordable rented units resulting in the net loss of 30 social rented units. These include 21 x bedsits, 8 x 1 bedroom flats and 1 x one bedroom wardens flat. Given the replacement provision is one bedroom flats as opposed to bedsits, this is considered acceptable on balance.
- 8.94 Furthermore, the scheme is dependent on GLA funding which stipulates the new rented units have to be provided as affordable rent, as such this is the only viable outcome for the scheme to proceed.
- 8.95 With regards to the 68/32 split in favour of affordable rent, given there is a preference for rented housing, and it is close to the 70/30 split required under policy SP02 of the adopted Core Strategy and policy DM3 of the Managing Development DPD (submission version 2012), it is considered acceptable.

Dwelling mix

- 8.96 In total, 16 family sized units are provided, which equates to 24% of the overall accommodation. Policy SP02 requires 30% of developments to be 3 bedroom units or larger, and within the social rented tenure 45% should be for families.
- 8.97 In this case, 36% of the units within the rented tenure would be family sized (for the proposed development). Whilst the overall 24% provision of family sized accommodation is not policy compliant, it is considered that as this scheme is answering a need for a particular number of smaller units to provide accommodation for older persons with only a 1 bed or 2 bed need (the replacement of St Johns House), the under provision of family units as a proportion of the whole scheme is acceptable.
- 8.98 Furthermore, it is important to note that having more family sized units at the expense of the older people's homes would fail to comply with policy DM5 of the Managing Development DPD (submission version 2012), which seeks to protect existing specialist and supported housing.
- 8.99 Overall, it is considered that there is a suitable mix of units within the scheme and it would provide for a wide range of occupants, including the introduction of private units within the estate, therefore promoting a mixed and balanced community.

Wheelchair housing

- 8.100 The London Plan requires that 10% of all housing developments are suitable for wheelchair users. In this case 7 units (equating to 10%) will be built out as wheelchair accessible. A further 22 will be wheelchair adaptable including separate storage for a wheelchair. This is supported by officers and is recommended to be conditioned as part of the consent.
- 8.101 In addition to this, the scheme is proposing two lifts each to new blocks 3 and 4 as well as proposing an additional lift to Block 2 of Betty May Gray House. This ensures convenient and accessible access for existing and proposed residents.

Quality of accommodation

Internal space

- 8.102 Policy 3.5 of the London Plan and policy DM4 of the Managing Development DPD (submission version 2012) set out minimum internal space standards which are recommended for all residential developments. The Mayor's design guide also gives advice on the quality of the internal space. For examples storage areas should provide, separate living rooms and kitchens are encouraged as are dual aspect flats.
- 8.103 Each of the flats and the 12 houses all meet the minimum standards within the London Plan, with some of the flats comfortably exceeding the minimum standards. The majority of flats are dual aspect and have separate storage facilities. Which is encouraged within the London Mayor's housing design guide.
- 8.104 Overall, the internal space is considered to be well designed and in general conformity with the above mentioned policies.

Daylight and Sunlight

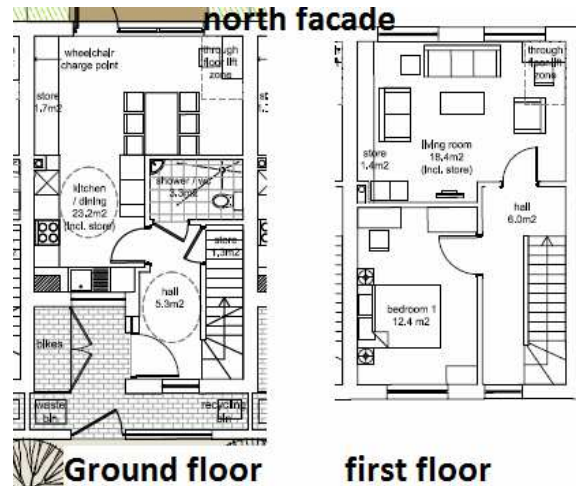
Daylight

- 8.105 The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms
- 8.106 Out of 134 habitable rooms tested within the development, a total of 8 habitable rooms fail to meet the British Standard ADF values. This equates to 6% of the tested windows. Four of the rooms are Bedrooms and four are a Dining/Living Rooms. Out of these eight failures 3 of the failures are by less than 0.09% of the recommended ADF values.
- 8.107 Five of the ADF failures are located within Block 3, with 4 at ground floor level one at first floor level. The remaining three failures are within the ground floor of Block 4. The majority of these failures are to habitable rooms facing northwards with balconies above. It is considered an acceptable balance needs to be struck between the provision of balconies and daylight within the units.
- 8.108 Overall, given the substantial amount of rooms meet BRE guidelines including all 12 of the four bedroom houses, it is considered that the proposed development is well designed to provide an acceptable standard of daylight to future residents.

Sunlight

- 8.109 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”*
- 8.110 The submitted report demonstrates that the majority of habitable rooms meet the recommended Sunlight levels as advised by BRE report (2011). The notable failures are 12 habitable rooms within the four bedroom terraces. This is expected to an extent when taking the design of these units into consideration as shown in the ground and first floor plans of these units below.

8.111



8.112 Whilst the ground floor Kitchen/Dining area is dual aspect, it is clear from the plans that the living/kitchen areas are primarily facing towards the north. As such, given the deep entrance the units are not expected to receive much sunlight from the south.

8.113 Given the houses are dual aspect and the upper floors would receive sufficient sunlight, it is considered that overall, the development is suitably designed to provide adequate sunlight to future residents.

8.114 Overall, it is considered that given the urban location, scale and density of the development, that daylight levels within proposed development would overall be acceptable, and in general accordance with the BRE guidelines.

Noise and vibration

8.115 A noise and vibration assessment has been submitted with the application to understand the impact these would have on the proposed development. This has been reviewed by the Councils Environmental Health Team, who have confirmed that an acceptable standard has been achieved to ensure the amenity of residents is preserved.

Air Quality

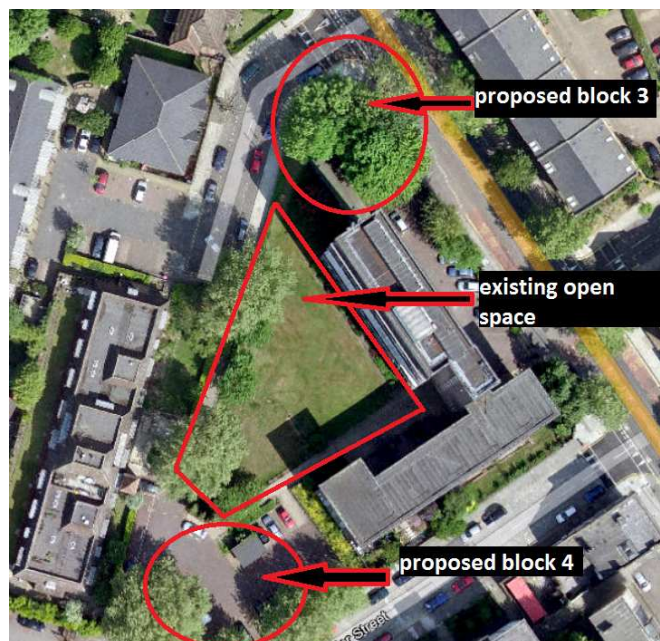
8.116 Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is within an air quality control zone.

8.117 An air quality assessment has been submitted with the application which outlines the mitigation measures proposed by the development. These include dust generating activities to be located away from residential facades, wheel cleaning, and ensuring demolition works are controlled particularly during windy or dry conditions. Overall, subject to conditions requiring a Construction Management Plan/Construction Logistics Plan the proposed development will have an acceptable level of impact on Air Quality.

Open Space

- 8.118 Policy SP04 of the adopted Core Strategy seeks to deliver a network of open space by protecting and safeguarding all existing open space such that there is no net loss.
- 8.119 Furthermore, saved policies DEV12 and HSG16 of the Unitary Development Plan, Policy DEV13 of the Interim Planning Guidance, and policies SP02, SP04 and SP12 of the Core Strategy seeks to promote the good design of public spaces and the provision of green spaces.
- 8.120 Given the siting of the proposed new buildings the impact of the development on open space is limited. Block 4 is primarily situated on an area of hardstanding concrete forming a car-park, and Block 5 is located on a similar footprint to St Johns House.
- 8.121 Block 3, however, is to be located on an area of soft landscaped, open space containing sheds and a number of trees. As a result of this block, there will be a net loss of open space.

8.122



Aerial view showing open space and proposed blocks

- 8.123 The open space within the area currently forms an area of 1764 sqm. The open space resulting from the development would be 624sqm with an additional 348sqm of existing open space allocated as children's playspace (discussed further within this report). The resulting loss is primarily down to the footprint of Block 3 which accounts for 632sqm of the 792sqm loss.
- 8.124 Normally the loss of open space would be resisted in accordance with the above development plan policies. However, in this instance there are a number of reasons why this loss can be justified.
- 8.125 Firstly, a large area of open space to be lost is dissected by a row of sheds and only serves as a visual amenity area shielding the flank wall of Betty May Gray House. It is considered as a result of the siting of Block 3 in this area, the visual amenity function of this part of the open space would no longer be necessary.
- 8.126 In addition to this, previously on site existed a community centre which had a footprint of around 109 sqm located to the north of proposed Block 4. This was demolished in

2010 and turned to open space to improve the appearance of the area. When taking this area into account the overall net loss of open space is reduced further in comparison to what existed around two years ago.

- 8.127 Lastly, the loss of this open space is not considered to lead to a deficiency in open space as outlined below with reference to policy 7.18 of the London Plan (2011).
- 8.128 Policy 7.18 of the London Plan (2011) seeks to protect local open space and address local deficiencies. The policy is accompanied by a table which provides benchmarks for local authorities to assess their own provision of open space. The table categorises spaces according to their size and sets out a maximum desirable distance that Londoners should travel in order to access each category of open space. The London Plan Supplementary Planning Guidance Play and Informal Recreation was adopted in September 2012, and states that this table can provide a benchmark for boroughs to assess their own provision for the different categories of multifunctional open space found throughout London and be used to highlight areas of open space deficiency.
- 8.129 The north-western part of the site provides an entrance to Mudchute Park and Farm. This is a 12 hectare public park and farm located around 60m from the site. Given the parks proximity it is considered that there is not a deficiency of open space within this locality.
- 8.130 Finally, as explained in the following sections of the report, the proposed scheme provides significant improvements to the communal gardens both in terms of biodiversity value and also its overall area, appearance and usability, and this, along with other benefits of the scheme are considered to outweigh the relatively minor loss of open space.

Outdoor space – communal

- 8.131 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. Given this is an estate-wide scheme and the communal amenity space is to be used by existing residents as well as the proposed it is important to look at the estate wide requirements.
- 8.132 Based on the resulting 123 residential units within the scheme, a total of 163sqm of communal amenity space is required. Excluding the child play space (to avoid double counting) the scheme proposes a communal garden of 756.7 sqm.
- 8.133 An additional communal area of 264 sqm is proposed for specifically for Block 4 (Old person's accommodation). This is subdivided into a ground floor garden measuring 216 sqm and a south facing roof terrace measuring 48sqm.
- 8.134 Details of the landscaping for the proposed amenity areas are recommended to be secured by condition. Overall, these are in excess of the requirements and are considered acceptable.

Private Amenity Space

- 8.135 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, saved policy HSG16 of the Unitary Development Plan and policy HSG7 of Interim Planning Guidance promote the good design and the provision of amenity spaces within developments.

- 8.136 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within policy DM4 of the Managing Development DPD (submission version 2012).
- 8.137 Each of the 12 four bedroom houses has a private rear garden measuring at least 30sqm.
- 8.138 All of the proposed flats have some private amenity space in the form of balconies. These all have the recommended depth of 1.5m. In Block 3, these range from 6.3-8.4sq m and for Block 4 for these range from 5.4-7.2sqm.
- 8.139 The overall provision of private amenity space is acceptable and in accordance with the above development plan policies.

Child play space

- 8.140 Policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the Unitary Development Plan and policy HSG7 of the Interim Planning Guidance require the provision of appropriate child play space within residential developments.
- 8.141 In addition to general amenity space, for developments which provide residential accommodation need to provide child play space should be provided per child.
- 8.142 Similar to communal amenity space, it is considered that child play space should be considered estate wide especially as space is to be used for existing and proposed residents.
- 8.143 The existing estate does not have any defined child play space, and would have a required provision of 490 sqm based on 49 children. When taking into account the proposed development the required child provision equates to 943sqm (for 94.3 children).
- 8.144 The application is proposing a dedicated child play space area located within the communal amenity space. The space extends to some 348 square metres and is proposed to be provided with equipment to provide safe and convenient on site play facilities. Given the location of the site, the applicant has targeted the 348sqm to the 36 children likely to be under the age of 5 that the estate wide scheme is to generate. This appears to be a pragmatic approach as those of the elder categories are likely to be encouraged to visit the park where much better facilities exist. As such, the lack of facilities for over 5 year is considered acceptable on balance.
- 8.145 Furthermore, it is important to note that all of the 12 x four bedroom houses have private gardens which exceed the minimum requirements set in council policy and could in reality be used as doorstep play space by future occupiers.

Arboriculture Impacts and Biodiversity

- 8.146 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 Core Strategy and policy DM11 of the Managing Development Development Plan Document 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.
- 8.147 The site is located within a 'Sites of Nature Conservation Importance' (SNIC) and is

adjacent to Mudchute Park which is Metropolitan Open Land. As such, the site is considered to potentially have a high biodiversity value.

- 8.148 The applicant has submitted an Ecological Scoping Survey, Biodiversity Statement as well as an Arboricultural Survey in order to assess the impact of the proposal and any ecological measures proposed by the scheme.

Arboricultural Impacts

- 8.149 The submitted Arboricultural report outlines a total of 41 trees and three groups of trees that exist around the application site (total 44). Three of these trees are considered to be trees of high quality and value, in such a condition to make a substantial contribution in the area for at least 40 years (Category A trees)
- 8.150 More than half of the trees (21) are considered to be of moderate quality and value as to make a significant contribution of a minimum of 20 years (Category B trees)
- 8.151 Nineteen trees are considered to be of low quality or be young trees of a stem diameter of 150mm (Category C trees). Lastly, one tree is of poor quality and recommended to be removed regardless of this application due to sound arboriculture practice (Category R trees).
- 8.152 In order to implement the scheme a total of 27 trees (including two groups of trees) are required to be felled. Fourteen of these are Category B trees, 12 are Category C and 1 is a Category R tree. None of the Category A trees which are the substantially significant trees are to be felled.
- 8.153 In order to mitigate the loss of these trees around 35 new trees are proposed within the landscaping plan of the development. Once these trees are established it is considered that they will offset the loss of the existing trees.
- 8.154 The Arboricultural statement also outlines a number of measures aimed at protecting the roots of the existing trees that are to be retained from damage during the implementation of the development. These are recommended to be conditioned within the consent.

Ecological Impacts

- 8.155 The submitted biodiversity report identifies local trees and shrubs to be of local value to common garden bird species. In particular, a flock of 25 House Sparrows identified within the shrubs bordering the amenity grasslands.
- 8.156 House Sparrows are a declining species and are within the London Biodiversity Action plan (BAP). All breeding birds are protected under the 'The Wildlife and Countryside Act 1981'. This act ensures that any loss to nesting habitats is undertaken outside of the bird nesting season (March to August).
- 8.157 The provision of the above act should ensure any loss of nesting habitats is not harmful to the nesting of House Sparrows and other species. An informative is recommended on the consent advising the applicant of the need to comply with the above act.
- 8.158 A separate Bat Roost Inspection was carried out to ascertain whether the application site contains any Bats which are a protected species under the Town and Country Wildlife Act. The report outlined that there was no evidence of roosting bats on site

and as such a Protected Species licence would not be required.

8.159 The Council's Biodiversity officer is supportive of the proposal subject to conditions to secure the following:

- 8.160
- A condition should be imposed that full details of the extent and species mix of the meadow be agreed by the Council, and the meadow, then implemented as agreed.
 - A condition requiring retention of a log pile, and a number of shrubs and herbaceous plants which will provide nectar for bees and other invertebrates, and berries for birds.
 - A condition requiring full details (including number, type and location) of nest boxes and other places of shelter for birds, mammals and invertebrates be agreed by the Council, and then installed as agreed.

8.161 Following consultation, concerns have been raised to the impact of the development on a species of birds – Monk Parakeets. These are not a native species to the United Kingdom and are not a priority species within the BAP. Furthermore, the London Biodiversity Partnership which is tasked with implementing the BAP considers this species to be an evasive species of high impact or concern present at specific sites (including Mudchute Park). Taking this into account, limited weight is given to the impact of the development on this species.

8.162 Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the Core Strategy.

Highways

Parking

8.163 The site has a Public Transport Accessibility Level (PTAL) of 3 which is considered to be of moderate access.

8.164 There are parking policies to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:

- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
- Interim Planning Guidance standards are up to 0.5 spaces per unit.
- The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.

8.165 The existing estate contains 31 car parking spaces, of which many are not in use. Around 19 are in use serving Betty May Gray House and a further 7 currently serve St John's House, the rest are not allocated.

8.166 Through access on the northern part of Pier Street is currently restricted for vehicles which would have to do U-turns to reach Manchester Road. The entire area of the northern part of Pier Street has been revised to create a staggered vehicle route and narrowed access to create a "Home-zone" style access route with a high level of traffic calming measures. This has enabled more parking to occur on-site without having to develop on the open space.

- 8.167 These works have resulted in the increase in five parking spaces across the estate to 36, which have been allocated to the different blocks.
- 8.168 The existing Betty May Gray House has 19 parking spaces which ensure the residents that currently have designated parking spaces will continue to do so.
- 8.169 No car parking spaces are proposed for Block 3 which contains the private and shared ownership units. It is considered that this block will be secured as 'Car-Free' under the terms of the s106 agreement.
- 8.170 The replacement block for St Johns House is to have 2 designated parking bays plus 1 'essential' parking space. Whilst this is a reduction of 5 spaces, the applicant has confirmed the existing spaces at St Johns House include two spaces occupied by the on-site warden, one allocated to a tenant, one allocated to a visitor and three spaces formally used by tenants are no longer required.
- 8.171 The reduction in parking spaces is achieved by losing the two spaces allocated to wardens, and the three spaces formally used by tenants which are no longer required. The applicant has confirmed that the existing resident will continue to have access to a car parking space.
- 8.172 Block 5 containing the 12 family sized units is to have 12 spaces – one per house. Of the final two spaces, one will be a further disabled access space for use by anyone on the estate who needs it and the final space will be a designated car club bay aimed at promoting sustainable modes of transport.
- 8.173 Within the legal agreement a clause is recommended to ensure that no further occupants of 5 are able to apply for on-street parking permits (subject to the operation of the Council's permit transfer scheme), therefore not adding to the parking pressure in the locality.

Cycle parking

- 8.174 Policy 6.13 of the London Plan (2011) requires 1 cycle spaces per 1 and 2 bedroom units and 2 cycles spaces per 3 or more bedroom unit.
- 8.175 In this instance, the applicant is proposing 40 spaces for the 27 units within Block 3 and 28 Cycle Spaces for the 29 units within the old Persons accommodation. 12 more spaces are proposed for the 12 residential units.
- 8.176 Lastly, 8 cycle spaces are proposed for the existing flats within Betty May Gray House.
- 8.177 Both Blocks 3 and 4 had dedicated cycle storage areas, close to the main entrance of the Blocks and the family sized units all have a dedicated spaced within its entrance to accommodate cycle spaces.
- 8.178 Overall, the provision of cycle spaces is in general conformity with the London Plan and is tailored to the needs of the residents within the Blocks. As such, it is considered acceptable in accordance with policy 6.13 of the London Plan (2011), policy SP09 of the adopted Core Strategy (2010) and policy DM22 of the Managing Development DPD (submitted version 2012).

Servicing

- 8.179 Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DM22 of the Managing Development DPD (submission version 2012) seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.
- 8.180 The proposed residential uses are not envisaged to require a high amount of servicing. Notwithstanding this, the essential parking space can be used for this purpose.

Waste storage and collection

- 8.181 Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.
- 8.182 Three refuse stores are proposed, one for each of the existing Betty May Gray House, Block 3 and Block 4. The 12 houses within Block 5 all have individual refuse storage and collection areas for refuse and recycling.
- 8.183 The proposed refuse provision is in accordance with the Council's Refuse arrangements and can easily be collected either from Manchester Road or from Pier Street.
- 8.184 To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted. With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.
- 8.185 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.

Energy and Sustainability

- 8.186 Policies 5.2, 5.3, 5.4, 5.6 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policy DM29 of the Managing Development DPD (submission version 2012) require development to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.
- 8.187 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total carbon emission savings for this development would be 26% on the baseline figures of 2010. Whilst this is below the 35% required under emerging policy DM29 of the Managing Development DPD (submission version 2012), given this policy has not been formally adopted and that the proposal meets the 25% reduction required within policy 5.2 of the London Plan it is considered acceptable on balance.

- 8.188 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4. Final certificates confirming this will be conditioned.
- 8.189 Policy 5.6 of the London plan requires major developments Major development proposals should select energy systems in accordance with the following hierarchy:
- 1 Connection to existing heating or cooling networks;
 - 2 Site wide CHP network;
 - 3 Communal heating and cooling;
- 8.190 In this instance, the applicant has achieved the 25% reduction without Block 3 having a communal heating system. Whilst a communal heating system is preferable, the applicant has confirmed that the heating system will be future proofed to enable a connection to a wider district heating network, should one become available. On that basis it is considered acceptable and a condition requesting details of the future proofing is recommended.
- 8.191 Overall the proposed Energy Strategy is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

Environmental Health

Contaminated Land

- 8.192 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. A condition has been recommended by Environmental Health to deal with this issue.

Planning Obligations

- 8.193 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 meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.194 The Council's Saved Policy DEV4 of the UDP and Policy SP13 of the Core Strategy (2010) require the Council to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.195 The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure. The monetary contributions are based on the Council Supplementary Planning Document (SPD) on Planning Obligations (adopted January 2012)
- 8.196 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £1,007,277.54. This has been

applied as follows through the SPD.

8.197 The requested heads of terms were:

Financial Contributions

- a) Community Facilities £69,856
 - b) Education £542,825
 - c) Sustainable Transport £1,830
 - d) Employment £16,239
 - e) Health £90,862
 - f) Public Realm/streetscene £265,915
 - g) 2% Monitoring Fee £19,750.54
- Total Financial Contribution: £1,007,277.54

Non-financial Contributions

- a) 78% affordable housing units
- b) Car and permit free agreement
- c) Commitment to utilise employment initiatives

8.198 The application is supported by a viability appraisal which provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use value. In broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied.

8.199 In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

8.200 The report establishes that it is not viable for the proposal to deliver the planning obligations which are required to mitigate against the impact of the proposed development. The applicant's viability report has been independently reviewed on behalf of the council and is considered to be robust in its finding.

8.201 There are a number of points to note within the viability report which influences the schemes viability and deliverability, these are outlined below.

8.202 Firstly, the refurbishment works proposed to Betty May Gray House including the over-cladding, rendering and new lift are not including in the viability assessment, these will be additional costs that the applicant will be required to fulfil.

8.203 In addition, the report outlines that the applicant will be required to pay Home-loss payments to existing residents of St John's House and will also need to relocate the existing substation. These are covered within the viability report and explain the additional costs to the developer.

8.204 Lastly, the report outlines that the scheme is only deliverable due to GLA grant funding which has been secured.

8.205 The applicant understands the requirement to provide some s106 contributions and

despite the outcome of the viability assessment, have offered a planning contribution of £83,148 towards mitigation. This works out to a contribution of £2,132 per unit for the 39 net additional units within the estate. The contribution is based on the contribution per unit secured on similar schemes which provide affordable housing in excess of 35% by registered providers.

8.206 Whilst the Borough's key priorities are affordable housing, employment, and education, it is considered that the limited S106 package should be focused on the one key priority that the Council has a statutory obligation to meet.

8.207 Financial Contributions

a) £83,148 towards Education

Non-financial Contributions

a) 78% affordable housing units

b) Car free agreement

c) Commitment to utilise employment initiatives (reasonable endeavours to secure 20%)

8.208 Given the applicant is a housing association tasked with the management and delivery of affordable housing, it is considered reasonable for applications in excess of the requested 35% affordable housing to be submitted. This is supported by paragraph 3.5 of the Managing Development DPD (submission version) states that *'the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing.'* The inevitable consequence of this is the reduction of s106 contributions due to the lack of private accommodation to provide profits and s106 contributions.

8.209 The Core Strategy at paragraph 4.4 also highlights the need for affordable homes, stating: *"Tower Hamlets faces significant housing challenges. There is a current affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, which is much higher than the national average of 2.7% of all units. The Community Plan identifies the delivery of a range of affordable, family homes for local people as one of its priorities."*

8.210 The resulting impact from the provision of 12 four bedroom units is a higher child yield which equates to a disproportionately high education contribution sought from the development (53% of the total s106 ask).

8.211 This is noted and the Councils approach to this issue is set within paragraph 5.5 of the London Borough of Tower Hamlets Planning Obligations SPD (adopted in January 2012) which states: *"The Council is aware that developments which exceed the 35% minimum target for affordable homes may result in disproportionate education contributions due to increased child yield. In these instances the SPD will be applied flexibly to ensure it does not constrain affordable housing delivery, particularly of affordable family homes"*.

8.212 In this instance, the high level of affordable housing along with other benefits of the scheme are considered to out-weigh the lack of financial contributions within the scheme.

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

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

- 8.214 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:
- 8.215 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.
- 8.216 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.
- 8.217 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 8.218 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.219 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 £51,800 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 100% affordable housing and will therefore qualify for social housing relief on the majority of this sum.
- 8.220 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.
- 8.221 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 £77,428 within the first year and a total of £464569 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.

Other Planning Issues

Flood Risk

- 8.222 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.

- 8.223 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options. The applicant has held extensive pre-applications discussions with the Council and the Environmental Agency which have informed the application.
- 8.224 The site is most liable to flood if the Thames' defences were to breach nearby. The predicted maximum flood depth is estimated to be 3.0m AOD. The guidance on flood risk states that residential uses (being classed as More Vulnerable) should be set 0.3m above the predicted flood level. If the ground floor's finish floor levels cannot be set above this level it will be necessary to provide mitigation measures.
- 8.225 The new blocks' ground floor finished floor levels shall be set at a level, such that, with a 'slot-in' barrier system placed in front of each external door, the buildings will be protected up to 3.3m AOD, i.e. 0.3m above the 3.0m AOD flood level.
- 8.226 In addition, the applicant is proposing mitigating measures for the existing flats with 1.3m 'slot-in' flood barriers placed in front of each external land their occupants. This will ensure the development shall reduce the overall flood risk to this vicinity considerably.
- 8.227 This has been reviewed by the Environmental Agency who has raised no objections to the scheme, subject to a surface water drainage condition.

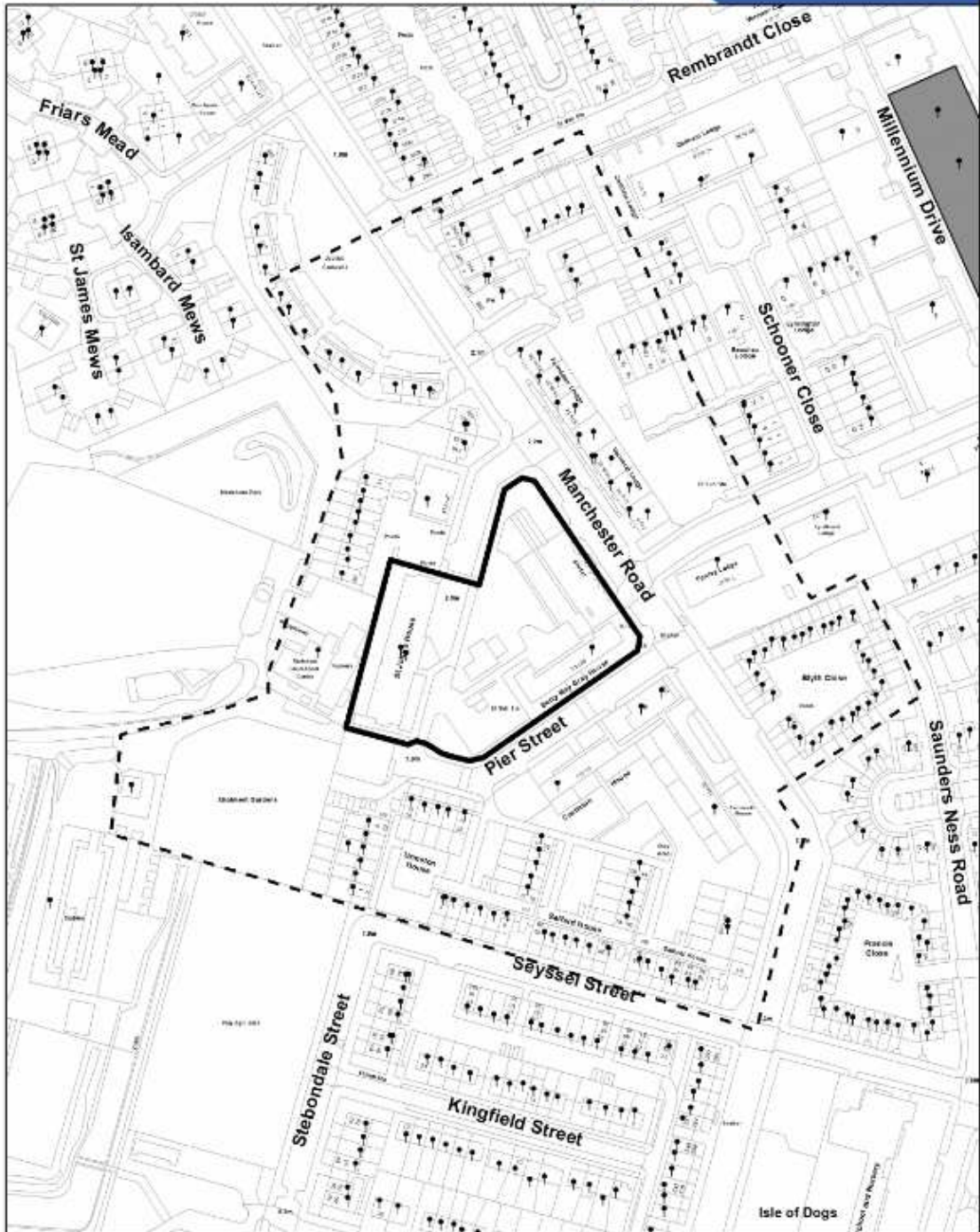
CIL


- 8.228 This development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended. This charge has been calculated based on the new market floor space being created (1480sqm new floor space) as detailed in the submitted CIL Additional Information form.
- 8.229 The CIL contribution based on the above is £51,800. This charge is payable upon commencement of the chargeable development and is in respect of the London Mayoral Community Infrastructure Levy (CIL). The Greater London Authority and Transport for London are responsible for setting the London Mayoral CIL charge and the London Borough of Tower Hamlets is responsible for collecting money on their behalf.


9.0 Conclusions


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


Planning Application Site Map PA/12/01803





 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 15 m




1:2,000

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

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Agenda Item 7.2

Committee: Development	Date: 12 December 2012	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Graham Harrington	Ref No: PA/12/02584
	Ward: Millwall

1. APPLICATION DETAILS

Location: Wood Wharf, Preston's Road E14
Existing Use: Historically mixture Light Industrial, Industrial and Warehousing. The site now includes temporary landscaped areas and a temporary pedestrian bridge across part of the West India and Millwall Docks.

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

Drawing Nos: PP SK-01 Rev B – Plot Outlines
PP SK-02 Rev B – Emergency Vehicle Access
PP SK-03 Rev B – Step Free Access Routes
PP SK-04 Rev B – Key Pedestrian Arrival Points
PP SK-05 Rev B – Continuous Pedestrian Routes
PP SK-06 Rev B – Dock Edge Pedestrian Route
PP SK-07 Rev B – Service Vehicle Access
PP SK-08 Rev B – Plot A Landscaping
PP SK-09 Rev B – Plot B Indicative Landscaping
PP SK-10 – Indicative Servicing and Parking Locations
Temporary Pontoon Bridge (Drawing DS0411-01-01) Sheet 1
Temporary Pontoon Bridge (Drawing DS0411-01-01) Sheet 5
Temporary Pontoon Bridge (Drawing DS0411-01-01) Sheet 6
Temporary Pontoon Bridge (Drawing DS0411-01-01) Sheet 7

Documents: Wood Wharf: Temporary Use Maximum Potential Use of Site (September 2012)

Wood Wharf Temporary Use Parameter Plan Schedule (November 2012)

Design and Access Statement dated September 2012

Wood Wharf (Temporary Use) Impact Statement September 2012 incorporating:

- Planning Policy;
- Acoustic Planning Report (prepared by Sandy Brown and dated 3 September 2012);
- Transport Statement (prepared by Steer Davies Gleave and dated September 2012)
- Flood Risk Assessment FRA/01 Issue 02 (prepared by Arup and dated May 2011);
- Wood Wharf Flood Risk Assessment: Addendum 1 (prepared by Arup dated 7 June 2011);
- Wood Wharf Flood Risk Assessment: Addendum 2 – Detailed Drainage Strategy (prepared by Arup dated 28 June 2011);
- Extended Phase 1 Habitat Survey (prepared by WSP and dated April 2012);
- Consultation Statement; and
- Energy and Sustainability.

Supplementary information:

- Schedule of events 2011-2012;
- Acoustic Planning Report (Sandy Brown, dated 13 November 2012);
- Responses to Transport Comments (Steer Davies Gleave, dated 14 and 20 November 2012); and
- Ecology Information from Phase 1 Habitat Survey undertaken on 13 September 2012 (Ramboll, dated 13 November 2012).

Wood Wharf – Temporary Use Management Plan dated November 2012

Applicant:	Canary Wharf Ltd
Ownership:	Various. Refer to Application Form.
Historic Building:	Dock Wall Grade I Listed
Conservation Area:	Adjacent to Coldharbour Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007), the Council's Interim Planning Guidance for the purposes of Development Control (2007), the adopted Core Strategy (2010), post EIP version of the Development Management DPD, associated supplementary planning guidance, the London Plan (July 2011) and the National Planning Policy Framework and has found that:

1. The use of vacant land on a short term basis to provide event, exhibition and corporate hospitality type uses is acceptable given the proximity of the site to Canary Wharf and good transport links. The use will support the role of Canary Wharf as a global centre for economic activity and will provide opportunities for employment and local community use. For a further short-term period of 1 year, the temporary nature of the uses and associated development ensure that the proposal will not prejudice policy aims for the comprehensive mixed use redevelopment of the site. The proposal therefore accords

with the requirements of Core Strategic Objective S015, which seeks to support CanaryWharf as a global economic centre and policy SP06 which seeks to maximise the delivery of investment and job creation in the Borough. It also accords with Site Allocation 16 in the post EiP version of the Development Management DPD which allocates the site for mixed-use development. The proposal also accords with the aims of London Plan policy 2.13 which recognises that the north part of Isle of Dogs is an area of opportunity for intensification of uses.

2. The proposed marquees, pontoon bridge and associated development achieve a very good standard of design in terms of site layout, scale and use of materials. The scheme would enable the continued productive use of the site and maintain its enhanced appearance and would contribute to the creation of an attractive and vibrant waterside environment. The proposal will maintain pedestrian routes and linkages in the area and accords with the requirements of Core Strategy 2010 policy SP10, which seeks to ensure that buildings and neighbourhoods promote good design principles and policies DM24 and DM26 in the post EiP version of the Development Management DPD which require place-sensitive design and appropriate building heights.
3. The proposed temporary bridge and structures would protect the listed dock edge and safeguard the character and appearance of the adjoining Cross harbour Conservation Area in accordance with the requirements of Core Strategy policy SP10, saved policy DEV28 of the Council's Unitary Development Plan (1998) and policy DM27 of the Post EiP version of the Development Management DPD which require development to protect and enhance the borough's heritage assets and their settings. As such the proposal also accords with policy 7.8 in the London Plan.
4. The proposed hours of operation and restrictions on noise levels are considered sufficient to ensure that the proposed development would not have any significant adverse impacts on the amenity of the occupiers of nearby buildings. However, the Council wishes to review the acceptability of the proposals in the light of experience over a 12 months period. The proposed development is therefore acceptable in terms of Core Strategy 2010 Objective SO10, which seeks to deliver healthy and liveable neighbourhoods, Core Strategy Policy SP03(2a), which seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise and Core Strategy Policy SP10(4), which seeks to ensure development protects amenity, Unitary Development Plan 1998 policies DEV2, DEV50, Planning Standard Two (Noise), Interim Planning Guidance policies DEV1, DEV10 and policy DM25 in the post EiP Development Management DPD, which relate to the preservation of residential amenity and protection from excessive noise.
5. The site benefits from good transport links, which in combination with the proposed management arrangements is sufficient to ensure that the development would not have an adverse impact on the local highway network or transport infrastructure. The development is therefore acceptable in terms of policies SP08 and SP09 of the Core Strategy 2010, policies T16 and T18 of the UDP 1998 Policies and policies DM20 and DM23 of the post EiP version of the Development Management DPD which require developments to be integrated with the transport network, be well-connected with the surrounding area, create safe and attractive streets and seek to ensure that the operational requirements of a use are taken into account.

3. RECOMMENDATION

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

3.2 Conditions

1. OneYear Temporary Permission up to end of December 2013. Use discontinued and structures removed at end of period.
2. Development in accordance with and adherence to restrictions specified within approved parameter plans and parameter plan schedules.
3. No use of land to take place outside of approved hours.
4. No construction/deconstruction or deliveries associated with construction, to take place outside of approved hours for amenity reasons. No construction deliveries at peak times of network congestion for highway safety reasons.
5. No Servicing to take place outside of approved hours for amenity reasons, or at peak times of network congestion for highway safety reasons.
6. Uses operated in accordance with restrictions given in approved Management Plan dated November 2012.
7. Use Operated in accordance with measures specified in approved:-
Staff Transport Management Strategy,
Visitor Transport Management Strategy,
Delivery Servicing and Site Construction Strategy, as detailed in
Transport Statement dated September 2012
8. Compliance with approved Drainage Strategy.
9. Plant Noise controlled in accordance with approved Acoustic Planning Report.
10. Details of proposed landscaping on Plot B prior to first use.
11. Temporary Bridge to be open for use by the public between the hours of 8am-8pm during summer months (June-September)and between 10am-6pm (or during daylight hours, whichever is greater) during other times of the year and at all timesprior to, during and after events on the site take place.
12. Pedestrian through-route shown on drawing PP SK-05 Rev B to be retained for duration of consent.
13. Lighting of marquees, pedestrian routes, pontoon bridge and junction areas not to exceed specified limits. No further lighting without permission.
14. Removal of Part 4 (Classes A and B) Permitted Development rights for other temporary events on site during duration of consent.
15. Prior approval (following consultation with London Underground) of all foundations, basement and any other structures that are more than 1m below existing ground level.
16. Liaison with LBTH If any suspected contamination or unusual or odorous

ground conditions are encountered during any ground works.

17. Monitoring of total visitor numbers, total staff numbers/origin of travel, daily numbers of service vehicles/arrival times and origins and incident monitoring (including any queuing at entrance and exist points) for at least one major event every 6 month period
18. Any other condition considered necessary by the Director of Development and Renewal.

3.3 Informative

1. Advise Applicant that grant of Planning Permission does not affect LBTH consideration of individual licensing applications/obligations to prevent statutory noise nuisance
2. No Highway Obstructions during construction etc
3. Thames Water Advice regarding grease traps
4. Environment Agency Advice
5. The applicant/developer should refer to the current Canal and River Trust 'Code of Practice for Works affecting the Canal and River Trust' to ensure that any necessary consents are obtained.

3.4 S106 Obligations

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

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 In August 2011, the Council granted a temporary permission until the end of December 2012 (approximately 16 months) to use this site for a range of uses. This was subject to a number of conditions further controlling hours of use and other operational aspect of the proposals and removing permitted development rights. The permission was also subject to planning obligations securing commitments to promote use of Skillsmatch for on-site employment, the use of East London Business Place and local suppliers, to subscribe to London Eastside promotional services, encourage and facilitate community and school use and encourage and facilitate community and public activities on the site.
- 4.2 Following this permission the western part of the site (Plot A) has been landscaped, a temporary pedestrian bridge installed and the site used for a number of events as follows:

- 'Pop-up cinema - 3 and 4 September 2011 (approx. 4,000 people);
- Private music video shoot – 14 October 2011;
- Lunch markets – 31 July, 7 August and 28 August 2012 (between approx. 5,500 and 6,500 people);
- Reebok Boot Camp military-style fitness classes - 8 separate lunchtime and early evening sessions during August 2012 (approx. 20 people per session);
- Private product launch event (8 August 2012);
- 'Dinner in the Sky' private dining event – 17 August 2012 (approx. 50 people); and
- Olympic screens showing Olympic events – throughout the period 30 July to 10 September 2011 (average attendance of approx. 2,800).

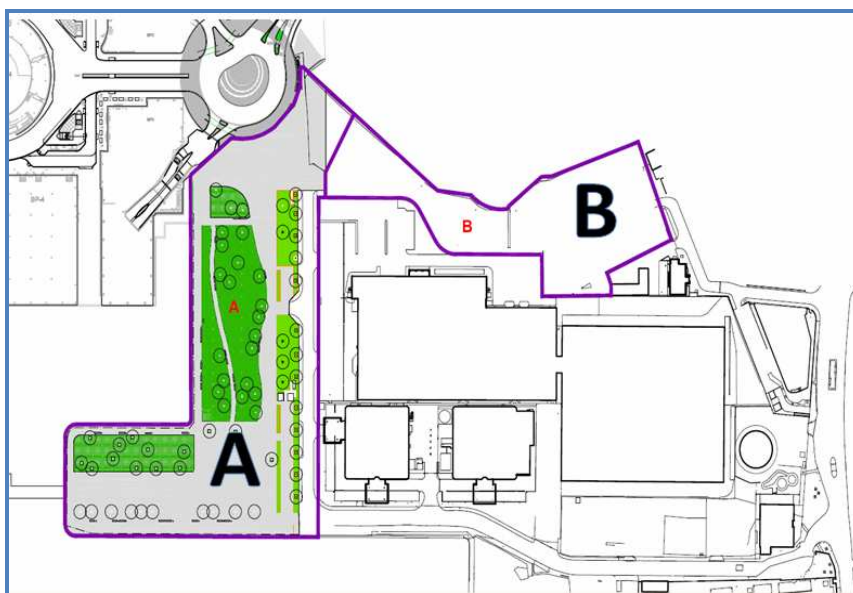
4.3 The 16 months period (which covered the Olympics and Paralympics) expires at the end of December 2012 and the applicant is seeking permission to retain the pedestrian bridge and landscaping and continue the same range of temporary uses for a 2 year period whilst it progresses revised long-term proposals for the site.

4.4 Whilst the proposed uses and management of the site are similar to what was permitted in August 2011, there are a number of notable exceptions and these are highlighted below.

The Proposal

4.5 The proposals are similar in nature to those that have been permitted, in that they seek a relatively flexible permission to use parts of the site and erect marquee type structures on the land, as and when required. At other times the site would not be used and the marquee structures would be removed. As before, the applicant seeks a permission that would set a maximum amount of floorspace and would specify the size of marquee that could be installed. The Application also sets out maximum noise levels, hours of operation and a management plan for the design of structures and the operation of the site to control potential amenity impacts.

4.6 The application site area is essentially the same as for the permitted scheme (except for a minor change to the boundary near the junction with Preston's Road) and relates to approximately 3.04ha of land. However, whereas the current permission divides the site into 6 plots (A to F) the application proposes the division of the site into just 2 plots (A and B), as shown below.





View of site from Pan Peninsula showing existing temporary bridge and landscaping

4.7 In addition, whereas the current permission only allowed uses to take place along the southern edge of Blackwall Basin during the Olympic and Para-Olympic Games (8 weeks), the current application seeks permission to use this land for two summer periods (48 weeks).

4.8 Included at Appendix 1 (Table 1) are proposed parameters that would establish the following for Plots A and B:

- Maximum useable enclosed floorspace;
- Maximum height of temporary structures;
- Maximum site coverage;
- Minimum open space;
- Duration of use;
- Permitted uses;
- Indoor/outdoor uses;
- Hours of operation
- Maximum car and coach parking; and
- Minimum cycle parking spaces

4.9 Included at Appendix 1 (Table 2) is the proposed maximum amount of use and key restrictions that would apply to each plot on the site. Whereas the current permission establishes the maximum full use of the site during the Olympic and Para-Olympic Games period only, the current application seeks to establish the full use of the site during what can be described as 'the summer high-season' (April to September) and 'low season' (January to March and October to December). It should also be noted that whereas the current permission prohibits live music, the application seeks to remove this restriction.

4.10 The submitted revised Management Plan (November 2012) provides LBTH with clarification on a number of management issues and establishes requirements for prospective tenants. The key requirements of this Plan and how they differ from the Management Plan (August 2011) are set out in the following paragraphs.

4.11 Design Code

- Provision of Marquees - All marquees are subject to the prior approval of Canary

Wharf limited (CWL) (the current Plan requires marquees to be provided by a specific supplier and referenced specific ranges for particular uses). No works are permitted to the dock edges and marquees are required to be set back from the dock wall edge by 1m (new provision);

- Marquee Colour - The requirement in the current Plan (August 2011) for all marquees to be white/cream in colour is omitted.
- Marquee Heights- The specification in the current Plan (August 2011) of maximum heights for 7 specific types of marquees ranging in height from 4.02m to 12.95m would be replaced with a blanket maximum height of 12.95m (which equates to a four storey residential building)
- Marquee Numbers - The scale and number of marquees on a plot must not exceed the parameters set out within the Parameter Plan Schedule (September 2012) (see Appendix 1 Table 1)
- Outdoor Sporting Events - Outdoor sporting events may be held which will require the provision of temporary tennis courts, golf course and a five-a-side football pitch on Plot A (the golf course is a proposed additional event)
- Lighting Strategy - Existing street lighting to be retained and specific maximum lighting levels for different areas of the site
- Signage/wayfinding Strategy -Signage strategy to be implemented which highlights both permanent and temporary routes for pedestrians and vehicles
- Advertising/Branding Strategy for Plots - External advertising will not be permitted where this exceeds 3m x3m and illuminated signage not permitted
- Ventilation for preparation of hot food - Structures to be ventilated based on use and temporary/event requirements will be met

4.12 Operational Management requirements are identified for the following:

- Servicing and refuse;
- Recycling;
- Car parking;
- Coach parking;
- Taxi drop-off;
- Pedestrian access – the temporary footbridge would be open for public use between the hours of 08.00 and 20.00 during summer months (June-September)and between 10.00 and 18.00 (or during daylight hours, whichever is greater) at other times.These proposed opening hours are much longer than those set out in the current Plan (August 2011), which states that the bridge will be closed other than event times;
- Noise – specific requirements for music noise covered by the Noise Council's Code of Practice on Environmental Noise Control and noise from other events;
- Tenant plant;
- Access to the site;
- Uses of the site – this sets out a range of typical events that may be held on the site. Significantly, the proposed Plan would allow live music that was specifically prohibited in the August 2011 Plan;
- Security;
- Maintenance; and
- Sustainability.

4.13 In addition to the above proposed changes to design and operational controls, the applicant has asked that controls on deliveries, construction/de-construction and servicing times (currently controlled by Conditions 4 and 5 attached to the current planning permission)be relaxed to allow deliveries, construction/de-construction and servicing to take place at other times. This is discussed in Section 8 below as part of considering transport and highways

and amenity issues.

4.14 The Application also seeks permission for associated development to facilitate the use of the land for the above purposes. This comprises:-

- The retention of the temporary pontoon bridge over West India Dock to provide access to the site from Montgomery Street;
- A minimum of 2 parking bays for disabled visitors on Plots A and B and a maximum of 8 staff car parking spaces on Plot A and 4 on Plot B. A maximum of 4 coach parking spaces on either of the two plots. A taxi rank would also be provided. The application does not propose any general on-site private car-parking;
- 40 Sheffield style stands (80 cycle spaces) on plot A and 20 stands (40 cycle spaces) on plot B; and
- Works of hard and soft landscaping.

4.15 The potential maximum overall capacity of the site would be approximately 14,000 visitors. In addition to this the applicant estimates that at times of full use approximately 1,750 staff could be employed at the site in security, catering, cleaning, stewarding and administration roles.

Site and Surroundings

4.16 The Application site forms part of the area of land known as Wood Wharf. The application site occupies an area of 3.04ha. Wood Wharf is located to the east of the Canary Wharf complex. The north the site is bounded by the Blackwall Basin and South Dock forms the southern boundary.

4.17 Preston's Road provides vehicle and pedestrian access to the site. Pedestrian access to the site is also possible from a steep flight of stairs leading down from Cartier Circle and from a water-level walkway running around the base of 20 Churchill Place. Cycle access is limited, being confined to Preston's Road only.

4.18 The application currently accommodates the temporary pedestrian bridge and landscaped areas permitted by the current temporary permission. The wider Wood Wharf site remains in use as office accommodation and a sports centre.

4.19 The nearest residential properties to the site are located to the east of the site at Lovegrove Walk and Lancaster Drive. The properties at Lovegrove Walk almost abut the boundary of the proposed Plot B. There are also boat moorings and dwellings located over 100m to the north on the opposite side of Blackwall Basin. There are also properties over 100m away on the opposite side of South Dock.

Planning History

4.20 The following planning decisions are relevant to the application:

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

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

- Demolition of dwellings at Lovegrove Walk;
- Commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings;

- Retail (A1), financial services (A2), restaurants & cafes (A3), drinking establishments (A4) and takeaway establishments (A5);
- Leisure & community uses (D1 & D2);
- Associated infrastructure, including the creation of structures in Blackwall Basin and South Dock;
- Principles of landscaping and public realm;
- Means of access;
- Bridge links;
- Car, motorcycle and bicycle parking spaces, servicing; and
- Electricity substation.

2) Full Application

- Creation of canal and other engineering infrastructure.

Approved. 18th May 2009.

- PA/11/02174 Hybrid application to replace permission PA/08/01215 (Approved 29 March 2012)
- PA/09/00866 Details of scale, appearance and landscaping of building W01 pursuant to condition C1. (Approved 8th July 2009)
- PA/11/01000 Temporary change of use of Class D1 (non-residential institution) and D2 (assembly and leisure), up to 2,400sqm of Class A3 (restaurants and cafes) and A4 (drinking establishments) floorspace and sui generis (theatre, outdoor exhibition uses [falling outside of Class D1]) and ancillary uses to comprise no more than 14,999sqm of enclosed floorspace; erection of temporary bridge; erection of temporary structures; works of hard and soft landscaping, parking and other works incidental to the application for a period of 2 years. (Approved 18th August for a limited period up to 31st December 2012).
- PA/12/00430 In February 2012, the applicant applied to vary some of the hours of use established by Condition 3 of permission PA/11/01000 to allow events to take place up to 24.00 during the Olympic period. The Development Committee resolved to approve this variation, but the application was subsequently withdrawn in September 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:

Core Strategy 2010 (adopted September 2010)

Policies and Principles	S01	Delivering Tower Hamlets Regional Role
	S02	Maximising the benefits of the Olympic Legacy
	S03	Achieving wide sustainability
	SP01	Town Centre Hierarchy
	SP10	Healthy and Liveable Neighbourhoods
	SP03(2)	Addressing the Impact of Noise and Air Pollution
	S012	High Quality and Well Connected Natural Environment
	S013	Reduce risk and Impact of Flooding

SP04	Delivering a Network of Open Spaces
SO14	Plan and Manage Waste
SP05	Implement Waste Hierarchy
S015	Support thriving and accessible global economic centres
SP06	Seek to Deliver Investment and Job Creation
S016	Support Business Growth
S017	Improve education skills and training
S020	Deliver safe and attractive streets
S021	Creating safe attractive streets and places
SP09	Implementing Street Hierarchy
S022	Creating Distinct and Durable Places
SP10	Implementing Distinct and Durable Places
SP12	Delivering Place making
SP13	Planning Obligations

Unitary Development Plan 1998 (as saved September 2007)

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

Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV8	Sustainable Drainage
	DEV10	Disturbance from Noise
	DEV13	Landscaping
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Development and Flood Risk
	EE2	Re-Development/Change Use Employment Sites
	RT5	Evening and Late night economy
	CON1	Listed Buildings
	CON2	Conservation Areas

Isle of Dogs Area Action Plan

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD5	Public Open Space
IOD6	Waterspace
IOD7	Flooding
IDO8	Infrastructure
IOD13	Employment uses in Northern Sub Area
IOD15	Retail and Leisure Uses in Northern Sub Area
IOD16	Design and Built Form in Northern Sub Area
IOD17	Site Allocations

Managing development DPD (Post EiPVersion 2012)

Policies	DM1	Development within the town centre hierarchy
	DM10	Delivering open space
	DM11	Living buildings and biodiversity
	DM12	Water spaces
	DM13	Sustainable drainage
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM27	Heritage and the historic environment
	Allocation 16 – Wood Wharf	

Planning Guidance

Wood Wharf Masterplan SPG 2003
 Planning Obligations SPD 2012

London Plan 2011 (Spatial Development Strategy for Greater London)

Policies	1.1	Delivering the strategic objectives for London
	2.13	Opportunity Areas and Intensification Areas
	2.15	Town centres
	3.1	Ensuring equal life chances
	4.1	Developing London's economy
	4.5	London's visitor infrastructure
	4.6	Support for an enhancement of arts, culture, sport and entertainment provision
	4.7	Retail and town centre development
	4.12	Opportunities for all
	5.10	Urban greening
	5.12	Flood risk management
	5.13	Sustainable drainage
	6.1	Strategic approach
	6.3	Assessing effects of development on transport capacity
	6.9	Cycling
	6.10	Walking
	6.12	Road network capacity
	6.13	Parking
	7.2	An inclusive environment

7.8	Heritage assets and archaeology
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
7.25	Increasing the use of the Blue Ribbon network for passengers
7.27	Blue Ribbon Network: Supporting infrastructure and recreational use.

National Planning Policy Framework

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Environmental Health – Noise

6.3 Following revisions to the proposed Management Plan, there are no objections to a 1 year temporary permission being granted.

LBTH Environmental Health - Air Quality

6.4 No comments received.

LBTH Environmental Health - Contamination

6.5 Request for a condition for a watching brief during works and for the liaison with LBTH if any suspected contamination or unusual or odorous ground conditions are encountered.

(Officer comment: A suitably worded condition is recommended to be attached to any permission).

LBTH Employment and Enterprise

6.6 No comments received.

LBTH Highways

6.7 The applicant has supplied a detailed Transport Statement which, after much discussion, is considered acceptable. Appropriate servicing and coach parking space has been provided off the public highway. Cycle stands should be condition to be provided for each event. Disabled spaces to a quantity not less than that indicated in the plans shall be provided, and their location and availability should be advertised on the website and other literature. There should be a parking space booking system for disabled patrons and disabled staff (only). Highways strongly recommends a wayfinding strategy, to be conditioned and funded by the applicant (this is to assist cyclists in particular to access from Canary Wharf Estate). The applicant should (by condition) promote and explain the sustainable modes of transport available to and at the site. Highways agree the slight modification to servicing times proposed. Finally, the applicant must undertake travel (mode) surveys at [all] events for the initial year and share them with the LBTH at the end of the year or when another leisure application is submitted, whenever is the sooner. Subject to the above conditions and provisos, Highways has no objections.

(Officer comment: These issues are discussed in detail in Section 8 under Access, Highways and Servicing. The measures referred to would be secured by way of amendments to the proposed Management Plan and recommended conditions and planning obligations with two exceptions. The requirements of the Management Plan as amended in relation to way finding is considered sufficient and it is recommended that monitoring is restricted to one major event every 6 month period i.e. two in total).

LBTH Waste Management

6.8 No comments received.

Canal and River Trust (26-10-12)

6.9 Supportive of the active use of this part vacant site, which will continue to facilitate animation of the adjacent waterspace. If permission is granted, the following informative should be attached to the decision notice: "The applicant/developer should refer to the current Canal and River Trust 'Code of Practice for Works affecting the Canal and River Trust' to ensure that any necessary consents are obtained."

(Officer comment: It is recommended that the requested informative is included on any planning permission decision notice).

Crime Prevention Design Advisor

6.10 No comments received.

English Heritage (22-10-12)

6.11 This application should be determined in accordance with national and local policy guidance and on the basis of LBTH's specialist conservation advice.

English Heritage Archaeology (28-11-12)

6.12 The current proposals are unlikely to have an effect on any significant heritage assets of archaeological interest. There is no need for an archaeological assessment.

Environment Agency (16-11-12)

6.13 Following submission of two addendums to the 2012 Flood Risk Assessment (first submitted in support of the original application), the EA is satisfied with the drainage proposals, subject to the delivery of the measures outlined in these documents being secured by way of a planning condition.

(Officer comment: A suitably worded condition is recommended to be attached to any permission).

Transport for London (24/10/12 and 21/11/12)

6.14 TfL recommend that the following issues are addressed as part of conditions on any planning permission granted:

- A limit put on the number of activities to be held on the site every year;
- A Monitoring Strategy to be produced to ensure surveys are carried out to cover visitors, employees and deliveries and servicing
- A Wayfinding Strategy to be developed for the site as a whole and for individual events

where practical

- Given the site location, development shall not commence until detailed design and method statements, for all the foundations, basement and ground floor structures or for any other structures that are more than 1m below ground level, including piling (temporary and permanent) having been submitted to and approved in writing by the local planning authority in consultation with London Underground.

(Officer comment: The first three recommended conditions are discussed in the Access, Highways and Servicing section of this report. The fourth recommended condition is discussed under Design).

Crossrail Limited (09-10-12)

6.15 No comment.

Thames Water

6.16 No comment received.

Port of London Authority (01-11-12)

6.17 No objection to the proposed development, although surprise at the lack of reference to river bus in the modal share part of the Transport Statement (given London Plan target to increase by 50% passenger and freight transported on the Thames between 2011-2021).

(Officer comment: The applicant has submitted supplementary transport and the proposed Management Plan now requires the applicant to promote sustainable travel, including use of the Riverbus).

7. LOCAL REPRESENTATION

7.1 A total of 480 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 in response to notification and publicity of the application were as follows:

No of individual responses: 1 Objecting: 0 Supporting: 1

7.2 The letter of support states:-

- Support for the transformation of a decaying plot of land into a great facility for both local people and visitors on the basis that greater benefits for local people (and residents of Jamestown Harbour in particular) that will have to put up with negatives impacts. These are:
 - The temporary bridge should be open to the public between 8am and 8pm every day to allow easier access to Canary Wharf before and after work for local residents to the east; and
 - All year round access through Plot B (and Canary Wharf beyond) should be provided via Lovegrove Walk for residents of Jamestown Harbour only (access to be controlled with an electronic key fob or similar technology).

(Officer comment: This issue is addressed in detail in Section 8)

7.3 The Applicant has submitted a Statement of Community Involvement with the application which details their consultation with the local community prior to the submission of the original application (PA/10/01000). However, there is no evidence of pre-application consultation being undertaken by the applicant before submitting the current application.

8 MATERIAL PLANNING CONSIDERATIONS

8.1 The main issues that Members need to consider are:-

- Land Use
- Access, Highways and Servicing
- Design
- Heritage Assets
- Amenity
- Flood Risk
- Ecology and biodiversity
- Employment Opportunities and Community Benefits

Land Use

8.2 London Plan Policy 2.13 (Opportunity Areas and Intensification Areas) identifies the Isle of Dogs as an Opportunity Area for regeneration and recognises the importance of the Canary Wharf as a focus for commercial activity. London Plan Annex 1 recognises that the northern part of the Isle of Dogs as an Opportunity Area that is at the heart of London's World City offer.

8.3 The Core Strategy Vision for Canary Wharf states that the area will retain and enhance its global role as a competitive financial district. A priority for the area is to enable mixed use redevelopment of Wood Wharf. The Core Strategy designates Canary Wharf as a Major Centre. The Development Management DPD (Post EiP version) allocates the Wood Wharf site (Allocation 16) for a comprehensive mixed-use development opportunity required to provide a strategic housing development, an Idea Store, a health facility and a district heating facility. The development will also include a substantial amount of commercial floorspace and other compatible uses.

8.4 The Council has also produced the Wood Wharf Masterplan (December 2003) and the Isle Of Dogs Area Action Plan (2007) which further develop planning policy for the area.

8.5 Core Strategic Objective S015 seeks to support the thriving and accessible global economic centre at Canary Wharf as it provides benefit to regional and local economies. Policy SP06 seeks to maximise the delivery of investment and job creation in the Borough and recognises the roles that Canary Wharf has in delivering job growth across the region and sub-region.

8.6 UDP policy S7 details specific criteria for 'Special Uses' including bars and restaurants. Policy ART1 seeks to promote Arts and Entertainment uses in suitable locations.

8.7 Historically the Wood Wharf site has been used for a variety of light industrial, general industrial and warehousing uses. The level of activity on the site has now declined significantly as the redevelopment scheme progresses. The area of Wood Wharf included within this application site has been cleared of all buildings and has been temporarily landscaped.

8.8 The application seeks permission for a temporary change of use of the land. Permission

would be given to use the site for uses falling within D1 (Non- residential Institutions), D2 (Assembly and Leisure) and as a theatre and for outdoor exhibitions. Permission would also be given for A3 (Café and Restaurant) and A4 (Drinking Establishments) uses on each plot – except for D2 use. In the light of experience of noise complaints in relation to events that have taken place on the site to date, discussed under the Amenity heading below, officers have secured an amendment to the proposed Management Plan that would allow sports events but not other Assembly and Leisure uses (such as a cinema) on Plot B.

- 8.9 The Applicant has stated the site would be used for a range of uses including exhibitions, corporate hospitality, sporting and cultural events.
- 8.10 The provision of space for corporate hospitality, exhibition and events plays an important role in supporting the role of Canary Wharf as centre for economic activity. There is limited space within Canary Wharf to provide these types of uses.
- 8.11 The application site benefits from very good public transport links and is adjacent to Canary Wharf, a Major Centre where policy seeks to maximise economic activity. The application proposal is considered to be a good short-term use of land pending its comprehensive redevelopment as it would support the function of Canary Wharf as a business centre.
- 8.12 The Canal River Trust supports the active use of the otherwise vacant site and anecdotal evidence suggests that the temporary open space and lunchtime markets have, in particular, proved popular with workers at Canary Wharf. Whilst some temporary uses that have taken place have given rise to some noise complaints from local people (discussed under the Amenity Section below), the proposed further period of use would accord with the requirements of Core Strategic Objective S015 which seek to support Canary Wharf as a global economic centre and policy SP06 which seeks to maximise the delivery of investment and job creation in the Borough.
- 8.13 As before, it is recommended that a condition be attached to any permission removing the permitted development rights (Part 4, Classes A and B of the General Permitted Development Order) relating to temporary structures and uses.

Access, Highways and Servicing

Accessibility and Movement

- 8.14 Core Strategy Policy S020 seeks to deliver a safe, attractive, accessible and well-designed network of streets and spaces. Policies DM20 and DM23 of the Post EIP version of the Development Management DPD require developments to be integrated with the transport network, be well-connected with the surrounding area and create safe and attractive streets. Saved policy T16 requires the local planning authority to have regard to the servicing requirements of new development. Policy SO14 seeks to plan and manage the Borough's waste efficiently. Policy SP05 seeks to implement the Borough's Waste Hierarchy.
- 8.15 The site currently has a PTAL rating of 4 (which is categorised as 'Good'). The Transport Statement estimates that a maximum of 14,000 people could attend events on the site. An approximate total of 1,750 staff could be employed on site at any one time (this would include security, catering, cleaning, stewarding and administration).
- 8.16 Based on what officers consider to be reasonable assumptions of maximum number of visitors and staff, modal split and trip generation, the Transport Statement demonstrates that the likely impacts on public transport loadings (Jubilee Line, DLR and buses) would be minimal. It also demonstrates that the pontoon bridge and other proposed pedestrian routes are sized appropriately to cater for expected demand. In response to comments made by the

Port of London Authority, the applicant has submitted supplementary transport information that predicts that approx. 0.9% of people accessing the site would be likely to use the river bus to travel to and from an event. Officers have negotiated an amendment to the proposed Management Plan which requires the applicant to promote sustainable travel, including cycling and the use of the Riverbus.

- 8.17 TfL has asked that a limit be put on the number of events to be held on the site each year. However, TfL has not raised concerns in relation to public transport capacity as a reason to limit the number of events and officers are not aware of any significant transport problems associated with the temporary uses and events that have taken place to date. Given this, officers do not consider there is a transport case for seeking to limit the number of events, although the issue is further discussed below in relation to amenity considerations.
- 8.18 The existing pontoon bridge provides convenient and step-free pedestrian access to the site from Montgomery Street. Whilst the geometry of the bridge (with right-angle bends) makes it difficult for a cyclist to navigate, particularly when pedestrians are also using it, it is possible for cyclists to dismount and walk their bike over. Alternatively, cyclists would be able to park their bike either on site at one of the proposed spaces or at one of the existing bike stands on Montgomery Street. Pedestrian access would also be possible from the existing staircase leading down from Cartier Circle and there is an existing water-level step free path running around the base of the 20 Churchill Place to the site. This and the existing footways on the site that run alongside roads would provide a continuous pedestrian route from Preston's Road to the Canary Wharf Estate. The site layout would also include the provision of a Dock Edge Pedestrian Route around the majority of the dock edge.
- 8.19 The current application proposes that the temporary pontoon bridge is open between 10am-6pm daily (or during daylight hours) as a minimum, and that additionally it will be open during the operating hours of any events being held on site. This would represent a significant increase in the hours the bridge is required to be open under the current planning permission, which requires only that it is open during the holding of events on the site.
- 8.20 As outlined in Section 6, a local resident has written in offering qualified support for the proposal subject to:
- The temporary bridge being open to the public between 8am and 8pm everyday to allow easier access to Canary Wharf before and after work for local residents to the east; and
 - The provision of all year round access through Plot B (and Canary Wharf beyond) via Lovegrove Walk for residents of Jamestown Harbour only.
- 8.21 In response to this local comment, the applicant has stated that it would be willing in principle to ensure that the bridge remains open for use by the public between the hours of 08.00 and 20.00 during summer months (June-September) and between 10.00 and 18.00 (or during daylight hours, whichever is greater) during other times of the year and at all times for an hour prior to, during and an hour after events on the site take place. However, due to safety and security implications, the applicant is unable to commit to the bridge remaining open outside of these hours when an event is not being held on the site. Officers welcome this further increase in opening hours of the bridge and recommend that this is secured by way of condition.
- 8.22 The applicant has stated that for reasons of safety and security, it is not prepared to allow public access across Plot B when events are not being held on the plot or to provide all year round access across this plot. Officers consider that this is reasonable, particularly as a continuous pedestrian access route (albeit with steps) would be provided along the Wood Wharf Estate road up to Cartier Circle.

- 8.23 TfL has asked that a way-finding strategy be developed for the site as a whole and for individual events where practical, something that is supported by LBTH Highways. The proposed Management Plan commits the applicant to implement a signage strategy and this is considered to be sufficient.

Car, Cycle and Coach Parking

- 8.24 The application does not propose any significant on-site private car-parking. Car parking would be limited to a maximum of 8 staff and a minimum of 2 disabled wheelchair parking bays on Plot A and a maximum of 4 staff and a minimum of 2 disabled wheelchair parking bays on Plot B. Officers have secured amendments to the Parameter Plan Schedule to ensure that the proposed disabled parking bays are a minimum provision and amendments to the Management Plan that disabled people will be able to book a parking space at the time of buying a ticket to an event on a first come first served basis.
- 8.25 The proposed Parameter Plan Schedule allows for a maximum of four coach parking spaces on the site and the Indicative Servicing and Parking Locations plan identifies an acceptable indicative location.
- 8.26 40 Sheffield style stands (80 cycle spaces) are proposed on plot A and 20 stands (40 cycle spaces) are proposed on plot B. These would serve both visitors and staff are proposed to be located in appropriate parts of the site. This level of provision generally accords with standards in Policy D21 of the Post EIP version of the development Management DPD.

Taxi Provision

- 8.27 The Transport Statement predicts that taxis generated by maximum site use are likely to be in the order of 40 two-way movements per hour at peak times, with a maximum arrival frequency of one every 96 seconds. Accordingly, an drop-off and pick-up area for up to 6 taxis is also proposed near the main eastern entrance to Plot A. Officers consider this to be acceptable.

Servicing and Deliveries

- 8.28 The Transport Statement also considers the likely construction and servicing requirements of the development. It is estimated that the construction of marquees would generate a maximum of 8 lorry deliveries per day during the low season and 12 lorry deliveries a day during the high season. During periods of operation, the servicing demands for the site are likely to equate to the arrival of a maximum of 49 trips a day during the low season and up to 53 trips during the high season. These vehicles would access the site via the existing turn off from Preston's Road. The use of this access for construction and service traffic and the proposed volumes of traffic are considered to be acceptable.
- 8.29 Conditions 4 and 5 of the current permission limit the times that deliveries and servicing can take place in the mornings to 08.00 to 18.00 Monday to Friday and 10.00 to 13.00 on Saturday. The applicant has asked that in granting a further temporary permission, the terms of these conditions are relaxed to allow for deliveries and servicing to take place either side of the morning peak period on Mondays to Fridays (i.e. the permitted times would be between 07.00 and 08.00 and from 09.00 to 16.00).
- 8.30 Conditions 4 and 5 currently prohibit deliveries and servicing on Saturdays after 13.00 and do not allow any on Sundays. The applicant has also asked that deliveries and servicing be permitted for an hour on Saturday evening (19.00 to 20.00) and on Sunday mornings between 10.00 and 13.00, to enable a greater variety of community based events to be able to be held.

- 8.31 The applicant has consulted with TfL in relation to proposals to undertake deliveries and servicing either side of the morning peak hour Monday to Fridays. TfL has confirmed that the peak traffic movements around Prestons Road roundabout are between 08.00 and 09.00 (with lighter movements between 07.00 and 08.00) and that it has no objection from a traffic point of view. This and the other proposed extended delivery and service times are considered acceptable from a traffic point of view. However, there are amenity issues to consider and this issue is discussed more fully below.

Monitoring

- 8.32 Experience suggests that it would also be helpful if the applicant was responsible for undertaking some basic monitoring of events that take place on the site. This is supported by TfL, which requests monitoring of total visitor numbers, total staff numbers/origin of travel, daily numbers of service vehicles/arrival times and origins and incident monitoring (including any queuing at entrance and exit points). It is recommended, therefore, that any renewal is subject to a condition requiring such monitoring for at least one major event every 6 month period.

Design

- 8.33 In broad terms, Core Strategy Policy SP10 and UDP 1998 policy DEV1 seek to promote the importance of good design. Planning policies place particular emphasis on the importance of ensuring development has proper regard to adjacent waterways.
- 8.34 The application seeks permission for the retention of the existing temporary landscaping and pontoon bridge and the continued erection of temporary structures (marquees) to facilitate the use of the site for events. The existing temporary landscaping on Plot A and pontoon bridge and associated development achieve a very good standard of design in terms of site layout, scale and use of materials. As with the initial permission, the proposed permission would allow marquees to be erected for the full duration of the proposed two year period. However, in practice the applicant has stated that the structures are only likely to be erected on a short term basis as and when they are required and this is what has happened over the initial 15 months period.
- 8.35 The current Management Plan requires marquees to be provided by a specific provider, sets out specific ranges of marquees for different uses and stipulates that all marquees must be white/cream. The proposed replacement Management Plan would introduce a more flexible regime and would not require these things. Officers consider that the proposed greater flexibility is reasonable and acceptable.
- 8.36 The site is unusual in that it is large, cleared of previous buildings and (for the most part) relatively distant from sensitive residential land-uses/receptors. In this context, there is room for a greater degree of flexibility in terms of site layout, scale and appearance of development than might usually be the case. The nature of the proposed temporary event uses is such that a degree of flexibility in terms of site design is necessary. The current Management Plan establishes maximum heights for 7 specific types of marquees ranging in height from 4.02m to 12.95m. The proposed Management Plan would impose one maximum height of 12.95m. This equates to a 4-storey residential building and temporary structures of this size are considered acceptable on all parts of the site.
- 8.37 The proposed degree of certainty about the scale and appearance of the structures that would be installed on the site is considered acceptable and the parameter plans also clearly demarcate the areas in which the structures could be installed and the extent of the plot coverage.

- 8.38 The Jubilee Line running tunnels are under part of Plot A and TfL has asked that detail of all development below ground level are approved by the Council (following consultation with London Underground). Following discussion with TfL, it is recommended that a condition is attached to any permission relating to development in Plot A that it is greater than 1m below ground level (hence allowing for pegs and other shallow structures associated with marquees).
- 8.39 In overall terms the proposal will deliver a significant improvement in the current appearance and general condition of the site. The scheme would create a vibrant and attractive place which makes good use of the waterside location. The scheme will maintain pedestrian access through the site and accords with the requirements of Core Strategy 2010 Policy SP10, which seeks to ensure that buildings and neighbourhoods promote good design principles.

Heritage Assets

- 8.40 Core Strategy policy SP10 and policy DM27 of the Post EiP version of the Development Management DPD require development to protect and enhance the borough's heritage assets (including conservation areas and listed buildings), their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'. Similar policy objectives are included in London Plan policy 7.8.
- 8.41 The site is adjacent to the Crossharbour Conservation Area. Some of the dock walls within the site are Grade I Listed. The existing temporary pontoon bridge is set approximately 50mm away from the wall and does not adversely affect the historic fabric of the dock wall itself and the temporary impact on its setting is considered acceptable. The proposed Management Plan requires all other structures to be set back 1m from dock walls and temporary structures should safeguard the character and appearance of the conservation area. Given this, the proposals generally comply with the policies referred to above.

Amenity

Noise– Policy

- 8.42 Core Strategy 2010 Objective SO10 seeks to deliver healthy and liveable neighbourhoods. Core Strategy Policy SP03 (2a) seeks to address the impact of noise and air pollution in the Borough by minimising and mitigating the impact of noise. Core Strategy Policy SP10 (4) seeks to ensure development protects amenity.
- 8.43 Unitary Development Plan 1998 Policies DEV2, DEV50, Planning Standard Two (Noise), and Interim Planning Guidance Policies DEV1, DEV10 are all also considered relevant in that they relate to the preservation of residential amenity and protection from excessive noise. Policy DM25 in the post EiP Development Management DPD seeks to ensure that proposals do not result in unacceptable levels of noise.
- 8.44 The Application has been accompanied by an Acoustic Planning Report which considers the likely noise impacts from the development in three main areas:-
- a. Noise from any temporary plant;
 - b. Noise during activities during events (internal and external);
 - c. Noise from increased traffic flow and construction.

Plant Noise

- 8.45 There are sensitive residential noise receptors that could be affected by the proposed development. These include the houseboats in Blackwall Basin, residential properties in Trafalgar Way, along Preston's Road/Lovegrove Walk and to the south at Marsh Wall. There are also existing office and leisure uses on the Wood Wharf site. The survey has provided the results of noise monitoring to establish the baseline conditions.
- 8.46 The Acoustic Planning Report sets maximum noise output levels that must not be exceeded for plant running on each plot and it is recommended that a condition is placed on any permission to require any plant installed on the site to achieve the noise limits set in this Report.

Event Noise

- 8.47 The Council's Environmental Health service received a number of complaints from residents living in Ability Place, Manchester Road, Boardwalk Place, Landos Close, Churchill Place and the house-boats moored in Blackwall Dock in relation to outdoor cinema events that took place on the site on the 3rd and 4th September 2012. In addition, the Council received noise complaints about two other events that do not fall under the remit of the current temporary permission (a private boat party on 28/29 July 2011 and a film shoot on 14th October 2011). These complaints have highlighted the sensitivity of the site in terms of noise, particularly during the evening/night.
- 8.48 The noise from the events themselves would largely be controlled through the proposed Management Plan. Officers have negotiated changes to the proposed Plan to introduce stricter restrictions on uses, amplified sound and live music, particularly in relation to Plot B, which is closest to existing housing and other measures to give advance notice to residents and deal with any complaints. The tables below set out the proposed restrictions and measures alongside the current ones.

Table 1 – Plot A

	Current	Proposed
Duration of use	Life of consent	Life of consent
Uses	All permitted uses allowed	All proposed uses allowed
Hours of Operation	08:00 to 23:00	08:00 to 23:00
Live music	Not allowed	Allowed
Amplified music	Allowed	Allowed
Advance notice	None	Applicant to provide advance notice of any proposed live music event to occupiers of buildings in a defined area and post advance notice on its web site
Hotline	None	Applicant to set up, staff and advertise a hotline during all events involving live music or amplified so that local people can contact a person about any noise disturbance and share with LBTH the details of any complaints and action taken in response.

N.B. the northern part of Plot A adjoining Blackwall Basin is currently in Plot E which was restricted to use only during the Olympic and Paralympic period (see below)

Table 2 – Plot B

	Current	Proposed
Duration of use	Only during Olympic/Paralympic	Only April to September

	period(8 weeks)	(24 weeks for 1 year)
Uses	All permitted uses allowed	Leisure and Assembly (D2) uses not allowed
Hours of Operation	08:00 to 23:00	08:00 to 23:00
Live music	Not allowed	Not allowed
Amplified music	Allowed	Not allowed

- 8.49 To control live music noise, the Management Plan confirms that the applicant will ensure that all events held on the site comply with the Noise Council's Code of Practice on Environmental Noise Control at Concerts.
- 8.50 The Code of Practice sets maximum noise levels when measured at the nearest noise sensitive façade. The code sets different noise levels, depending on the duration of the event. The Code allows up to 12 days of events where music noise levels exceed the background noise level by 15dB(A) and up to 30 days where noise levels are 5db(A) above background.
- 8.51 Other activities associated with the use of the site could also cause amenity impacts. These could simply be the noise and activity caused by a very large number of people on the site, or from more specific noise sources, such as a PA system.
- 8.52 The site is within the Major Centre at Canary Wharf, and is in an opportunity area where higher levels of activity are encouraged. With the exception of its northern tip, Plot A is relatively remote from residential properties. There is some office, warehousing and leisure accommodation nearby, but these are not considered to be so noise sensitive.
- 8.53 The location of these plots is such that the focus of activity would be towards Canary Wharf. Canary Wharf is a busy commercial centre and the proposed level of use would be compatible with this context. The use of these plots would stop at 23.00 hours which would give event visitors the opportunity to make their way home via public transport. Officers have also secured additional measures in the proposed Management Plan relating to advance notice of live music events and a hotline, as set out in Table 1.
- 8.54 Plot B is more sensitive, as it is closer to residential properties. However, the applicant is proposing that this Plot is only used during the high summer season of April to September. As with Plot A, the hours of operation would be limited to 08.00 to 23.00. However, officers have secured additional restrictions in the proposed Management Plan that would prohibit live music, the use of amplification or assembly and leisure uses, as set out in Table 2. These controls would limit the likely impact of general activity noise and disturbance.
- 8.55 The Council would continue to be able to exercise control over specific events that come forward through the licensing regime or through legislation to prevent statutory noise nuisance.
- 8.56 Subject to the proposed restrictions and measures as outlined above, it is recommended that a further temporary permission be limited to one year. This would enable the Council to monitor noise impacts and any complaints from local people and to consider again the acceptability of the proposed range of uses and controls in the light of experience over a 12 months period.

Traffic and Construction Noise

- 8.57 Vehicle noise associated with events would be limited as the majority of visitors to the site are likely to make use of public transport. As discussed under the Access, Highways and Servicing Section above, the application makes very limited provision for car and coach parking and some provision for taxi drop-off and pick-up. The likely level of traffic noise is considered to be acceptable.
- 8.58 The construction/deconstruction of temporary marquees and delivery and servicing times are controlled by Conditions 4 and 5 of the current permission. The applicant has asked for some relaxation of controls as set out below.

Table 3

	Current	Proposed
Construction/ de-construction	08:00 to 18:00 Monday to Friday, 10:00 to 13:00 Saturday only	07:00 to 18:00 Monday to Friday, 10:00 to 13:00 Saturday only
Deliveries	10:00 to 16:00 Monday to Friday, 10:00 to 13:00 Saturday only	07:00 to 08:00, 09:00 to 16:00 Mondays to Fridays, 10:00 to 13:00 and 19.00 to 20.00 Saturday only 10.00 to 13.00 Sundays only
Servicing	10:00 to 16:00 and 19:00 to 20:00 Monday to Friday, 10:00 to 13:00 Saturday only	07:00 to 08:00, 09:00 to 16:00 and 19:00 to 20:00 Mondays to Fridays, 10:00 to 13:00 and 19.00 to 20.00 Saturday only 10.00 to 13.00 Sundays only

- 8.59 Construction/de-construction. The Council's Code of Construction Practice does not allow construction activities before 08.00 Monday to Fridays and an earlier start is not considered acceptable. It is recommended that a condition be attached to any permission that prohibits work of construction/deconstruction before 08.00.
- 8.60 The implications of allowing deliveries and servicing for an hour either side of the morning peak traffic hour Monday to Friday is discussed under the Access, Highways and Servicing heading above and officers consider this is acceptable in traffic terms. Vehicular access to the Plots would be via the existing private estate road off of Prestons Road, which is some way a way from existing homes and this is also considered acceptable from an amenity point of view and it is therefore supported by officers
- 8.61 The applicant has also asked that deliveries and servicing be permitted for an hour on Saturday evening (19.00 to 20.00) and on Sunday mornings between 10.00 and 13.00, to enable a greater variety of community based events to be able to be held. For the same reasons given above, this is also considered acceptable from an amenity perspective.

Lighting

- 8.62 The proposed Management Plan sets out maximum lighting levels for both plots and following amendment to provide additional controls in relation to Plot B these are considered acceptable.

Landscaping

- 8.63 Plot B has yet to be landscaped and it is recommended that the details of landscaping of this

Plot are reserved by condition. This would enable officers to secure some screening along the eastern boundary, which would further help to preserve the amenity of residents of Lovegrove Walk. With these restrictions officers consider that, in planning terms, the likely impact on residential amenity would be acceptable.

Flood Risk

- 8.64 Core Strategy Policy SP04 seeks to ensure development reduces the impact and risk of flooding. The application has been accompanied by a Flood Risk Assessment (FRA) (2012) and two Addendums submitted in support of the original application (from 2011). The FRA notes that any additional surface water run-off will be drained into the docks to avoid any additional flow into the sewerage system. This accords with policy aims to promote sustainable drainage. The FRA and Addendums have been reviewed by the Environment Agency, who is satisfied with the proposal, subject to a planning condition securing the delivery of specified measures.
- 8.65 The Environment Agency has raised the issue of evacuation in the unlikely event of a tidal breach. The applicant has confirmed that in the event of serious weather warnings (or presumably flood warnings) temporary events simply would not proceed. Officers consider that the nature of the proposals and the ability to not hold events in times of heightened flood risk means that a formal evacuation plan is not needed.

Ecology and Biodiversity

- 8.66 Core Strategy policy SP04 seeks to protect and promote biodiversity in the Borough. The submission has been accompanied by an Extended Phase 1 Habitat Survey prepared by WSP. The report concludes that a few parts of the site have limited ecological value, with other areas having negligible value. The report contains recommendations in terms of monitoring the site for any protected species during any proposed works. Compliance with these recommendations would be secured by condition.
- 8.67 Part of the application site adjacent to Blackwall Basin (Plot B) comprises a series of old building foundations and areas of HGV parking and construction materials storage. The open mosaic ("wasteland") habitats support notable invertebrates such as the UK priority species Brown-banded Carder-bee and as the only area of wild habitat adjacent to the basin; this area is considered to add to the ecological value and is within a Site of Borough Grade I Importance for Nature Conservation. The applicant has submitted a summary of a Phase 1 Habitat Survey carried out in September 2012 that confirms the continued existence of these mosaic habitats.
- 8.68 The permitted long-term redevelopment of the site would result in the loss of this habitat, although this would be mitigated by incorporating biodiverse living roofs and other features to provide habitats. The temporary landscaping and use of Plot B would potentially damage these habitats with, unlike the proposed long-term redevelopment, little or no immediate opportunity to mitigate or compensate the loss of wildlife interest. However, the proposed landscaping of this area could provide some opportunity to safeguard/incorporate some biodiverse planting and, as before, the loss of this area is considered acceptable subject to reserving details of landscaping by way of condition.

Contamination

- 6.69 Saved UDP policy DEV51 and policy DM30 in the post EiP Development Management DPD seek to ensure that contaminated land is properly treated and made safe before development, to protect public health.

8.70 The site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. In the absence of any proposed significant intrusive ground works, Environmental Health has requested that a condition be attached to any permission requiring a watching brief when works are underway and that if any contamination is found, the developer will liaise with the Council about appropriate action to be taken. It is recommended that such a condition be attached to any permission.

Planning Obligations

8.71 Core Strategy Policy SP13 states that the Council will negotiate planning obligations in relation to proposed development. The current temporary permission is subject to a number of planning obligations. These obligations and progress made in implementing them are set out as follows:-

1. Commitment to promote use of Skillsmatch for on-site employment.
The applicant has stated that the level of activity at the Wood Wharf site over the past 15 months has regrettably meant the use of Skillsmatch was not feasible for any of the events held on the site. It has confirmed, however, that as the Canary Wharf's Arts and Events team programme events for 2013/14 they would promote Skillsmatch at the Wood Wharf site.
2. Commitment to promote use of East London Business Place And local suppliers.
The applicant has confirmed that it has written into the third party hiring agreement encouraging all event organisers to use East London Business Place where appropriate.
3. Commitment to subscribe to London Eastside promotional services.
The applicant has confirmed that it pays an annual subscription to have Wood Wharf listed on the London Eastside website.
4. Commitment to encourage and facilitate community and school use.
The applicant has confirmed that a number of local schools have been invited to the Wood Wharf site to visit the ship SA Agulhas which is to be used by Sir Randolph Fiennes on the world's first ever attempt to cross the Antarctic this winter (an expedition known as 'The Coldest Journey'). The schools taking part are as follows: Halley School; Cubitt Town; Holly Family Gate House (Private School); Bow School (Secondary School) and George Green (Secondary School).
5. Commitment to encourage and facilitate community and public activities on the site.
The applicant has confirmed that two of the largest events (screening of the Olympics and three separate lunch markets) were provided free of charge and open to the local community to attend.

8.72 The applicant has confirmed that it is willing for these obligations to be rolled forward as part of any renewed temporary permission and officers recommend that any renewal is subject to a s.106 agreement that does this.

Conclusions

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

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APPENDIX 1

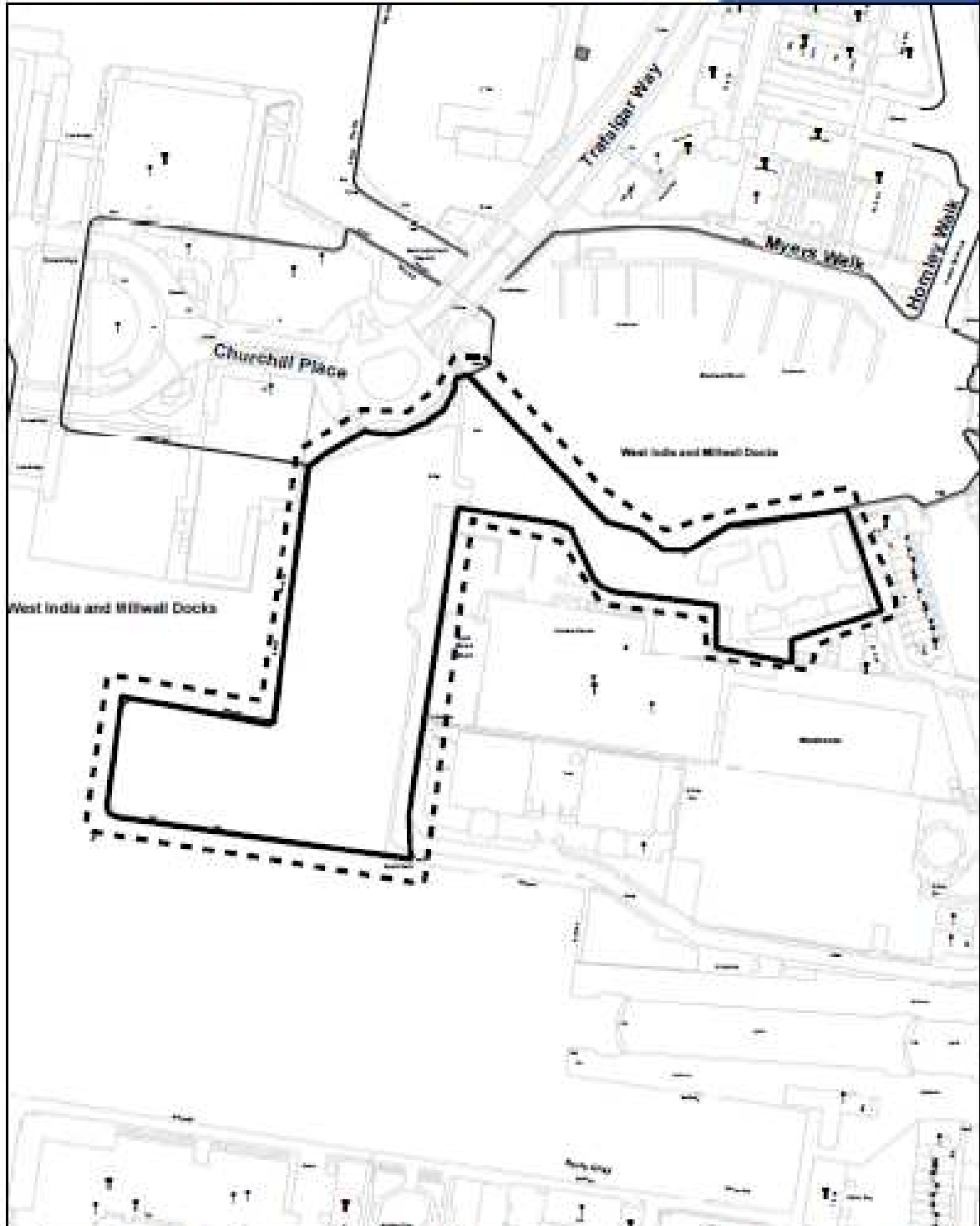
Table 1: Parameter Plan Schedule	Plots	
	A	B
Plot Size	16,139 m ²	9,319 m ²
Maximum Useable Enclosed Floorspace (GEA)	14,000 m ²	8,700 m ²
Maximum Height of Temporary Structure	12.95 m ²	12.95 m ²
Maximum Site Coverage with temporary structure (%)	62%	47%
Minimum Open Space	6,839 m ²	4292 m ²
Duration of use	Life of consent	April - September for life of consent
Uses	D1/D2/A3/A4/SG	D1/D2 (sports uses only)/A3/A4/SG
Indoor/ Outdoor	Both	Both
Hours	0800 - 2300	0800 - 2300
Max. Car/Coach Parking	Coach – 4* Staff - 8	Coach – 0* Staff - 4
Min. Disabled car parking	2	2
Min. Cycle Parking Spaces	80	40

Notes – (1) site to be used for no more than 14,999 sq.m of enclosed floorspace at any one time; (ii) Note – site to be used for no more than 2,400 sq m Class A3/A4 uses; (iii) SG- Sui generis ((theatre, outdoor exhibition/sporting uses (falling outside of Class D1); and (iv) * A maximum of 4 coach parking spaces will be provided on site which will be located on either plot A and/or B

Table 2: Maximum Potential Use of Sites.

	January to March/October to December	April to September
Total enclosed floorspace	14,000 sq.m	14,999sq.m
Maximum size of Class A3/A4 unit per plot	600 sq.m	600 sq.m
Total Class A3/A4 floorspace	2,400 sq.m	2,400 sq.m
Plots in Use	Plot A	Plots A and B
Operating	Up to 7 days a week	Up to 7 days a week
Operating Hours	0800 -2300	0800- 2300

- Note – site to be used for no more than 14,999 sq.m of enclosed floorspace at any one time.
- Note – site to be used for no more than 2,400 sq m Class A3/A4 uses.
- SG- Sui generis ((theatre, outdoor exhibition uses (falling outside of Class D1))



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:2,500
 Consultation Area	 Statutory Listed Buildings	0 15 m LLL	

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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