

# DEVELOPMENT COMMITTEE

Wednesday, 11 December 2013 at 7.00 p.m.

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

**Members:**

Chair: Councillor Helal Abbas  
Vice Chair : Councillor Anwar Khan  
Councillor Judith Gardiner, Councillor Kosru Uddin, Councillor Tim Archer, Councillor  
Gulam Robbani and Councillor Harun Miah

**Deputies:**

Councillor Rajib Ahmed, Councillor Denise Jones, Councillor Carli Harper-Penman,  
Councillor Zara Davis, Councillor Peter Golds, Councillor Md. Maium Miah and  
Councillor Fozol Miah

The quorum for this body is 3 Members

Contact for further enquiries:

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

Scan this code to  
view the electronic  
agenda:



Public Information.

The deadline for registering to speak is **4pm Monday, 9 December 2013**  
Please contact the Officer shown above to register.  
The speaking procedures are attached

The deadline for submitting material for the update report is: **Noon Tuesday, 10  
December 2013**

## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

### **Audio/Visual recording of meetings.**

No photography or recording without advanced permission.

### **Mobile telephones**

Please switch your mobile telephone on to silent mode whilst in the meeting.

### **Access information for the Town Hall, Mulberry Place.**



Bus: Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf .

Car Parking: There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line:([http://www.towerhamlets.gov.uk/content\\_pages/contact\\_us.aspx](http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx))

### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda.



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk), 'Council and Democracy' (left hand column of page), 'Council Minutes Agendas and Reports' then choose committee and then relevant meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, Apple and Android apps.



QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)**

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.

### **2. MINUTES OF THE PREVIOUS MEETING(S) - TO FOLLOW**

To confirm as a correct record the minutes of the previous meeting of the Development Committee held on 26<sup>th</sup> November 2013 – To follow.

### **3. 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.

### **4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 5 - 6)**

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

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
------------------------	-----------------------------

### **5. DEFERRED ITEMS**

Nil Items.

<b>6.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>7 - 8</b>	
<b>6 .1</b>	<b>213-217 Bow Road, London, E3 2SJ (PA/13/00862 and PA/13/00863</b>	<b>9 - 44</b>	<b>Bow East</b>
	<p>Proposal: Demolition of existing warehouse building and erection of three blocks of three, four and six storeys to provide 36 dwellings together with ancillary parking and landscaping.</p> <p>Recommendation: <b>GRANT</b> planning permission and conservation area consent subject to the prior completion of a legal agreement, conditions and informatives.</p>		
<b>6 .2</b>	<b>6 Boulcott Street, London, E1 0HR (PA/13/00697)</b>	<b>45 - 80</b>	<b>Shadwell</b>
	<p>Proposal: Demolition of existing building and redevelopment to provide an 8 storey building with a social club (Use Class D2) on the ground and 1st floor with residential (Use Class C3) above, comprising 25 units (9 x 1 bed, 13 x 2 bed and 3 x 3 bed).</p> <p>Recommendation: <b>GRANT</b> planning permission subject to the prior completion of a legal agreement, conditions and informatives</p>		
<b>6 .3</b>	<b>Calders Wharf, Saunders Ness Road, London, E14 3EA (PA/12/02784 and PA/12/02785)</b>	<b>81 - 134</b>	<b>Blackwall &amp; Cubitt Town</b>
	<p>PA/12/02784  Proposal: The redevelopment of Calders Wharf community Centre comprising the demolition of the existing building (387sq.m GIA) (Use Class D1) and adjacent boundary wall, railings and planters. The construction of a four storey building to provide a new Community Centre and children's play group facility (494 sqm GIA) (Use Class D1) and 25 new residential units (9x1 bedroom; 11x2 bedroom; 5x3 bedroom) with associated disabled parking and cycle parking, landscaped public open space, private amenity space and other associated works.</p> <p>Recommendation: <b>GRANT</b> planning permission subject to the prior completion of a legal agreement, conditions and informatives.</p>		
	<p>PA/12/02785  Proposal: Conservation Area Consent for the demolition of an existing modern constructed, single storey community building (387 sq.m. GIA, Use Class D1) (the Calders Wharf Community Centre), a 2.4 metre high brick boundary wall, railings and planters and tree removal.</p> <p>Recommendation: <b>GRANT</b> conservation area consent subject to conditions and informatives.</p>		

**6 .4 Cutty Sark House, Undine Road, London, E14 9UW (PA/13/01306) 135 - 164 Millwall**

Proposal: Demolition and redevelopment of Cutty Sark House to provide 36 dwellings in two buildings of four and five storeys, together with landscaping, four disabled parking bays and associated works.

Recommendation: **GRANT** planning permission subject to the prior completion of a legal agreement, conditions and informatives

**6 .5 St Clement's Hospital Site , 2 Bow Road, London E3, (PA/13/1532, PA/13/1533 and PA/13/1534) 165 - 212 Mile End East**

PA/13/01532.

Proposal: Full planning permission for the redevelopment of the Grade II listed former St Clement's hospital site comprising the part demolition (and infill of associated basements), part refurbishment and change of use of the existing hospital buildings and the construction of eight new buildings between two and nine storeys high to accommodate 252 residential units, 306 sqm (GIA) community floorspace (D1 Use Class), 174 sq m (GIA) commercial floorspace (B1/A2 Use Class), 69sqm (GIA) café/restaurant (A3/A4 Use Class,) 32 parking spaces, cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works.

PA/13/001534.

Conservation area consent for the demolition of unlisted buildings (post-dating 1948) and removal of and works to trees in association with the redevelopment of Grade II listed St Clement's site.

PA/13/01533.

Listed building consent for the demolition of the Timber Building, Catering Department, Nurses Home and Old Boiler House; the limited partial demolition of the Laundry building, the Bungalow, Administration Block, North Block, South Block, Generator and boundary walls; and the repair and conversion of the retained listed buildings in association with the planning application for the redevelopment of the St Clement's hospital site.

Recommendation: **GRANT** planning permission and conservation area consent and Listed building consent subject to the prior completion of a legal agreement, conditions and informatives.

<b>7.</b>	<b>OTHER PLANNING MATTERS</b>	<b>213 - 214</b>
<b>7 .1</b>	<b>PLANNING APPEALS REPORT</b>	<b>215 - 216</b>

Recommendation: To note the report.

**Date of the next Meeting:**

The date of the next meeting of the Committee is Wednesday, 15 January 2014 at 7.00 p.m. in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

# Agenda Item 1

## **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:-

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>

This page is intentionally left blank

## Guidance for Development Committee/Strategic Development Committee Meetings.

### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under Council Constitution, Part.4.8, Development Committee Procedural Rules.

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

### How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications shall be as follows:



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

### How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b> To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"><li>• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).</li><li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).</li><li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).</li></ul>	 <p>Council's Constitution</p>

# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 11 <sup>th</sup> December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
  - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase 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.

---

**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:  
Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Tick if copy supplied for register:

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

- 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 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.
- 3.7 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.
- 3.8 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 4.

#### **5. RECOMMENDATION**

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

# Agenda Item 6.1

<b>Committee:</b> Development	<b>Date:</b> 11 December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	----------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission and Conservation Area Consent
<b>Case Officer:</b> Kamlesh Harris	<b>Ref No:</b> PA/13/00862 and PA/13/00863
	<b>Ward:</b> Bow East

## 1. APPLICATION DETAILS

<b>Location:</b>	213-217 Bow Road, London, E3 2SJ
<b>Existing Use:</b>	Tyre storage and distribution centre/warehouse, B1/B8
<b>Proposal:</b>	Demolition of existing warehouse building and erection of three blocks of three, four and six storeys to provide 36 dwellings together with ancillary parking and landscaping.
<b>Drawings and documents:</b>	List of Plans: PL01C, PL02C, PL03C, PL04C, PL05C, PL06C, PL07C, PL08C, PL09C, PL10C, PL11C, PL12C, PL13C and PL14C  Documents: <ul style="list-style-type: none"><li>• Design and Access Statement</li><li>• Transport Statement</li><li>• Sustainability and Energy Statement</li><li>• Daylight and Sunlight Assessment</li><li>• Acoustic Report</li><li>• Air Quality Report</li><li>• Arboricultural Report and Habitat Survey</li><li>• Heritage Statement and Archaeology Report</li><li>• Geotechnical and Land Contamination Assessment</li><li>• Landscape Report</li><li>• Planning Statement</li></ul>
<b>Applicant:</b>	213-217 Bow Road and Aitch Group
<b>Ownership:</b>	The applicant
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Fairfield Road

## **2. EXECUTIVE SUMMARY**

- 2.1 The report considers an application for full planning permission and conservation area consent to demolish the existing building on site and redevelopment to provide new residential blocks ranging from three, four and six storeys to provide 36 units.
- 2.2 The proposed demolition of existing buildings would not harm the character and appearance of the conservation area the residential redevelopment is considered acceptable and would preserve the character, setting and appearance of the Fairfield Road Conservation Area and the setting of the Grade II listed buildings nearby. The design would also be acceptable.
- 2.3 The proposed redevelopment of this brownfield site which includes the loss of employment floor space to create a residential led development is considered acceptable in policy terms, given the size, location, accessibility and condition of the existing accommodation.
- 2.4 The residential development would be split into three blocks of flats ranging from three, four and six storeys; the development would be focussed around a central and private courtyard accommodating a play area for under-5 year old children and small urban gardens for the ground floor flats. All upper floor flats would have access to private balconies.
- 2.5 The residential scheme would provide a policy compliant mix of one, two, three and four bedroom homes. 37% would be affordable housing including intermediate and homes for rent at Tower Hamlets preferred affordable rent levels. Two large family wheelchair accessible units are being provided on the ground floor of two of the blocks (Blocks A and B) with private disabled car parking spaces.
- 2.6 The report explains that the proposal would be acceptable in terms of height, scale, bulk, design and appearance, and would deliver good quality affordable/private/intermediate homes in a sustainable location. The proposed design has been developed while taking into account the setting of the Grade II\* Listed St Mary Bow Church and the Grade II listed 199 and 223 Bow Road. Furthermore, the proposed buildings would be in keeping with the scale of the adjacent development (under construction) and other buildings within the local and wider area.
- 2.7 The proposal would not give rise to any unduly detrimental impacts to existing and future residents in terms of privacy, overlooking, outlook and sense of enclosure, or result in any decrease of their sunlight and daylight levels. Subject to appropriate conditions, noise matters would also be mitigated so as not to cause any detriment to future residents.
- 2.8 Transport matters including parking, access and servicing area acceptable. The proposal would also seek to deliver a minimum of 37% reduction in CO2 emissions.
- 2.9 The application is recommended for approval subject to the completion of a Section 106 agreement which would secure affordable housing and contributions towards education, health, open space, community facilities and employment in accordance with national and local policies.



### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission and conservation area consent subject to:

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

- £8,174.81 is required towards Idea Stores, Libraries and Archives
- £26,992.24 is required towards Leisure Facilities
- £52,060.52 is required towards Public Open Space
- £1,014.54 is required towards Smarter Travel
- £6,154.87 is required towards Enterprise & Employment
- £152,293.32 is required towards Education
- £51,309.70 is required towards Health

Total Financial Contributions: £298,000

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

- 37% affordable housing (Tower Hamlets preferred rents)
- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction stage

3.4 That the Corporate Director, Development & Renewal and Head of Legal Services is delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and conservation area consent and impose conditions plus informative to secure the following matters:

#### **Conditions – full planning permission PA/13/00862**

3.6 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. Compliance with Energy and Sustainability Strategy submitted
4. All residential accommodation to be completed to lifetime homes standards
5. Communal amenity space, roof terrace and child space accessible to all future residents of the development
6. Refuse and Recycling to be implemented in accordance with approved plans
7. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)

3.7 Prior to commencement

8. Demolition/Construction Environmental Management Plan/Construction logistics
9. Ground contamination – investigation and remediation
10. No impact piling shall take place until a piling method statement has been submitted and approved

11. Drainage details and mitigation of surface water run-off
12. Submission of details and samples of all facing materials including windows, balustrades and screening
13. Approval of sound insulation measures in accordance with agreed standards
14. Scheme of Highways Works (S.278)
15. Details of all external lighting and CCTV
16. Amended plans showing a minimum of 3.7m head room for the undercroft
17. Details of brown and green roofs and other ecological enhancement/mitigation measures
18. Landscaping and boundary treatment details
19. All trees within Grove Hall Park to be protected during demolition and construction works
20. Submission of details of the wheelchair housing specification/standards to show the two four bed family units are wheelchair adaptable
21. Details of cycle parking/storage
22. Details of external plant and ventilation, including noise attenuation measures
23. Archaeological investigation
24. Details of all Secure by Design measures
25. Details of rooftop PV array
26. Location of dry risers
27. Details of play equipment within the under 5s play space

3.8 Prior to Occupation

28. Delivery and Servicing Plan
29. Waste Management Plan including a refuse collection management
30. Code for Sustainable Homes post completion assessment

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

3.10 Informative

1. Associated S106
2. Associated Conservation Area Consent
3. Compliance with Environmental Health Legislation
4. Compliance with Building Regulations

3.11 **Conditions for Conservation Area Consent – PA/13/00863**

1. Time limit – Three Years
2. No demolition until a contract is in place for the redevelopment of the site
3. Demolition Management Plan

3.12 Informative for Conservation Area Consent – PA/13/00863

1. Associated S106.
2. Associated Full Planning Permission
3. Compliance with Environmental Health Legislation.
4. Compliance with Building Regulations.

3.13 That, if within 3 months of the date of this committee the legal agreement referred to in para 3.2 has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **4. SITE AND SURROUNDINGS**

- 4.1 The application site is located within the Bow East ward of the Council and within the Fairfield Road Conservation Area (designated in September 1989). It is situated to the north of Bow Road and south of the Grove Hall Park Memorial Gardens. To the east lies the busy A12/Blackwall Tunnel Approach. And to the west are industrial warehouses and historic buildings such as 199 Bow Road, a Grade II listed building. Further to the south west is the St Mary Bow Church, a Grade II\* listed building and grounds. 223 Bow Road is also Grade II listed and lies to the east of the site. In general, most of the plots around the application site are deep with narrow frontages and set close together. The many turn of the century commercial buildings and irregular boundary patterns, have created a varied but characterful streetscape worthy of preservation and/or enhancement.
- 4.2 The site is 0.14 hectares in size and is broadly rectangular in shape; however, as is common within this part of the borough the site consists of a deep and narrow plot, extending to the rear and ending by Grove Hall Park. The general character of the surrounding area is mixed commercial industrial and creative arts (the Bow Arts Trust studios) fronting Bow Road interspersed by residential uses. The recent taller developments at Payne Road dominate this eastern most part of Bow Road which consists of high rise modern residential buildings overlooking the A12 and the Bow fly-over. The site adjoining the pre application site to the west, has planning approval for the erection of a five storey building fronting Bow Road and a four storey building to the rear of the site, to provide a total of 23 flats. Construction works are currently starting on site.
- 4.3 Bow Road is one of the major routes into the borough and is a primary route in and out of East London and Central London. The site has very good accessibility to public transport – PTAL 6 (in the ranges 1 to 6 where 1 is low and 6 is excellent). The site is within walking distance to major train stations and bus routes; Bow Church DLR is approximately 350 metres away and Bow Road tube station about 650 metres to the west. Many bus routes (nos. 25, 8, D6, D8 and 309) serve the area travelling towards Stratford (further east), the city, Hackney and Fish Island.
- 4.4 There are no statutory or locally listed buildings or structures within the boundary of the site. However, it does fall within the Crossrail safeguarding zone and an area of archaeological priority area. The Council's records show that the site and surrounding is also within a potential ground contamination zone.

#### **5 RELEVANT PLANNING HISTORY**

- 5.1 None relevant for the application site itself; however, the planning history of the adjacent site, 207-211 Bow Road is listed below.
- 5.2 On 27 February 2007, planning permission and conservation area consent were granted for the demolition of existing buildings and erection of a five storey building fronting Bow Road and a four storey building to the rear of the site, to provide a total of 23 flats. (LBTH Ref: PA/02/01360 and PA/02/01361).
- 5.3 On 16 February 2012, approval was granted for a Minor material Amendment under Section 73 of the Town and Country Planning Act to vary condition 12, attached to planning permission PA/02/01360 dated 27th February 2007 (Demolition of existing buildings and erection of a five storey building fronting Bow Road and a four storey

building to the rear of the site, to provide a total of 23 flats (11 x one bed, 9 x two bed & 3 x 3 bedroom) to enable modifications to the approved drawings. (LBTH Ref: PA/11/03461).

The amendments sought include:

- Modification of scheme to create 100% affordable housing
- Modifications to flat numbers from 23 to 22 units;
- Modifications to dwelling mix to form 8 x 1 bed, 10 x 2 bed and 4 x 3 bed flats
- Minor modifications to the footprint of the approved scheme to enable Block A to sit flush with the adjoining building at 201-205 Bow Road;
- Alterations to elevations of Block A and Block B to incorporate balconies and alteration to the fenestration design
- Internal reconfiguration of layout of Blocks A and B, and relocation of the circulation cores to the centre of the development.
- Repositioning of the refuse storage areas for the proposal;
- Modification to the approved pedestrian access route through the development
- Modification to the external amenity space arrangements

## **6 DETAILS OF THE PROPOSED DEVELOPMENT**

- 6.1 Conservation area consent and full planning permission are sought for the complete demolition of all buildings on site and the redevelopment to create a residential scheme of 36 units contained in three blocks of flats.
- 6.2 Block A would front Bow Road and would be six storeys high; this block would have a mix of tenure, consisting of private, affordable rent and intermediate (shared ownership). There would be a total of 18 units in this block.
- 6.3 Block B would consist of 11 flats, 10 of which would be in private ownership. This block would be set back towards the middle of the site and separated from Block A by a communal landscaped open space area.
- 6.4 Block C would sit alongside Block B further north and completes the development; this block would overlook the park. And all 7 flats in Block C would be in private ownership. The heights of the buildings would be acceptable in this area due to the many different buildings' styles and scale plus inconsistent roof lines. Proposed material would be London Stock brick with large areas of glazing at ground floor of the front block which would mark the main entrance. Contrasting bricks are proposed within the front elevation. The residential units would be designed to lifetime Homes standards and Sustainable Homes Code 4. The mix would consist of 9 one bedroom, 17 two bedroom, 8 three bedroom and 2 four bedroom units.
- 6.3 The 2 four-bedroom units are situated on the ground floor of Blocks A and B. These would be designed as wheelchair accessible family units and would each have a car parking space within the development. These two units would also have their own private entrance doors. Shared amenity space would be provided in the form of a central courtyard and dedicated child play space between the first two blocks (in a similar position to that proposed at the adjacent development at 207-211 Bow Road) and measures approximately 98sqm. Each residential unit would have access to a balcony or private patio area. The first two buildings would be set some 19 metres apart.

- 6.4 The proposal would be car free although existing permit holders moving into the affordable housing tenure would be allowed to transfer their parking permits (for the 3 bed and above). A total of 2 disabled parking spaces would be provided for the two wheelchair accessible units; 46 cycle spaces would be dedicated to residents and 6 spaces for visitors. Refuse storage and recycling would be provided within the site.

## **7 POLICY FRAMEWORK**

- 7.1 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:

### **7.2 Government Planning Policy**

NPPF - National Planning Policy Framework

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

2.9 Inner London

3.1 Ensuring equal life chances for all

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

3.6 Children and young people’s play and informal recreation facilities

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

3.11 Affordable Housing Targets

3.14 Existing Housing

3.16 Protection and enhancement of social infrastructure

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.7 Renewable Energy

5.8 Innovative energy technologies

5.11 Green Roofs and Development Site Environs

5.13 Sustainable drainage

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

5.21 Contaminated land

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.11 Smoothing Traffic Flow and Tackling Congestion

6.13 Parking

7.1 Building London’s Neighbourhoods and Communities

7.2 An Inclusive Environment

7.3 Designing out crime

7.4 Local Character

7.5 Public Realm

7.6 Architecture

7.8 Heritage and Archaeology

7.18 Protecting Local Open Space

7.19 Biodiversity and access to nature

8.2 Planning Obligations

8.3 Community Infrastructure Levy

#### **7.4 Tower Hamlets Adopted Core Strategy 2010**

SP02 Urban Living for Everyone  
SP03 Creating Healthy and Liveable Neighbourhoods  
SP05 Dealing with waste  
SP06 Employment uses  
SP08 Making connected Places  
SP09 Creating Attractive and Safe Streets and Spaces  
SP10 Creating Distinct and Durable Places  
SP11 Working towards a Zero Carbon Borough  
SP12 Delivering place making  
SP13 Planning Obligations

#### **7.5 Managing Development Documents 2013**

DM0 Delivering sustainable development  
DM3 Delivering Homes  
DM4 Housing standards and amenity space  
DM11 Living Buildings and biodiversity  
DM13 Sustainable Drainage  
DM14 Managing Waste  
DM15 Local Job Creation and Investment  
DM20 Supporting a Sustainable transport network  
DM21 Sustainable transportation of freight  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM27 Heritage and the built environment  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

#### **7.6 Supplementary Planning Documents**

Designing out Crime Parts 1 and 2  
Planning Obligations SPD 2012  
Fairfield Road Conservation Area Appraisal

#### **7.7 Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

#### **8.0 CONSULTATION RESPONSE**

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

- 8.2 As the proposed development was amended (following initial submission) and the number of units were reduced, officers determined that it was necessary to carry out re-consultation on the amended plans.

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

- 8.3 The proposal is supported in principle. The revised scheme meets with the Council's policies in terms of affordable housing, tenures and mix. The bedroom size mix is also fully policy compliant. All properties comply with Lifetime Homes and the two 4 bed units would benefit from separate kitchens and living areas.
- 8.4 The two wheelchair accessible units are the preferred choice for the Council as they provide large family units which are much needed. These are welcome and the mix would be in line with the needs of families waiting for fully accessible housing on the Common Housing Register.
- 8.5 The Council would opt for the Affordable Rent product (as opposed to Social Rents) and the rental levels (inclusive of service charges) should not exceed the Council's POD guideline for the E3 postcode.
- 8.6 Given the size of the development, a 37% affordable scheme is considered acceptable. The Affordable Housing Team fully supports this proposal. A condition should be attached to ensure the delivery of the two wheelchair units

(OFFICER'S COMMENT: Appropriate conditions dealing with the wheelchair units have been included).

### **LBTH Environmental Health**

- 8.7 The acoustic report submitted is satisfactory and all its recommendations would be conditioned.
- 8.8 Construction works to be carried out only during the following hours: 8am- 6pm Monday to Friday. 8am – 1pm Saturdays. No works allowed on Sundays and Public Holidays. Piling methods and construction management plan should also be agreed.
- 8.9 A condition should be included to ensure a detailed site investigation report is submitted to identify and investigate any potential contamination prior to the commencement of the development.

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

### **LBTH Biodiversity Officer**

- 8.10 There is little current biodiversity value on the site, though precautionary surveys for nesting birds (including black redstarts) should be undertaken immediately before demolition, if demolition is to take place between March and August inclusive. Ideally, demolition should be undertaken outside this period.
- 8.11 Inclusion of a green roof is strongly supported. The applicant should seek to incorporate a bio-diverse green roof in line with Council's guidance. The proposed ground level landscaping includes a good range of nectar-rich plants, which will benefit bees and butterflies.

- 8.12 The proposed amenity roof garden offers opportunities for biodiversity enhancements. A good range of nectar-rich flowers to provide a source of food for bees and other pollinating insects would be welcome. However, an amenity roof garden will not provide as much biodiversity benefit as a bio-diverse green roof and the applicant is encouraged to provide bio-diverse roofs on some of the other blocks. These could work in conjunction with the proposed photovoltaic, as a green roof enhances the performance of photovoltaic by reducing ambient temperature.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included.)

#### **LBTH Energy Efficiency Unit**

- 8.13 The energy strategy is policy compliant. The proposal is anticipated to deliver a minimum of 37% reduction in CO2 emissions against a 2010 building regulation baseline through the use of energy efficiency measures, a communal hot water and heating system and the integration of a photovoltaic array. The emission reductions exceed Policy DM29 requirements and are therefore considered acceptable.
- 8.14 Initial assessment confirms that the proposed development would also achieve Sustainable Homes Code 4. Relevant pre-assessments and post completion assessment should be conditioned to ensure that the above targets are met.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included.)

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

- 8.15 The units proposed will result in an estimated 74 new residents within the development. A number of financial contributions are required to mitigate the impact of the proposed development based on the Planning Obligations SPD.
- £8,944 is required towards Idea Stores, Libraries and Archives.
  - £29,532 is required towards Leisure Facilities.
  - £56,959.75 is required towards Public Open Space.
  - £1,110 is required towards Smarter Travel
  - £6,734 is required towards Enterprise & Employment

(OFFICER'S COMMENT: The financial contributions are explained in detail in Section 10 of this report)

#### **LBTH Transportation & Highways**

- 8.16 The principle of a residential development at this location and of the scale proposed is supported by Transport and Highways. The site does have a PTAL of 6a and the proposal to provide a car free development (save for two disabled spaces) is acceptable in this location. It is an improvement on the current usage of the site and the reduction of traffic at this location is welcomed.
- 8.17 A Construction Management Plan, S278 agreement and a Service Management Plan (including a refuse collection management), should be secured by condition. A car free agreement and financial contributions towards sustainable travel should be secured through S106.



- 8.18 The provision of two disabled car parking spaces to serve the two family wheelchair units is welcome; following negotiations, location and orientation of these disabled bays have been revised to ensure a better layout within the courtyard.
- 8.19 Provision of secure cycle parking is welcome. The Council would prefer secure, weatherproof and accessible non-stacking 'Josta' type storage for residents; 'Sheffield' type stands for the visitor parking is acceptable but these must be placed within a shelter to offer some protection from the elements. All details should be conditioned.
- 8.20 The deliveries and servicing area should be appropriately designed and marked to encourage drivers to give way to pedestrians.

(OFFICER'S COMMENT: suggested conditions have been included and highway matters will be addressed in Section 10 of this report.)

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

- 8.21 The bin store locations are considered acceptable. Sufficient capacity of the bin stores should be ensured. A waste management strategy should be put in place prior to the first occupation of the development.

(OFFICER'S COMMENT: A Waste Management Strategy condition has been included)

### **LBTH Senior Arboricultural Officer, Parks and Open Spaces**

- 8.22 No objection is raised to the proposed works; any work carried out must adhere strictly to recommendations in BS5837: 2012 "Trees in relation to design demolition and construction" to facilitate retention of the trees. The loss of any trees during and up to 5 years following construction of the development must be replaced by the developer up to the values to be agreed with the Council.
- 8.23 Any remedial surgery to be undertaken on trees because of their proximity to the development must be at the expense of the developer (following guidelines in BS 3998 Recommendations for tree works 2010) using an Arboricultural Association approved contractor.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included).

### **LBTH Enterprise & Employment**

- 8.24 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets.
- 8.25 The Council will seek to secure a financial contribution of **£6,734** 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.

(OFFICER'S COMMENT: The financial contributions are explained in detail in

Section 10 of this report)

### **External consultation responses**

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

- 8.26 TfL supports this proposal in principle. Construction Logistics Plan and a Delivery and Servicing Plan should be secured by condition. Changes to the pavement and introduction of the new cross over will need to be subject to a s278 agreement with TfL. The front gate should be set back to allow for a clear access for pedestrians and vehicles entering the site.

(OFFICER'S COMMENT: Appropriate conditions dealing with the issues raised have been included).

#### **English Heritage Archaeology**

- 8.27 The application site lies within an area of archaeological potential connected with the historic settlement of Bow, together with its industrial and commercial development.
- 8.28 The submitted Archaeological assessment has been examined and it is considered that an impact on buried remains is possible from a consented scheme.
- 8.29 A condition should be attached with regards to the safeguarding of any heritage assets of archaeological interest as well as a staged programme of investigation into buried deposits.

(OFFICER'S COMMENT: An appropriate condition dealing with the issues raised have been included)

#### **English Heritage**

- 8.30 English Heritage was consulted on the demolition proposal and has no adverse comments to make. The application should be determined in accordance with national and local policies.

#### **Thames Water Utilities**

- 8.31 Thames Water raised no objections and request for a number of standard conditions and standard informative to be included on the decision notice.

(OFFICER'S COMMENT: Appropriate condition and informative have been included dealing with the advice and issues raised).

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

- 8.32 No comments.
- 8.33 The following was also consulted; however, no responses have been received.
- Crime Prevention Officer

## **9. LOCAL REPRESENTATION**

### Statutory Consultation

- 9.1 Site notices were displayed on 07 May 2013. The proposal was also advertised in the press on 06 May 2013. A total of 274 neighbouring addresses were notified in writing. 2 letters of objection have been received; one from a local resident and the second from the owner of the adjacent site, 219-221 Bow Road.
- 9.2 For completeness, all issues raised in objection are summarised below. The full representations are available to view on the case file.
- 9.3 The objection raises the following matters:
- Privacy, sunlight and views
  - Loss of privacy
  - Disruption during works
- 9.4 These matters are addressed in the Amenity section of this report (section 10).
- 9.5 Several letters were received from the owner of the adjoining site at 219-221 Bow Road. In essence, there is no objection to the proposed development. However, concerns are raised in terms of future development coming forward on this adjoining site. The latest letter was received in October and addresses four main issues, which are detailed and discussed below:
- Windows in the east facing elevation of Blocks B and C are in close proximity to the party wall of the existing building at 219-221 Bow Road. There are bin stores proposed to be placed along the Party Wall boundary which will need to be relocated to ensure best use of the neighbouring site.
  - Fire access to blocks B and C – firefighting appliances will stop at the street and connect to the dry riser in block A.
  - The location of wheelchair units relative to parking.
  - Block C roof amenity space will impact on the future development of part of the objector's site.
- 9.6 These matters are discussed in the Design section of this report (Section 10).

## **10. MATERIAL PLANNING CONSIDERATIONS**

- 10.1 The main planning issues raised are as follows:
1. Land Use
  2. Design and Heritage matters
  3. Housing - density, mix and tenures
  4. Residential Amenity
  5. Transport and Access
  6. Sustainability, Energy efficiency & Climate Change
  7. Health Considerations
  7. Planning Obligations & CIL

9. Localism Act (amendment to S70 (2) of the TCPA 1990)
10. Human Rights Considerations
11. Equality Act Considerations
12. Conclusion

## **Land Use**

- 10.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 10.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 10.4 The Adopted Core Strategy place-making policy SP12 identifies a vision for Bow and Bromley-by-Bow to be as “A prosperous neighbourhood set against the River Lea and Park and a transformed A12.” The vision for Bow places priority on improving local connections which would in turn help “to create a place for families which reflects the quieter, more community-based side of urban living.”
- 10.5 The application site carries no site-specific policy designations but as stated earlier in this report, the site is currently occupied by a warehouse building used for the storage of tyres with associated administrative office. The warehouse building occupies most of the site and to the front is an area of hard standing used for parking and servicing. The site attracts and accommodates large vehicles collecting or delivering tyres. The current use of the site is therefore within Class B1/B8. The tyre company is gradually decanting in a bid to close their London branch. It employs just 2 full time staff.
- 10.6 Notwithstanding the above, the redevelopment of this site for residential development would result in the loss of employment generating floor space, which the Council would normally seek to resist in accordance with Policy DM15 in the Managing Development Document (MDD). This policy states that development of an employment site should not result in the loss of an active and viable employment use unless it can be demonstrated that the site is no longer suitable or viable for continued employment purposes due to its location, accessibility, size and condition, or that the site has been marketed unsuccessfully at prevailing values for a prolonged period, or that there is a surplus of local employment floor space in the surrounding area.
- 10.7 The applicant has produced a commercial market overview of the site addressing issues such as its suitability in terms of its location, its financial viability, the current

market status and a redevelopment prospect. The building on site is in a poor state of repair and has become surplus to requirement due to a consolidating exercise by the owners. The Bow branch would be closed and no replacement accommodation is required (in the borough) as the business already exists elsewhere.

- 10.8 In its current state of repair and basic warehouse form, the building would only attract low grade storage businesses with low overheads. Refurbishing exercise would be costly and would not attract any prime businesses due to the location and typology of the site. Furthermore, given the level of vacant employment floor space in the borough (closest is Payne Road), and suitable replacement sites with better road access and parking facilities, potential for future tenants would be limited. An alternative tyre depot (ATS) is located a short distance to the west of the site along Bow Road which is better located, more viable and can be accessed with ease.
- 10.9 The surrounding area is beginning to change with obsolete industrial premises being replaced by housing. As such, it is considered that the loss of employment floor space could be sustained in this instance and the proposed change of use is acceptable in land use terms as it would contribute towards much needed housing provision in the borough. This proposal is in accordance with the National Planning Policy Framework, policies SP06 of the Adopted Core Strategy (2010) and DM15 of the Managing Development Document (2013) which seek to ensure that development proposals do not result in the loss of active and viable employment uses.

#### Principle of residential use

- 10.10 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885.
- 10.11 The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.12 The above policies also set out where new housing could be delivered and identify the Bow area as having potential for high growth. This is further endorsed by the place making policy SP12 which identifies Bow a great place for families. Taking this into account, it is considered that the gain of residential land use in this area would be welcome and would be in line with the character of the area and its environs which is becoming increasingly residential.
- 10.13 Therefore, the principle of redevelopment of the entire brownfield site for housing purposes are considered desirable in land use and policy terms subject to all other planning material considerations. The balanced provision of affordable and private residential accommodation would also be acceptable in land use terms as it would constitute a sustainable and efficient use of a brownfield site whilst seeking to contribute significantly to meeting local housing needs.

## **Design and Heritage matters**

- 10.14 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.15 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.
- 10.16 Policy SP10 sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.17 The Managing Development Document deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the MDD seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.

### Principle of demolition – Conservation Area Consent

- 10.18 The proposal includes the demolition of the entire building on site. This comprises a warehouse building and an area of hard standing used in conjunction with the warehouse use. There are no trees on the site. The application site adjoins a factory unit at 219-222 Bow Road and shares a party wall along its eastern and northern boundaries. The warehouse building ends at the Grove Hall Park to the north.
- 10.19 With regard to the criteria found within policy DM27 of the MDD, proposals for the demolition of buildings within conservation area would be considered under the following circumstances:
- The significance of the asset, architecturally, historically and contextually;
  - The condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and value derived from its continued use;
  - The adequacy of efforts made to retain the asset in use; and

- The merits of any alternative proposal for the site.
- 10.20 The existing warehouse was constructed in the mid-20th century; it is a simple structure, single storey and functional but without any significant heritage value. Visually the building is typical to structures of its kind and does not contribute positively to the character and appearance of the Conservation Area, which is dominated by the listed church and its surroundings.
- 10.21 It is considered that the building has no architectural quality and is in a state of disrepair. Its loss would not result in substantial harm to the conservation area given the lack of significance of the building, the lack of architectural quality and warehouse nature of the building. The building has become surplus to the need of the tyre company; therefore, the building would become redundant once the business folds over. The Design and Conservation Officer has not objected to the loss of this building and the proposed demolition would accord with policy given that officers are supporting the redevelopment proposals.
- 10.22 As such, subject to appropriate conditions to ensure a Demolition Management is in place (prior to demolition), this part of the proposal would not result in substantial harm to the surrounding area and the local heritage assets; furthermore, the demolition of the warehouse would preserve the character and setting of the Fairfield Road Conservation Area, in accordance with policy SP10 of the Council's adopted Core Strategy (2010), policies DM24 and DM27 of the Managing Development Document (April 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposal protects and enhances the borough's heritage assets, their setting and their significance.

Layout, height and scale

- 10.23 The application site, as most of the plots around this area, is deep with narrow frontages and set close together. The building on site is a "run-down" warehouse building currently used as a tyre warehouse. Furthermore, there are often large vehicles parked within the hard forecourt or on the road thus making this part of Bow Road appear congested. The application site is situated towards the end of Bow Road, close to the flyover and the A12. However, this part of the borough is undergoing change with the large residential development in Payne Road paving the way for more residential buildings. The surrounding area with its many turn of the century buildings is interesting in its diverse uses and different architecture, scale and height. Undoubtedly, the St Mary Bow Church dominates this area. The several housing blocks scattered to the north and east of the site offer a wholesome palette of materials and design that complement the whole area.
- 10.24 The scale of buildings within the Fairfield Road Conservation Area varies. Along this part of Bow Road building heights range between 1–7 storeys. The residential development at Payne Road to the east dominates the landscape and set the precedence for height in the vicinity. Notwithstanding, the proposal consists of buildings ranging from 3, 4 and 6 storeys in height. The proposal would occupy the entire plot of land, starting with the tallest six storey building (Block A) on the Bow Road frontage followed by a four storey (Block B) and a smaller three storey (Block C) at the end of the site. At these heights, the new buildings would complement the existing surrounding buildings and the Bow Road frontage. The front building would be built close to the street edge with a setback of 2m. An undercroft would dominate the main block and the frontage of this development. At rear the last block (Block C) would be built close to the boundary of the Park. This layout would reintroduce in

Bow Road a typical and traditional urban form of building frontages and offer an active frontage to overlook Grove Hall Park and successfully responds to the challenges of a long, narrow site.

- 10.25 The three residential buildings would have their own separate level accesses; Block A consists of a main entrance off Bow Road with a side entrance (through the undercroft) leading to the stairs and lifts. The main entrance serves both the entire block and the four bedroom flat at the ground floor of this block. The flat has another entrance within the main building through the lobby or at rear. The other two blocks have side accesses into lobby areas. Some of the units have their own private entrances. The forecourt and high undercroft would give this proposed building a greater street presence in line with its usage. Furthermore, it would complement the new building under construction at 207-211 Bow Road. Terraces and balconies overlook Bow Road (Block A), the courtyard and the park at rear. All ground floor properties would be provided with small patio gardens.
- 10.26 It is considered that the height of the development despite being taller than the existing buildings and adjoining buildings would still relate well to other heights in the surrounding area and the Grade II listed buildings. The undercroft would afford a viewing corridor through the entire development and would help to break the mass that could have created a negative impact on the setting of the Grade II\* listed church to the south. Despite being set back, the proposed building would reflect the orientation and layout of the building under construction adjacent and would include a small area of defensible space between back of pavement and ground floor windows. The development would be in keeping with the rhythm and building lines along the Bow Road frontage. The proposed buildings would have street prominence along Bow Road without appearing bulky and dominating.
- 10.27 Concerns were raised with regards to fire access on the site. Access for fire appliances is covered by the Building Regulations. The Council's Building Control Service has confirmed that adequate fire access into the site can be achieved subject to alterations to the head height of the undercroft at Block A from 3.6m to 3.7m and the installation of additional dry riser points within the scheme close to blocks B and C. A condition would be attached to ensure that revised plans are submitted to deal with this issue.
- 10.28 Overall, the design of the proposed development would be appropriate in terms of height, layout and scale and relate well to the surrounding street layout and townscape. They would also preserve and enhance the setting of the Fairfield Road Conservation Area and would not affect the setting of the Grade II\* church and other Grade II listed buildings near the application site.

#### Architectural appearance and landscape

- 10.29 The replacement buildings would draw on the design of surrounding buildings both in terms of their residential and industrial forms. Bricks would be the main material; contrasting reddish bricks would be used to give Block A its accent and vertical emphasis. The site is a particularly visible plot at this point along Bow Road and from the flyover; the architecturally diverse group of buildings in the vicinity and the typology of the site have dictated the profile, bulk and massing of the three blocks. The main block would be 6 storeys and would have a marked presence along Bow Road. The undercroft would be 7m as would be the rest of the ground floor. A vehicular gate would enclose the undercroft with a smaller pedestrian gate (unlocked) to the west; this development would not lead to a gated community but would offer safety and security to those who use it. A low brick wall would offer



defensible space for the ground floor family flat. The main entrance door to Block A would be set in the middle of the building.

- 10.30 The second and third residential blocks would also be faced in bricks. All three blocks would have balconies. The balconies in Block A would be inset and the other balconies would be the overhanging types, all with steel railings. The windows are large and set within appropriate recesses and expressed in grid form. The balconies would be lined in timber panelling and steel railings would be grey. Doors and windows would be finished in grey powder coated frames as are the patio doors. This architectural approach would give the building a strong vertical emphasis – in particular to the south, facing Bow Road and the listed buildings and church.
- 10.31 The undercroft would include a light-well above to allow natural light to penetrate.. Furthermore, the entrances to the other blocks would be via this undercroft which would ensure natural surveillance and resident activity. The buildings on site are set about 6m away from the eastern boundary which would be separated from the adjacent property by a brick wall. Refuse storage and cycle storage have been designed for Blocks A and C. Block B would have an inner refuse storage area. Visitors' cycle parking has also been arranged to the east of the site. Most of the projecting balconies face the internal courtyard and east wards. No balconies are proposed on the east and west elevations and none of the balconies would project over the public highway or extend beyond the site boundary.
- 10.32 The inner courtyard measures some 250sqm and would consist of a landscaped area with child play space and two disabled parking spaces. A further communal amenity area is proposed on the roof of Block C which measures 74sqm. This would be screened on the eastern elevation to avoid any overlooking issues. External boundary treatment has been carefully considered with low brick walls defining the edges of the site, at front and rear. The rear boundary facing the park is particularly important in this development. A low wall mounted with high railings has been proposed to safeguard both residents living in the new flats in Block C and park users. This would be conditioned to ensure that all railings are of high quality in particular the ones along the Grove Hall Park. The front gates and railings would also be conditioned as would be all facing materials, balcony enclosures and any screening. The roof of the three blocks would be flat and photo voltaic panels are proposed on the first and second blocks. This would also be conditioned.

#### Impact on designated heritage assets

- 10.33 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 10.34 The closest heritage asset to the application site (besides the Fairfield Road Conservation Area) is the St Mary Bow Church, a Grade II\* listed building and grounds which lie to the west of the site. Also to the west are industrial warehouses and historic buildings such as 199 Bow Road, a Grade II listed building; 223 Bow Road also Grade II listed, lies to the east of the site. Further west is the locally listed

Our Lady of St Catherine Roman Catholic Church. The application site and listed buildings lie within the Fairfield Road Conservation Area (designated in 1989). The appraisal document for this conservation area describes the area around St Mary Bow Church as *“With traffic running on either side of the St Mary Bow church site, the Ecclesiastical Grade B church, the associated listed railings and statue of W. E Gladstone form a focal group in the centre of Bow, together with the locally listed Our Lady of St Catherine Roman Catholic Church, which lies to the North of the Road”*.

- 10.35 The appraisal document also states that *“The Fairfield Road Conservation Area presents a varied townscape, reflected in the widely differing ages and characteristics of its buildings. It presents a characterful townscape, worthy of preservation”*. The Grade II listed properties closest to the application site are *“good examples of the late 17th or early 18th century and are relatively rare survivals of pre-Victorian Bow. Together with several turn of the century commercial buildings and irregular boundary patterns, these create a varied but characterful streetscape”*.
- 10.36 In accordance with the Fairfield Road Conservation Area character appraisal, the preservation of the historic setting of the church and public churchyard gardens is of utmost importance and views of these should be maintained and protected where appropriate.
- 10.37 It is noted that the building on the application site is not considered to positively contribute to the Fairfield Road Conservation Area; in its current state of repair and the warehouse/industrial feel of the entire site, the building lacks character and appears neglected; its demolition and the general redevelopment of the site would bring in an improvement to this area which would be beneficial to the conservation area and to the setting of the Listed Church.
- 10.38 Subject to conditions to ensure high quality materials, boundary treatments and finishes, the proposal would preserve the setting, character and appearance of the Grade II\* Listed Church and other Grade II listed buildings within this area and the Fairfield Road Conservation Area.

## **Housing**

- 10.39 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development”* Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.40 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

## Residential density

- 10.41 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 10.42 The application site is located on Bow Road and therefore benefits from an urban context and very good public transport accessibility - PTAL score 6a. In areas of PTAL 6 and above plus an urban setting, the density matrix associated with policy 3.4 of the London Plan supports densities of up to 650-1100 habitable rooms per hectare. The policy acknowledges that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. This proposal seeks to create 36 units which represents a density of 771hr/ha and falls within the mid-range of the density guidance.
- 10.43 Officers consider that the proposal would provide good quality private and affordable homes at an appropriate mix, including a good proportion of family sized units in a high quality scheme that positively responds to local context and does not result in any of the abovementioned symptoms of overdevelopment. As such, taking into account the context of the site, it is considered that the proposal optimises the use of the site and the site can comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

#### Affordable housing

- 10.44 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period.
- 10.45 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on new sites, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. The application would offer a 37% affordable housing by habitable room and this would equate to 11 of the 36 flats proposed including a significant proportion of family units. This exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and will make a significant contribution towards the Council's overall strategic target of new homes across the borough to be affordable.
- 10.46 The application also follows the Council's stated approach to providing Affordable Rent homes significantly below the national level of maximum 80% of private rent. Part 1 of Policy DM3 of the Managing Development Document 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 Affordable Rent and 30% for Intermediate (shared ownership).

10.47 This proposal would provide a split of 64:36 in favour of affordable rent accommodation which is considered acceptable as the development is achieving 37% (by habitable rooms) affordable housing overall. All of the affordable units would be rented at levels determined to be genuinely affordable to local residents as assessed by the POD partnership; LBTH affordable housing team has confirmed that they would support the 37% offer at our POD levels for this postcode.

10.48 The POD rents for this area, inclusive of service charges, are as follows:

- 1 bed £169.85 per week
- 2 bed £198.32 per week
- 3 bed £218.76 per week
- 4 bed £250.01 per week

10.49 As such, the proposed development is considered to meet policies SP02 of the Adopted Core Strategy and DM3 of the Managing Development Document. This would be secured via a Section 106 Agreement.

**Table 1: Proposed housing mix**

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
<b>1 bed</b>	0	0	1	2	8	16	<b>9</b>	<b>18</b>
<b>2 bed</b>	2	6	2	6	13	39	<b>17</b>	<b>51</b>
<b>3 bed</b>	3	12	1	4	4	16	<b>8</b>	<b>32</b>
<b>4 bed</b>	2	12	0	0	0	0	<b>2</b>	<b>12</b>
<b>Total</b>	<b>7</b>	<b>30</b>	<b>4</b>	<b>12</b>	<b>25</b>	<b>71</b>	<b>36</b>	<b>113</b>

Housing mix and tenures

10.50 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation are shown in the table below.

10.51 The application proposes 36 residential units with the total number of habitable rooms being 113. Of these, 11 units would be affordable housing. By habitable room the scheme provides a total of 37% affordable accommodation comprising 26% affordable rent and 11% intermediate.

Table 2: Proposed housing mix compared with policy DM3.

	Affordable Housing		Private Housing
	Affordable Rent	Intermediate	Market Sale

Unit size	Total Units	Unit	%	LBTH policy %	Unit	%	LBTH policy %	Unit	%	LBTH policy %
1bed	9	0	0%	30%	1	25%	25%	8	32%	50%
2bed	17	2	28.5%	25%	2	50%	50%	13	52%	30%
3bed	8	3	43%	30%	1	25%	25%	4	16%	20%
4bed	2	2	28.5%	15%	0			0	0	
5bed	0	0			0			0		
<b>Total</b>	<b>36</b>	<b>7</b>	<b>100</b>	<b>100</b>	<b>4</b>	<b>100</b>	<b>100</b>	<b>25</b>	<b>100</b>	<b>100</b>

10.52 The above table shows the range of sizes and tenures that the scheme would deliver. Whilst it is not completely policy compliant, overall the proposal would deliver a large percentage of family housing in the affordable housing tenure. There is no provision of one bed units within the affordable rented tenure; however, there would be an above target provision of much needed family accommodation, providing a 71.5% provision against a 45% target, including 3 bed flats – however this represents only 7 units and hence there would be no overconcentration of larger units.

10.53 The intermediate tenure provides policy compliant housing mix.

10.54 Within the market tenure, only 32% of one bed is being delivered against a target of 50%; there is an under provision of one beds which is offset by an over provision of two beds and family housing.

10.55 Given the relatively small size of the scheme direct compliance with all aspects of the housing size policy in DM3 is more difficult to achieve and on balance the proposals would offer a range and good mix of housing types, sizes and tenures. The proposed mix is supported by the Affordable Housing Team.

#### Standard of accommodation

10.53 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.

10.54 All the units proposed are in line with the above policies and meet the minimum space standards as set out in policy DM4 of the Managing Development

10.55 All the ground floor units are dual aspect; eight of the flats are single aspect but none of these would be north facing. All of the units have separate storage areas which are encouraged in the Mayor of London's housing design guide

10.56 Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.57 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.58 Two wheelchair accessible homes are proposed consisting of four bed flats at ground floor with private gardens and entrances together with car parking spaces. The LBTH Housing Team confirmed that this is in line with the needs of families waiting for fully accessible housing on the Common Housing Register.
- 10.59 The MDD allows consideration for wheelchair accessible units by habitable rooms where this would deliver a better outcome for the development. The two units would have a combined total of 12 habitable rooms which would therefore equate to 10.6% of the total provision of wheelchair accessible units.

#### Private and communal amenity space

- 10.60 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 10.61 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies. All of the ground floor units benefit from private gardens or patios which substantially exceeds the policy requirement.
- 10.62 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 76sqm is required for a development of 36 flats. The development would provide a roof top communal amenity space measuring 74sqm; and within the communal courtyard space at ground floor level, a total of 98sqm would be provided. Once areas of child play space are deducted, sufficient amount of usable communal amenity space would remain at ground level together with the roof terrace provision. This is considered to be a good provision of communal amenity space which exceeds requirement. Appropriate conditions would be attached to ensure that details of these spaces are approved at a later stage.

#### Child play space

- 10.63 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.
- 10.64 Using the LBTH child yield calculations, the development is anticipated to yield 16 children and accordingly the policy sets an overall benchmark of 160sqm of child play space to be provided. Play space for children under 5 should be provided on-site while older children can reasonably use spaces off-site, within a short walking or cycling distance.
- 10.65 It is anticipated that the development would yield 7 under 5 year old children and accordingly 70sqm of dedicated play space should be provided on-site. This is being

catered for within the communal courtyard which when combined with the smaller space near Block C totals to 120sqm. Nonetheless, this still represent a minor deficiency in on-site provision for all children, in particular older children.

- 10.66 The London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. It is noted that Grove Hall Park is within walking distance of the application site. The park contains play facilities for all ages in the form of a multi-use pitch for ages 5 and over (715sqm) and a playground for children up to 5 years old (604sqm). In addition to this, the development will make a £52,060.52 financial contribution towards public open space in the borough. Therefore, the under provision of the older children's play space is considered, on balance, to be acceptable in this instance.

#### Open Space

- 10.67 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy. The MDD includes a monitoring target of 1.2 ha per 1000 population.
- 10.68 Given the site's constraints and the proximity to Grove Hall Park, in this instance the lack of provision for additional open space, beyond that required to cater for private amenity, shared amenity and younger children's door step play s is considered acceptable in line with policy DM 10 of the MDD. Furthermore, as stated above, the proposal would make a £52,060.52 financial contribution towards public open space. Therefore, this proposal is in accordance with policies and the financial contribution is welcome.

#### **Residential amenity**

- 10.69 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.70 The nearest residential property is the adjoining building under construction at 207-211 Bow Road; the proposal at Payne Road is a considerable distance away and to the west of the site, the use class is predominantly commercial.
- 10.71 Most balconies face the inner courtyard and Bow Road; none are east ward facing; the west facing balconies are on the main, within part of Block B and Block C and they face the park rather than the new residential blocks currently under construction.

#### Overlooking and privacy

- 10.72 Due to the lack of fenestration in the side elevation looking west, no overlooking or privacy intrusion to adjoining new residential properties would occur. Balconies that do face west are mostly within Block C, facing Grove Hall Park. The proposed

development is being built sufficiently away from the boundary of the adjoining site to the east so as not to result in any direct overlooking. An objection relating to overlooking and privacy has been received from a resident in Mocha Court, Payne Road. However this building is some 45 metres from the nearest windows in the proposed development, significantly exceeding the minimum policy guideline of 18 metres to prevent direct overlooking, Due to the degree of physical separation, there would be no demonstrable harm on neighbouring residents including those in Payne Road.

- 10.73 It is noted that this proposal includes a roof terrace on the roof of Block C. Objections have been received with regards to this proposal blighting future developments on adjoining sites in particular 219-221 Bow Road. As stated under the Design section above, the roof terrace would be screened to avoid any overlooking. Furthermore, this space will be orientated towards the adjacent Grove Hall Park to encourage views in that direction and thus increasing the enjoyment of future residents plus increasing natural surveillance of the park. Therefore, these measures would ensure that no overlooking would result from this roof terrace. And it is also not considered that this proposal would fetter future developments on adjoining site.

#### Daylight and sunlight

- 10.74 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.75 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment demonstrates that none of the adjoining future residential properties (207-211) would be materially affected with regards to their day lighting; with regards to the residents of the proposed development, the daylight and sunlight achieved would be in line with the guidance given in the BRE report and consistent with levels seen within neighbouring properties.

#### Noise and vibration

- 10.76 The site is located on a very busy road and, as such, the majority of background noise would result from vehicular traffic.
- 10.77 The applicant submitted a Noise Assessment report which has been reviewed by the Council's LBTH Environmental Protection Team.
- 10.78 Concerns were raised with regards to providing effective ventilation without the transfer of external noise. The Environment officer stated that acoustic ventilation solutions should be reached that provide the required replacement air into the dwelling and reduce noise intrusion for the occupants. The applicant has confirmed that a 'whole dwelling' mechanical ventilation system incorporating heat recovery would be installed into each residential unit. The system would supply filtered and heated fresh air into the habitable rooms and exhaust humid air from kitchens and bathrooms in each dwelling; this will be achieved using mechanical fans and interconnecting ducts and this would also negate any requirement for "trickle vent".



- 10.79 Environmental Health Officers advised that the acoustic report submitted is satisfactory and all its recommendations should be conditioned. Overall, subject to appropriate conditions, the amenity of future occupiers would be safeguarded.

### **Transportation and access**

- 10.80 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.81 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.82 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.83 The site enjoys very high public transport accessibility with a PTAL rating of 6a. Bow Road is one of the major routes into the borough and is a primary route in and out of East London and Central London. The road is also identified as a Department of Transport Strategic Road and is a red route; Transport for London’s (TfL) strategic roads, the A12 Blackwall Tunnel Approach lies some 140 metres to the east. The site is within walking distance to major train stations and bus routes; Bow Church DLR is approximately 350 metres away and Bow Road tube station about 650 metres to the west. Many bus routes (nos. 25, 8, D6, D8 and 309) serve the area travelling towards Stratford (further east), the city, Hackney and Fish Island.
- 10.84 The Transport Statement accompanying the application concludes that given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems. In line with recommendation of the Council’s Highways Officer, the Travel Plan would be secured via a condition.
- 10.85 Overall, Transport for London and LBTH Transportation & Highways Team support the principle of proposed development at this location.

### Cycle Parking

- 10.86 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.

- 10.87 The proposal seeks to create a total of 46 cycle spaces for residents and 6 spaces for visitors. This provision was confirmed as adequate by the LBTH Transportation & Highways Team as well as Transport for London.
- 10.88 The provision of secure, weatherproof and accessible cycle spaces would be welcome; however, the Council's preferred option is the "Sheffield" type stand; non-stacking 'Josta' type storage for residents would be acceptable and 'Sheffield' type stands for the visitor parking is welcome provided these are placed within a shelter to offer some protection from the elements. These details would be secured by appropriate conditions.

#### Car Parking

- 10.89 Policy DM22 of the Managing Development Document also refers to the parking standards set out in its appendix 2. These state that for residential use in locations with a PTAL of 6, parking for 1 and 2 bedroom units should be provided at a maximum of 0.1 spaces per unit and not exceed 0.2 spaces per unit for 3 bedroom homes or larger.
- 10.90 In line with the above policies and given the high PTAL rate, the application proposes no "general needs" car parking spaces.
- 10.91 Two disabled car parking spaces would however be provided for the two four bed family units. Furthermore, in accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).

#### Servicing and refuse requirements

- 10.92 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.93 Refuse and recycling receptacles would be respectively provided for the three residential blocks located just outside the buildings. Full details of refuse storage and collection, a waste management plan and a deliveries and servicing plan would be secured by condition.
- 10.94 The addresses the objections raised by the Council's refuse section by providing a caretaker service to manage refuse collection from the rear blocks.
- 10.95 In terms of servicing, it has been agreed by TfL that delivery vehicles can use the existing on-street loading bay located on Bow Road. No servicing vehicles would enter the site and this would be conditioned.
- 10.96 Concerns (from an objector) were also raised with regards to fire access on site. This matter has been discussed further with colleagues and the applicant. The proposal includes dry risers within the site both horizontal and vertical for easy access by fire crew. Furthermore, sprinklers would be installed within Blocks B and C to ensure that in case of a fire, they are automatically activated.
- 10.97 Concerns were raised by the Council's Transportation and Highways section and TfL with regards to the vehicles overhanging the public footway which would not be accepted; the applicant has revised the proposal to ensure that the gates are set

back so that they are 6m from public highway. The front elevation landscape area would be conditioned as would the gates to ensure the position of the gates does not hinder pedestrians' safety.

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

### Energy efficiency

- 10.98 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 10.99 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.100 The Managing Development Document policy 29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 10.101 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4. Overall CO2 emissions would be reduced by 37%. Appropriate conditions would be imposed to ensure that the above targets are met.
- 10.102 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:
- Connection to existing heating or cooling networks
  - Site wide CHP network
  - Communal heating and cooling.
- 10.103 The applicant has demonstrated that in order to achieve the necessary CO2 emissions reductions, a centralised community heating system would be provided which would consist of high efficiency gas fired condensing boilers, combined heat and power plant and photo voltaic panels would be mounted on the roof of Blocks A and B. Full details would be reserved by condition.
- 10.104 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy.

### Ecology and biodiversity

- 10.105 The application is supported by an Ecological Assessment report which was reviewed by the Council's Biodiversity officer. The site is not a formally designated nature conservation site. There are no trees on site; however, the site adjoins the park and would impact on trees which will be retained. There are several TPO trees within the churchyard.
- 10.106 A preliminary bat survey identified that there is no potential to support bat roosts and several other features on site as having low potential to support bat roosts. A condition should be attached to undertake a precautionary survey for nesting birds including black redstarts immediately before demolition, especially if demolition would

take place between March and August. Ideally demolition should be outside of this period.

10.107 The proposed amenity roof garden offers opportunities for biodiversity enhancements. A good range of nectar-rich flowers to provide a source of food for bees and other pollinating insects would be welcome. However, the applicant is encouraged to provide bio-diverse roofs where possible.

10.108 The application is close to the boundary of the Grove Hall Park. Whilst the site itself has no trees or other vegetation, safety and security of the trees within the park close to the boundary of the site would be important. These trees would need to be protected prior to and during demolition and construction works. The loss of any trees following construction must be replaced by the developer. These will be secured by conditions.

10.109 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Policies with respect to biodiversity.

### **Health Considerations**

10.110 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the Borough.

10.111 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance people's wider health and well-being.

10.112 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

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

10.113 The applicant has agreed to a financial contribution of £51,309.70 to be pooled to allow for expenditure on health care provision within the Borough.

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

### **Planning obligations**

10.115 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development

acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

10.116 Policies 6A.5 of the London Plan (2008), saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

10.117 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

10.118 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. affordable housing, open space and public realm improvements).

10.119 The development viability of the scheme has been independently assessed. The Council's independent consultants have concluded that on the basis of 37% affordable housing provision on site, the maximum level of planning obligations that could be afforded without rendering the scheme unviable would be £298,000. The full contributions that would be required by applying the Council's Planning Obligations SPD would be £326,144.20.

10.120 The applicant is prepared to contribute the maximum that could be achieved in line with the independent viability assessment. This would be equivalent to 91% of the policy compliant provision. In line with the policies for negotiating obligations and given the onsite provision of 37% affordable housing, this offer is considered acceptable. The total has been distributed on a pro rata basis of 91% across each of the heads of terms required by the planning Obligations SPD as set out below:

- £8,174.81 towards Idea Stores, Libraries and Archives
- £26,992.24 towards Leisure Facilities
- £52,060.52 towards Public Open Space
- £1,014.54 towards Smarter Travel
- £6,154.87 towards Enterprise & Employment
- £152,293.32 towards Education
- £51,309.70 towards Health

Total Financial Contributions would be £298,000

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

- 37% affordable housing (Tower Hamlets preferred rents)
- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction stage

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

10.122 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:

10.123 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.

10.124 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.

10.125 In this context "grants" might include the New Homes Bonus.

10.126 These issues are material planning considerations when determining planning applications or planning appeals.

10.127 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-ring fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

10.128 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 £55,288 in the first year and a total payment of £331,726 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions and therefore this initiative does not affect the financial viability of the scheme.

10.129 With regard to Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be £.44,650

### **Human Rights Considerations**

10.130 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

10.132 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

10.133 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

10.134 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.135 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.136 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.137 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

10.138 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.139 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

10.140 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

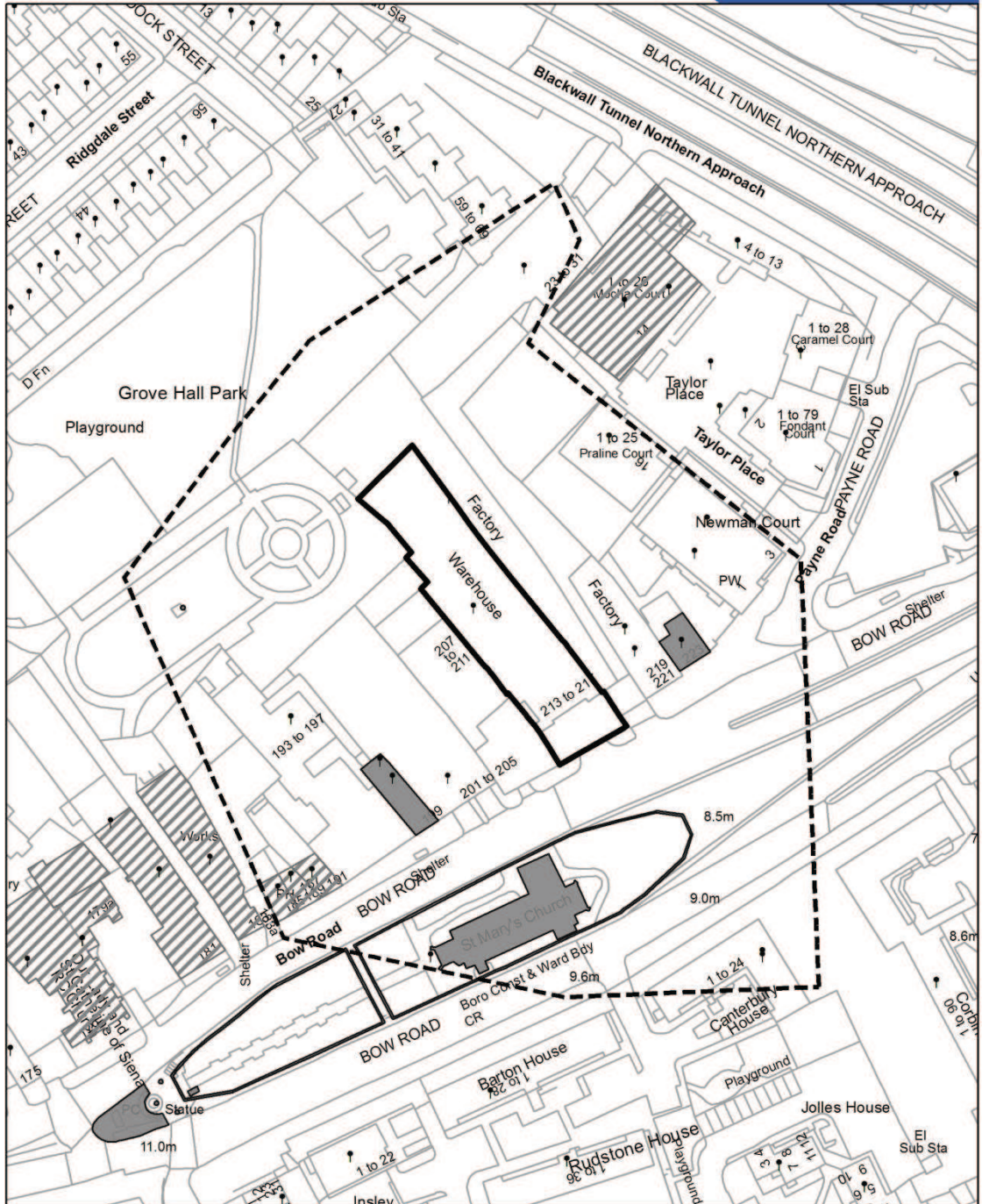
10.141 The provision of affordable housing, well designed and located wheelchair accessible housing and a good range of housing types all with access to shared communal open space and child play space within the development would support community wellbeing and social cohesion.

## **11. CONCLUSION**

11.1 All other relevant policies and material considerations have been taken into account. Planning permission and Conservation Area Consent should be granted in accordance with the RECOMMENDATION section of this report.



**Planning Application Site Map**  
**PA/13/00862**



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	0 20 m
Consultation Area	Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
 © Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288



This page is intentionally left blank

# Agenda Item 6.2

<b>Committee:</b> Development	<b>Date:</b> 11 December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	-------------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application, Listed Building and Conservation Area Consent
<b>Case Officer:</b> Jerry Bell	<b>Ref No: : PA/13/00697</b>
	<b>Ward: Shadwell</b>

## 1. APPLICATION DETAILS

<b>Location:</b>	6 Boulcott Street, London, E1 0HR
<b>Existing Use:</b>	London Dockers social club (Use Class D2)
<b>Proposal:</b>	Demolition of existing building and redevelopment to provide an 8 storey building with a social club (Use Class D2) on the ground and 1st floor with residential (Use Class C3) above, comprising 25 units (9 x 1 bed, 13 x 2 bed and 3 x 3 bed).
<b>Drawing Nos:</b>	CC/001, EDL20034-10, EDL20034-11A, EDL20034-12, EDL20034-13A, EDL20034-14, EDL20034-15A, EDL20034-16A, EDL20034-17A, EDL20034-18A, EDL20034-19A, EDL20034-20A, EDL20034-21A, EDL20034-22 and EDL20034-24
<b>Documents:</b>	<ul style="list-style-type: none"><li>• Design and Access Statement, prepared by Stephen Bradbury Architects</li><li>• Schedule of accommodation</li><li>• Planning Statement, dated February 2013, prepared by Collins and Coward Ltd</li><li>• Daylight and sunlight report, dated 6<sup>th</sup> February 2013, prepared by Stephen Bradbury Architects Limited ref 29407/IM/nms</li><li>• Noise and Vibration assessment, dated December 2012, prepared by Stephen Bradbury Architects Limited ref 296166-1(01)</li><li>• Viability Assessment, dated February 2013, prepared by Redloft</li><li>• Statement of Community involvement dated December 2012</li><li>• Constraints + Opportunities drawing</li><li>•</li></ul>
<b>Applicant:</b>	Rushby LTD
<b>Ownership:</b>	Freeholder
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 1. EXECUTIVE SUMMARY

- 1.1 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 Council's Managing Development Document (April 2013), adopted supplementary planning guidance and documents, the London Plan 2011 and the National Planning Policy Framework and has found that:
- 1.2 Concern has been raised in relation to impacting on the development opportunities for the adjoining site at 1-9 Ratcliffe Cross Street, officers have seen proposals that involve the redevelopment of both sites together and are satisfied that this proposal does not unduly prejudice the redevelopment of 1-9 Ratcliffe Cross Street.
- 1.3 Impacts on adjoining neighbours in terms of daylight and sunlight are material however this is as a result of the constrained nature of the site and the surrounding built environment. Due to the proximity of buildings on Boulcott Street, it is considered that any viable redevelopment of the site that significantly increases the height of the existing building is likely to impact the opposing property in turn. The same holds true for the entire length of Boulcott Street.
- 1.4 This proposal represents an opportunity to provide much needed affordable housing at target rents on what is considered to be a winfall site. Whilst there are shortfalls in the design including the level of internal and external space, and the impact on neighbouring properties the redevelopment of this site secures for the future, a long standing community use.
- 1.5 On balance it is considered the proposal provides a mixed use development that will significantly contribute towards creating a sustainable environment, whilst providing a good mix of units to accommodate a wide range of housing needs in the borough.

## 2. RECOMMENDATION

- 2.1 That the Committee resolve to **GRANT** planning permission, subject to:
  - A. The prior completion of a **legal agreement**, to the satisfaction of the Head of Legal Services (Environment) to secure the following planning obligations::

### Financial Obligation

- a) A contribution of **£444,000** towards Affordable Housing (and a review mechanism)
- b) A contribution of **£52,007** towards education.
- c) A contribution of **£4,214** towards employment, skills, training and enterprise initiatives.
- d) A contribution of **£27,105** towards community facilities.
- e) A contribution of **£32,580** towards Health.
- f) A contribution of **£4,725** towards streetscene improvements.
- g) A contribution of **£39,319** towards Public Open space
- h) A contribution of **£735** toward sustainable transport.

- i) **£12,093** towards monitoring fee (2%)

**Total £616,778**

### **Non- Financial Contributions**

- j) Affordable housing by habitable room comprising 4 Social Rent units on the second floor.
- k) Development to be secured ascar-free.
- l) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- m) 20% local procurement
- n) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

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

### 2.3 **Compliance Conditions**

1. Time limit – Three Years.
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Residential accommodation - compliance with Life Time Homes
4. Communal play space and child space accessible to all future residents of the development
5. Compliance with energy strategy.

### 2.4 **Pre-Commencement Conditions**

6. Full details of specification and samples of all facing materials.
7. Detail of child play space
8. Full details of communal amenity space
9. Full details of cycle storage facility and drawings at scale 1:20 of detailed elevation and layout.
10. Full details of the 4 wheelchair accessible units
11. Construction Logistics Plan
12. Construction Management Plan including details of use of water for transportation of materials and waste during demolition and construction phases.
13. Noise and vibration
14. s278 Highway Improvement Works to be submitted and approved
15. Contaminated land investigation
16. Energy
17. Code for Sustainable Homes for residential units.

2.5

### **Prior to Occupation Conditions**

18. Secured by Design Assessment.
19. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### 2.6 **Informatives**

1. Associated S106.
2. Compliance with Environmental Health Legislation.
3. Compliance with Building Regulations.

- 2.7 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.

### **3. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 3.1 The proposal is for the redevelopment of the existing Dockers Social Club located at Boulcott Street. The proposed works include the demolition of the existing building and construction of a part six part eight storey development.
- 3.2 This would result in the creation of 25 residential dwellings comprising 9 x 1 bedroom, 13 x 2 bedroom and 3 x 3 bedroom units with communal amenity space. The development also includes the re-provision of the existing community facility at ground and first floor level.

#### **Site and Surroundings**

- 3.3 The application site falls within the ward of Shadwell, west of Limehouse Docklands Light Railway (DLR) and National rail stations. The surrounding roads express a marked difference in characters and land uses. To the far north of the site lies Commercial Road, mixed in its land use with commercial use at ground floor level and residential uses on the above floors; Cable Street to the south is predominantly residential in character and Boulcott Street presents, apart from the application site, a residential character.
- 3.4 No.6 Boulcott Street is located on its western side. To the west of the site are nos 1-9 Ratcliffe Cross Street, the south of the site backs onto overland railway line and to the north the site adjoins no. 2-4 Boulcott Street, a recently constructed six storey residential development and forms the Boundary of the York Square Conservation Area.
- 3.5 The existing building is a part single part three storey social club/community facility
- 3.6 The site benefits from excellent access to public transport, being located approximately 214 metres to the west of the Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road.
- 3.7 The site is located on the boundary of Limehouse neighbourhood centre and the surrounding area is in mixed use, having originally formed a part of an area of commercial/industrial development, the character of which has changed over recent years with many of the older industrial sites being re-developed for housing. Much of the housing takes the form of multi-storey flats which have become a feature of the streetscape in this part of the Borough. There are no statutory listed buildings located within the vicinity of the application site.

#### **Planning History**

- 3.8 The following planning decisions are relevant to the application:

PA/02/00362

Planning permission granted on 27/02/2003 for "Erection of a one storey pavilion containing a meeting and cafe space."

### **4. POLICY FRAMEWORK**

- 4.1 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:

- 4.2 **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (2012) (NPPF)
- 4.3 **Spatial Development Strategy for Greater London (London Plan) (2011) (LP) with Revised Early Minor Alterations (REMA) dated 11th October 2013**
- 3.1 Ensuring equal life chances for all
  - 3.3 Increasing housing supply
  - 3.4 Optimising housing potential
  - 3.5 Quality and design of housing developments
  - 3.6 Children and young people's play and informal recreation facilities
  - 3.7 Large residential developments
  - 3.8 Housing choice
  - 3.9 Mixed and balanced communities
  - 3.10 Definition of affordable housing
  - 3.11 Affordable housing targets
  - 3.12 Negotiating affordable housing on individual private 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 network
  - 5.7 Renewable energy
  - 5.8 Innovative energy technologies
  - 5.9 Overheating and cooling
  - 5.10 Urban greening
  - 5.13 Sustainable drainage
  - 5.14 Water quality and wastewater infrastructure
  - 5.15 Water use and supplies
  - 5.16 Waste self-sufficiency
  - 5.17 Waste capacity
  - 5.18 Construction, excavation and demolition waste
  - 5.21 Contaminated land
  - 6.1 Strategic approach
  - 6.3 Assessing effects of development on transport capacity
  - 6.4 Enhancing London's transport connectivity
  - 6.5 Funding Crossrail and other strategically important transport infrastructure
  - 6.7 Better streets and surface transport
  - 6.9 Cycling
  - 6.10 Walking
  - 6.11 Smoothing traffic flow and tackling congestion
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London's neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.7 Location and design of tall and large buildings
  - 7.9 Heritage-led regeneration
  - 7.13 Safety, security and resilience to emergency

- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

**4.4 Core Strategy Development Plan Document (September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP08 Making connected places
- SP09 Creating attractive and safe streets
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering placemaking and (LAP 3&4 – Limehouse)
- SP13 Planning Obligations

**4.5 Managing Development Document (April 2013) (MDD)**

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM3 Delivery homes
- DM4 Housing standards and amenity space
- DM8 Community Infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing waste
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place-sensitive design
- DM25 Amenity
- DM27 Heritage and the built environment
- DM29 Achieving a zero carbon borough and addressing climate change
- DM30 Contaminated Land

**4.6 Supplementary Planning Guidance/Documents**

LBTH Planning Obligations Supplementary Planning Document (2012) (PO SPD)

**4.7 Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A great place to live
- A healthy and supportive community
- A safe and cohesive community
- A prosperous community



## 5. CONSULTATION RESPONSE

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

5.2 The following were consulted regarding the application:

### **London Fire and Emergency Planning Authority (Statutory Consultee)**

5.3 The brigade is satisfied with the proposal.

### **Network Rail**

- Risk assessment MUST take into account:
- That the information supplied, including the services shown on the map from the Geographical Information Portal (GIP), does not provide any guarantee as to the accuracy of the actual location of services on site and MUST be considered as for guidance purposes only.
- That new/unrecorded services are likely to be present
- That the enclosed Buried Services search information has been collated only for the ELR and Mileage boundaries as stated on the original request form
- you MUST contact local engineers before any ground disturbance is carried out, to check whether further information is held locally.
- Further guidance can be obtained from the Health and Safety Executive
- Should you become aware of any additional buried services or assets, please identify them as a matter of urgency to the site manager.

5.4 **[Officer Comment:** The applicant will be advised of the requirement by network rail via an informative.

### **Thames Water (Statutory Consultee)**

5.5 To date no comments have been received.

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

5.6 Financial contribution of £32,580 is required for this development to secure appropriate capacity within local healthcare facilities.

5.7 **[Officer comment:** This required financial contribution has been agreed and it is recommended that it is secured through a s106 agreement].

### **LBTH Contaminated Land(Statutory Consultee)**

5.8 The Councils records indicate that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. As ground works are proposed a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.

5.9 A condition is required to ensure the developer carries out a site investigation to investigate

and identify potential contamination.

- 5.10 **[Officer Comment:** An appropriately worded condition would be imposed on any permission]

#### **LBTH Waste Management**

- 5.11 Waste Storage arrangement is satisfactory. No objection to the proposal.

#### **LBTH Education Development Team**

- 5.12 To date no comments have been received.

#### **LBTH Housing Development and Private Sector**

- 5.13 The applicant initially proposed zero affordable housing. However, following a viability review it was deemed that there was sufficient surplus within the scheme to deliver affordable housing. The review concluded that this surplus could deliver 6 affordable units) at Social Rent, this would equate to a 24% quantum of affordable housing by habitable room. This is short of the council's 35% target; however the viability review concluded that this is the maximum viable amount. The applicant proposes to deliver 4 units on site (all on the 2<sup>nd</sup> floor) and provide a payment in lieu for the remaining 2 units.
- 5.14 The 1 and 3 bed unit are in line with the Council space standards (Managing Development Document DM4). However, the 2 bed unit at 59.5sqm falls short of the minimum target of 61sqm.
- 5.15 This would equate to 24% affordable by habitable rooms, short of the council's 35% target. We would therefore like to ensure that there is a review mechanism agreed within the s106 agreement (timing of the review to be determined) so that any uplift in scheme value is captured to plug the gap between the current offer and the council's target.
- 5.16 We are concerned about the lack of outlook for the residential units; we would want to ensure that the Daylight and Sunlight concludes that these units receive sufficient light.
- 5.17 We can consider the scheme with the 4 affordable units (1x1bed, 1x2bed and 2x3bed) on site and a payment in lieu for the 2 remaining units with a review mechanism within the s106 to ensure the level of affordable is maximised towards the 35% target.
- 5.18 **[Officer Comment:** The required financial contribution has been agreed and it is recommended that it is secured through s106 agreement. A review mechanism will also be secured through s106 agreement. Issues regarding affordable housing, internal space standard and amenity are fully discussed in the housing section of this report].

#### **LBTH Access Officer**

- 5.19 Access Officer Observations regarding wheelchair accessible housing units (2)
- Welcome the provision of 2 lifts.
  - The doors appear to have adequate clear widths
  - Concerns raised about the narrow route into the kitchen on the 3B5P
  - In double and twin rooms 1200mm should be provided on one side of each bed,
  - Bathrooms appear to provide sufficient manoeuvring space and to have outward opening doors.
  - There should be a transfer 'shelf' at the end of the bath

- There should be a clear ceiling-track hoist route (suitably constructed and with a ready power supply) provided between the bathroom and an adjacent bedroom (this should be discreet and should not pass through any living/habitable room)
- Thresholds to the balconies and any community/amenity facilities e.g. bin store should be flush/level
- Windows should be openable from a seated position.

5.20 **[Officer Comment:** These matters will be secured via an appropriately worded condition to ensure that the wheelchair units are policy compliant].

### **LBTH Noise and Vibration**

- 5.21 This development will experience high levels of noise and vibration from the Railway and Commercial Road in close proximity and is considered to fall within a SOAEL (Significant Observable Adverse Effect Level) as defined by the NPL (Noise Policy for England) under the current Planning Framework; as such our department would object to any proposed development at this location, unless significant noise insulation and acoustic ventilation measures are incorporated to ameliorate the likely noise impact on future residents.
- 5.22 If the site is used a high degree of noise insulation and vibration isolation will be required, to meet the “good standard” of BS2333 and the noise insulation between the residential and commercial uses should be at least 60 DnTw.
- 5.23 At present we would recommend that the development is refused in its present form, as it is highly likely that any residential properties may be uninhabitable and complaints will be very likely received after occupation.
- 5.24 Other conflict of use may occur at the development between residential and any commercial activities, including mechanical and electrical plant noise; servicing and delivery noise should also be taken into consideration as well as any other commercial activities.
- 5.25 **[Officer Comment:** Officers are satisfied that these matters can be addressed through appropriate insulation and vibration isolation and therefore these matters will be secured via an appropriately worded condition to ensure that the residential units are adequately insulated from noise and vibration.]

### **LBTH Transportation and Highways**

#### Parking

5.26 The site is located in an area of excellent public transport accessibility (PTAL6). Thus, in accordance with the Managing Development Document (MDD) DM22 Highways requires a s106 agreement to be attached to any permission prohibiting any residents of the new units from obtaining a residential on-street car parking permit from the Council.

#### Cycle Parking

5.27 The minimum cycle parking requirements as per the MDD for this development are 28 spaces for the residential units (25 for 1 or 2 bedroom and for 3 + bedrooms) and for the D2 space information has not been provided on the number of staff and peak time visitors to allow calculation of the minimum requirement. The plans show separate, designated areas for both residential and D2 use cycle parking but apart from stating that 11 cycle parking spaces will be provided on-site on the application form, there is no information on how these spaces will be distributed across each use class. Even from this limited

- 5.28 information it can be seen the provision falls significantly short of the minimum requirement to which Highways objects. The applicant has also failed to provide information on the type of cycle parking to be provided. The applicant is requested to provide this information and is advised that Highways will not support a situation where all cycle parking is of a vertical type.
- 5.29 **[Officer Comment:** The applicant is not proposing any car parking within the scheme. Full details of the cycle storage facility will be secured via condition and officers are confident that sufficient cycle parking can be provided for the development. The applicant would be advised via an informative of the need to use a Sheffield stand or similar.]

#### Refuse and servicing Arrangements

- 5.30 As discussed at the pre-application stage, highway access is available only via Commercial Road (Boulcott Street is a dead end) and consideration must be given to how the development will be serviced. As Highways will not support a situation where vehicles are forced to reverse up Boulcott Street and into the junction with Commercial Road the applicant was asked demonstrate where and how vehicles would turn in the road.
- 5.31 The introduction of 25 new residential units would result in an increase of servicing activity on Boulcott Street and as the ground floor plan does not provide a turning head for service vehicles it follows that goods vehicles will not be able to turn on Boulcott Street and will be forced to reverse back into the busy junction with Commercial Road. This would be a highly undesirable situation as the adjoining section of Commercial Road is a busy car, bus, cycle and pedestrian route. Highways object on the grounds that the development will have an unacceptable impact on road safety and that it does not comply with MDD DM20.
- 5.32 The issue of goods vehicles accessing the site will also be critical during the construction stage. Thus, a condition should be attached to any planning permission requiring a Construction Logistics Plan is approved prior to commencement of construction. This CLP should address in detail how goods vehicles will enter and exit Boulcott Street while mitigating any road safety risk.
- 5.33 **[Officer Comment:** refuse and service arrangement are fully discussed in the Highways section of this report]
- 5.34 The proposed development would result in two existing footway crossovers becoming redundant and increase stress on the footway adjoining the site, which is currently in a poor state of repair. The applicant is expected to instate footway in place of the crossovers and make good the any residual damage after the construction of the development is complete. If the planner is minded to grant permission, a condition requiring a S278 agreement should be included.
- 5.35 **[Officer Comment:** The above matter will be secured via condition.]

#### **LBTH Energy and efficiency team**

##### Energy

- 5.36 The applicant should undertake an energy assessment to clearly set out the anticipated CO2 emissions of the proposed development. The energy assessment should clearly set out the overall reductions from TER to DER to demonstrate that the CO2 emissions have been reduced by 35% (Managing Development DPD Policy DM29). The energy assessment should include the following:
- calculation of baseline energy demand and carbon dioxide emissions. The baseline

energy demand needs to be calculated using an approved calculation methodology.

- proposals for the reduction of energy demand and carbon dioxide emissions from heating, cooling and electrical power.
- proposals for meeting residual energy demands through sustainable energy measures.
- calculation of the remaining energy demand and carbon dioxide emissions.

### Sustainability

- 5.37 Policy 5.3 of the London Plan 2011 and Managing Development policy DM29 seek the highest standards of sustainable design and construction principles to be integrated into all future developments.
- 5.38 Policy DM29 requires all developments to demonstrate the highest standards of sustainable design and construction through undertaking an appropriate assessment of the scheme. The submitted information shows that the scheme has been designed to achieve Code Level 4 rating and BREEAM Excellent. This is supported by the sustainable development team.

### Further information requirements

- 5.39 The proposed scheme is currently NOT in compliance with current and emerging policy requirements including the London Plan 2011 (Chapter 5) and DM29 of the Managing Development DPD. Further information is requested from the applicant on the following issues:
- 5.40 Energy Assessment – the baseline energy demand needs to be calculated using the appropriate calculation methodology and sample calculations should be provided to show the proposed TER and DER/BER. Reason: to ensure compliance with London Plan Policy 5.2 Minimising Carbon Dioxide Emissions.
- 5.41 Be Lean – The applicant needs to detail the passive design and energy efficiency measures integrated into the design to reduce the overall energy demand and identify the % carbon emission savings from these measures. Reason: to ensure compliance with London Plan Policies 5.2 & 5.3 Sustainable Design and Construction.
- 5.42 Be Clean – the applicant should provide details of how the heating and hot water demand will be met. Reason: to ensure compliance with London Plan policy 5.2 & 5.6
- 5.43 Be Green – Details of the initiatives to reduce CO2 emissions through renewable technologies should be provided. Reason to ensure compliance Core Strategy Policy SP11.
- 5.44 **[Officer Comment:** Officers are confident that these matters can be addressed and therefore these matters will be secured via an appropriately worded condition.]

## **6. LOCAL REPRESENTATION**

- 6.1 A total of 78 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual 4                      Objecting: 4                      Supporting: 0  
responses:

No of petitions received: 1 in objection with 32 signatory

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

- The proposal significantly compromises the development potential of land at 1-9 Ratcliffe Cross Street.
- The proposed scheme relies on sunlight and daylight from land at 1-9 Ratcliffe Cross Street to bring light to the proposed western courtyard area.
- The development of both sites should be considered together to ensure that a compatible scheme can be agreed

6.3 **[Officer Comment:** This is fully discussed in the Housing section of this report].

6.7 Density

§ Overdevelopment would result in the area being too densely populated  
Increased population in the area is already putting pressure on services i.e. waste collection and this application would worsen the situation.

6.8 **[Officer Comment:** This is fully discussed in the Density section of this report].

6.9 Design

- § Scale of the development not in keeping with the street
- § Design and appearance not appropriate

6.10 **[Officer Comment:** This is fully discussed in the Design section of this report.]

6.11 Amenity

- § Loss of daylight and sunlight to adjoin flats, overlooking issues
- § Loss of privacy

6.12 **[Officer Comment:** This is fully discussed in the Amenity section of this report].

6.13 Highways

§ Impact on highways safety and increase in traffic generation

6.14 **[Officer Comment:**This is fully discussed in the Highways section of this report].

## 7. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Housing
3. Design
4. Amenity
5. Highways
6. Energy & Sustainability
7. Contamination
8. Section 106 Agreement
9. Localism Act (amendment to S70(2) of the TCPA 1990)
10. Human Rights Considerations
11. Equality Act Considerations

## Land Use

- 7.1 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 7.2 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 7.3 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 7.4 The application site carries no site-specific policy designations but is located within an 'edge of centre' area for the LimehouseNeighbourhood Town Centre, located approximately 21m to the south. The site is occupied by a part single part threestorey community centre (Dockers Club) of approximately 485sqm which is in a poor state of repair in a building with little architectural merit. The proposal represents an opportunity to introduce a mixed used development onto the site that promotes social cohesion whilst addressing deprivation through the provision of low cost housing. It is considered that this complies with both the national (NPPF) and regional policy (London Plan) stated above.
- 7.5 Principle of residential use
- Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 7.6 The Core Strategy objective SO5 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the placemaking policy SP12 envisages Stepney as a great place for families.
- 7.7 The application site is located on Boulcott Street, a narrow dead end road. In recent years Boulcott Street has been experiencing a transition from industrial use to a more residential character. With the recently constructed residential development at no's 2-4 Boulcott Street and former residential developments at no. 3 Boulcott Street and no. 5 Boulcott Street.

- 7.8 The application proposes the construction of 25 residential units, it is considered that the site is currently under-utilised and that redeveloping this site would contribute towards the regeneration of the site in accordance with the Core Strategy. Moreover, the proposal would make the most efficient use of the land and bring forward a sustainable development which responds to its changing context. Furthermore, the proposal would help address the key requirement for affordable housing which is a priority focus for the borough.
- 7.9 Given the above, the principle of redevelopment of the site for housing purposes is considered desirable in policy terms subject to other land use considerations.

#### Re-provision of community facility

- 7.10 Housing growth should be accompanied by and underpinned by provision of social, recreational and cultural facilities and services to reflect the community's needs, promote social cohesion, increase the quality of life and support health, social and cultural wellbeing. In particular, paragraph 73 of the NPPF acknowledges the contribution that opportunities for sport and recreation can make to the health and wellbeing of communities. Accordingly, policies 3.16 and 3.19 of the London Plan support development proposals that increase or enhance the provision of sports and recreation facilities.
- 7.11 These national and regional policies are reflected in the Council's Core Strategy policy SP03 and strategic objectives SO10 and SO11 which aim to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and ensure the timely provision of infrastructure to support housing growth. In particular, policy SP03 seeks provision of high-quality, multi-use leisure centres in accessible locations.
- 7.12 The NPPF, policies 3.16 and 4.7 of the London Plan, objectives SO4 and SO5 and policy SP01 of the Core Strategy, and policy DM8 of the Managing Development Document seek to locate leisure, social and community facilities in accessible locations, in or at the edge of town centres or along main roads. This is in order to support the vitality and viability of local town centres and ensure easy access by foot, cycle or public transport.
- 7.13 The Managing Development Document policy DM8 requires protection of health, leisure, social and community facilities where they meet an identified local need and the buildings are suitable for their use. The loss of an existing facility will only be considered acceptable if it can be demonstrated that there is no longer a need for the facility and the building is no longer suitable, or the facility is being adequately re-provided elsewhere. Paragraph 74 of the NPPF specifies that existing open space, sports and recreational buildings and land should not be built on unless the development is for alternative sports and recreational provision or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity.
- 7.14 The application proposes the replacement of the existing social club/community facility of some 485sqm with a new community centre of 627sqm. This represents a net gain of 142sqm in floor area, and therefore achieves the aims of the NPPF.
- 7.15 The current Docker's club is in a poor condition, as advised by the applicant it is still actively used but in need of modernisation. The new community centre will be provided over two floors with ancillary office space and flexible community space. The centre will have a separate entrance to the residential use above and as such can be used independently.
- 7.16 The application site is located at the edge of the Limehouse Neighbourhood Town centre. The re-provision of the community facility is considered acceptable as the site lies within a



highly accessible location, approximately 214 metres to the west of the Limehouse Docklands Light Railway (DLR) and National rail. Buses no. 15, 115, 135 and D3 all serve Commercial Road which is to the north of the application site. A high percentage of residential developments are located to the south of the site on Cable Street. Furthermore it is considered that the use would contribute to the vitality and viability of the surrounding area.

- 7.17 Overall, on balance, it is considered that the net increase in the community floorspace on site is acceptable in land use terms. The redevelopment of the site for mixed use purposes will provide a community centre, whilst making a significant contribution to delivery of much needed housing. The proposal thus broadly accords with the principles of the abovementioned land use policies.

### **Density**

- 7.18 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of policies 3.4 of the LP and strategic objective SO7 and strategic policy SP02 of the CS which seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting.
- 7.19 The site has an excellent Public Transport Accessibility Level (PTAL) (6). For urban sites with a PTAL range of between 4 and 6, table 3.2 of the LP, suggests a density of between 400- 700 habitable rooms per hectare. The proposed density would be 1315 habitable rooms per hectare (net site area) and therefore would be above the recommended density range.
- 7.20 It should be remembered that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 7.21 This report will go on to show that whilst some of the symptoms of overdevelopment are present in this application, officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of much needed social infrastructure, including affordable housing and the re-provision of a better community use.

### **Housing**

- 7.22 Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.23 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.

7.24 The application proposes 25 new residential units (Use Class C3) within the site.

Affordable Housing:

7.25 Policies 3.10, 3.11 and 3.12 of the LP 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.

7.26 Policy SP02 of CS 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.

7.27 As detailed in table 1 below, the proposal provides 19% affordable housing provision on-site by habitable room (4 units). With the payment in lieu for two units, the affordable housing would equate to 24%.

7.28 Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
1 bed flat	1	2	0	0	8	16	9	18
2 bed flat	1	3	0	0	12	36	13	39
3 bed flat	2	8	0	0	1	4	3	12
4 bed house	0	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>56</b>	<b>25</b>	<b>69</b>

7.29 The application was initially submitted with a proposed provision of no affordable housing. This was supported by a viability appraisal which sought to demonstrate that the provision of a policy compliant level of affordable housing (35%) and financial contributions in line with the S106 SPD would not be viable.

7.30 The submitted viability appraisal was independently assessed on behalf of the Council, the viability expert advised that the development could support a level of 24% affordable housing which equates to 6 affordable units on site.

7.31 A total of 4 of the 25 residential units within the proposal have been provided as affordable units, which represents a total on-site provision of 19% based on habitable rooms. This falls short by 6%, which equates to two units.

7.32 The applicant has proposed a cash contribution towards the provision of two affordable units. A contribution of £444,000 has been agreed as the total sum for providing the two affordable units off-site. This is the maximum reasonable amount of affordable housing whilst ensuring the scheme can be delivered and is viable.

- 7.33 A final review mechanism will be sort via s106 to ensure that the maximum reasonable amount of affordable housing is secured.
- 7.34 Policy DM3 (3) of the MDD states that development should maximise the delivery of affordable housing on-site. Part (a) of the policy states that off-site provision will only be considered in circumstances that it is not practical to provide affordable housing on site.
- 7.35 There are specific constraints associated with the subject site; the site is located off a narrow road with the DLR and national rail lines running along the south of the site. This accordingly has an impact on the level of affordable housing the scheme candeliver, whilst being viable. The affordable units are to be provided at second floor level, which accommodates only four units consisting of 2 x 3 bedrooms, 1 x 2 bedroom and 1 x 1 bedroom. Registered Providers (RP) prefer affordable units to be located within a separate core and not pepper potted for ease of servicing and maintenance. However in this instance, due to site constraints this is not a viable option, and only 4 affordable units have been provided within the same floor.
- 7.36 The remaining 2 units will be accounted for through a payment in lieu, this is considered acceptable in order to achieve acceptable tenure mix and delivery of quality affordable housing.
- 7.37 In conclusion, the application has been revised to provide 24% affordable housing by habitable room of which 19% will be provided on site. Whilst this falls short of the policy requirement of 35% affordable housing, an independent assessment of the application has shown that this is the maximum that the development can reasonably afford.

#### Housing Tenure:

- 7.38 With regard to the tenure of housing, the application proposes all units to be social target rented. There are no affordable (POD levels) or intermediate rent units within the proposal.
- 7.39 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 7.40 Social target rent is defined as rented housing owned and managed by local authorities, registered provider (RP) or and Approved Affordable Housing Provider (AAHP) for which guided target rent are determined through the national rent regime.
- 7.41 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 7.42 As part of the independent review of the applicant's viability toolkit, options to provide the units as affordable and intermediate rented accommodation were fully investigated; it was concluded that all units could be delivered as social target rents. It is noted that the Council's Housing team are supportive of the provision of affordable housing provided at social target rents.
- 7.43 The proposal is providing 100% social rented mix; this is not in compliance with Council's policy target of 70:30, as set out in the strategic policy SP02 of the CS. No intermediate housing is proposed, however as advised within the most up to date housing need assessment a large proportion of affordable units are required as social rented properties.

The approach is therefore considered acceptable and the LBTH Housing team supports this approach. Table 2 below illustrates the social rent level achieved within the borough.

7.44 Table 2: Social target rent levels

	1 bed (pw)	2 bed (pw)	3 bed (pw)
Proposed development social target rent levels plus service charges	£132.16	£139.92	147.70

Housing Mix:

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

7.46 Strategic policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

7.47 Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009). Table three shows the proposed housing and tenure mix.

7.48 Table 3: Housing Mix

		Affordable Housing						Private Housing		
		Social rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
1bed	1	1	25	30	0	0	25	8	38	50
2bed	1	1	25	25	0	0	50	12	57	30
3bed	2	2	50	30	0	0	25	1	5	20
4bed	0	0	0	15	0	0		0	0	
5bed	0	0	0	0	0	0		0	0	
<b>Total</b>	<b>4</b>	<b>4</b>	<b>100</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>21</b>	<b>100</b>	<b>100</b>

7.49 Whilst there is an under provision of one beds within the social rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 50% provision against a 45% target.

- 7.50 Within the market tenure there is an under provision of one beds which is offset by an over provision of two beds. Family housing is provided at 5% which is an under provision against a 20% target. However on balance, given the central character of the site the proportion of family units could be considered acceptable.
- 7.51 With regard to the housing mix, on balance given that the proportion of family housing within the affordable rented tenures exceeds targets and within the private tenure it is broadly policy compliant, officers consider on balance the housing mix is acceptable.
- 7.52 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Therefore, it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Housing Layout and Private Amenity Space:

- 7.53 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, the London Housing SPG and MDD policy DM4 requires new development to make adequate provision of internal residential space.
- 7.54 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 7.55 Table 4: Internal space standards

Proposed	Dwelling type	Gross internal Area (GIA)
Flats	1p	37sq metres
	1b2p	50sq metres
	2b3p	61sq metres
	2b4p	70sq metres
	3b4p	74sq metres
	3b5p	86sq metres
	3b6p	95sq metres
	4b5p	90sq metres
	4b6p	99sq metres

- 7.56 The table above sets out the minimum internal space standards. All of the proposed 1 bed units meet the above target. In terms of the two bedroom units, 6 of the 13 proposed 2 bedroom 3 person units measure 59.5sqm, this falls short of the minimum target of 61sqm.
- 7.57 It is noted that all 6 units benefit from south facing private amenity space measuring 12.45sq metres. This equates to an additional 6.45sq metres above the minimum standard for private amenity space. As such it is considered that the short fall in internal floor space is mitigated by the surplus of private amenity space.
- 7.58 The 3bed units meet or exceed the above targets. Moreover, all of the affordablefamily units benefit from separate kitchens and living rooms.

#### Private Amenity Space:

- 7.59 Policy DM4 sets out standards for new housing developments with relation to private amenity space. These standards are in line with the London Housing SPG, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant.
- 7.60 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant.
- 7.61 All of the proposed 25 flats benefit from private amenity space in the form of balconies. However, 8 of the 25 flats fall short of the minimum space standard as set out for private amenity space. It is also noted that 9 of the proposed balconies are located within the west facing lightwell. The balconies within the lightwell are likely to receive less sunlight and daylight than those located on the south elevation, thus reducing the likelihood of the balconies being used. However, as discussed below, there is an over provision of communal amenity space which helps to mitigate the, non-compliance with private amenity space standards. On balance, officers consider that this is acceptable.

#### Communal Amenity Space:

- 7.62 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. There would be a requirement for 65 square meters of communal amenity space. Overall, the development would include the provision of large communal amenity space which measures approximately 84sq metres.
- 7.63 It is considered that quantity of the proposed amenity space would be acceptable. It is recommended that if planning permission were granted that full details of the communal space be controlled via condition.

#### Child Play Space:

- 7.64 Policy 3.6 of the LP, strategic policy SP02 of the CS and policy DM4 of the MDD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10sq metres of useable child play space per child).
- 7.65 Using the Tower Hamlets SPG child yield calculations, the overall development is anticipated to yield 3 children and accordingly the development should provide a minimum of 30sq metres of play space in accordance with the LP and MDD's standard of 10sq metres per child. The application proposes 25sq metres of child play space. The proposed provision of play space for the scheme is below the required standard. However, due to the constraints of the site, officers consider that this is acceptable.

### Amenity of future occupiers:

#### *Outlook / sense of enclosure*

- 7.66 Within the affordable housing at second floor level, the one bedroom unit would have a poor outlook. The bedroom window would look out onto a 6 storey high wall; the window is located 3.7 meters from this wall. The proposed kitchen and living area benefit from three windows, however all three windows are considered to have poor outlook, which would result in a detrimental impact on the living conditions of future occupiers of this one bedroom flat.
- 7.67 Within the three bedroom affordable unit (Flat 3), the window of bedroom 2 faces east. Due to the location of the unit adjacent to no. 2-4 Boulcott Street, this creates a tunnelling effect thus creating poor outlook from this particular window.
- 7.68 As the floor plan remains relatively the same for the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floor, the outlook of 8 of the 25 flats are severely affected. Notwithstanding, the two bedroom units (flat 4) benefit from windows facing onto the lightwell and internal floor space which exceed the minimum standard.

#### *Privacy*

- 7.69 In terms of privacy, the bedroom window of the one bedroom affordable unit at second floor is located 2 metres from bedroom 2 of the three bedroom affordable unit, thus allowing oblique views into the rooms, however the proximity of the two windows allows for a greater sense of overlooking.
- 7.70 Again, as the floor plan remains relatively the same for the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floor, the privacy of all 8 units is affected. However the remaining 17 units will have acceptable privacy, in particular the south facing flats which will benefit from views over the railway line.

#### *Daylight and Sunlight*

##### Daylight

- 7.71 In accordance with BRE Guidance, a Daylighting and Sunlight report was submitted with the application. The report calculates the Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties.
- 7.72 The submitted daylight and sunlight report confirms that 6 of the 52 rooms tested failed the Average Daylight Factor test (ADF).
- 7.73 In terms of Daylight Distribution (DD) the test result conform that 6 of the 52 rooms tested failed the Daylight Distribution test.

##### Sunlight

- 7.74 The Bre Guidelines states that any south facing window may potentially receive up to 1486 hours of sunlight per year on average, representing 100% of the annual probable sunlight hours (APSH). Of this, each main window to a main habitable room may be adversely affected if it has less than 25% of the total APSH across the whole year to less than 5% APSH during the winter months (defined as the 6 months from September 21<sup>st</sup> through to March 21<sup>st</sup>). If the retained total APSH is reduced by less than 4% to the change from the existing is less than 20% for total and winter level of APSH then this too would meet Bre Guidance Levels.
- 7.75 All 52 habitable room windows were tested for APSH; the report confirms that 19 of the 52

windows tested failed the APSH test.

- 7.76 It is further noted that proposed lightwell faces onto land at 1-9 Ratcliffe Cross Street. Thus relying on sunlight and daylight from the adjoining land.
- 7.77 Objection has been received pertaining that the proposed location of the lightwell will substantially reduce the development potential of the adjoining land at no's 1-9 Ratcliffe Cross Street. The site is currently occupied by an underused 2 storey warehouse and is therefore a site with significant development potential. The applicant has provided a constraints and opportunities plan that shows how this site can be developed in the context of the current proposal and officers are satisfied that the proposal does not unduly constrain the development potential of the adjoining land.
- 7.78 Taking in to account the urban setting, it is considered that on balance the proposal provides acceptable residential space standards and layout. The quantity and quality of housing amenity space, communal space and child play space are considered to meet the needs of the development.

#### Wheelchair Housing and Lifetime Homes Standards:

- 7.79 Policy 3.8 of the LP and strategic policy SP02 of the CS require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.80 Across the development, 4 residential units are proposed to be provided as wheelchair accessible which represents 16% of all units and accords with Council policy. The units are to be distributed across the affordable and private rent tenures which are supported by LBTH housing. The level of provision exceeds policy standards and is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 4 wheelchair accessible units are delivered within the scheme.

### **Design**

#### Policy Context

- 7.81 Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 7.82 Policy SP10 of the CS and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

#### Building form, scale and massing

- 7.83 The application site is rectangular in shape with a part single storey part three storey 1960's building, occupying around 80% of the site. The surrounding area is interesting in its diverse uses, different architecture and character, being close to the busy Commercial Road to the north and opposite Limehouse town centre.
- 7.84 This change of character is evident within Boulcott Street itself, which is a short road, terminated at its southern end by an overhead DLR viaduct. Immediately opposite the



application site is a six/seven storey block of flats, 5 Boulcott Street, immediately adjacent to that building is 3 Boulcott Street which is six stories in height. It should be noted that the scale of the proposed building is greater than that of 5 Boulcott Street. The building height progressively reduces as you get nearer to Commercial Road frontage.

- 7.85 Lying directly to the north of the site is a recently constructed five storey building with a sixth floor setback block of flats with commercial use at ground floor. To the south of the site, the railway line runs east to west and to the south of the railway line lies a plot of undeveloped land with permitted outline permission for a part 7, part 8 storey mixed use residential development.
- 7.86 The proposal is for a part six part eight storey residential development with community use at ground and first floor.
- 7.87 Following comments from the urban design Officer, the applicant revised the design of the building by reducing the height of the central core to respond positively to its neighbouring building at 2-4 Boulcott Street.
- 7.88 The eastern elevation recessed ground floor element has been moved forward to create a more prominent entrance. The design now incorporates a widened entrance hall with wheelchair and pushchair storage areas.
- 7.89 The proposed development stands at eight storeys towards the south elevation, with a rise in the central section to accommodate the lift shaft. The height of the building drops to six storeys to the north to respect the height of no.2-4 Boulcott Street. This reduces the bulk and scale from the north elevation.
- 7.90 The proposed development is located on a narrow street. The resulting scale and massing is now appropriate to the surrounding context as it respects the building height of the adjoining 7 storey development to the east and the six storey development to the north.

#### Design and Appearance

- 7.91 The proposal is considered to be well designed.
- 7.92 The primary façade will be on the Boulcott Street elevation, with separate access to residential and community facility. The elevation of the building has been designed in a modern contemporary style.
- 7.93 At first floor level a lightwell has been created facing west, affording natural light to the community space below. The lightwell will have projecting balconies with perforated aluminium fins to prevent overlooking and acting as privacy screens.
- 7.94 The fenestration on Boulcott Street elevation consist of louvered panels at second floor level and obscured glazing at third to seventh floor level to prevent over looking into neighbouring properties.
- 7.95 In terms of materials, the building will be predominantly built in multi brown stock coloured brick and yellow stock brick. The southern elevation of the building has been revised during the application process, by replacing the aluminium cladding to the balconies with reconstituted stone panels fixed to a steel frame. The recessed section on the south elevation will be cladded in timber.
- 7.96 The treatment of the rear facade matches the design of the Boulcott Street elevation. At seventh floor level a roof garden; children's play area and a green roof have been proposed.

These are considered to be acceptable elements of the development. Nevertheless, it is recommended that a condition is attached to ensure detailed drawings of the amenity space and green roof are submitted to ensure the proposal delivers on design quality.

### Design Conclusions

7.97 The contemporary design and use of materials are considered to positively contribute to the existing street scene. The use of these varied materials would create a distinctive building within Boulcott Street which contributes positively to the locality. The south elevation in particular provides a visual interest with its use of different materials and colour.

7.98 In terms of height and massing, the proposed development is considered acceptable given the surrounding context. The proposal has been designed in a manner which ensures that the relationship in relation to the surrounding buildings is acceptable. The development would contribute to the setting of the surrounding context and would not have a detrimental impact on the adjacent conservation area.

### **Amenity**

#### **Impact upon the neighbouring occupants**

7.99 Policy DM25 of the Development Management Document 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.

#### *Privacy*

7.100 The windows within the development are located on all four elevations north, east, south and west. Within the lightwell the windows face towards each other and land at 1-9 Ratcliffe Cross Street.

7.101 The windows on the east elevation at second floor level will have louvered panels and the windows from third to seventh floor level will be obscured glazed. The lightwell will have projecting balconies with perforated aluminium fins to prevent overlooking and acting as privacy screens. The windows on the north west elevation serving the kitchens will also be obscured glazed.

7.102 It is not considered that any loss of privacy or overlooking would occur as all the windows facing the residential development to the east are either louvered or obscured glazed.

7.103 The windows facing south all look onto the railway line with the closest proposed residential property located approximately 35 metres which is in excess of the minimum privacy distance outlined within policy DM25 of the MDD.

7.104 Within the lightwell there are some windows and balconies which have a western aspect. These face out over a double height warehouse building. It is not considered that there would be any loss of privacy caused by these windows.

7.105 The proposed roof garden is located on the sixth floor and would therefore give far reaching and intrusive oblique views onto the terrace at 2-4 Boulcott Street and over the terrace and into the habitable rooms of 3 Boulcott Street and into rooms/balconies of the northern part of 5 Boulcott Street.

#### *Daylight/sunlight*

7.106 The objective of the Council's Policy DM4 is to ensure that new development does not adversely affect the amenity of existing neighbouring occupiers as a result of the loss of Daylight and Sunlight caused by a proposed development. Whilst it is perfectly reasonable for a degree of flexibility to be applied to reflect specific site conditions and the urban nature of this part of the Borough, the key issue remains whether the proposed development will result in a material loss of the amenity enjoyed by neighbouring residents.

7.107 The Council expects the impact of the development to be assessed following the methodology set out in the most recent version of Building Research Establishment's (BRE).

7.108 The Guidelines state that Daylighting received by an existing building may be adversely affected where:-

7.109 • The Vertical Sky Component measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value; or

7.110 • The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

7.111 It is therefore clear that where existing Daylighting conditions, whether measured by Vertical Sky Components or internal Daylight Distribution is reduced to less than 0.8 times its present value, i.e a reduction of more than 20%, then Daylighting is likely to be seriously affected.

7.112 A technical study by Malcolm Hollis of the impacts upon daylight and sunlight has been submitted with the application which looks at the impact of the development on the neighbouring property to the east and north. However, only the properties to the east no. 3 Boulcott Street and no.5 Boulcott Street lie directly opposite the application site and are therefore the most likely to be effected. The Council's Daylight and Sunlight consultant has reviewed the report and advised on the following findings.

#### No.5 Boulcott Street

7.113 31 of the 40 windows tested failed the BRE VSC test. This equates to a failure rate of 77.5%. When the Daylight Distribution results are considered, 17 out of 24 rooms failed the Daylight Distribution test, equating to a failure rate of 70.8%. The vast majority of the windows and rooms within 5 Boulcott Street will therefore experience a material loss.

7.114 At first floor level, one window will lose all of its natural Daylight. For the windows that faced directly onto the application site, the percentage reduction in VSC will range from 65.79% at best and 100% at worst. In addition, the residual VSC values range from just 0% up to 11.44% with 6 out of the 7 windows being in single figures.

7.115 The Daylight Distribution results show that of the 4 single aspect rooms facing onto the application site, the percentage losses in internal Daylight Distribution will range from 73.2% to 99.9%. Those rooms will therefore receive virtually no internal Daylight Distribution at all and rely solely on reflected light. The only room where there was no material loss to the internal Daylight Distribution is the corner dual aspect room which has the benefit of a south facing window.

7.116 It is therefore concluded that the rooms at first, second and third levels which are single aspect and face directly onto the application site will all experience significant losses of Daylight both in terms of the amount of Daylight received by the windows and the amount

of light received within the rooms, with the consequence that the occupants of those rooms will suffer a material loss of amenity.

### No.3 Boulcott Street

7.117 All six windows will experience losses in VSC in excess of BRE Guidelines. This represents a 100% failure rate. In addition, 5 out of the 6 rooms will fail the BRE Daylight Distribution test representing a percentage failure rate of 83.3%.

7.118 When the results are reviewed in more detail, the percentage losses in VSC at ground, first, second and third floor levels will all be in excess of 40% ranging from 47.47% to 70.84%, and the residual values will also be extremely poor ranging from just 3.38% at ground floor level to 14.65% at third floor level.

7.119 It is only at fourth and fifth floor level where reasonable VSC values will be achieved. Similarly, when the Daylight Distribution results are examined, the percentage loss of internal Daylight Distribution at ground, first, second and third floor levels will be well above the BRE recommendations and the occupants will therefore experience a significant loss of amenity.

7.120 To conclude the occupants at ground, first, second and third floor levels will experience a very significant loss of amenity, and it is only at fourth and fifth floor levels where reasonable Daylighting will continue.

### Conclusion

7.121 It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. The height and “massing” of the proposed development does not however mirror the height and massing on the opposite (east) side of Boulcott Street i.e no. 3 and no. 5 Boulcott Street and the overall height is greater.

7.122 The results of the Daylight and Sunlight tests also clearly demonstrate that the impact on the habitable rooms within no. 3 and no. 5 Boulcott Street will be materially effected and that the occupants of the rooms at first, second, third, and to some extent fourth floor level in 5 Boulcott Street and ground, first, second and third floor levels in 3 Boulcott Street will be left with very poor levels of Daylight and Sunlight with the consequence that those occupants will need to rely on supplementary artificial lighting for large parts of the day.

7.123 In conclusion, notwithstanding the above findings, it should be noted that the application site is located in a constrained urban environment and a degree of loss of daylight and sunlight is to be expected. Opposing properties on the street are generally 6m away from each other and any significant redevelopment of the site is likely to have similar impacts.

7.124 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in the this location is characterised by a narrow street with opposing properties in close proximity to each other. Officers consider that there are significant impacts, however benefits of the scheme outweigh those impacts given the character and nature of the area.

## **Transport, Connectivity and Accessibility**

- 7.125 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.126 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 7.127 The site has an excellent public transport accessibility level (PTAL 6) (1 being poor and 6 being excellent).

### Car Parking:

- 7.128 Policies 6.13 of the London Plan, strategic policy SP09 of the CS and policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 7.129 The most up to date parking standards are found within Appendix 2 of the MDD. The standard states that no car parking should be provided unless a Transport Assessment can demonstrate that there are no unacceptable impacts on the highway network and a travel plan can be secured.
- 7.130 Parking standards are based on the PTAL of a given site. As the site benefits from an excellent PTAL rating of 6, the application has proposed no onsite car parking. It is recommended that the development would be secured as permit free (other than Councils permit transfer scheme) to prevent future residents from securing parking permits for the local area. This would be secured via the s106 agreement.

### Provision for Cyclists:

- 7.131 In accordance with cycle parking requirements, 30 cycle parking spaces have been provided within the development for residential use. However no cycle parking spaces has been indicated on submitted plans for the use by community facility users or staff. Cycle parking spaces will be secured via condition for community facility users and staff. The proposal therefore will achieve compliance with London Plan policy 6.13.

### Refuse and servicing Arrangements:

- 7.132 The Highways Officer objects on the grounds that the development will have an unacceptable impact on road safety. As Boulcott Street is a dead end road, access is only available via Commercial Road. Highways will not support a situation where vehicles are forced to reverse up Boulcott Street and into the junction with Commercial Road.
- 7.133 The Highways Officer states that the introduction of 25 new residential units would result in an increase of servicing activity on Boulcott Street and as the ground floor plan does not provide a turning head for service vehicles, it follows that goods vehicles will not be able to turn on Boulcott Street and will be forced to reverse back into the busy junction with Commercial Road. This would be a highly undesirable situation as the adjoining section of Commercial Road is a busy car, bus, cycle and pedestrian route.

- 7.134 Notwithstanding concerns raised by Highways Officer, it is noted that no.5 Boulcott Street has 14 residential units within the development and refuse collection takes place on a regular basis.
- 7.135 The refuse team have advised that the refuse truck currently back into Boulcott Street and the current arrangement will continue for the proposed development. As such the refuse arrangement for the applicant site will be the same as that of 5 Boulcott Street. Whilst this may result in the refuse lorries resting for longer periods in Boulcott Street, officers are satisfied that such arrangements already exists and that Boulcott Street is a dead end road unlikely to attract significant levels of traffic.

Other:

- 7.136 Highways Officer has raised concerns about the impact of the proposed development on the surrounding highways network during construction phase. The impact of the construction phase would be controlled via a Construction Management Plan (CMP) and a logistic plan which would be secured via condition. The Highways Officer has also requested that the applicant enter into Section 278 Agreement of the Highway Act 1980 to ensure that the applicant instates footway in place of the crossovers and make good the any residual damage after the construction of the development is complete.
- 7.137 Subject to the development being secured as permit free, conditions securing cycle parking, Construction Management Plan and s278 works that the proposed development would not have an adverse impact on the surrounding highway network. On balance it is not considered that the proposed 25 new units would not result in an unduly detrimental impact upon local public transport infrastructure.
- 7.138 To conclude, the proposed development on balance is considered acceptable with regard to highway's impacts and accords with policy.

**Energy & Sustainability**

- 7.139 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 7.140 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 7.141 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 7.142 The applicant should undertake an energy assessment to clearly set out the anticipated CO2 emissions of the proposed development. The energy assessment should clearly set out the overall reductions from TER to DER to demonstrate that the CO2 emissions have been reduced by 35% (Managing Development DPD Policy DM29). The energy assessment should include the following:
- calculation of baseline energy demand and carbon dioxide emissions. The baseline energy demand needs to be calculated using an approved calculation methodology.
  - proposals for the reduction of energy demand and carbon dioxide emissions from heating, cooling and electrical power.

- proposals for meeting residual energy demands through sustainable energy measures.
- calculation of the remaining energy demand and carbon dioxide emissions.

- 7.143 The applicant has proposed to achieve Code Level 4 rating for the residential part of the development and BREEAM Excellent for the community facility. This is supported by the sustainable development team and would be secured through appropriate conditions.
- 7.144 The energy officer has advised that the proposed scheme is currently not in compliance with council policies and the following information is required from the applicant on the following issues:
- 7.145 Energy Assessment – the baseline energy demand needs to be calculated using the appropriate calculation methodology and sample calculations should be provided to show the proposed TER and DER/BER. Reason: to ensure compliance with London Plan Policy 5.2 Minimising Carbon Dioxide Emissions.
- 7.146 Be Lean – The applicant needs to detail the passive design and energy efficiency measures integrated into the design to reduce the overall energy demand and identify the % carbon emission savings from these measures. Reason: to ensure compliance with London Plan Policies 5.2 & 5.3 Sustainable Design and Construction.
- 7.147 Be Clean – the applicant should provide details of how the heating and hot water demand will be met. Reason: to ensure compliance with London Plan policy 5.2 & 5.6
- 7.148 Be Green – Details of the initiatives to reduce CO2 emissions through renewable technologies should be provided. Reason to ensure compliance Core Strategy Policy SP11
- 7.149 Officers are satisfied that compliance with the London Plan policies can be achieved and therefore the above energy requirements will be secured by condition. Subject to condition the environmental sustainability matters, including energy, on balance are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011) and policy DM29 of the Managing Development Document (2013), which seek to promote sustainable development practices.

### **Contamination**

- 7.150 The NPPF and policy DM30 of the MDD provide guidance with regard to the assessment of contamination risk.
- 7.151 In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

### **Health Considerations**

- 7.152 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.153 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.154 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

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

7.155 The applicant has agreed to financial contributions towards leisure, community facilities and health care provision within the Borough.

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

### **Section 106 Agreement**

7.157 The NPPF requires that planning obligations must be:

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

7.158 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

7.159 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

7.160 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

7.161 This application is supported by a viability toolkit which details the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it viable for the proposal to deliver 24% affordable housing, of which £444,000 will be payment in lieu for affordable units and a full contribution of £172,778of planning obligations.



7.162 The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative 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. 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.

7.163 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, 16% on-site affordable housing, payment in lieu for remaining affordable units of £444,000 and a full contribution of £172,778 will be secured via s106 agreement.

7.164 The obligations can be summarised as follows:

#### Financial Obligations

- Affordable Housing : £444,000
- Education: £52,007
- Enterprise & Employment: £4,214
- Community Facilities: £27,105
- Health: £32,580
- Public realm: £39,319
- Streetscene Improvement: £4,725
- Sustainable Transport: £735
- Monitoring & Implementation 2% of total (£12,093)

#### **Total £616,778**

#### Non-Financial Obligations

- 16% affordable housing
- Access to employment initiatives
- Permit free agreement
- Code of Construction Practice

7.165 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

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

7.166 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:

7.165 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.

- 7.167 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.
- 7.168 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 7.169 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 7.170 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 £56,772 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 24% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 7.171 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.
- 7.172 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 £36,103 within the first year and a total of £216,620 over a rolling six year period. Because the new homes bonus comes from central government this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 7.173 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 7.174 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of

property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

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

### **Equalities Act Considerations**

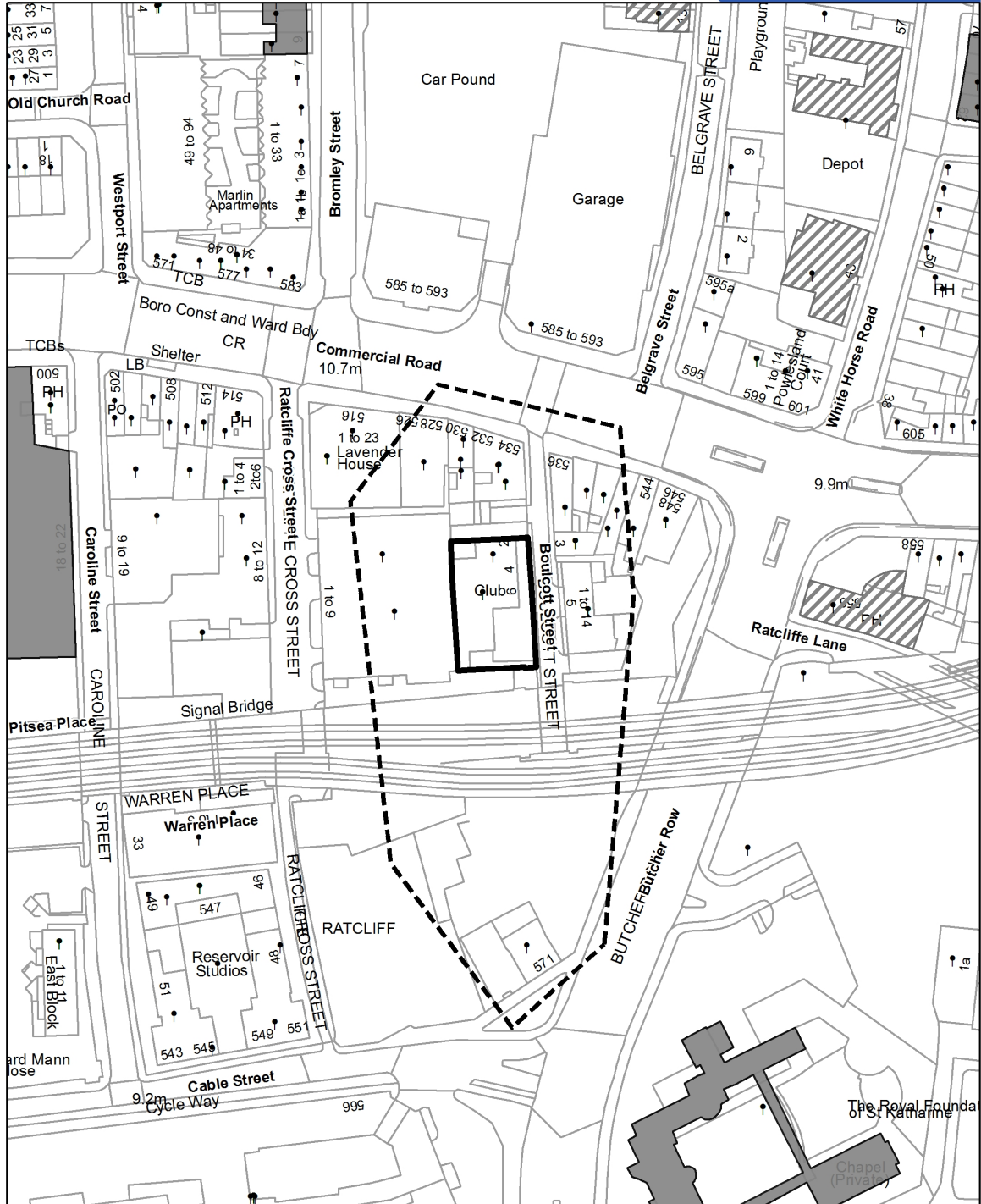
- 7.181 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.182 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

- 7.183 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 7.184 The community related contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 7.185 The contributions to affordable housing support community wellbeing and social cohesion and appropriate levels of wheelchair housing are to be provided, helping to provide equality of opportunity in housing.

### **Conclusions**

- 7.186 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/13/00697**



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

0 20 m



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
© Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

1:1,250

This page is intentionally left blank

# Agenda Item 6.3

<b>Committee:</b> Development	<b>Date:</b> 11 <sup>th</sup> December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	---	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Alison Hoskin	<b>Ref No:</b> PA/12/02784 (full planning permission) and PA/12/02785 (conservation area consent)
	<b>Ward:</b> Blackwall and Cubitt Town Ward

## 1. APPLICATION DETAILS

**Location:** Calders Wharf, Saunders Ness Road, London, E14 3EA.

**Existing Use:** Community centre

**Proposal:** PA/12/02785  
Conservation Area Consent for the demolition of an existing modern constructed, single storey community building (387 sq.m. GIA, Use Class D1) (the Calders Wharf Community Centre), a 2.4 metre high brick boundary wall, railings and planters and tree removal.

PA/12/02784  
The redevelopment of Calders Wharf community Centre comprising the demolition of the existing building (387sq.m GIA) (Use Class D1) and adjacent boundary wall, railings and planters.  
The construction of a four storey building to provide a new Community Centre and children's play group facility (494 sqm GIA) (Use Class D1) and 25 new residential units (9x1 bedroom; 11x2 bedroom; 5x3 bedroom) with associated disabled parking and cycle parking, landscaped public open space, private amenity space and other associated works.

**Drawing and documents:**

- Planning Statement and Impact Statement, prepared by Leaside Planning, dated August 2013
- Statement of Community Involvement, prepared by Leaside Planning, dated August 2013
- Design and Access Statement, prepared by Leaside Planning, dated August 2013
- Energy Statement, reference 59097 revision D, prepared by EnergyCouncil, dated 9 August 2013
- Sustainability Statement, reference 59097 revision E, prepared by EnergyCouncil, dated 15 August 2013
- Energy Statement Addendum Note 1, prepared by EnergyCouncil, dated 18 November 2013

- Transport Statement, prepared by TTP Consulting, dated August 2013
- Daylight and Sunlight Assessment, prepared by Nathaniel Litchfield & Partners, dated August 2013
- Viability Assessment, prepared by DTZ, dated 22 August 2013
- Landscape Management and Maintenance Plan, reference JBA 12/252, dated July 2013
- Landscape Strategy Document, prepared by JBA, revision E, dated 16/08/2013
- Arboricultural Impact Assessment, prepared by DF Clark Bionomique Ltd, revision B, dated 8 August 2013
- Heritage and Visual Impact Assessment, prepared by Montague Evans, dated August 2013
- Additional views addendum
- Accurate Visual Representation Methodology, prepared by HaylesDavidson, dated August 2013
- Flood Risk Assessment and Sustainable Drainage Strategy, prepared by Consibee, dated 20 September 2012
- Flood Risk Assessment Letter, prepared by Consibee, dated 15 August 2013
- Phase I Desktop Study Report, prepared by Herts & Essex Site Investigations, dated September 2012
- Drawing Number 2915 PL(000) Rev A
- Drawing Number 2915 PL(001) Rev A
- Drawing Number 2915 PL(002) Rev A
- Drawing Number 2915 PL(003) Rev A
- Drawing Number 2915 PL(100) Rev A1
- Drawing Number 2915 PL(101) Rev A1
- Drawing Number 2915 PL(102) Rev A1
- Drawing Number 2915 PL(103) Rev A
- Drawing Number 2915 PL(104) Rev A
- Drawing Number 2915 PL(105) Rev A
- Drawing Number 2915 PL(200) Rev A
- Drawing Number 2915 PL(201) Rev A
- Drawing Number 2915 PL(202) Rev A
- Drawing Number 2915 PL(203) Rev A
- Drawing Number 2915 PL(204) Rev A
- Drawing Number 2915 PL(300) Rev A
- Drawing Number 2915 PL(301) Rev A
- Drawing Number 2915 PL(302) Rev A
- Drawing Number 2915 PL(303) Rev A
- Drawing Number 2915 PL(304) Rev A
- Drawing Number 2915 PL(500) Rev A1
- Drawing Number 2915 PL(600) Rev A
- Drawing Number 2915 PL(601) Rev A
- Drawing Number 2915 PL(701) Rev A
- Drawing Number 2915 PL(702) Rev A
- Drawing Number 2915 PL(703) Rev A
- Drawing Number 2915 PL(704) Rev A
- Drawing Number 2915 PL(705) Rev A
- Drawing Number 2915 PL(706) Rev A



- Landscape Masterplan, Drawing Number JBA 12/252-01, dated October 2012

<b>Applicant:</b>	EastEnd Homes
<b>Ownership:</b>	London Borough of Tower Hamlets, Docklands Light Railway
<b>Historic Building:</b>	Adjoins Grade II Listed Greenwich Foot Tunnel Entrance building, adjoins Island Gardens historic park, adjoins/southeast corner of the site partially affected by Maritime Greenwich World Heritage Site Buffer Zone.
<b>Conservation Area:</b>	Island Gardens Conservation Area

## 2. Executive Summary

- 2.1. Officers have considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2011) together with Revised Early Minor Alterations (2013) and the National Planning Policy Framework (2012), and have found that:
- 2.2. The site is within a sensitive location within the Island Gardens Conservation Area, and adjoins the Grade II Listed Entrance Building to the Greenwich foot tunnel and the Island Gardens Park, which is classified as a Historic Park and Metropolitan Open Land.
- 2.3. The existing building at the site is a single storey redbrick community centre of no identified architectural merit. Conservation Area Consent is sought for the demolition of this building along with an existing brick boundary wall and associated structures. Subject to a suitably designed replacement building, the loss of the existing community centre and associated structures on site can be supported in this instance.
- 2.4. The proposed scheme follows a process of public consultation and review of the scheme with the applicant. The priority for officers in negotiating and assessing this development was the Heritage and Conservation merits of the site.
- 2.5. The merits of the proposed four storey scheme have been assessed against the relevant planning objectives and policies. The proposed scheme will re-provide the existing community centre, and facilitate redevelopment of the site that will open up the park with the river frontage. It is considered that the overall height, scale and layout of the building provides a satisfactory response to the site and its sensitive location adjoining the Island Gardens Park, Grade II Listed Entrance Building to the Greenwich foot tunnel and the buffer to the Maritime Greenwich World Heritage Site. The proposal will not result in detrimental harm to the Island Gardens Conservation Area and it is considered that appropriate levels of internal and external amenity for the scheme have been achieved overall. Subject to condition, it is considered that the detailed design of the scheme is acceptable.

- 2.6. The proposal will contribute to the delivery of housing within the Borough, through creating 25 new homes. The scheme delivers 19.2% affordable housing provision on site, together with £26,000 financial contribution towards affordable housing delivery plus £155,904.56 of S106 financial contributions to mitigate against the impacts of the development. Although the affordable housing provision falls short of Council's minimum target of 35%, on balance, it has been demonstrated through the interrogation of the financial viability of the scheme that the proposal is delivering the maximum reasonable amount of affordable housing.
- 2.7. When considering the overall benefit to the community of upgrading the community centre and the provision of housing at the site, on balance, the scheme is considered to provide a satisfactory response to the site and its sensitive location, which has been considered in the design of the proposal which has resulted in a scheme that sits comfortably overall within the surroundings.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. The prior completion of a **legal agreement** to the satisfaction of the Head of Legal Services (Environment) to secure the following planning obligations:

#### Financial Contributions

- a) Education: £37,177
- b) Enterprise & Employment: £8,928.98
- c) Community Facilities: £32,021.50
- d) Health: £34,221
- e) Sustainable Transport: £720
- f) Public Realm: £39,779.13
- g) Monitoring & Implementation 2% of total: £3,056.95
- TOTAL: £155,904.56**

h) Delivery of Affordable Housing: £26,000

#### Non- Financial Contributions

- i) Car free agreement
- j) 24 hour access over public open space
- k) Employment
- l) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

- 3.3. That the Head of Legal Services (Environment) is delegated power to negotiate the legal agreement indicated above.
- 3.4. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.5. **Conditions**

#### Compliance:

- 1. Time Limit for implementation of 3 years
- 2. Compliance with plans
- 3. All servicing must occur onsite

4. Tree protection measures
5. Allocation and retention of cycle and disabled parking spaces
6. Compliance with the submitted Flood Risk Assessment (FRA) and Sustainable Drainage Strategy with mitigation measures
7. Hours of operation for the community centre use
8. Compliance with hours of construction and deletion (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Lifetime Homes
10. No drainage to the public highway
11. No demolition works of the existing structures onsite permitted under the Conservation Area Consent shall occur until a contract for the redevelopment the site is secured

Prior to Commencement

12. Details and samples of all materials
13. Sample panel of brickwork showing, bonding, mortar colour and jointing details
14. Full details of the junctions between the various different cladding materials, and of these materials within the windows
15. Typical elevation of a bay, and section through the building on each elevation
16. Privacy screens on western elevation balconies
17. Screening of western facing windows for unit 10 (first floor northwest unit)
18. Full details of windows at a large scale
19. Full details of balcony treatments
20. Construction Management/Logistics Plan
21. Full details of the design and construction methodology for the foundations
22. Monitoring of DLR tunnels and track for no material load during construction works
23. Details of privacy screening for balconies on west elevation
24. Full Asset Protection Agreement
25. Contamination, remediation and verification
26. Piling Method Statement prior to commencement of impact piling works
27. Secure by Design statement
28. Details of secure fencing for sensitive uses
29. Management Plan for security and safety
30. Precautionary bat survey
31. Landscape plan in consultation with London City Airport
32. Updated detailed roof plan (photovoltaic panels)
33. Details of bird and bat boxes
34. Details of wildflower grassland
35. Full detail of tree protection measures
36. Detail of replacement tree in southwest corner of the site
37. External lighting scheme along 16m wide buffer area adjoining Thames River
38. Structural survey of existing tidal river wall
39. Full details of residential cycle storage
40. Full details of CHP system
41. Full details of minimum of 70m<sup>2</sup> of photovoltaic panels (peak output - 10kWp)
42. Impact risk assessment of stability of DLR tunnel to ensure the stability of the development scheme and the DLR
43. Revised energy statement addressing the following:
  - Details of the proposed CHP system;
  - Details of the renewable proposals of the scheme.
44. Section 278 required (highway works, Highway Management Order for no loading)

Prior to Occupation:

45. Full implementation of Flood Risk Assessment mitigation measures
46. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Within 3 months of first Occupation:

47. Final Code for Sustainable Homes certificates to demonstrate achievement of Code 4 rating and provision of certificates to the Local Authority.

### 3.6. **Informatives**

1. Section 106 required
2. Section 278 required
3. Environment Agency informative (flood defence consent)
4. Delivery of energy efficiency, heat network and CO2 savings as proposed in the Energy Statement (Clarification on Energy Statements ref: 59097D)
5. Sufficient water supplies available for fire-fighting associated with domestic use
6. Sprinkler system installed
7. Compliance with submitted Flood Risk Assessment (FRA) and Sustainable Drainage Strategy
8. Minimum water pressure
9. Approval from Thames Water required for development within 3m of a sewer and discharge of groundwater
10. Surface water drainage
11. Petrol/oil interceptors fitted to all carparking/washing/repair facilities
12. Installation and maintenance of fat trap for any catering facilities and recycling of production bio diesel
13. Separate consultation to London City Airport for craneage or scaffolding at a higher elevation than proposed development
14. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7. That the Committee resolve to GRANT conservation area consent subject to:

3.8. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

- 1) Three year time limit
- 2) Compliance with approved plans
- 3) Construction contract for redevelopment of the site

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

## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal and Background**

4.1. The scheme being considered proposes the redevelopment of Calders Wharf Community Centre comprising the demolition of the existing building (387sqm GIA of Use Class D1) and adjacent boundary wall, railings and planters.

- 4.2. This is required to facilitate the construction of a four storey building to provide a new Community Centre and children's play group facility (494sqm GIA of Use Class D1) and 25 new residential units (9x1 bedroom; 11x2 bedroom; 5x3 bedroom) with associated disabled parking and cycle parking, landscaped public open space, private amenity space and other associated works. The proposal includes removal of two trees and tree works.
- 4.3. The scheme proposes the delivery of 2 intermediate units and 2 affordable rented units, which equates to 19.2% by habitable room.

### **Site and Surroundings**

- 4.4. The application site occupies an area of approximately 0.19 hectares within the Island Gardens Conservation Area at the southern tip of the Isle of Dogs.
- 4.5. The site is generally rectangular in shape and contains a single storey community centre building (Calder's Wharf Community Centre) with associated playspace and carparking area, which is accessible via an existing crossover on the northern boundary of the site to Saunders Ness Road. Based on review of the planning history for the site, the existing use of the site as a community centre dates back to the 1970s.
- 4.6. The site adjoins the Island Gardens Park, which is classified as a Listed Park and Metropolitan Open Land. The Grade II Listed Foot Tunnel Entrance tunnel is situated to the east of the site.
- 4.7. The site adjoins the Maritime Greenwich World Heritage Site Buffer Zone, which borders the eastern boundary of the site and partially crosses within the southeast corner of the site.
- 4.8. The Island Gardens DLR station is located approximately 120 metres to the north of the site and accessible via Douglass Path and the area has an average Public Transport Accessibility Level (PTAL) of 3.
- 4.9. To the north of the site is Saunders Ness Road and further north is a predominantly four to seven storey building to the north (development at the southeast corner of Manchester and Ferry Street). The broader area to the north contains a range of development from two storey residential to higher density residential development of up to approximately seven storeys.
- 4.10. To the south of the site is the River Thames, with a solid retaining wall abutting the southern portion of the site. On the southern bank of the Thames River lies the Royal Borough of Greenwich, including the Maritime Greenwich World Heritage Site.
- 4.11. To the west of the site is a double storey building occupied by the Poplar Blackwall and District Rowing Club.

### **Relevant Planning History**

- 4.12. The site has several planning permissions for the existing community facility from its consent in 1977 until 1997. These are listed below.

PA/77/00437 Planning Permission was granted on 25/10/1977 for "use of site for community facilities for local population"

- PA/78/00467 Planning Permission was granted on 10/05/1979 for “erection of a single story community centre with associated parking”
- PA/84/00565 Planning Permission was granted on 18/02/1985 for “extension of existing centre to provide additional storage and children’s centre and new restaurant”
- PA/90/00187 Planning Permission was granted on 05/10/1990 for “extension of existing community centre to provide additional storage and children’s centre”
- PA/97/91103 Demotion Determination was granted on 26/03/1997 for “part demolition of a boundary wall”

## 5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items.
- 5.2. The following policies are relevant to the application:
- 5.3. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**  
**London Plan Revised Early Minor Alterations 2013 (LP REMA)**
- 3.1 Ensuring equal life chances for all
  - 3.2 Improving health and addressing health inequalities
  - 3.3 Increasing housing supply
  - 3.4 Optimising housing potential
  - 3.5 Quality and design of housing developments
  - 3.6 Children and young people’s play and informal recreation facilities
  - 3.7 Large residential developments
  - 3.8 Housing choice
  - 3.9 Mixed and balanced communities
  - 3.10 Definition of affordable housing
  - 3.11 Affordable housing targets
  - 3.12 Negotiating affordable housing
  - 3.13 Affordable housing thresholds
  - 4.1 Developing London’s economy
  - 4.12 Improving opportunities for all
  - 5.1 Climate change mitigation
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable design and construction
  - 5.5 Decentralised energy network
  - 5.7 Renewable energy
  - 5.8 Innovative energy technologies
  - 5.9 Overheating and cooling
  - 5.10 Urban greening
  - 5.11 Green roofs and development site environs
  - 5.12 Flood risk management
  - 5.13 Sustainable drainage
  - 5.14 Water quality and wastewater infrastructure
  - 5.15 Water use and supplies
  - 5.16 Waste self-sufficiency
  - 5.17 Waste capacity

- 5.18 Construction, excavation and demolition waste
  - 5.21 Contaminated land
  - 6.1 Strategic approach to transport
  - 6.2 Providing public transport capacity and safeguarding land for transport
  - 6.3 Assessing effects of development on transport capacity
  - 6.4 Enhancing London's transport connectivity
  - 6.7 Better streets and surface transport
  - 6.9 Cycling
  - 6.10 Walking
  - 6.11 Smoothing traffic flow and tackling congestion
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London's neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.8 Heritage assets and archaeology
  - 7.10 World Heritage Sites
  - 7.11 London View Management Framework
  - 7.12 Implementing the London View Management Framework
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing noise and enhancing soundscapes
  - 7.17 Metropolitan Open Land
  - 7.18 Protecting local open space and addressing deficiency
  - 7.19 Biodiversity and access to nature
  - 7.29 The River Thames
  - 8.2 Planning Obligations
  - 8.3 Community Infrastructure Levy
- 5.5. Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP02 Urban living for everyone
  - SP03 Creating healthy and liveable neighbourhoods
  - SP04 Creating a green and blue grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected places
  - SP09 Creating attractive and safe streets
  - SP10 Creating distinct and durable places
  - SP11 Working towards a zero-carbon borough
  - SP12 Delivering placemaking and (LAP 5 & 6 – Bow)
- 5.6. Managing Development Document (adopted April 2013) (MDD)**
- DM3 Delivery homes
  - DM4 Housing standards and amenity space
  - DM8 Community Infrastructure
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage
  - DM14 Managing waste

DM15	Local job creation and investment
DM18	Delivering schools and early learning
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM28	World Heritage Sites
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated land

5.7. **Supplementary Planning Guidance/Documents**

LBTH Planning Obligations Supplementary Planning Document (2012)  
 LBTH Island Gardens Conservation Area Character Appraisal  
 London View Management Framework

5.8. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

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

**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:

**English Heritage**

6.3. Initial comments were received from English Heritage stating no objection to the principle of redevelopment of the existing community centre, given it has no architectural interest in its own right. English Heritage raised concern over the bulk and scale of the proposed building and the way in which it responds to the heritage assets within the immediate area. Specifically, English Heritage considered that the proposed height, mass and prominence of the five storey building will have a detrimental impact to the character of the Island Gardens Conservation Area and the relationship and sense of openness to the adjoining listed Island Gardens Park. Additionally, they considered that it will visually compete with the prominence of the Grade II Listed Greenwich Foot Tunnel Entrance Building and views from the Maritime Greenwich World Heritage Site.

6.4. (**Officer Comment:** *Subsequent discussions and meetings were held between the Applicant's Agent, English Heritage and LBTH Planning Officers and Design and Conservation Officers. Revisions to the proposed scheme were made, as summarised below under Section 8.28 of this report.*)



- 6.5. On the basis of the revised scheme, English Heritage commented that they “are pleased that extensive negotiations have resulted in a more sympathetic and better designed proposal that has much less impact on the settings of nearby heritage assets.” In this context, English Heritage advised they would be satisfied for Council to determine the application using their conservation expertise.

### **Environment Agency**

- 6.6. The Environment Agency have advised they have no objection in principle to the proposed development subject to conditions requiring the following:
- Scheme of external lighting along 16m wide buffer area along the Thames River.
  - Structural survey of existing tidal river wall.
  - Compliance with the submitted Flood Risk Assessment (FRA) and Sustainable Drainage Strategy with mitigation measures as detailed within the FRA.
  - Further comment was provided by the Environment Agency in relation to Flood Defence Consent responsibilities and further enhancements to biodiversity to be incorporated into the development (such as green roofs, soft landscaping on ground level with local native species, green walls, installation of bird and bat roosting boxes).
- 6.7. *(Officer Comment: It is recommended the above be conditioned. In their consultee response letter, the Environment Agency commented that previously recommended conditions for the Buffer Zone and Landscape Management Plan are no longer required as they consider these to be addressed in the submitted landscape plan. Refer to section 8.185 of this report for further discussion regarding biodiversity).*

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

- 6.8. Following revisions, TfL does not object to the application in principle, subject to comments and conditions below.
- A construction logistic plan is required to be conditioned.
  - A planning condition preventing residents from applying for parking permits is welcomed.
- 6.9. *(Officer Comment: It is recommended the above are conditioned should planning permission be granted).*

### **Docklands Light Railway Limited (DLRL)**

- 6.10. Due to the proximity of the DLRL’s infrastructure to the site the developer must ensure that the development will not have any detrimental effect on the DLR structures in either the short or long term. Conditions relating to the following matters are recommended:
- Full details of the design and construction methodology for the foundations must be submitted to and approved by the local planning authority, in conjunction with DLRL.
  - No material load is to be imposed upon the tunnel. Monitoring of DLR tunnels including the track will be required during the works at the expense of the developer.
  - A full Asset Protection Agreement must be entered into with DLRL.
- 6.11. DLRL has also commented that it is the developer’s responsibility to ensure that the design, structure and acoustic insulation of the development is of such a standard that residential amenity is not adversely affected by vibration from the DLR.

- 6.12. DLRL and the Local Authority should be satisfied that any proposed works will be carried out without affecting the safe and effective operation of the DLRL or compromising the integrity of the railway and associated structures before the above conditions are discharged.
- 6.13. *(Officer Comment: It is recommended the above be conditioned should Planning Permission be granted to ensure that the above matters are addressed. In relation to residential amenity, this is addressed within comments from Council's Environmental Health Officers and discussed in Section 8.156 of this report).*

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

- 6.14. No objection raised as NATS are satisfied that the proposed development does not conflict with their safeguarding criteria.

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

- 6.15. The Brigade is conditionally satisfied with the proposal subject to comments. They are satisfied that access for fire service to the site is adequate and fire hydrants appear to be within an acceptable distance. Acceptability of the proposal is subject to the following conditions:
- Water supplies – developer must ensure sufficient water supplies are available for fire-fighting when domestic usage is taking place.
  - Concern as a responder to any emergency situation that takes place on DLR line. The stability of the development scheme and tunnel is incumbent on the developer to ensure an impact risk assessment of stability of DLR tunnel takes place prior to any building work occurring. The impact assessment should be made available to all fire services and DLRL.
  - Sprinkler system must be installed in development.

- 6.16. *(Officer Comment: It is recommended the above be conditioned should Planning Permission be granted to ensure that the above matters are addressed).*

#### **London City Airport**

London City Airport commented on the original development scheme and considers that it does not conflict with safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal. They have however, advised that during construction, cranes and scaffolding may be subject to separate consultation with the London City Airport and that all landscaping plans and all plantations should be considered in view of making the unattractive to birds.

- 6.17. *(Officer Comment: An informative is recommended advising the applicant to contact London City Airport during the construction of the development. In relation to concerns over landscaping attracting birds, given the locality of the site adjoining parkland it is not considered that the landscaping proposal will result in a significantly increased adverse impact due to additional potential for birds. These comments conflict with the desire of the Environment Agency and LBTH Biodiversity officers to encourage landscape for wildlife, and therefore a balanced approach should be taken. A condition is recommended for details of the biodiverse roof to be submitted to the Local Planning Authority for approval in consultation with the London City Airport).*

#### **Garden History Society**

6.18. No comments received.

#### **Thames Water**

6.19. Thames Water has no objection to the development subject to the following comments:

- Surface water drainage is the responsibility of developer and must not be detrimental to the existing sewerage system.
- No objection with regard to sewerage infrastructure.
- Should proposed building work fall within 3 metres of pipes shared with neighbours the development or a public sewer, it is recommended to contact Thames Water to discuss status of pipes.
- No impact piling shall take place until a piling method statement is submitted to and approved by the planning authority in conjunction with Thames water.
- Groundwater discharge permit required, where applicable.
- Petrol/oil interceptors to be fitted in all car parking/washing/repair facilities.
- Installation of a properly maintained fat trap required on all catering facilities and the recycling of production bio diesel.
- Thames Water has no objection with regard to water infrastructure.
- Informative stating Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes.

6.20. *(Officer Comment: It is recommended that informatives be included on the decision notice should planning approval be granted requiring Approval should be sought from Thames Water where development would come within 3m of a sewer and discharge of groundwater requires a permit. A condition is required relating to Impact Piling. It is also recommended that the other matters above be included as informatives of any future decision notice).*

#### **English Heritage Archaeology**

6.21. English Heritage Archaeology advised there is no need for archaeological measures.

#### **Historical Royal Palaces**

6.22. No comments received.

#### **London Borough of Greenwich**

6.23. Holding response received 2<sup>nd</sup> September. No further response received to date.

#### **Primary Health Care Trust**

6.24. No comments received.

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

6.25. Commended on initial scheme that the application falls outside the notified area for its application scale and Canal and River Trust therefore advised there is no requirement to consult them in their capacity as a Statutory Consultee.

#### **UNESCO**

6.26. No comments received.

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

6.27. Comments were received from the Maritime Greenwich World Heritage Site Coordinator in relation to the original application. Concluding comments state: *“The Calders Wharf proposals lie just outside the Maritime Greenwich WHS Buffer Zone and are within the preferred maximum storey height band. A formal objection is therefore not considered appropriate although there is disappointment over the appearance of the scheme as seen from the World Heritage Site.”*

6.28. *(Officer Comment: Refer to Section 8.28 of this report for further discussion. Conditions are recommended to address the detailed design of the scheme).*

#### **LBTH Design and Conservation**

6.29. Council’s Design and Conservation Officer has commented that the present proposal is the result of a long process of negotiation during the pre-application process, which involved substantial revisions to the scheme to reduce the overall height of the scheme, increasing the separation distance between the building and the listed tunnel entrance, improve the quality of the design in this sensitive location and minimise any negative impact of the proposals upon this heritage assets immediately adjoining the site and the broader area.

6.30. Comments provided in relation to the original five storey scheme expressed significant concern over the height, scale and detailed design of the proposal and potential heritage impacts. Additionally, further information is required, relating to elements of design detail and winter views.

6.31. The views of Council’s Design and Conservation Officer on the current revised four storey scheme are summarised below.

6.32. On balance Council’s Design and Conservation Officer considers the current scheme is acceptable. It is lower in height, more appropriately detailed, and being set back further from the tunnel entrance, enabling the tunnel dome to remain the dominant feature and to remain silhouetted against the sky in many views. Balconies are within the envelope of the scheme and the building interacts more appropriately with the park.

6.33. There are still some elements of the detailed design which require further clarification and resolution to ensure that a high quality response is provided, which are recommended to be secured via condition.

6.34. Council’s Design and Conservation Officer has no in principle opposition to the granting of Conservation Area Consent for the existing building on the site but this should be dependant upon the grant of consent for a satisfactory replacement scheme and should not be permitted until a contract for the redevelopment of the site is placed.

6.35. *(Officer Comment: Refer to Section 8.28 of this report for further discussion. Conditions are recommended to address the above)*

6.36. Concern was also raised that the rooftop be clear and uncluttered given it’s visibility in long range views. No objection to the proposed biodiverse roof, however, further clarification has been requested from the applicant regarding the “enclosure indicated

at the front of the roof” and the visual impact to ensure that it “should be set back far enough to ensure it is not visible from the street.”

- 6.37. *(Officer Comment: In relation to the above, the applicant has clarified that the lift overrun is 4.2 metres in height, but the stairwell will have no projections onto the roof. Additionally, there are a number of skylights proposed in the roof to allow natural light to the corridor below, however, these will be low level and not visible above the parapet of the building).*

### **LBTH Transportation and Highways**

- 6.38. Objection was initially raised due to an insufficient Transport Assessment with regard to justification for the position and functioning of the proposed URS. Officers raised concern over the siting of the URS on a curve in the public highway resulting in potential pedestrian and highway safety issues for servicing vehicles collecting waste on the corner of the public highway.
- 6.39. Preference was for Eurobins to be used, or alternatively engage an independent Road Safety Audit at the expense of the applicant.
- 6.40. On this basis, the applicant was encouraged to review the waste collection arrangements and provide an alternate solution in conjunction with Council's Highways and Waste units. It was suggested that a barrier (such as a fence or wall) between the URS bins and the footpath along Saunders Ness Road could discourage URS servicing to occur via the public highway.
- 6.41. *(Officer Comment: The applicant was required to review the waste collection arrangements and provide an alternative solution. Discussions were held between the applicant and LBTH Highways and Waste Officers. Agreement was reached on the basis of a autotrack of URS lorry entering the site (in reverse) then exiting in forward gear, as per agreed track diagram drawings within the Transport Statement dated August 2013, drawing reference 2012-1306-AT-103 revision A and 2012-1306-AT-104 revision A. It is recommended a condition be secured should planning permission be granted requiring that all URS servicing occurs onsite, not on the public highway).*
- 6.42. The applicant subsequently submitted a revised traffic report confirming that the positioning of the URS facility and access arrangements allow for a URS refuse vehicle to reverse into the site and exit out of the site in a forward direction. Highways are satisfied with this approach and have removed their objection to the servicing arrangements.
- 6.43. *(Officer Comment: It is noted that at the request of Officers, the applicant has removed notation on previous versions of plans showing servicing along Saunders Ness Road (drawing reference 2915 PL(500) revision A1) and Highways have confirmed acceptance of the revised plan).*
- 6.44. Highways have requested that the applicant fund a Traffic Management Order to change the adjacent kerbside along the sites frontage to the public highway, to a no loading area (to ensure refuse is collected on site). It is requested that this is dealt with via the Section 278 Agreement.
- 6.45. *(Officer Comment: It is recommended that this be dealt with via a condition that requires a scheme of highway works to be agreed with the Council).*

- 6.46. Highways have also requested a clear suitably delineated path way for residents is required so clear pedestrian access is provided for residents to pass during times when the URS servicing vehicle is parked onsite.
- 6.47. *(Officer Comment: The applicant has provided a diagram within the appendix to the Traffic report (drawing reference 2012-1306-DWG-202 revision A) showing the size of the refuse vehicle and states that sufficient space is allowed for pedestrian to pass the refuse vehicle when the stabilisers are extended. Highways subsequently provided updated comments confirming that there is a safe pathway for residents from their front doors to the site exit and therefore this has satisfactorily been addressed).*
- 6.48. If planning permission is granted Highways would seek to enter into a Section 106 carfree agreement. Additionally a Section 278 agreement would be required for highway works.
- 6.49. Council's Transportation and Highways unit note that the cycle parking and disabled provision is acceptable, although commented they have limited space. It is recommended that these are conditioned to be retained and maintained for the associated uses only.
- 6.50. Additionally, Highways have confirmed acceptance of the secure cycle parking for residents along the eastern boundary of the site, however, have requested details of the arrangement of the proposed stands within the secure storage area as a condition.
- 6.51. *(Officer Comment: These matters will be secured via an appropriately worded condition).*
- 6.52. A condition is also requested for a Construction Management Plan to be submitted and approved by Council in conjunction with Highways Officers.
- 6.53. *(Officer Comment: A car free development will be secured in a legal agreement, a Section 278 Agreement for highway works and a Construction Management Plan can be adequately dealt with by condition).*

#### **LBTH Waste**

- 6.54. Waste Officers support the use of an underground refuse system. They originally raised objection regarding the URS servicing location on the public highway and the potential hazard implications on road and pedestrian traffic.
- 6.55. Waste officers have no objection to the revised proposal, which has been amended with the collection point for URS within the curtilage of the site. They also requested confirmation that URS is for both recycling and refuse. They also raised concern regarding vehicular access to the site when the URS vehicle deploys its stabilisers, which extend up to 2.5 metres each way.
- 6.56. *(Officer Comment: Further details were requested from the applicant of the proposed location and operation of waste collection. The revised planning submission states that servicing to the URS facility will occur onsite. The Applicant's planning submission states that the URS facility includes both waste and recyclable materials. On the basis of the revised scheme, Waste Officers have confirmed that the proposed servicing within the development is acceptable. In relation to the comment regarding the URS stabilisers, it is acknowledged that for this time period*

*there would be limited access for other vehicles to the site, however, it is considered that this is a common occurrence in this type of arrangement and the time period for servicing the site would be relatively short to avoid a substantial obstruction).*

### **LBTH Energy**

- 6.57. On the basis of a revised energy strategy, the proposed energy strategy is in accordance with Policy requirements and the Sustainable Development Team have no objections to the proposal.
- 6.58. It is recommended that the proposals are secured through appropriately worded Conditions:
- Delivery of energy efficiency, heat network and CO2 savings as proposed in the Energy Statement
  - Details of the proposed CHP system;
  - Details of the renewable proposals of the scheme;
  - Achievement of Code 4 rating and provision of certificates to the Local Authority
- 6.59. (**Officer Comment:** *The conditions recommended have been attached to the consent*)

### **LBTH Housing**

- 6.60. This is a mixed use scheme delivering new residential homes and the re-provision of an existing community facility. The revised scheme submitted provided 0% affordable housing, which was not considered acceptable.
- 6.61. Following independent review of the schemes viability, it was concluded that the scheme would have a surplus that can be used to deliver some affordable housing. The surplus can deliver a 19.2% quantum of affordable housing, measured by habitable rooms. The scheme has subsequently been revised to provide 19.2% affordable housing by habitable room.
- 6.62. This falls short of the Council's minimum target of 35%, however policy requires that viability does need to be considered and the independent review concluded that this was the maximum viable amount.
- 6.63. The applicant initially proposed that the rented units would consist of three 1bed units. However, after negotiation with the Council's Affordable Housing team and Planning Officers the applicant has agreed that the Council has great need for larger units, they have therefore agreed to provide a 1 bed and a 3 bed for rent. They also propose to deliver these units at Social Target Rent. They propose an identical mix for the shared ownership element.
- 6.64. Therefore, the tenure split is 50:50 between rented and shared ownership. The Council's target is 70:30. The scheme cannot provide additional rented, to move the balance towards the Council's target, due to the constraints of viability and the constraints of the site.
- 6.65. The applicant has confirmed that the two ground floor units for social rent will be wheelchair adaptable, this would equate to 7.7% of the development, this falls below the 10% target across tenures, however it does equate to 50% of the affordable. The

applicant has also confirmed that all units across tenures will comply with the Lifetime Homes standard.

- 6.66. *(Officer Comment: Refer to discussion under Planning Considerations regarding Housing)*

#### **LBTH Environmental Health**

- 6.67. Condition securing contamination, remediation and verification reports required.
- 6.68. *(Officer Comment: Condition recommended)*
- 6.69. In terms of noise, the Environmental Health Officer requires a Noise Assessment Report which takes into account the following areas,  
i) Glazing Specification for all habitable rooms to BS8233 internal levels of the 'Good' standard  
ii) The Impact of Community Noise on future residents.  
iii) The Impact of Vibration and Groundborne Noise from DLR tunnels needs to be considered.
- 6.70. *(Officer Comment: Noise and vibration assessment is to be submitted prior to the proposal being heard at Development Committee).*

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

- 6.71. Comments received requesting contributions at construction phase including that the developer should endeavour to ensure that 20% of the construction phase workforce will be local residents, with suitable candidates provided through Skillsmatch Construction Services. Additionally, 20% goods/services procured during the construction phase should contribute towards local businesses. Council will seek a financial contribution of £5,736 to support and/or provide training and skills needs for local residents.
- 6.72. *(Officer Comment: The above are addressed within Section 106)*

#### **LBTH Access**

- 6.73. No comments received.

#### **LBTH Crime Prevention**

- 6.74. The Council's Crime Prevention Officer has requested that the following matters are dealt with via condition:
- CCTV covering areas of the development to be agreed.
  - A Management Plan in connection with the development including the residential and community centre.
  - As part of Secured by Design statement a dusk till dawn lighting scheme throughout the site is required to deter offenders and to contribute to creating a safe environment for residents.
  - Request measures are implemented to deter the opportunity of graffiti, such as defensive planting to be used as demarcation and deterrent for a potential offender.
  - The communal garden should be gated.
  - Car vehicle entry area should be gated with access control.



- 6.75. **(Officer Comment:** *It is recommended conditions are attached in relation to the above, excluding the last two items. Additionally, it is recommended a condition is included requiring details of all fencing surrounding sensitive uses, of a minimum 1.8 metres in height, and an appropriate fencing to be agreed adjoining the ground floor residential dwellings to discourage potential for sitting on the fence.*

*The community amenity space and play space associated with the community centre is proposed to be gated, however, other areas surrounding the site are not. It is not considered appropriate for the vehicle entry to the site to be gated due to operational issues, such as servicing vehicles accessing the site. It is recommended a condition be included should planning permission be granted, which requires a Secure by Design Statement to be submitted to the Local Planning Authority for approval, including measures to minimise potential safety concerns along the western portion of the site leading to the ground floor residential dwellings).*

### **LBTH Biodiversity**

- 6.76. Council's Biodiversity Officer has commented that the application site is not of any significant nature conservation value in terms of biodiversity and considers it is unlikely that the existing building would be suitable for roosting bats. Comments received discuss "two London Plane trees to the north of the site have a low possibility of supporting occasional roosting bats. These trees are due to be pruned." It is therefore, requested that if works take place during the season when bats are active (April to September inclusive), a precautionary bat survey should be undertaken immediately before the works are undertaken.
- 6.77. **(Officer Comment:** *It is recommended a condition is included requiring that a precautionary bat survey is undertaken for tree works taking place during the season where bats are active from April to September).*
- 6.78. The provision of a green roof is supported in line with policy encouraging green roofs and design elements that enhance biodiversity. However, further clarification is considered necessary confirming details of the proposed biodiverse roof. It is recommended a condition should require full details of the green roofs to be approved by the Local Planning Authority before work commences. This should include the depth of substrate, details of any planted blanket or mat to be used, any other planting proposed, and any additional habitat features such as piles of stones or logs.
- 6.79. The Landscape Strategy also refers to bird and bat boxes. All of this should ensure a significant overall gain for biodiversity. A condition should require details of the wildflower grassland and other proposed biodiversity enhancements, including bird and bat boxes, to be submitted to and agreed by the Council before work commences. For the wildflower grassland, this should include what seed and/or plugs will be sown/planted and any treatment the ground will get before planting.
- 6.80. **(Officer Comment:** *It is recommended that conditions be included requiring full details of the proposed biodiverse roof, details of the location of proposed bird and bat boxes and further details of the proposed wildflower grassland prior to planting).*

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

- 6.81. Comments provided stating that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities.

The increase in population will also have an impact on sustainable travel within the borough. The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD).

6.82. (**Officer Comment:** Refer to Section 8.211 of the report)

#### **LBTH Arborist**

6.83. Councils' Arboricultural Officer raised no objection, commenting that the survey and proposed retention of all the London Plane trees and two of the Robinias species is satisfactory.

6.84. Comments raised initially by Council's Arborist relating to insufficient tree planting was provided in the original scheme. The submitted landscape documents have been revised to increase soft landscaping and incorporate native planting within the landscape proposal. No further objection on this basis has been made.

6.85. (**Officer Comment:** No further comments received. Refer to Section 8.181 of the report)

### **7. LOCAL REPRESENTATION**

7.1. A total of 399 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2. No of individual 218      Objecting: 136      Supporting: 82  
responses:

7.3. No of petitions received:      10 Individual Petitions containing a total of 490 signatures (objecting)

7.4. The following local groups/societies made representations:

- Friends of Island Gardens
- Friends of Greenwich Park
- The Greenwich Society

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

7.6. Use

- Alternative sites for the community centre exist (Tiller community Centre and the new community centre at the ASDA site within a short walking distance)
- Support for the existing single storey community centre to be upgraded
- Upgrade of community centre and playgroup an improvement and supported
- Proportion of floor space for community centre is trivial compared with residential floorspace
- Children's playgroup component would be more beneficial elsewhere on the Isle of Dogs with lack of facilities for small children in the area (**Officer comment – the operation of the community centre at the site is considered acceptable in**

*principle and will contribute towards providing local childrens services to benefit the local community).*

- Simultaneous use of the community centre for adult and children's activities is contentious (**Officer comment** – *the operation of the community centre at the site is considered acceptable in principle and it will be continuing an existing use of the site. Details of the types of activities that are run at the centre is an operational consideration for the managers of the community centre. The overall principle of the community centre (D1) use at the site is acceptable).*

7.7. (Officer Comment – Please refer to section 8.2 of the report for further discussion on the above points).

7.8. Design

- Height, scale and massing
- Design is out of character with Island Gardens Park and the Island Gardens Conservation Area
- Design will impinge on character of heritage assets including the Greenwich Foot tunnel entrance building and the World Heritage Site buffer zone
- Proposal will risk World Heritage Site listing of Maritime Greenwich
- Declining local heritage and open spaces in the area
- Diminish sense of spaciousness of area
- Loss of viewlines from along Douglas Park to across the river (**Officer comment:** *this viewline has been considered, however, it is not a protected view and it has not been identified as a significant viewline noting that existing views of the foottunnel are partially obscured by trees when approaching the site from this direction)*
- Impact on iconic view across the Thames to Greenwich
- Support for the development and design of the new building will be in keeping with its surrounds
- Visibility from Wolfe statue in Greenwich Park (view diagram no.10)
- Excessive visual impact (particularly from views 4 and 7) and impinging on views from Greenwich including Old Royal Naval College and paired foottunnel building on Greenwich side of river
- Building will be more visible due to trees shading their leaves during winter
- Against high density of the development
- Design fails to respect the context of the surrounding area
- Impinges upon openness of area
- Reference to reasons for refusal of Planning Reference PA/03/01811 (Manchester Rd scheme) discussing design impact and that the proposed development will be a more prominent position and protrude further on heritage assets. (**Officer comment:** *The Manchester Road scheme was granted approval under PA/03/00687, which was allowed at Appeal on 23 April 2004 for "Construction of a new part 4, part 5, part 7 storey development consisting of 84 residential units, associated car parking, landscaping and 244sqm of commercial space at ground floor level (Revised proposal)." The Inspector found the development appropriate for the site and the context. Regardless, each application is to be determined on its merits, hence, an independent assessment is being made on the current scheme).*

7.9. (Officer Comment – Please refer to section 8.28 of the report for further discussion on the remainder of the above points).

7.10. Demolition of boundary wall

- Demolition of boundary wall will open building onto Island Gardens Park and encroach negatively on character of park and heritage

- Loss of wall will exclude users of the park due to proximity of the building and the park will become a 'backyard' for the use of residents of the proposed building
  - Support for demolition of existing wall as it opens up views of the Thames and Greenwich beyond
- 7.11. *(Officer Comment – Please refer to section 8.82 of this report for further discussion on the above points).*
- 7.12. Amenity/Impacts
- Development will overshadow the Greenwich Foot tunnel building
  - Overshadowing impacts onto Island Gardens Park
  - Impact on Island Gardens Park (Grade II Listed, Conservation Area, Metropolitan Park)
  - Overcrowding in the area
  - Adverse impact to views towards and from Greenwich permanently and development will be clearly visible from across the river.
  - Existing trees do not provide adequate screening.
  - Lack of CCTV and security resulting in antisocial behaviour
  - Additional public open space along the riverfront supported, and will improve setting of the Greenwich foot tunnel and public access to the riverfront
  - Balconies for the development directly overlook public open space in the park
  - Encroachment of development into Island Gardens Park
  - Potential amenity impacts due to proximity of residential and community centre uses
  - Noise and vibration from DLR tunnel below
  - Potential safety, security and waste issues
  - Close proximity to rowing club building
  - Overlooking issues to the Equinox development
  - Will block views to the river for existing residents on Saunders Ness Road
  - Potential lack of management in keeping building appearance maintained, as per similar example nearby. *(Officer comment – A high quality detailed design and materials will be secured via condition. Maintenance will be the responsibility of future building management)*
- 7.13. *(Officer comment – Please refer to sections 8.108 and 8.139 of the report for further discussion on the remainder of the above points).*
- 7.14. Housing
- Insufficient social and affordable housing
  - Insufficient community space and playgroup in proportion to the total floorspace of the development
  - Insufficient demand for new dwellings in the area
  - Support for provision of new homes at the site
- 7.15. *(Officer Comment – Please refer to section 8.91 of the report for further discussion on the above points).*
- 7.16. Transport/highways/parking
- 2 disabled parking spaces is insufficient
  - Proposal will result in further traffic congestion along Saunders Ness Road and Ferry Street
  - Insufficient carparking in local area
  - Loss of existing carparking onsite will impact the community centre use
  - Opposition to car-free development agreements due to unauthorised parking on private estates in area (Equinox Development)

- Increased demand on public transport (bus and DLR)
  - Concern that the proposal will impact DLR tunnels underneath the site
  - Parking and cycling congestion
- 7.17. *(Officer Comment – Please refer to section 8.159 of the report for further discussion on the above points).*
- 7.18. Infrastructure
- Increased demand on existing infrastructure (public transport, education, medical services)
  - Existing services and infrastructure is insufficient
  - Structural ability of ground with DLR tunnel below and riverbank to hold weight of building
- 7.19. *(Officer Comment – Section 106 Contributions are sought (and will be secured) to contribute towards infrastructure as the Council considers necessary to support the development. In terms of structural issues, DLRL and Thames Water have been consulted and their comments are discussed in section 6.10 and 6.19 of this report and conditions have been recommended where necessary)*
- 7.20. Ecology
- Loss of trees (including protected trees)
- 7.21. *(Officer Comment – Please refer to section 8.181 of the report for further discussion on the above points).*

#### **Other matters**

- Documents submitted are misleading as they do not show the storage area adjacent to the foottunnel entrance and are incomplete as they do not show the clearance of this site and finishing off of the repair works to the tunnel entrance.
- 7.22. *(Officer Comment – This relates to the adjoining site and is outside boundary of the application site, however, officers are aware of the relationship between the tunnel entrance and the development site)*
- Kiosk at entrance to the Foottunnel building should be accommodated within the plans and will appear out of context.
- 7.23. *(Officer Comment – This proposal does include any works that would impact on the kiosk and it is outside the application site boundary).*
- Significant cycle traffic and conflict at entrance to the foottunnel and lack of management of cycle traffic, along with management issues within the park for vehicles. Concern that the proposal does not take into account traffic flows, volumes, sightlines and health and safety of cyclists travelling between the gates to Island Gardens Park and the foottunnel.
- 7.24. *(Officer Comment – concerns regarding management and safety issues within the park for cyclists is outside of the scope of the current application. In terms of any potential impact the proposed development may have on the street network surrounding the site, an assessment of the proposal has been undertaken by Council's Highways Officer who has not raised concern over these issues.)*
- Rebuilding of community centre should be undertaken using S106 money.

- 7.25. *(Officer Comment – the source of funding for the community centre is a matter for the applicant and the re-provision is the relevant planning consideration)*
- Misrepresentation of the applicant about the condition of the existing facilities and views surrounding the park to and from the river
- 7.26. *(Officer Comment –Planning Officers are familiar with the site and the existing condition of the community centre at the site)*
- 7.27. The following procedural issues were raised in representations, and are addressed below:
- 7.28. Insufficient notice of consultation session run by the applicant and misleading information presented due to focus on upgraded community centre, rather than residential development.
- 7.29. *(Officer Comment – The applicant-led consultation events are separate from the Statutory requirements by Council for public notification, which has occurred in accordance with the Council’s Statement of Community Involvement document. It is therefore considered that comment regarding consultation initiated by the applicant does not warrant refusal of the application. It is noted that some submissions received commented that the consultation drop-in sessions led by the applicant worked well).*
- 7.30. Letters submitted against petitions being placed in public places to oppose the development.
- 7.31. *(Officer Comment – This is outside of the statutory Council-initiated consultation process and does not warrant refusal of the application)*
- 7.32. Developer’s interests for selling flats to private vendors at a premium are for their own financial benefit.
- 7.33. *(Officer Comment – The viability review of the proposal and Planning Contributions required ensure that an acceptable balance is achieved and the appropriate level of contribution is provided to mitigate the impact of the development).*
- 7.34. Reference to other applications (PA/13/00916) for community centre and relating to the public consultation process connected with that application.
- 7.35. *(Officer Comment – The above relates to a separate application, which is not connected to the current application under consideration, hence, this does not warrant refusal of the application).*

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1. The main planning issues raised by the application that the committee must consider are:
1. Land Use
  2. Conservation Area Consent for Demolition
  3. Design
  4. Density

5. Housing
6. Amenity for future occupiers
7. Impact upon amenity of neighbours
8. Transport Impacts
9. Other planning matters

## 8.2. Land Use

- 8.3. The proposal seeks to demolish the existing Calder's Wharf Community Centre building (which has a floor space of 387sqm of Use Class D1) and replace it with a new community centre to occupy 494sqm of floor area within the ground floor of the proposed four storey building. This will result in a net increase of 107sqm floor space for community centre (D1 Use Class) by at the site, including a children's playgroup facility.

### Community

- 8.4. The proposed demolition of the existing and construction of a new community centre at the site is considered acceptable and in line with policy DM8 of the Managing Development Document (adopted 2013). This policy seeks to protect and re-provide existing community facilities where they meet an identified local need, unless it can be demonstrated that there is no longer a need within the local community and the buildings are no longer suitable, or a new off site location for the facility exists in the borough that would better meet the needs of existing users.
- 8.5. The proposal involves a new community facility to replace and upgrade the existing outdated facility. It involves an expansion of the existing facility from 387sqm to 494sqm of floor area to provide an additional 107sqm of community facilities (D1 use class) to benefit the local community. The proposal seeks to re-provide and expand the existing facility, which is in line with policy DM8 of the MDD. Submissions have been received in support of the re-provision and upgrade of the community centre at the site for the benefit of the local community.

### Residential

- 8.6. At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.7. The regeneration of sites such as this within East London is also a strategic target of the LP (2011) Policy 1.1 states "the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs".
- 8.8. 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 CS (2010) and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.9. Policy SP02 of the CS (2010) sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025.

- 8.10. An important mechanism for the achievement of this target is reflected in LP (2011) 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.
- 8.11. The site does not have a housing allocation in the MDD (2013), however is within a wider surrounding area that contains a mix of uses including residential, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies. No other site allocations within the MDD apply to the site.
- 8.12. The proposed development is therefore in accordance with policy SP02 of the adopted CS which seeks to deliver 43,275 new homes and policies 3.3 and 3.4 of the LP (2011).
- 8.13. The provision of housing is a key aim of national, regional and local planning policy and the proposal to introduce residential use at the site is acceptable in principle and accords with policies 3.3 and 3.4 of the London Plan (2011) (Together with Revised Early Minor Alterations 2013) (LP) and policy SP02 of the adopted Core Strategy (2010) ("CS"), which seek to maximise the supply of housing.
- 8.14. **Conservation Area Consent**
- 8.15. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.16. Paragraph 131 of the National Planning Policy Framework states. In determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.17. Policy 7.8 of the London Plan (2011) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2011) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.
- 8.18. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.19. Policy DM27 (3) of the MD DPD provides criteria for the assessment of proposals for demolition within a conservation area. Applications for demolition will be assessed on:

*"a. the significance of the asset, architecturally, historically and contextually;*



*b. the condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;*

*c. the adequacy of efforts made to retain the asset in use; and*

*d. the merits of any alternative proposal for the site.”*

- 8.20. Conservation Area Consent is sought for the demolition of the existing community centre building and associated structures on the site, along with the majority of the existing boundary wall which is located on the eastern site boundary between the subject site and the adjoining Island Gardens Park to the east of the site.
- 8.21. The existing community centre building is a single storey structure sited centrally within the application site and constructed primarily of red brick.
- 8.22. The existing boundary wall is constructed of red brick and extends generally from the site's frontage with Saunders Ness Road to the north, to the wall fronting the Thames River to the south. The majority of the wall is proposed to be demolished from the existing entry gate for the Island Gardens Park to the north to the Thames River wall, with the exception of portions of the wall that abut the existing kiosk building and the structure adjoining the Greenwich Foottunnel building, both of which are situated in the adjoining Island Gardens Park.
- 8.23. The Heritage Statement submitted by the applicant, considers that the existing community centre building does not make a positive contribution to the setting of the surrounding heritage assets and to the townscape as a whole. The report states that “the site in its current condition is at least neutral and arguably detracts from the overarching appearance and character” of the conservation area. With regard to the existing wall, the Heritage Statement assesses the site has no formal design relationship which contribute positively to existing heritage assets and “the site detracts from this setting because it presents an unattractive and high wall, and contains a building of no interest.”
- 8.24. With regard to the criteria found within policy DM27 of the MDD, it is considered that the existing building does not have a significant architectural quality and does not contribute to the overall appearance and character of the conservation area. It is considered that the existing brick wall to be demolished also has limited significance.
- 8.25. Council's Design and Conservation Officer has no in principle objection to the demolition of the existing building on the site, subject to the grant of consent for a satisfactory replacement scheme and demolition should not be permitted to occur until a contract for the redevelopment the site is secured. It is recommended this be included as a condition should permission be granted.
- 8.26. It is considered that the demolition of the existing community centre and boundary wall on the site will not adversely impact on the conservation area provided it is replaced with an acceptable development. Additionally, it is considered that the benefits of improving connection between the site to the adjoining Island Gardens Park through demolition of the existing boundary wall will result in an overall positive outcome for future occupants of the building and users of the park. This is provided that the existing buildings onsite are replaced with an acceptable development scheme.
- 8.27. To conclude, the loss of the existing built form onsite would not result in substantial harm to the conservation area given the lack of significance of the building by merit of the lack of architectural quality and minimal contribution to the broader character of

the area. The proposed demolition would accord with policy and officers therefore support the redevelopment proposal.

**8.28. Design and Heritage**

8.29. Good design is central to the objectives of national, regional and local planning policy. Policies 7.6 and 7.8 in particular of the London Plan seek to achieve good design generally, as well as in locations of historic merit. These policies are reflected in CS policy SP10, and MDD policy DM24.

8.30. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.

8.31. From a design and conservation perspective the key issues which the proposals need to address are that they:

- Must protect the setting of the grade II listed tunnel entrance
- Must preserve the character of the Island Gardens Conservation Area
- Must respect the character of Island Gardens a listed park and garden and key viewpoint for the Maritime Greenwich World Heritage Site
- Must reflect the fact that they are adjacent to the WHS buffer zone.

8.32. The current development scheme is the result of lengthy discussions with the applicant's design team, Local Planning Authority and English Heritage. Discussions during both the pre-application process and during the assessment of the current planning application involved substantial revisions to the scheme to reduce the overall height of the scheme (to ensure it did not exceed the overall height of the tree canopy and was below the height of the adjoining Greenwich Foot tunnel Entrance building), improve the quality of the design in this sensitive location and minimise any negative impact of the proposals upon the heritage assets immediately adjoining the site (including the Greenwich Foottunnel Entrance building and Island Gardens Park) and within the broader context of the buffer area to the Maritime Greenwich World Heritage Site.

8.33. The original submitted scheme was for a five storey scheme of built form of two linear rectangular volume, with a 9 metre separation distance to the Greenwich Foottunnel Entrance Building.

8.34. The key issues raised in relation to the original development scheme are discussed below.

8.35. Council's Design and Conservation Officer and English Heritage expressed strong concern over the overall height and scale of the original five storey scheme and that it failed to preserve or enhance the character of the conservation area and the heritage assets within the immediate and broader surrounding area.

8.36. Specifically, concern was raised that the proposed height, mass and prominence of the five storey building will have a detrimental impact to the character of the Island Gardens Conservation Area and the relationship and sense of openness to the adjoining listed Island Gardens Park. Additionally, it was considered the original height of the building would visually compete with the prominence of the Grade II Listed Greenwich Foot Tunnel Entrance Building and views from the Maritime Greenwich World Heritage Site.

- 8.37. It was considered by Officers that a reduced height and improved quality of the design and its response to the site's context are critical. In order to minimise the extent that the proposed building was viewed as visually obtrusive to the adjoining heritage assets and park, Officers took the view that a more suitable response was to ensure that the height of the development did not exceed the height of the tree canopies and that the building integrated well with the park, leaving the tunnel entrance to be read independently, such as through reducing the overall height of the building and providing a greater separation distance between the building and the footunnel entrance building, combined with achieving a high quality design detail for the building façade and layout (discussed further in section 8.72 below). It was considered by Officers that a building height not exceeding the height of the foot tunnel building would provide an improved relationship between the building and the foot tunnel building. A greater distance between a building of this scale and the tunnel entrance was considered more acceptable.
- 8.38. Following consideration of these concerns, the applicant submitted a revised scheme in August 2013 proposing a reduction in height to four storeys and altered building massing that realigned the eastern portion of the building at an angle (to provide an increased 10.5 metres setback between the closest part of the southeast corner of the building and the Greenwich Foottunnel Entrance building).
- 8.39. The key changes to the scheme as submitted include:
- Alterations to building massing to provide a built form of two linear volumes, with the eastern volume of the building orientated at an angle to create separation to the Greenwich Foottunnel Entrance Building and open up viewlines from within the park to the river
  - Reduction in height of the building from 5 storeys to 4 storeys
  - Increase in the minimum setback distance between the southeast corner of the building and the Greenwich Foottunnel Building from 9 metres to 10.5 metres
  - Recessing balconies on the eastern façade of the building to improve their appearance to the Island Gardens Park
  - Alteration to the materials on the eastern façade of the building from predominantly glazing to brick framing to better respond to the predominantly brick material used in the surrounding buildings.
- 8.40. It is considered the revised scheme will provide an acceptable response to the site and its sensitive surroundings overall.

#### Layout, height and scale

- 8.41. The site is situated in a sensitive location adjoining Island Gardens Park, the Grade II Listed Entrance Building to the Greenwich foot tunnel, and is on the fringe of the buffer zone for the Maritime Greenwich World Heritage Site. It is located within the Island Gardens Conservation Area.
- 8.42. The proposed scheme is a four storey built form comprising two linear volumes, with the eastern portion orientated at an angle to allow a 10.5 metre separation distance from the closest part of the southeast corner of the building and the Greenwich Foottunnel Entrance Building. The ground floor is predominantly occupied by community facilities with three residential dwellings to the rear, and the upper levels are residential dwellings.
- 8.43. There have been numerous objections to the scheme stating that the proposal will negatively impact the heritage significance of the adjoining historic assets and the broader character of the Island Gardens Conservation Area.

- 8.44. In terms of the proximity to the listed tunnel entrance, it is considered that the height and scale of the scheme has evolved positively to provide a greater setback of 10.5 metres allowing views through to the river and enabling the foot tunnel entrance building to be better viewed as a separate structure.
- 8.45. When considering the proposed building height within the context of the scale of development within the surrounding area, it is considered that the proposed four storey height at the site is appropriate within the context of the range of building heights present in the surrounding area. The built form height in the immediate surrounds ranges from two storeys adjoining the site to the west (rowing club building) to four to seven storeys to the north (development at the southeast corner of Manchester and Ferry Street). Further to the west and northwest are residential developments generally ranging in height from two to four storeys. To the east is the Island Gardens Park, with predominantly three to four storey built form adjoining the eastern end of the park. Within this context, it is considered that the four storey height of the building is not out of context with the surrounding built form scale.
- 8.46. Council's Conservation and Design Officer has commented on the revised scheme and considers it is generally acceptable in principle, being lower in height, more appropriately detailed, and set back further from the tunnel entrance, enabling the tunnel dome to remain the dominant feature and to remain silhouetted against the sky in many views. Additionally, the recessed balconies within the envelope of the scheme along the eastern elevation are positive and the building interacts more appropriately with the park.
- 8.47. English Heritage have advised that they consider the revised scheme of four storeys to be a "more sympathetic and better designed proposal that has much less impact on the sittings of the nearby heritage assets" and they are satisfied for Council to determine the application using their conservation expertise.
- 8.48. It is considered that the overall height and scale of the scheme will provide an acceptable response to the sites sensitive context.

Views:

- 8.49. There have been numerous objections to the scheme stating that the proposed building will adversely affect the views to and from the Greenwich World Heritage site.
- 8.50. Council's Design and Conservation Officer and English Heritage also expressed concern over the views for the five storey scheme at the site. As a consequence, the revised scheme has a reduced height of four storeys.
- 8.51. The original viewline analysis submitted provided summer views only. However, it was considered that winter views are also important given that the building will be considerably more visible during winter. The applicant was required to provide winter views in addition to the summer views provided within the revised application.
- 8.52. In response, revised viewlines were submitted showing the revised scheme with a combination of summer and winter views.
- 8.53. Within objection submissions concerns were raised over View 10 (view from Greenwich Park General Wolfe Statue). The Applicant's Visual Impact assessment is of the view "the development is barely perceivable within the composition of this view because it is largely screened by interposing development and because of its association with similarly scaled development in the middle ground. The building is

partially visible where the tree canopy reduces. The primary choice of red brick material will not distract attention.” Officers agree with this assessment and accordingly officers do not expect there to be any material effect on the character of the London panorama from the General Wolfe Statue of the setting of the Maritime Greenwich World Heritage site.

- 8.54. Within the context of the site, which is bounded by parkland to the east and the Thames River to the south, the layout, height and scale of the scheme are, on balance, considered acceptable and to comply with CS policy SP10 and MDD Policy DM24.

Openness of site/impact upon the Island Gardens Conservation Area

- 8.55. The site is within the Island Gardens Conservation Area. In assessing planning applications adjacent to conservation areas the Council must assess the impact the development is likely to have upon the setting of the conservation area.
- 8.56. According to the Island Gardens Conservation Area statement, the conservation area was designated in 1971 and is generally focussed on the statutorily listed open space. The Conservation Area statement seeks to “protect the axial views across the river of the Royal Naval College and the Queen’s House in Greenwich. The importance of these views has secured the parks inclusion in the Buffer Zone of the Maritime Greenwich World Heritage Site.” The majority of buildings within the conservation area are a mix of residential (constructed during the late 1970s-early 1980 of varying character and material) and community uses. Island Gardens park is “a valuable outdoor amenity space, and is dominated by the Grade-II listed rotunda entrance to the Greenwich Foot Tunnel.”
- 8.57. The NPPF provides guidance on the approach to development in and adjacent to conservation areas. It sets out that Local Planning Authorities should ensure that conflict between a heritage asset and development is avoided or minimised. National guidance is carried through to the local level by CS policy SP10 and MDD policy MP27.
- 8.58. Comments received from English Heritage on the original scheme expressed concern in relation to the proposed height, mass and prominence of the original five storey building and its detrimental impact to the character of the Island Gardens Conservation Area and the relationship and sense of openness to the adjoining listed Island Gardens Park. Council’s Conservation and Design Officer shared these concerns.
- 8.59. The revised four storey scheme has resulted in a lower building fronting the Island Gardens Park. The additional setting back of the eastern portion of the building and the angling of this portion of the building opens up the site to the river and allows greater separation distance between the building and the Greenwich Foot Tunnel Building (as discussed below).
- 8.60. The opening of the southeastern portion of the building away from the park within the current scheme is considered an improvement from previous schemes by way of contributing to the sense of openness and will result in a less dominating built form when viewed from within the Island Gardens Park.
- 8.61. In terms of the proximity to the listed tunnel entrance, it is considered that the scheme has evolved positively to provide a greater setback allowing views through to the river and enabling the entrance to be better viewed as a separate structure.

- 8.62. However, it is noted that the reduction in the height of the building will not significantly benefit short-range views of the development from Island Gardens Park, as the upper levels of the building will generally be above eye level for pedestrians when focussed on the ground level. From longer range views from within the park, it is considered that the upper levels of the building will primarily be visible during winter months due to the presence of trees in the park restricting the views during summer months, when there is foliage on the deciduous trees.
- 8.63. During the application process improvements were requested to the arrangement of the community centre and playgroup to the park, which resulted in an internal reconfiguration of the ground floor level to provide more active uses to front the park at ground floor level. Additionally, the children's play area was relocated from the southern portion of the building to the east of the proposed building and the existing kiosk building within the park. It is considered that this will provide a more active use along the park interface of the site and also improve the visibility and safety for the children's play area.

Impact on Heritage assets (including the Grade II Listed Greenwich Foot Tunnel Building and the buffer to the Maritime Greenwich World Heritage Site)

- 8.64. To the east of the site is the Grade II Listed Greenwich Foot Tunnel Building, which is the entrance building to the Greenwich foot tunnel. The southeastern corner of the site is also within the Maritime Greenwich Buffer Zone, with the Buffer Zone bordering the eastern site boundary of the rest of the site. In assessing planning applications adjacent to and within heritage assets the Council must assess the impact the development is likely to have upon the heritage asset and the setting of the heritage asset.
- 8.65. The NPPF provides guidance on the approach to development affecting heritage assets. It states that Local Planning Authorities should ensure that conflict between a heritage asset and development is avoided or minimised. National guidance is carried through to the local level by CS policy SP10 and MD policy DM27.
- 8.66. The original development scheme for the site was not considered acceptable when considering the way it responded to the adjoining heritage assets. The design of the original scheme (involving a building of five storey height and 9 metre setback from the Greenwich Foot Tunnel Building) was considered to result in a detrimental impact and would visually compete with the prominence of the Grade II Listed Greenwich Foot Tunnel Building and views from the Maritime Greenwich World Heritage Site. These views were shared by English Heritage and Councils' Design and Conservation Officer.
- 8.67. Due to the sites sensitive location, it is considered that any development at the site would have impact to some extent on the surrounding heritage assets. Policy DM27 of the MDD seeks to ensure that development protects and enhances the boroughs heritage assets, their setting and their significance.
- 8.68. Additionally, policy DM28 of the MDD seeks to ensure that development does not negatively affect the UNESCO World Heritage Site status of the Maritime Greenwich site, including where development would impinge upon strategic and other significant views to or from the site.
- 8.69. As discussed above, English Heritage have advised that they consider the revised scheme to be a more sympathetic response that will have less impact on the settings of the nearby heritage assets and they are satisfied for the Council to determine the application taking into account the relevant conservation issues.

- 8.70. Council's Design and Conservation Officer considers that the proposal is generally acceptable and will not result in an unduly detrimental impact to the values of the surrounding heritage assets, subject to detailed design to be resolved via condition.
- 8.71. It is considered that the proposal will not result in an unduly detrimental impact on the adjacent listed building, park and the Island Gardens Conservation Area.

#### Materials

- 8.72. The proposed scheme primarily incorporates a solid red brick framework to the building to respond to the solid red brickwork present in many of the surrounding buildings. Recessed balconies with textured stone cladding and treated timber deck flooring are proposed along the eastern elevation. Protruding balconies are proposed along the western and southern elevation of the building. At ground level, glazed full height windows for the playgroup and community centre are proposed along the eastern and southern elevations.
- 8.73. When considering the original scheme for the site, Council's Conservation and Design Officer raised concern over the way that the proposed treatment of the building façade, particularly the eastern elevation, responds to the Island Gardens Park, including the extent of glazing, the materials and details of the stone cladding, the appearance and visual "weight" of the brick framing of the façade, the depth of window reveals (preference for windows to be set within deep reveals), treatment of the rooftop for long range views and the arrangement and transparency of residential balconies. The applicant was also encouraged to review the division and intervals of windows at ground level to assist in providing a more consistent and simplified appearance of the building to the park.
- 8.74. Following review of the revised scheme, Council's Design and Conservation Officer considered that the scheme is acceptable overall, subject to resolution of detailed design via condition.
- 8.75. It was considered that the brick framing to the façade provided a more 'grounded' structure for the building that better responded to the settings including the park and the surrounding buildings, subject to agreement of an appropriate brick sample.
- 8.76. Revisions to the south elevation of the building were also requested by Council to improve the appearance of the balconies to the river frontage of the building.
- 8.77. Throughout the application process, it has been advised that the schemes acceptability will be in the quality of the details and finishes for example windows and window reveals, brickwork, cladding, glazed balcony treatment. It is Council's view that insufficient information has been provided to sufficiently assess these aspects fully. Therefore, it is considered that conditions are required as discussed below.
- 8.78. It is requested full details and samples of all external materials and finishes shall be submitted for consideration and approval by the Local Planning Authority. This includes all stonework, bricks, windows, cladding, balustrading and all other materials to be agreed to the satisfaction and approval in writing of the Local Planning Authority prior to the commencement of works on site.
- 8.79. In response to concerns, particularly regarding the appearance of the eastern building façade, and to secure a high quality appearance it is recommended the below matters are addressed via condition requiring:

- A sample panel of brickwork showing, bonding, mortar colour and jointing details shall be prepared for the written approval of the LPA.
- Full details of the junctions between the various different cladding materials, and of these materials with the windows, shall be submitted for the consideration and written approval of the Local Planning Authority prior to the commencement of development.
- Typical elevation of a bay and section through the building on each elevation. This needs to be at an appropriate scale.
- Further clarification of the proposed alignment of the corner windows on the first to third floor levels of the eastern elevation of the building is required. Updated drawings, including revised floor plans, elevations and cross sections, shall be submitted showing the deletion of the corner windows and setting back the windows and northern edge of the recessed balconies, so that the northern wall of each recessed balcony area aligns with the edges of the brick piers.
- Full details of windows, to include plans, sections and elevations at an appropriate scale. The drawings should include head and cill details as well as details of the proposed materials. Details should be for the written approval of the Local Planning Authority.
- Informative: It is important that the windows show a consistent thickness in terms of framing rather than the opening lights appearing comparatively chunky.
- Full details, including materials, underside treatments and cross sections, of the various typical balcony treatments shall be submitted for consideration and approval by the Local Planning Authority.
- Development must not begin until a landscape plan for the site is submitted in writing to the local planning authority for written approval. The plan must describe the long-term landscape design aims for the site and give full details of both the hard and soft landscape works planned.

8.80. Additionally, Council's Design Officer has commented that the balconies and balustrade lines on the east elevation of the current scheme need further review, particularly the corner windows and balustrade relationship, as the corner windows to the residential dwellings at levels 1 to 3 appear to protrude beyond the brick pier structure, and the glazing appears to overlap the balcony balustrades at present. It is recommended that a condition is placed on the decision notice requiring that window details are submitted.

8.81. Subject to conditions regarding the detailed design of the scheme, it is considered the proposal would not unduly impinge upon the site or surrounding area, or significantly harm the setting of the Island Gardens Conservation Area overall.

Demolition of boundary wall

8.82. Concern has been raised by submissions from the local community that the demolition of the existing brick wall, which is located on the eastern boundary of the site, will open the proposed building onto the Island Gardens Park, which will have a negative impact on the character of the park, which has been addressed above.



- 8.83. Additionally, concern has also been raised that the loss of the wall will discourage use of the park by the general public due to close proximity of the building, with the perception that the park will become a 'backyard' for the use of residents of the proposed building. The adjoining Island Gardens Park will remain publically accessible open space, and does not form part of the planning application.
- 8.84. Policy DM23 of the MDD seeks to encourage development that is well connected with the surrounding area, including by improving permeability and legibility within development and its surrounding area, and providing clear definitions and an appropriate degree of enclosure for the public realm. It is considered that the proposed demolition of the boundary wall is acceptable as it will facilitate improved visual and physical connections between the site and the adjoining park. The balconies of the proposed building will create passive surveillance of the park and an improved relationship between the development and the public realm, which is generally encouraged in policy DM23 of the MDD. Additionally, the relocation of the proposed community play space adjoining the eastern site boundary will further activate the site's frontage to Island Gardens Park and provides opportunity for activity and passive surveillance.
- 8.85. The public open space provision within the southern portion of the site will improve the connection of the site with the park and the broader pedestrian and visual linkages with the site and the Thames, through extending the public realm along the waterfront further to the west into the application site. The extension of the public realm will also have the benefit of improving the permeability and connectivity of the park including through providing increased sightlines further to the west along the river frontage and by extending public access further along the river frontage.
- 8.86. On balance, it is considered that the demolition of the boundary wall is acceptable and consistent with the objectives of policy SP10 of the CS and policy DM23 and DM27 of the MDD.
- 8.87. **Density**
- 8.88. The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policies 3.4 of the LP and strategic objection SO7 and strategic policy SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting.
- 8.89. The site has an average Public Transport Accessibility Level (PTAL) (3). For urban sites with a PTAL range of between 2 and 3, table 3.2 of the LP, suggests a density of between 200-450 habitable rooms per hectare. With 73 habitable rooms proposed, and a site area of 0.19ha, the proposed density would be approximately 384 habitable rooms per hectare, which is in line with the recommended standard.
- 8.90. This is comfortably within the set density range and overall the development would make the most efficient use of the land. The proposed mitigation measures, including financial contributions towards local education, open space, health, libraries and leisure ensure that the development has no significant adverse impacts on local infrastructure.
- 8.91. **Housing**

- 8.92. This section of the report considers the acceptability of the housing provision on the site in terms of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units. The application proposes a total of 25 residential units.

Affordable Housing

- 8.93. London Plan policies 3.11 and 3.12 state Boroughs should seek the maximum reasonable amount of affordable housing. CS policy SP02 sets an overall strategic target for affordable homes of 50% and requires all sites providing 10 or more homes to provide 35%-50% affordable homes. Policy DM3 of the MDD seeks the maximum reasonable amount of affordable housing.

- 8.94. The scheme provides 19.2% affordable housing, which falls short of the 35% minimum policy target as set out in the CS. However, a viability report submitted by the applicant and reviewed by the Council's Consultants has found that this is the maximum reasonable amount of affordable housing which can be viably delivered on the site.

Tenure mix – social rent : intermediate ratio

- 8.95. London Plan policy 3.11 and CS policy SP02 seek a tenure split within the affordable housing units of 60:40 in favour of rented units. Policies SP02 of the CS and DM3 of the MDD seeks split of 70:30.

- 8.96. The scheme proposes a 50/50 split and therefore fails to meet Council's target of 70:30. This is considered acceptable on balance, on the basis that the scheme has been tested and cannot provide additional rented units required to move the balance towards the Council's target, due to viability constraints.

Mix of dwelling sizes

- 8.97. Council policy seeks to ensure development provides a range of dwelling sizes, including an appropriate amount of family accommodation.

- 8.98. Core Strategy policy SP02 requires that 45% of rented units should be for families. MDD policy DM3 sets out the acceptable unit mix:

Tenure	1b%	2b%	3b%	4b+%
Market	50	30	20	
Intermediate	25	50	25	0
Social Rent	30	25	30	15

- 8.99. The proposed unit breakdown, in comparison to policy, is as follows:

Market

7 x 1-bed units (33%) against a policy target of 50%  
 11 x 2-bed units (52.4%) against a policy target of 30%  
 3 x 3+-bed units (14.3%) against a policy target of 20%

Intermediate

1 x 1-bed units (50%) against a policy target of 25%  
 0 x 2-bed units (0%) against a policy target of 50%  
 1 x 3+-bed units (50%) against a policy target of 25%

Social Rent

1 x 1-bed units (50%) against a policy target of 30%  
 0 x 2-bed units (0%) against a policy target of 25%

1 x 3-bed units (50%) against a policy target of 30%

- 8.100. Within the market sector there is a lack of family sized units. However, this is considered to be off-set by the under-provision of 1 bed units within this tenure.
- 8.101. There are no 4+bed units within the Affordable tenure, however the 2 x 3 bed units within the affordable tenure are supported, as they make up 50% of the affordable offer.
- 8.102. The applicant has also confirmed that the two ground floor units for social rent will be wheelchair adaptable. On balance, the mix is considered acceptable.
- 8.103. Core Strategy policy SP02 requires an overall target of 30% for family housing (3 bed plus). The proposal delivers 20% family housing (5 x 3 bed units), thus falling short of this requirement. However, when considering the development as a whole, the scheme does deliver additional 2 x 2 bed, 4 person units, with some of the floor areas in excess of the London Housing Design Guide (LHDG) target of 70sqm. Additionally, the size of the proposed 3 bed units exceeds the London Housing Design Guide (LHDG) target of 86sqm, with one unit providing an internal area of 108sqm which significantly exceeds this target.
- 8.104. Accordingly, on balance it is considered that the proposal delivers an acceptable mix of housing, to allow housing choice for future residents.

#### Lifetime Homes/Wheelchair provision

- 8.105. Core Strategy policy SP02 requires housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible, or easily adaptable.
- 8.106. This scheme provides two units on ground level that are adaptable to be wheelchair accessible (1x1 bed and 1x3 bed units) which amounts to 7.7% of the overall new housing to be wheelchair accessible, together with two designated disabled car parking spaces. The applicant has also confirmed that all units across tenures will comply with the Lifetime Homes standard.
- 8.107. The scheme is therefore considered acceptable in terms of provision of wheelchair accessible units and Lifetime Homes standards. It is recommended an informative is placed on the decision notice requiring Lifetime Homes compliance.

#### **8.108. Amenity for future occupiers**

##### Standard of accommodation

- 8.109. London Plan policy 3.5, CS policy SP10 and MDD policy DM4 set out the need to ensure appropriate standards of accommodation for future occupants. Minimum floorspace standards are set out, as are amenity space requirements.

##### Internal floorspace

- 8.110. LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.111. The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, the units are sufficiently large to meet policy requirements.

#### Daylight/sunlight

- 8.112. The daylight and sunlight assessment submitted by the applicant in relation to the revised scheme establishes that in terms of daylight, 69 of the 71 rooms tested proposed will have an ADF level above the BRE guide levels for ADF (97.18%). This is with the exception of two rooms, which are kitchens and living rooms at ground and first floor levels. Both rooms meet the guide levels for living rooms (1.5%). Given that it is only 7.7% of the overall number of units, officers are satisfied that the proposed development has good levels of daylight overall.
- 8.113. In terms of sunlight, the revised scheme will provide good levels of annual and winter sunlighting. Approximately 85% of the schemes south facing windows will comply with the BRE guide levels for annual sunlighting, and greater than 88% will achieve the BRE winter sunlight guide levels. Where windows do not meet the annual sunlight levels this is due to balconies located above the windows and, on balance when considering the benefits of providing private amenity space on balconies, are considered acceptable.
- 8.114. The daylight and sunlight assessment accompanying the original application was independently reviewed on behalf of the Council by Anstey Horne. Anstey Horne concluded that, on balance, the daylight and sunlight was acceptable for the future residents of the development. It was commented that windows on the east side of the development were not tested in the applicants original daylight and sunlight report, however, it was considered that these windows should have reasonable access to sun particularly during winter months and also have the benefit of views across the park and river.

#### Privacy

- 8.115. The internal arrangements of the units are such that there are no directly facing habitable room windows within the development. Consequently there is no direct overlooking between the proposed units and an adequate level of privacy is provided.
- 8.116. The protruding external balconies along the western elevation of the building have potential for overlooking onto each other. It is considered that privacy screening to each of these balconies could be conditioned to ensure the privacy of the balcony areas between future occupants.

#### Noise and Vibration

- 8.117. Council's Environmental Health Officer (noise and vibration) requested a noise assessment is provided that addresses the following matters:
- i) Glazing Specification for all habitable rooms to BS8233 internal levels of the 'Good' standard
  - ii) The Impact of Community Noise on future residents.
  - iii) The Impact of Vibration and Groundborne Noise from DLR tunnels needs to be considered.
- 8.118. Council's Environmental Health Officer has agreed the terms of the assessment and a noise and vibration report assessing the above is to be submitted prior to the proposal being heard at Development Committee.

#### Residential Amenity Space

- 8.119. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a

scheme of 25 units the minimum communal amenity space required would be 65sqm.

- 8.120. Policy 3.6 of the LP, strategic policy SP02 of the CS and policy DM4 of the MDD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development.
- 8.121. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.122. An incidental play space area of 101 sqm is provided in the southwest corner of the development site which is publically accessible. It is considered that the dedicated informal playspace area is appropriate to provide adequate provision of play space for future residents, meeting the needs of the development.
- 8.123. Further to this, the London Plan seeks the provision of appropriate and accessible facilities within 400 metres for 5-11 year olds and within 800 metres for 12 – 15 year olds. The site is within 120 metres of Millwall Park, which has facilities for 5-15 year olds, along with adjoining public open space at Island Gardens Park.
- 8.124. The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant.
- 8.125. The majority of the proposed units on the upper floors are provided with balconies which partially meet the policy requirements and private courtyard areas are provided for the ground floor units which exceed the policy requirements (areas ranging from 19.6sqm to 20.6sqm per unit). This is with the exception of one 1xbed unit on the first floor unit in the northwest corner of the site, which has not been provided with a balcony due to potential privacy amenity issues to the west of the site. The applicant has also justified that the smaller size of some balconies has been required to balance the overall appearance and proportion of the elevations.
- 8.126. The lack of communal amenity space is considered acceptable in this instance, on the basis that officers have prioritised design and appearance over the inclusion of roof-top amenity space. To introduce such space would lead to further design intervention on the roof of the building, which would likely have impacts upon the relationship of the proposal to the Grade II Listed Foot Tunnel. Furthermore, the provision of new public open space adjacent to the River is considered to provide very good levels of amenity for future occupants.
- 8.127. It is considered that, given the close proximity of the development to public open space within the Island Gardens Park and the communal and public open space provision provided at ground level within the application site, it is considered that future residents will be provided with a sufficient amount of amenity space in the broader site context.

#### Open Space

- 8.128. Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of

an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.

- 8.129. The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 8.130. To meet the above standard, based on a likely population yield of 48 new residents, the scheme would need to include 576sqm of open space on top of amenity space delivered through the provision of private gardens and communal amenity space, which in light of housing demand and the need to optimise the use of scarce development land would not be reasonable for a site measuring just under a hectare. The scheme provides 401 square metres of public open space area within the southern portion of the site, adjoining the Thames River frontage. For the remaining balance of 175sqm of public open space, it is considered that a financial contribution towards improvement of existing public open spaces would successfully mitigate the lack of on-site publicly accessible open space, something which is acknowledged within the text for Policy DM10.

#### Crime Prevention

- 8.131. CS policy SP09 and MDD policy DM23 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 8.132. Council's Crime Prevention Officer raised concern over the original development scheme for the site, primarily due to the locality of the community centre and future introduction of residential dwellings to the site located adjoining a public park and potential for antisocial behaviour and safety/crime issues.
- 8.133. The revised scheme has relocated the main community centre entrance to a more prominent and accessible location at the northeast corner of the site in response to concern raised over the previous scheme's entrance to the community centre being located via the mews at the western portion of the site.
- 8.134. Additionally, concern was raised over the concealed areas in the western portion of the site to access the residential units. Each residential unit fronting the mews will be secured with fencing and a gate. Council's Crime Prevention Officer has also requested a gate at the front vehicle entrance of the site and at the entrance to the mews, however, it is considered that this would be contradictory to Council's policy DM23 (23.3) of the MDD which seeks to avoid gated communities that restrict public access and movement. However, this is provided that an appropriate level of safety and security for future residents and users of the mews area is achieved. It is therefore recommended that this be dealt with via condition requiring that a Secure by Design statement is submitted and approved by the Local Planning Authority, in consultation with Council's Crime Prevention Officer.
- 8.135. As a consequence of security concerns for children's play space and courtyard space at the southern-most end of the community centre in the original scheme, the drawings were updated to relocate the children's playspace to a more visible location along the eastern portion of the community centre and adjoining Island Gardens Park.

- 8.136. Additionally, at the request of Council's Crime Prevention Officer, the child play space for the community centre has been surrounded by secure fencing (of greater than 1.8 metres high).
- 8.137. In order to ensure that Secure by Design for the overall scheme is secured in line with comments from the Secure by Design officer it is recommended that conditions be placed on the decision notice requiring a Secure by Design Statement is submitted containing full details including security, CCTV, access control, lighting, fencing, anti-graffiti measures, Security Management Plan and security measures for the proposed ground level residential dwellings.
- 8.138. 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 LP and policy DM23 of the MDD.

8.139. **Amenity Impact on Neighbours**

Daylight and Sunlight

- 8.140. Policy SP10 of the Core Strategy and policy DM25 of the MDD seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions.
- 8.141. The daylight and sunlight assessment submitted by the applicant assesses the potential impact on the neighbouring properties at 70-72 Ferry Street to the north and the rowing club to the west of the site (specifically caretakers flat with three east facing windows at first floor level within Poplar Rowing Club).
- 8.142. Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). VSC and NSL are the appropriate methods for assessment when assessing impacts on existing properties. The submitted daylight assessment for the revised scheme assesses that the results of the daylight analysis comply with the BRE guide levels for VSC and the proposed development will not result in any adverse impact on neighbouring properties.
- 8.143. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). The sunlight assessment for the revised application submitted by the applicant assesses that the proposal will comply with the BRE guide for annual and winter sunlighting and therefore the development will not result in any material noticeable effects on the levels of annual or winter sunlight received by neighbouring properties.
- 8.144. The daylight and sunlight assessment submitted by the applicant for the original five storey scheme was independently assessed by Anstey Horne, which commented that all APSH results to neighbouring properties meet the targets in the BRE Guide overall. Additionally, despite breaches of the BRE targets for daylight and sunlight are limited to four VSC transgressions and that the applicant's assessor tested a limited number of neighbouring rooms for Daylight Distribution (DD), the results meet the targets in the BRE Guide and a comprehensive DD testing would also be likely to do so. Where the ADF targets are not achieved, this is due to the presence of balconies.
- 8.145. Given that the revised scheme is reduced in height, it is considered that the potential for amenity impacts as a result of daylight and sunlight levels to the adjoining

properties will be reduced due to the reduction in height of the proposal by one storey. On balance it is therefore considered that the impact of the proposed development on daylight and sunlight to neighbouring properties is considered acceptable.

#### Overshadowing

- 8.146. Objection submissions were received in relation to concern over overshadowing the Island Gardens Park.
- 8.147. The daylight and sunlight assessment submitted addresses overshadowing and concludes that the proposed development will have no adverse impact on the levels of sunlight experienced within existing areas of open space in the vicinity of the site, including Island Gardens Park and the sports pitches on Saunders Ness Road.
- 8.148. Concern was raised within submissions regarding the potential overshadowing impact of the proposal to the adjoining Greenwich Foottunnel Building. Due to the orientation of the site and the locality of the foottunnel adjoining the site to the southeast, it is considered that any potential for overshadowing impacts will be minimal (likely late afternoon) and are not considered to be of a timeframe that would result in a substantial detrimental impact.
- 8.149. The applicant's original scheme for a five storey development was reviewed by Anstey Horne and confirms that overshadowing testing used by the applicant meets the targets in the BRE Guide. The proposed four storey scheme is anticipated to have a reduced impact in terms of overshadowing to the park due to the reduction in overall building height by one level and increased setback from the eastern site boundary and the foot tunnel building. It is therefore considered that the scheme will not result in an unacceptable detrimental impact in terms of overshadowing the adjoining park.

#### Overlooking/loss of privacy

- 8.150. Policy SP10 of the CS and MDD policy DM25 seek to ensure that development will not result in a loss of privacy for existing residents.
- 8.151. The closest properties to the proposed development are 70-72 Ferry Street (approximately 14 metres to the north of the site) and the Poplar Blackwall District Rowing Club (adjoining the western site boundary). Given the orientation of the proposed buildings and the substantial separation distance of greater than 22 metres between the closest portion of the proposed building and the southern façade of the development to the north of Saunders Ness Road, it is not considered that there will be overlooking or privacy issues to the north (given the separation of greater than 18 metres which is considered within Policy DM25 an appropriate separation distance).
- 8.152. To the east of the site is the Poplar Blackwall and District Rowing Club, which is a rectangular building adjoining the western boundary of the site. Although it is primarily utilised as a rowing club, there is a small caretakers residence located at first floor level. There are a number of windows at first floor level along the eastern elevation of this building fronting the application site, with a separation distance of approximately 8 metres from the western elevation of the proposed development.
- 8.153. The nearest unit with habitable room windows within the proposed development will be located at level 1 of the northwest portion of the proposed building. In response to potential overlooking concerns, the applicant has not provided a balcony amenity space for the first floor unit number 10 on the northwest corner of the proposed building, in order to minimise the potential for overlooking and privacy concerns. The



mews laneway which is proposed along the western boundary of the site will also assist in providing physical separation between the adjoining building and the proposed development.

- 8.154. It is recommended that a condition be included, should planning permission be granted, requiring that obscure glazing to windows on the north-west facing elevation be agreed to the satisfaction of the Local Planning Authority.
- 8.155. On balance, given the reasonable separation distance and design intervention to prevent overlooking, it is not considered that the proposal would have an unacceptable material impact in terms of overlooking between habitable rooms.

#### Noise disturbance

- 8.156. Policy SP10 of the CS and MDD policy DM25 note that development should not create unacceptable levels of noise and vibration.
- 8.157. Some disturbance is inevitable during the construction phase of the development, however a conditioning limiting work to standard hours will be included on the decision to ensure any such disturbance is not unreasonable.
- 8.158. A Noise and vibration assessment is to be submitted prior to the proposal being heard at Development Committee to ensure that noise amenity impacts are appropriately addressed.

#### **8.159. Transport Impact**

- 8.160. The site has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility. The site is located approximately 130 metres to the south of Island Garden DLR station, which offers good links to the rest of the Isle of Dogs, Canary Wharf and London generally. The site is also serviced by local bus routes within proximity of the site on Manchester Road and East Ferry Road.
- 8.161. The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.162. CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.163. The site has an average public transport accessibility level (PTAL) of 3 (1 being poor and 6 being excellent). The application is supported by a Transport Statement (dated August 2013, being a revised transport statement report based on the updated scheme). The Borough Highway Officer is in support of the application as set out within section 6.38 of this report.

#### Car parking

- 8.164. Many of the objectors to the application mentioned that the development should provide car parking spaces. In line with Council policy no car parking has been provided, save for two disabled parking spaces to the north of the site. A S106 car free agreement is required if planning permission is granted preventing occupiers of the development from obtaining a car parking permit.

- 8.165. Some objectors mentioned that car-free agreements rarely function well in practice, as residents of 'car-free' developments often own cars and park illegally.
- 8.166. This is a matter best dealt with through enforcement. It is for the Council to control parking on the adopted highway of Saunders Ness Road and enforce the restrictions. This is not considered a justification to depart from the Council's established policy in this instance.
- 8.167. Given the location of the site, so close to Island Gardens DLR, it is considered that a car-free development is appropriate for the site and would comply with CS policy SP09 and MDD policy DM20.

#### Cycle Parking

- 8.168. The application proposes 30 cycle parking spaces with semi-vertical cycle parking stands to be located within a secure storage building along the western boundary of the site. Provision for 8 Sheffield cycle spaces are provided associated with the community centre and located in an accessible position near the main entrance to the building in the northeast corner of the site.
- 8.169. Policy DM22 (appendix two) specifies a rate for Residential use of 1 cycle space per 1 or 2 bed unit and 2 cycle spaces per 3 or more bed unit. The residential component of the proposed development requires a total of 30 cycle parking spaces, and therefore the proposed 30 cycle spaces provided complies with this policy.
- 8.170. Council's Transportation and Highways unit have commented that the cycle parking provision is sufficient but has requested a condition requiring detailed layout plans showing the arrangement of the residential cycle spaces. It was also requested that a condition be included to make sure cycle parking is retained and maintained for the associated uses only.
- 8.171. A total of 8 cycle parking spaces are provided adjoining the entry to the community centre building. Council's Highways Officer has confirmed that this is acceptable.
- 8.172. On balance the proposal therefore complies with London Plan policy 6.13.

#### Servicing/deliveries

- 8.173. The application originally proposed a servicing to occur outside the site along Saunders Ness Road, with adjacent refuse stores on the site for pick up. This arrangement generated significant objection from Council's Highways and Waste officers regarding safety and the freeflow of traffic and the siting of the URS on a curve in the public highway.
- 8.174. This has been revised, with servicing revised to take place from within the site on the basis of vehicle autotracking diagrams for a URS refuse vehicle to reverse into the site and exit out of the site in a forward direction.
- 8.175. Vehicle tracking has been provided to demonstrate that refuse vehicles can negotiate the servicing area, and the revised servicing arrangements are considered acceptable by the Council's Highways Officers.
- 8.176. It is recommended a condition be secured should planning permission be granted requiring that all URS servicing occurs onsite, not on the public highway. Plans were updated by the applicant to remove a service location marked on the drawings along Saunders Ness Road.

- 8.177. Highways also advised that there must be a clear suitably delineated pathway for residents so clear pedestrian access is provided for residents to pass during times when the URS servicing vehicle is parked onsite. The traffic report submitted by the applicant contains a diagram showing the size of the refuse vehicle and states that sufficient space is allowed for pedestrian to pass the refuse vehicle when the stabilisers are extended. On balance, when considering the short amount of time required for servicing and the space provided, it is considered that the arrangements are sufficient. Based on additional details provided, Highways are now satisfied that sufficient space for pedestrians has been provided.
- 8.178. A condition is also requested for a Construction Management Plan to be submitted and approved by Council in conjunction with Highways Officers.

#### Impact on local transport infrastructure

- 8.179. The proposal is only for 25 residential units and it is not considered it would have any undue impact upon the capacity of the local road or public transport networks. TfL were consulted, and whilst requesting conditions as outlined in section 6.8 of this report, did not raise concern regarding impacts on the public transport network.
- 8.180. Council's Highways Officers have requested a Section 278 Agreement for highway works is secured via condition.

#### **Other planning matters**

##### Tree works

- 8.181. The proposal involves the removal of two existing trees, referred to as trees reference G1 (group of Leyland Cypress trees located in the northern portion of the site) and T1 (false acacia located in the southwest corner of the site) as labelled in the landscape documents submitted. Tree G1 has been assessed within the submitted applicant's arboricultural report as of poor condition and suppressed by surrounding trees, and Tree T1 has been assessed as in poor condition with significant decay on the eastern side. Additionally, tree pruning is proposed to tree T7 which is located in the northern portion of the site.
- 8.182. Council's Arboricultural Officer has raised no objection to the proposal. Residents submissions state that the trees are protected. Although the trees are within the Island Gardens Conservation Area (which provides protection for the trees), they are not currently affected by TPOs.
- 8.183. It is recommended that a condition be placed on the decision notice should permission be granted requiring that full details of the proposed tree protection measures, including root protection areas, be submitted and approved by the Local Planning Authority.
- 8.184. According to the landscape plan submitted a replacement tree is proposed to be situated in the southwest corner of the site. Details for the species of replacement tree are not specified. It is therefore recommended that this be secured via condition for the submission of a revised landscape plan confirming the tree species and detail to be submitted and approved to the satisfaction of the Local Planning Authority. It is recommended that the replacement tree must be of a suitable maturity and scale to ensure that viewlines of the site from the south are not impacted and the level of screening through vegetation along the southern site boundary is consistent with existing.

##### Biodiversity

- 8.185. Council's Biodiversity Officer has commented that the site is not of any significant nature conservation value in terms of biodiversity.
- 8.186. A precautionary bat survey was initially recommended by Council's Biodiversity Officer, however, comments on the revised scheme considered that it is unlikely that the existing building would be suitable for roosting bats. However, it is requested that a condition be placed on any planning permission granted requiring that, if tree removal works take place during the season when bats are active (April to September inclusive), a precautionary bat survey should be undertaken immediately before the works are undertaken.
- 8.187. Council's Biodiversity Officer commented on the original scheme that biodiversity measures were insufficient and details of how biodiversity has been incorporated into the development were necessary. Similarly, the Environment Agency requested additional ecological enhancements be considered (such as green roofs, soft landscaping on ground, green walls, installation of bird and bat roosting boxes).
- 8.188. The revised landscape scheme for the site, including reference to bird and bat boxes in the landscape strategy, were considered by Council's Biodiversity Officer to achieve an overall gain for biodiversity at the site. It is recommended a condition is placed on the decision notice requiring full details of the location of the proposed bird and bat boxes and further details of the proposed wildflower grassland (including details of seed and/or plugs sown/planted and any treatment to the ground before planting).
- 8.189. The proposed biodiverse/green roof is supported, in line with Policy DM10 of the MDD which seeks to enhance biodiversity values and green spaces. Further details of the layout, plant species, habitat features (such as piles of stones or logs), depth of substrate and details of any planted blanket or mat to be provided on the green roof are recommended to be secured via condition.
- 8.190. The Environment Agency requested in their initial comments for the original scheme that a condition be placed on any planning permission that is granted requiring a 18 metre buffer zone along the Thames River frontage of the site be provided (including that the "buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision"). Following review of the updated landscape documents submitted, the Environment Agency later commented that the Landscape Management Plan submitted as part of the revised application addresses the Environment Agency's request for conditions requiring a Landscape Management Plan and Buffer Zone and no longer request these conditions.

#### Renewable Energy and Energy Efficiency

- 8.191. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.192. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising

vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. The Managing Development Document Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.

- 8.193. The Energy Statement (dated 9 August) and Sustainability Statement (dated 15 August) submitted state that the development provides energy savings through use of renewable technologies.
- 8.194. Council's Energy Officer has reviewed the scheme and commented the development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO2 emissions by 5.3%. The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine as the lead source of hotwater and space heating requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions by 15.6% (Be Clean).
- 8.195. An addendum to the Energy Strategy was submitted (Planning Addendum Note 1, prepared by Energy Council, dated 18 November 2013, ref: 59097D).
- 8.196. On the basis of this revised energy strategy, the proposed energy strategy is now in accordance with Policy requirements and the Sustainable Development Team have no objections to the proposal. This document confirms the following:
- 7.7% 'Be Lean' saving (previously 6.9%)
  - 16.8% 'Be Clean' saving (previously 14.8%)
  - 15.4% 'Be Green' saving in regulated CO2 emissions (previously 7.4%)
  - Cumulative saving of 35.0% in total which meets DM29 (previously 26.5%)
  - A 10kW PV array will be installed on the roof of the block, circa 70m2 array area, to assist with the CO2 savings.
- 8.197. A 6.8 kWp (51m2) photovoltaic array was originally proposed on the rooftop to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 7% carbon savings over the regulated energy baseline. The proposed CO2 emission reductions of the development fall significantly short of DM29 requirements, and the applicant has been encouraged to review the scheme and provide increased renewable energy technologies proposals to ensure that the use of such technologies has been maximised on site, such as increasing the size of photovoltaic array to improve the potential to deliver greater CO2 savings to meet Policy DM29 requirements and Core Strategy Policy SP11 requirements.
- 8.198. Based on the Addendum to the Energy Strategy was submitted (Planning Addendum Note 1, prepared by Energy Council, dated 18 November 2013, ref: 59097D) the applicant has proposed an increased extent of 70sqm photovoltaic panels, as agreed with Council's Energy Officer. This is considered to be appropriate to meet policy. It is recommended this be conditioned.
- 8.199. In terms of sustainability, the Council requires all residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan

2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document.

8.200. It is recommended that the proposals are secured through appropriately worded Conditions:

- Delivery of energy efficiency, heat network and CO2 savings as proposed in the Energy Statement (Clarification on Energy Statements ref: 59097D);
- Details of the proposed CHP system;
- Details of the renewable proposals of the scheme;
- Achievement of Code 4 rating and provision of certificates to the Local Authority

#### Flood Risk

8.201. The site is located within flood zone 3a. The application has been accompanied by a Flood Risk Assessment produced by Conisbee, dated 20 September 2012, which the Environment Agency were consulted on.

8.202. The Environment Agency commented on the scheme stating that they have no objection in principle to the scheme, subject to conditions.

8.203. Additionally, at the request of the Environment Agency, it is recommended an informative is included regarding Flood Defence Consent requirements.

#### S106 Contributions

8.204. The NPPF requires that planning obligations must be:

1. Necessary to make the development acceptable in planning terms;
2. Directly related to the development; and
3. Are fairly and reasonably related in scale and kind to the development.

8.205. Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.206. Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.207. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

1. Affordable Housing
2. Employment, Skills, Training and Enterprise
3. Community Facilities
4. Education

8.208. The Borough's other priorities include:

1. Public Realm
2. Health
3. Sustainable Transport
4. Environmental Sustainability

- 8.209. This application is supported by a viability toolkit which detailed the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal.
- 8.210. Throughout negotiations officers have secured 19.2% affordable housing together with full section 106 contribution which equates of £155,904.56.
- 8.211. The obligations can be summarised as follows:

Financial Contributions (100% of SPD)

- a) Education: £37,177
  - b) Enterprise & Employment: £8,928.98
  - c) Community Facilities: £32,021.50
  - d) Health: £34,221
  - e) Sustainable Transport: £720
  - f) Public Realm: £39,779.13
  - g) Monitoring & Implementation 2% of total: £3,056.95
- TOTAL: £155,904.56**

h) Delivery of Affordable Housing: £26,000

Non-Financial Obligations

- i) Car free agreement
- j) 24 hour access over public open space
- k) Employment
- l) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

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

- 8.212. 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:
- 8.213. 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.
- 8.214. 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.
- 8.215. In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 8.216. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- 8.217. 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 £79,940 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 19.2% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 8.218. 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.
- 8.219. 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 £33,405 within the first year and a total of £200,427 over a rolling six year period. As the New Homes Bonus comes from central Government it does not impact on the financial viability of the scheme.

#### **Human Rights Considerations**

- 8.220. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.221. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- 8.222. Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- 8.223. Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- 8.224. Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.225. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.



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

## **9. Equalities Act Considerations**

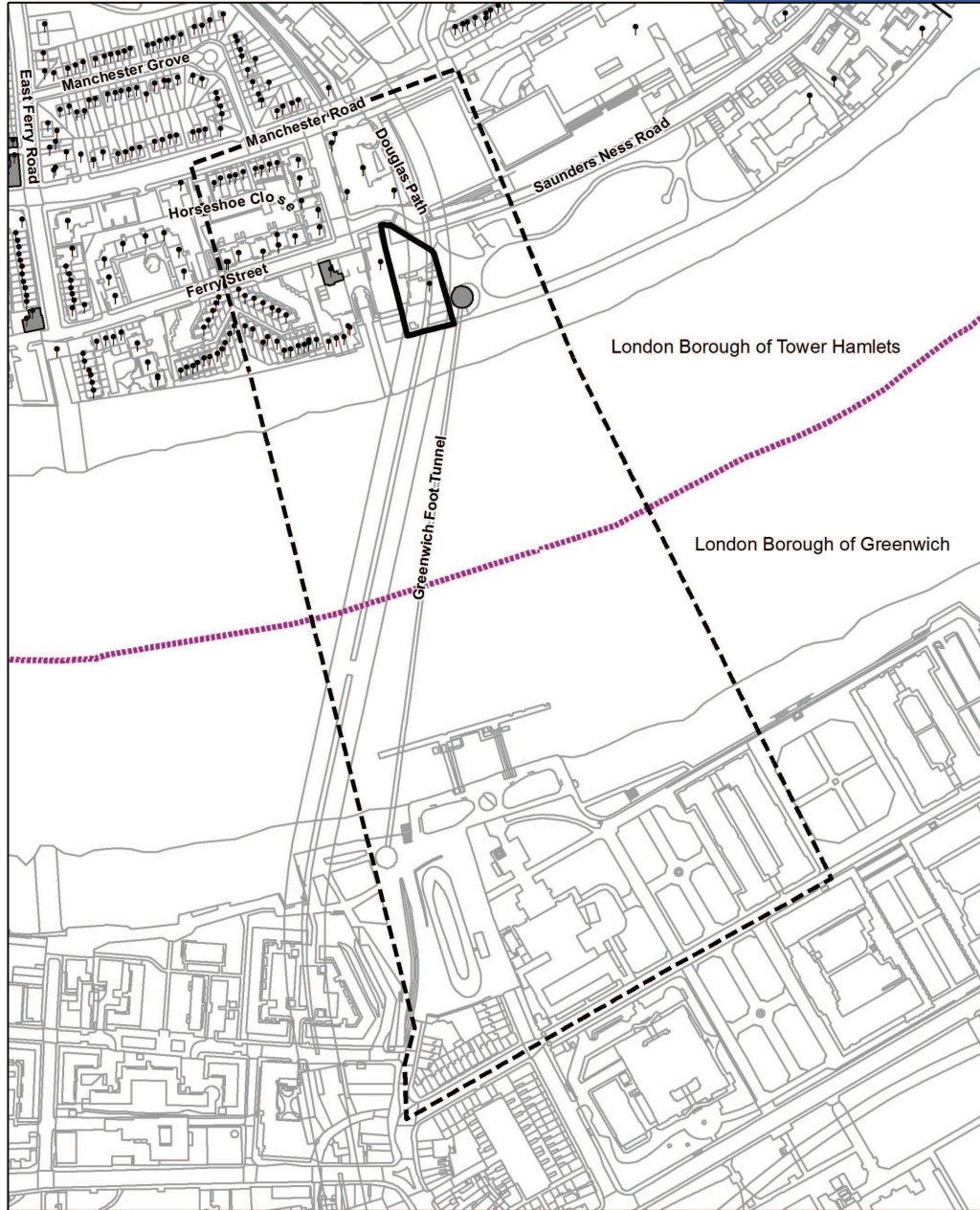
- 9.1. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.3. Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.4. The community related contributions (which will be accessible by all), such as public open space, will help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

- 9.5. The contributions to affordable housing support community wellbeing and social cohesion.

**Conclusions**

- 9.6. All other relevant policies and considerations have been taken into account. PLANNING PERMISSION and CONSERVATION AREA CONSENT should be granted and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

**Planning Application Site Map**  
**PA/12/02784**



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

0 20 m



1:3,500

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

© Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288

This page is intentionally left blank

# Agenda Item 6.4

<b>Committee:</b> Development	<b>Date:</b> 11 <sup>th</sup> December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	---	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01306
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

**Location:** Cutty Sark House, Undine Road, London, E14 9UW.

**Existing Use:** Residential (Use Class C3)

**Proposal:** Demolition and redevelopment of Cutty Sark House to provide 36 dwellings in two buildings of four and five storeys, together with landscaping, four disabled parking bays and associated works.

**Drawing and documents:** 13023/PL-100, 13023/PL-101, 13023/PL-102, 13023/PL-103, 13023/PL-200, 13023/PL-201, 13023/PL-202, 13023/PL-203, 13023/PL-204, 13023/PL-205, 13023/PL-206, 13023/PL-207, 13023/PL-208, 13023/PL-209, 13023/PL-212, 13023/PL-213, 13023/SK-210,

Flood Risk Assessment dated 24<sup>th</sup> June 2013  
Air Quality Assessment dated 12<sup>th</sup> June 2013  
Statement of Community dated June 2013  
Preliminary Ecological Appraisal dated 27<sup>th</sup> June 2013  
Planning Noise Assessment dated 28<sup>th</sup> June 2013  
Residential Travel Plan dated August 2013  
Energy Strategy dated May 2013  
Transport Statement dated June 2013  
Daylight and Sunlight report dated 26<sup>th</sup> June 2013  
Design and Access Statement dated June 2013  
Planning Statement dated 2nd July 2013

**Applicant:** Notting Hill Home Ownership & LTC Residential Ltd

**Ownership:** Notting Hill Housing, LTC Residential Ltd, London Borough of Tower Hamlets

**Historic Building:** None

**Conservation Area:** Across the road from the Chapel House Conservation Area

## 2. Executive Summary

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2011) together with Revised Early Minor Alterations (2013) and the National Planning Policy Framework (2012), and have found that:
- 2.2. The proposal will maximise the delivery of housing within the Borough, through replacing 8 existing private residential units with 36 new homes, 10 of which are to be for the affordable rent tenure (at POD levels).
- 2.3. Whilst the scheme does not deliver as much affordable housing or s106 financial contributions as the previous application for this site (PA/10/1486), it has been demonstrated through the interrogation of the financial viability of the scheme, that the proposal is delivering the maximum reasonable amount of affordable housing and financial contributions.
- 2.4. The site's sensitive location – to the north of the Chapel House Conservation Area and the west of the DLR line and Mudchute station – has been considered in the design of the proposal. A high quality design is proposed, resulting in new buildings which will sit comfortably within the surroundings, together with a high specification of glazing to safeguard the amenity of future occupants in terms of noise intrusion.

## 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:

### Financial Contributions

- a) Education: £89,184 (100% of SPD)
  - b) Enterprise & Employment: £7,638 (100% of SPD)
  - c) Community Facilities: £28,723 (100% of SPD)
  - d) Health: £34,953 (100% of SPD)
  - e) Sustainable Transport: £795 (100% of SPD)
  - f) Public Realm: £75,804 (100% of SPD)
  - g) Monitoring & Implementation 2% of total: £4742
- TOTAL: £241,839.00**

### Non- Financial Contributions

- a) 31% affordable housing
  - b) Access to employment initiatives
  - c) Permit free agreement
  - d) Code of Construction Practice
  - e) Public access
  - f) Travel Plan
  - g) Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.
- 3.3. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

### 3.4. **Conditions**

#### Compliance:

1. 3 year time limit
2. Compliance with plans
3. Compliance with hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
4. Lifetime Homes
5. Delivery and retention of parking spaces
6. Boundary fences shall not be compromised and a boundary fence to stop egress onto DLRL's railway shall be maintained
7. No drainage to the public highway
8. Clearance of vegetation outside of main nesting season

#### Prior to Commencement

9. Contamination
10. Piling (if necessary)
11. Bat Survey
12. Radio survey – DLR impact (Pre-commencement and Pre-occupation)
13. Details of Impact Piling
14. Details demonstrating protection to prevent accidental damage or pollution (Ecology)

#### Prior to Superstructure

15. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
16. Noise transmissions/attenuation
17. Details of Wheelchair Units
18. Cycle Parking
19. Landscaping (Including playspace, green/brown roofs, nesting boxes, gates, walls, fences, maintenance and management)
20. S278

#### Prior to Occupation:

21. Code for Sustainable Homes Certificate
22. Details of 1 active and 1 passive electrical charging point
23. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### 3.5. **Informatives**

1. Section 106 required
2. Section 278 required
3. Wheel cleaning facilities during construction
4. National Grid must be contacted prior to undertaking any works within 10 metres of the site
5. Thames Water Consent
6. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

## 4. PROPOSAL AND LOCATION DETAILS

## **Proposal and Background**

- 4.1. Planning permission was granted for the demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping, on the 26<sup>th</sup> of January 2011 (PA/10/1486).
- 4.2. That permission was granted as a 100% affordable housing scheme. However, this scheme is no longer viable, and therefore is not deliverable. This has necessitated LTC Group, the original joint applicants and landowner, to revisit the original proposal.
- 4.3. The scheme being considered proposes the demolition of the existing building (which contains 8 x 2 bed private residential units) and construction of 36 dwellings in two buildings of four and five storeys, together with landscaping, four disabled parking bays and associated works.
- 4.4. The scheme proposes the delivery of 10 affordable rented units (POD level), which equates to 31% by habitable room.

## **Site and Surroundings**

- 4.5. This 0.245 hectare site is roughly triangular in shape. At present the site accommodates a single four-storey hipped roof block, comprising 8 x 2-bed self-contained flats. Around the block there is an area of tarmac which is laid out as 9 car parking spaces. The remainder of the site is grassed.
- 4.6. The site is bounded to the south by the adopted Spindrift Avenue and to the northwest by Undine Road, which is a private unadopted estate road. Located to the west is a site housing a gas governor and to the east the site is bounded by Docklands Light Railway Limited (DLRL) land.
- 4.7. Further to the south of the site, on the opposite side of Spindrift Avenue, lies the Chapel House Conservation Area. The conservation area is predominantly low rise and residential in nature, with most buildings being no more than two storeys in height. It has something of a 'garden city' feel. To the north of the site is the Clippers Quay residential estate where building heights are typically three to four storeys.
- 4.8. The site is located just some 20m to the west of Mudchute DLR station and has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility.
- 4.9. The site is neither listed nor located within a conservation area, although the Chapel House Conservation Area is located to the south of the site, across Spindrift Avenue. Accordingly, the relationship of the proposal with the nearby Conservation Area is an important consideration.

## **Relevant Planning History**

- PA/01/01155 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004



- PA/03/01475 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004
- PA/09/02521 Demolition of existing building and erection of two buildings, one four storey and one four storey with setback, to provide 30 residential units with ancillary car parking and landscaping. Application withdrawn 29.01.2010.
- PA/10/1486 Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping. Permitted 26 January 2011.

## 5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items.
- 5.2. The following policies are relevant to the application:
- 5.3. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**  
**London Plan Revised Early Minor Alterations 2013 (LP REMA)**
- 3.1 Ensuring equal life chances for all
  - 3.2 Improving health and addressing health inequalities
  - 3.3 Increasing housing supply
  - 3.4 Optimising housing potential
  - 3.5 Quality and design of housing developments
  - 3.6 Children and young people’s play and informal recreation facilities
  - 3.7 Large residential developments
  - 3.8 Housing choice
  - 3.9 Mixed and balanced communities
  - 3.10 Definition of affordable housing
  - 3.11 Affordable housing targets
  - 3.12 Negotiating affordable housing
  - 3.13 Affordable housing thresholds
  - 4.1 Developing London’s economy
  - 4.12 Improving opportunities for all
  - 5.1 Climate change mitigation
  - 5.2 Minimising carbon dioxide emissions
  - 5.3 Sustainable design and construction
  - 5.5 Decentralised energy network
  - 5.7 Renewable energy
  - 5.8 Innovative energy technologies
  - 5.9 Overheating and cooling
  - 5.10 Urban greening
  - 5.11 Green roofs and development site environs
  - 5.12 Flood risk management
  - 5.13 Sustainable drainage
  - 5.14 Water quality and wastewater infrastructure
  - 5.15 Water use and supplies
  - 5.16 Waste self-sufficiency

- 5.17 Waste capacity
  - 5.18 Construction, excavation and demolition waste
  - 5.21 Contaminated land
  - 6.1 Strategic approach
  - 6.3 Assessing effects of development on transport capacity
  - 6.4 Enhancing London's transport connectivity
  - 6.7 Better streets and surface transport
  - 6.9 Cycling
  - 6.10 Walking
  - 6.11 Smoothing traffic flow and tackling congestion
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Building London's neighbourhoods and communities
  - 7.2 An inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.8 Heritage assets and archaeology
  - 7.13 Safety, security and resilience to emergency
  - 7.14 Improving air quality
  - 7.15 Reducing noise and enhancing soundscapes
  - 7.18 Protecting local open space and addressing deficiency
  - 7.19 Biodiversity and access to nature
  - 8.2 Planning Obligations
  - 8.3 Community Infrastructure Levy
- 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP02 Urban living for everyone
  - SP03 Creating healthy and liveable neighbourhoods
  - SP04 Creating a green and blue grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected places
  - SP09 Creating attractive and safe streets
  - SP10 Creating distinct and durable places
  - SP11 Working towards a zero-carbon borough
  - SP12 Delivering placemaking and (LAP 5 & 6 – Bow)
- 5.6. **Managing Development Document (adopted April 2013) (MDD)**
- DM3 Delivery homes
  - DM4 Housing standards and amenity space
  - DM9 Improving air quality
  - DM10 Delivering open space
  - DM11 Living buildings and biodiversity
  - DM12 Water spaces
  - DM13 Sustainable drainage
  - DM14 Managing waste
  - DM15 Local job creation and investment
  - DM20 Supporting a sustainable transport network
  - DM21 Sustainable transportation of freight
  - DM22 Parking
  - DM23 Streets and the public realm
  - DM24 Place-sensitive design

DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated land

### 5.7 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

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

## 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:

### English Heritage

6.3. Advised that their specialist staff have considered the development and so not wish to offer any comments.

### Transport for London (TfL)

6.4. Quantum of car parking and cycle parking considered acceptable.

6.5. Development should be car free, and 1 active vehicle charging point plus 1 passive vehicle charging point should be incorporated into the scheme

6.6. Borough should secure Travel Plan through s106 Agreement.

6.7. Objection on the basis of obstructions within 5m Protection Zone of the DLR. Requested removal of all fences and low level walls within protection zone of DLR, on the basis that they would hinder the DLRL's ability to pass through the protection zone.

6.8. *(Officer Comment: Points 6.4 – 6.6 are secured by condition or through the s106 Legal Agreement. The scheme has not been revised to remove walls and fences within the protection zone. This is further discussed in para 6.9 of this report.)*

### Docklands Light Railway Limited (DLRL)

6.9. Submission noted that DLRL own the land up to the fence which bounds the DLRL land and the applicant's land, however they also acquired a 5m Protection Zone over the subject site at the time of the Lewisham Extension of the DLR. This gives DLRL the ability to enter upon the applicant's land (subject site) up to 5 metres from the DLRL's boundary fence for protection and maintenance of the railway.

6.10. DLRL initially objected to the proposal, on the basis of access to their land, however that objection was subsequently removed, given the distance from the DLR line to the subject site.

- 6.11. DLRL request the following conditions:
1. During construction and demolition, the developer should ensure that any boundary fences are not compromised and that a boundary fence is maintained to stop egress onto DLRL's railway.
  2. The developer conduct radio surveys before and after the construction to assess the level of impact on DLRL's radio signal.
- 6.12. (**Officer Comment:** *The requested conditions will be attached should planning permission be approved*)

#### **National Grid**

- 6.13. Low or Medium pressure gas pipes and associated equipment, and above ground gas pipes located in the vicinity of the site. Pre-commencement informative necessary.
- 6.14. (**Officer Comment:** *Informative attached*)

#### **Thames Water**

- 6.15. Public sewers run close to or crossing the development. Approval should be sought from Thames Water where development would come within 3m of a sewer and discharge of groundwater requires a permit. Condition required relating to Impact Piling.
- 6.16. (**Officer Comment:** *Informative and condition attached*)

#### **Environment Agency**

- 6.17. No objection raised and no conditions or informatives necessary.

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

- 6.18. The Brigade is satisfied with the proposals.

#### **LBTH Transportation and Highways**

- 6.19. The scheme should be car-free and details of cycle parking showing Sheffield stands should be agreed prior to approval
- 6.20. The proposal will result in the reduction in car trips, which is supported.
- 6.21. Objection was initially raised to the proposed servicing, which was to be via a servicing bay on Spindrift Avenue. Concern related to potential conflict with pedestrians enroute to Mudchute station, visibility splays and safety, and potential for the bay to be used by third parties as opposed to being dedicated to the development.
- 6.22. The applicants subsequently revised their proposal, removing the bay on Spindrift Avenue, and relocating the refuse store to the northern part of the site. Servicing is now to take place from Undine Road. Highways are satisfied with this approach, and have removed their objection to the servicing arrangements.

- 6.23. Highways also requested condition requiring drainage within the site and not to the public highway, as well as s278 off-site highway works.
- 6.24. (**Officer Comment:** *a car free development will be secured in a legal agreement; cycle parking and s278 can be adequately dealt with by condition*)

### **LBTH Energy**

- 6.25. The incorporation of energy efficient and passive measures, high efficiency boilers and photovoltaic cells, together with commitment to achieve Code for Sustainable Homes Level 4 are supported. Requested condition securing achievement of Code 4, with final certificates to be submitted to the Council within 3 months of occupation.
- 6.26. (**Officer Comment:** *Conditions attached*)

### **LBTH Housing**

- 6.27. Requested larger scale 1:50 drawings of rented wheelchair units – focus on potential need for level access shower.
- 6.28. Noted that the scheme proposes family units below the Council's target, however the provision of a 3 bed wheelchair unit at ground corresponding to the Borough's highest need category is supported.
- 6.29. (**Officer Comment:** *1:50 drawings will be conditioned. On balance, the mix is considered acceptable, as discussed further within the housing section of this report*)

### **LBTH Environmental Health**

- 6.30. Condition securing contamination, remediation and verification reports required.
- 6.31. (**Officer Comment:** *Condition attached*)
- 6.32. In terms of noise, the Environmental Health Officer (EHO) does not support the inclusion of balconies on the eastern façade of the eastern building (that nearest to the DLR) due to potential noise impacts from the DLR line.
- 6.33. (**Officer Comment:** *At the request of the EHO further noise and vibration testing was carried out. The vibration levels were considered acceptable, however the noise levels for the eastern balconies are 5dB above the recommended standard. The EHO would prefer for the balconies to be removed and replaced with non-opening windows. This has been considered by officers, however given that the recommended noise levels are achieved within the residential units, and it is at the occupants discretion as to whether to open their doors and use the balconies. The arrangement is no different from that approved in 2011, and there are other developments adjacent to the DLR line with balconies much closer than that proposed (for example, Baltimore Wharf adjacent to Crossharbour Station). It is not considered that a reason for refusal could be defended on the basis of noise in this instance*)

## **7. LOCAL REPRESENTATION**

- 7.1. A total of 157 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The

application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

- 7.2. No of individual 64                      Objecting: 64                      Supporting: 0  
responses:
- 7.3. No of petitions received:                      1 containing 73 signatures
- 7.4. The following local groups/societies made representations:
- Mudchute Park & Farm
  - Clippers Quay Management Company (CQMC)
- 7.5. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 7.6. Design
- Loss of open space/impinges upon openness of area;
  - Design not harmonious with adjacent conservation area or townscape nature of locality – particular mention of balcony design
  - Poorly designed, over development
  - Design fails to respect the context of the surrounding area – Clippers Quay and Chapel House Conservation Area
  - Location of refuse stores on Spindrif Avenue (Officer comment: These have been moved to an enclosure at the northern end of the site)
- 7.7. (Officer Comment – Please refer to section 8.4 of the report for further discussion regarding Design).
- 7.8. Amenity/Impacts
- Insufficient amenity space
  - Impact on quiet and private Clippers Quay Estate from increased number of residents
  - Impact on Mudchute Park and Farm which is being increasingly intensively used
  - Wall should be erected adjacent to Clippers Quay
  - Loss of green space
  - Impacts on infrastructure - school places, health facilities and water pressure
  - Lack of children’s playspace, which will lead to children trespassing on Clippers Quay of busy roads
  - Loss of privacy for Clippers Quay residents, and poor privacy within the development itself
  - There are too many flats on the Isle of Dogs
  - Noise impacts for future occupants of the development
  - Loss of open space
  - Existing developer has let the site fall into a state of disrepair
  - Development will be like having a prison (Wormwood Scrubs)
- 7.9. **(Officer comment – Please refer to section 8.64 of the report for further discussion regarding Amenity).**
- 7.10. Housing
- Insufficient mix of family units
  - There is a large amount of social housing at Clipper Quay and Telegraph Place –

- no more is required
  - Questioned who would buy the flats
- 7.11. *(Officer Comment – Please refer to section 8.26 of the report for further discussion on the above points).*
- 7.12. Transport/highways/parking
- Lack of car parking – will lead to illegal parking on Clippers Quay Estate, and cause friction and aggressive arguments
  - Layby on Spindrift Avenue is dangerous
  - Emergency access to DLR
  - Increased activity will result in safety impacts for children walking to school
  - Proposal would exacerbate already busy local roads and public transport already congested.
- 7.13. *(Officer Comment – Please refer to section 8.72 of the report for further discussion regarding Transportation and Highways).*
- 7.14. Ecology
- Loss of trees and greenspace, without sufficient replacement
  - Impacts on wildlife, birds and bats
- 7.15. *(Officer Comment – Please refer to section 8.87 of the report for further discussion regarding Ecology).*
- 7.16. Health and safety/security
- Many people pass the site enroute to station – need to walk around site during construction. Noise nuisance during building work
- 7.17. *(Officer Comment: Indeed people will most likely need to walk around the site during construction. However, this will be for a temporary period, and there is no legal right of way across the site in any event. Noise can be dealt with by way of a Construction Management Plan which is a recommended condition);*
- Plans would cause security issues for Clippers Quay. Children will play in Clippers Quay land and this will lead to anti-social behaviour
  - The proposal will result in increased anti-social behaviour and crime
- 7.18. (Officer Comment - there is no evidence to substantiate this argument. It is not considered that there are any problems with the design of the development that would lead to increased anti-social behaviour and criminal activity is a matter for the police);
- 7.19. Other matters
- Proposal would contravene a Parliamentary Undertaking to landscape part of the site and the land cannot be developed. Area should be zoned as Metropolitan Open Land
  - Siting of proposal likely to lead to trespass and illegal parking on CQMC Land
- 7.20. *(Officer Comment – The matter of a Parliamentary Undertaking in respect of the eastern part of the site was reported to the Development Committee in April 2004. It was reported that part of the Undertaking dated 21st June 1992 given to the London Borough of Tower Hamlets by London Regional Transport and its successors, Docklands Light Railway, concerned the landscaping of the railway embankment to the north and west of the new Mudchute Station.*

- 7.21. *Whilst it is evident that a section of land forming part of the Undertaking has not been landscaped by the DLR, it was reported that the embankment site has been landscaped with an appropriate mix of largely native trees and shrubs, which had established well in the several years that have elapsed since planting, and that the planting had been undertaken in accordance with the principles set out in the Undertaking.*
- 7.22. *In the light of the advice from the Solicitor to the Council, the Development Committee decided that the Undertaking had been adequately discharged to the extent that the Council can require.*
- 7.23. *Given the Undertaking was in favour of Tower Hamlets, and the appropriate Committee of the Council has previously resolved that the Undertaking has been adequately fulfilled, this matter has now been resolved.*
- 7.24. *In terms of trespass and illegal parking on CQMC land, this is not material to the planning application being considered, in the same respect as ownership matters are not material to planning assessment. There is a legal right of way over Undine Road. Any trespass is a matter for the courts. Illegal parking of CQMC land is a private matter for them to enforce against)*
- Impact on property values
- 7.25. *(Officer Comment – this is not a material planning consideration)*
- Pedestrian route lost, and revised access through the site unsafe – unlikely to be used by non-residents
- 7.26. *(Officer Comment – there is no public right of way through the site at present, even if it is used as such)*
- Applicants do not own all of the site
- 7.27. *(Officer Comment – Officers have reviewed the Land Registry Titles for the site, and are satisfied that the site is within the applicant’s ownership. In any event even if an applicant does not own all or any of the site they can still apply for planning permission to develop the site)*
- Inaccuracies in the submission
- 7.28. *(Officer Comment – there may be some minor mistakes in the submission. It is, however, possible to fully assess the proposal based on the drawings and documents submitted).*
- 7.29. Financial contribution toward Open Space should be secured
- 7.30. *(Officer Comment: A financial contribution towards open space has been secured, as outlined within this report)*
- 7.31. Existing vacant flats in the area should be occupied instead of building new flats.
- 7.32. *(Officer Comment: The delivery of new housing, in particular new affordable housing is a key priority of the Council, and accordingly it is considered acceptable and in line with earlier consents to develop on this site)*



- 7.33. Clippers Quay Management Company advised:
1. that they will not allow access off Undine Road to the disabled parking spaces, meaning that the development would not achieve Lifetime Homes
  2. that if planning permission is granted, they receive a financial contribution of £75,000 towards the control and prevention of future resident parking in the area
  3. that if planning permission is granted construction vehicles should access the site from Spindrift Avenue only
- 7.34. The following procedural issues were raised in representations, and are addressed below:
- 7.35. Site notice was undated.
- 7.36. Consultation period by Council inappropriate – documents not available online as at 19<sup>th</sup> July, and consultation during school holidays.
- 7.37. *(Officer Comment - A site notice was erected along Spindrift Avenue, dated 26<sup>th</sup> July 2013, evidence of which is on the file. The application was advertised in East End Life and significant neighbour consultation was carried out. A large number of responses to the consultation have been received and it is considered the Council has wholly fulfilled its consultation obligations. Consultation commenced on the 19<sup>th</sup> of July 2013, and responses are received up until midday on the day of Committee)*

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:
1. Land Use
  2. Design
  3. Density
  4. Housing
  5. Amenity for future occupiers
  6. Impact upon amenity of neighbours
  7. Transport Impacts
  8. Other planning matters

### Land Use

- 8.2. The existing four-storey residential block on the site is unremarkable and unprotected. The site has no specific designation under the adopted Core Strategy 2010 (CS) and the area surrounding the site is predominantly residential in character.
- 8.3. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal to retain and maximise residential use at the site is acceptable in principle and accords with policies 3.3 and 3.4 of the London Plan (2011) (Together with Revised Early Minor Alterations 2013) (LP) and policy SP02 of the adopted Core Strategy (2010) ("CS"), which seek to maximise the supply of housing.

### Design

- 8.4. Good design is central to the objectives of national, regional and local planning policy. Policies 7.6 and 7.8 in particular of the London Plan seek to achieve good design generally, as well as in locations of historic merit. These policies are reflected in CS policy SP10, and MDD policy DM24.

- 8.5. These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.6. In general terms, the form of the two blocks is relatively simple. The blocks are both roughly rectangular in shape and would be constructed of a buff stock brick to complement the Chapel House Conservation Area, and trespas cladding, with large aluminium framed openings. The elevations are interesting without being busy and the design is an improvement on the existing uninspiring block.

#### Layout, height and scale

- 8.7. There have been numerous objections to the scheme stating that the proposal represents overdevelopment of the site. As will be discussed below the density of the development is considered acceptable, however calculating the density of a scheme in policy terms is a purely mathematical exercise and is not the only criteria for ascertaining whether or not a scheme constitutes overdevelopment.
- 8.8. Other buildings in the area are predominantly two-storeys in height with pitched roofs, but there are other examples of four-storey buildings nearby, built in the same style as the existing Cutty Sark House, which is itself, a four-storey hipped roof building.
- 8.9. The western block would be the visually more dominant of the two as it is located closer to the bend in Spindrift Avenue and is one storey taller. This is the part of the site that can best accommodate the height and the simple form of the buildings prevents them appearing unduly bulky in relation to their surroundings.
- 8.10. The western block accommodates the ten affordable units, whilst the eastern block is comprised of the private accommodation.
- 8.11. Whilst the buildings are positioned close to one another, with only 6.6m separation between them at the top end of the site, views are available between the buildings and the site layout provides a well-defined pedestrian route through the site, which is clearly separated from the residential entrances. The buildings are set back some 6m from Spindrift Avenue, which provides sufficient breathing space and prevents the buildings appearing over-dominant. The set back from Undine Road is less, a minimum of 1.5m at the closest point. However the site boundary splays to the north-east, meaning the positioning is sufficient to prevent the buildings feeling too close or oppressive so as to be considered unacceptable.
- 8.12. Within the context of the site, which is bounded by open land to the east and west, the layout, height and scale of the scheme are, on balance, considered acceptable and to comply with CS policy SP10 and MDD Policy DM24.

#### Openness of site/impact upon the Conservation Area

- 8.13. To the south of the site is the Chapel House Conservation Area. In assessing planning applications adjacent to conservation areas the Council must assess the impact the development is likely to have upon the setting of that conservation area. Indeed, the previous appeal on the site was partly dismissed for this reason.
- 8.14. The NPPF provides guidance on the approach to development in and adjacent to conservation areas. It sets out that Local Planning Authorities should ensure that conflict between a heritage asset and development is avoided or minimised. National guidance is carried through to the local level by CS policy SP10 and MD policy MD27.

- 8.15. The proposal is clearly not a pastiche replica of development within the Chapel House Conservation Area. What is carried through with this scheme, however, is the use of brick as the primary facing material and the clean, strong lines. The flat roofs proposed are not typical locally, but neither would they appear as incongruous, and the separation of the blocks is enough to retain sufficient openness so as not to impinge upon the setting of the conservation area. The proposed blocks are considered a significant improvement upon the existing block.
- 8.16. The proposal covers the full width of the site, but for a 0.5m set-in from its western boundary. As such the proposal relies somewhat on adjacent land – to the east owned by the DLRL and to the west by Clippers Quay Management Company – to give it something of an open setting in the street scene. However, those sites are currently undeveloped and this scheme must be assessed on its own merits given the existing circumstances of the site and surrounds. It is therefore considered that the site would retain a sufficiently open feel.
- 8.17. On balance, and taking into account the wider benefits of provision of 36 new dwellings, it is considered the proposal would retain a sufficient degree of openness so as not to impinge upon the site or surrounding area, or harm the setting of the adjacent Chapel House Conservation Area.

#### Permeability and security

- 8.18. CS policy SP09 and MDD policy DM23 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 8.19. The proposal provides a pedestrian route and courtyard through the site but still allows for sufficient defensible space to the front of the residential units to prevent any loss of security.
- 8.20. The Crime Prevention Officer did not comment on the proposal. However, with relation to the 2011 permission (which shares roughly the same footprint) mentioned that the scheme should be open at ground floor level to maximise views to and from the development. This matter can be addressed through landscaping and boundary treatment conditions, to prevent planting and fencing obscuring views of the buildings.
- 8.21. A further point raised by the Crime Prevention Officer for the 2011 consent was that boundary fencing to the rear gardens of the eastern block should be sufficiently high to prevent easy unlawful access to the properties. This matter can be easily addressed by a boundary treatment condition, however this remains subject to approval by the DLR.
- 8.22. Subject to conditions, it is considered that the layout of the development will allow for a permeable and secure site.

#### **Density**

- 8.23. The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of LP Policies 3.4 of the LP and strategic objection SO7 and strategic policy SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport

accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting.

- 8.24. The site has an average Public Transport Accessibility Level (PTAL) of 3. For urban sites with a PTAL range of between 2 and 3, table 3.2 of the LP, suggests a density of between 200-450 habitable rooms per hectare. With 103 habitable rooms proposed, and a site area of 0.245ha, the proposed density would be 420 habitable rooms per hectare, which is in line with the recommended standard.
- 8.25. This is comfortably within the set density range and overall the development would make the most efficient use of the land. The proposed mitigation measures, including financial contributions towards local education, open space, libraries and leisure, ensure that the development has no significant adverse impacts on local infrastructure and accords

### **Housing**

- 8.26. This section of the report considers the acceptability of the housing provision on the site in terms of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units. The application proposes a total of 36 residential units

#### Affordable Housing

- 8.27. London Plan policies 3.11 and 3.12 state Boroughs should seek the maximum reasonable amount of affordable housing. CS policy SP02 sets an overall strategic target for affordable homes of 50% and requires all sites providing 10 or more homes to provide 35%-50% affordable homes. Policy DM3 of the MDD seeks the maximum reasonable amount of affordable housing.
- 8.28. The scheme provides 31% affordable housing, which falls short of the 35% minimum policy target as set out in the CS.
- 8.29. However, the applicant has submitted a viability assessment which demonstrates that the 31% is the maximum reasonable amount of affordable housing the scheme can accommodate whilst still being deliverable. In fact, the Council's independent review of the financial viability demonstrated a residual land value of the development is a deficit. Accordingly, the 31% which is being offered by the applicant is considered acceptable, as it represents the maximum amount of affordable housing the scheme can deliver, and is therefore in compliance with policies 3.11 and 3.12 of the London Plan, and DM3 of the MDD.

#### Tenure mix – social/affordable rent : intermediate ratio

- 8.30. London Plan policy 3.11 and CS policy SP02 seek a tenure split within the affordable housing units of 60:40 in favour of rented units. Policies SP02 of the CS and DM3 of the MDD seek a split of 70:30. The proposed tenure split of 100% is in favour of the affordable rented tenure (at POD rent levels).
- 8.31. The proposal therefore fails to deliver a mix of rented and intermediate accommodation. This is considered acceptable on balance, on the basis that rented accommodation is in more demand within the Borough. The mix of private and rented accommodation on the site will ensure the provision of a mixed and balanced development.

#### Mix of dwelling sizes

- 8.32. Council policy seeks to ensure development provides a range of dwelling sizes, including an appropriate amount of family accommodation.
- 8.33. Core Strategy policy SP02 requires that 45% of rented units should be for families. MDD policy DM3 sets out the acceptable unit mix:

Tenure	1b%	2b%	3b%	4b+%
Market	50	30	20	
Intermediate	25	50	25	0
Rented	30	25	30	15

- 8.34. The proposed unit breakdown, in comparison to policy, is as follows:

**Rented**

4 x 1-bed units (40%) against a policy target of 30%  
 3 x 2-bed units (30%) against a policy target of 25%  
 3 x 3-bed units (30%) against a policy target of 30%  
 0 x 4+-bed units (0%) against a policy target of 15%

**Market**

7 x 1-bed units (27%) against a policy target of 50%  
 19 x 2-bed units (73%) against a policy target of 35%  
 0 x 3+-bed units (0%) against a policy target of 20%

- 8.35. Within the market sector there is a lack of family sized units. However, this is considered to be off-set by the under-provision of 1 bed units within this tenure.
- 8.36. There are no 4+bed units within the Affordable tenure, however the applicants have provided ground floor 2 and 3 bed wheelchair units within this tenure which were specifically requested by officers to meet an identified need, which have larger than normal floor areas. On balance, the mix is considered acceptable.
- 8.37. Core Strategy policy SP02 requires an overall target of 30% for family housing. The proposal delivers 8% family housing (3 x 3 bed units), thus falling significantly short of this requirement. However, when considering the development as a whole, the scheme does deliver an additional 13 x 2 bed, 4 person units, with floor areas in excess of the London Housing Design Guide (LHDG) targets. Three of these are ground floor wheelchair units with floor areas between 80sqm and 87sqm, against a LHDG target of 70sqm.
- 8.38. Accordingly, on balance it is considered that the proposal delivers an acceptable mix of housing, to allow housing choice for future residents.

Lifetime Homes/Wheelchair provision

- 8.39. Core Strategy policy SP02 requires housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.
- 8.40. This scheme provides four wheelchair accessible units (2x2 bed market, 1x2 bed rented, 1x3 bed rented; 11%) together with a designated disabled car parking space for each unit. Furthermore, all units have been designed to comply with Lifetime Homes standards and the wheelchair units are on the ground floor with dual aspect, and the final design will be secured by condition.

- 8.41. The scheme is therefore considered acceptable in terms of provision of wheelchair accessible units and Lifetime Homes standards.

#### **Amenity for future occupiers**

##### Standard of accommodation

- 8.42. London Plan policy 3.5, CS policy SP10 and MDD policy DM4 set out the need to ensure appropriate standards of accommodation for future occupants. Minimum floorspace standards are set out, as are amenity space requirements.

##### Internal floorspace

- 8.43. All of the Affordable Rented units exceed the floorspace requirements.
- 8.44. 8 of the 2bed units within the market tenure fall short of the requirement by 1sqm. 7 of these units are positioned at the end of the block, thus being triple aspect. The 8<sup>th</sup> unit is positioned on the top floor, with substantial private amenity space via two balconies. The shortfall of 1sqm for these units is therefore considered acceptable in the balance.

##### Daylight/sunlight

- 8.45. The submitted daylight and sunlight assessment considers light levels within the proposed development, and was independently reviewed on behalf of the Council by 'Delva Patman Redler - Chartered Surveyors'. Delva Patman Redler concluded that on balance, the daylight and sunlight was acceptable for the future residents of the development.
- 8.46. The report established that in terms of daylight, all proposed rooms will have an ADF level above the minimum recommended standard (being 2% for kitchens, 1.5% for dining rooms and 1% for bedrooms). With the exception of three rooms the no-sky line analysis is in compliance with the BRE guidance. The three rooms in question (in the eastern, private block) are less well lit towards the back of the room, however the rooms are design in such a way that the areas where occupants would be expected to make use of natural light will still have levels of sky visibility that should be acceptable for that purpose.

##### Privacy

- 8.47. Whilst at the northern end of the site the blocks are separated by just 6.8 metres, the internal arrangements of the units are such that there are no directly facing habitable room windows. Consequently there is no direct overlooking between the proposed units and an adequate level of privacy is provided
- 8.48. The western block is set in from the west boundary by 0.5m with boundary fencing ensuring that the ground floor units of those blocks would not be unduly overlooked by people walking across the adjoining site.

##### Noise and Vibration

- 8.49. The application is accompanied by a Noise Assessment produced by SKM Enviros, dated 28<sup>th</sup> June 2013. A further assessment addendum has been submitted at the request of the Council's Environmental Health Officer (EHO), dated 17<sup>th</sup> October 2013, as they were not satisfied with the methodology for assessing vibration.
- 8.50. The EHO was subsequently satisfied with the vibration levels.
- 8.51. However, with relation to noise, it was ascertained that balconies on the southern facades of the buildings would experience noise levels 5dB above the recommended

standard. The EHO subsequently maintained objection to the proposal on the basis of noise impacts, and is of the view that the balconies should be removed. There is no objection regarding internal noise levels.

- 8.52. The site predominantly experiences noise from movements at the DLR station, as well as traffic noise from the Spindrift Avenue façade. A resolution to the concern of the EHO would be to remove the balconies, however officers consider this to be counter-intuitive in terms of amenity. Residents have the choice of whether to use their balcony or not, and arguably, opening a window on the effected façade would have similar impacts to the inclusion of a balcony.
- 8.53. On balance, it is therefore the view of officers that the balconies should be included within the scheme, as they provide effective outdoor space, which residents have the choice of utilising. The extant 2011 consent also has balconies on the affected façade.

#### Residential Amenity Space

- 8.54. For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 36 units the minimum communal amenity space required would be 76sqm.
- 8.55. Policy 3.6 of the LP saved policy OS9 of the UDP, strategic policy SP02 of the CS and policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.56. Using the Tower Hamlets SPG child yield calculations, the overall development is anticipated to accommodate 10 children and accordingly the development should provide a minimum of 100 sq.m of play space in accordance with the LP and MD DPD's standard of 10sq.m per child.
- 8.57. A central communal courtyard, overlooked by the residential blocks will form the centre of the development, with a spine of trees running the length of the landscaping. This space is multi-functional, measuring approximately 84sqm. It functions as amenity space, with a 37sqm dedicated informal playspace area, and a north-south route through the site. To the south-eastern corner of the site is approximately 150sqm (approx.) of landscaped space, which has been freed up through the relocation of the refuse and servicing area. In total, the 243sqm (approx) is considered acceptable to provide adequate multi-use communal and play space within the site. A high quality finish can be secured through the inclusion of an appropriately worded condition, requiring full details of planting, materials and play equipment.
- 8.58. Further to this, the London Plan allows for the provision of appropriate and accessible facilities within 400 metres for 5-11 year olds and within 800 metres for 12 – 15 year olds. The site is within 150 metres of Mudchute and Millwall Park, which have facilities for 5-15 year olds.
- 8.59. The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey

flats would have adequately sized balconies. All of the ground floor units benefit from private gardens which exceed the policy requirement.

- 8.60. Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.
- 8.61. The Core Strategy notes that to achieve the 1.2 hectare of open space per 1000 population standard the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the built up urban character of Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need.
- 8.62. To meet the above standard, based on a likely population yield of 53 new residents, the scheme would need to include 636sqm of open space on top of amenity space delivered through the provision of private gardens and communal amenity space, which in light of housing demand and the need to optimise the use of scarce development land would not be reasonable for a site measuring just under a hectare. It is considered that a financial contribution towards improvement of existing public open spaces would successfully mitigate the lack of on-site publicly accessible open space, something which is acknowledged within the text for Policy DM10.

### **Amenity Impact on Neighbours**

#### Daylight and Sunlight

- 8.63. Policy SP10 of the Core Strategy and policy DM25 of the MDD seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions.
- 8.64. The extant consent (for massing the same as that which is currently proposed) submitted a 'Daylight and Sunlight Study (Neighbouring Properties)', dated 5th July 2010, considering the impact of the development on existing properties surrounding the development site. As the massing of the proposal is the same as that which has been considered, and there are no new material considerations to take into account in the surrounding developments, this report is considered acceptable for assessment of the current scheme. A new BRE guidance has been introduced since this report was written (Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011), and officers have considered the results of the submitted assessment against this updated handbook.
- 8.65. Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). VSC and NSL are the appropriate methods for assessment when assessing impacts on existing properties. The submitted study shows that a small amount of neighbours will suffer from a very minor loss of light. Nevertheless, all affected rooms still meet BRE VSC and NSL targets (of maintain at least 80% of the former value). Given this compliance, the impact of the development on daylight to neighbouring properties is considered acceptable.



- 8.66. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). The submitted report demonstrates that all neighbouring windows and open spaces will receive sufficient sunlight to comply with the current Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).

Overlooking/loss of privacy

- 8.67. Policy SP10 of the CS and MDD policy DM25 seek to ensure that development will not result in a loss of privacy for existing residents.
- 8.68. The proposed development would be located a minimum of 21m from No.1 Undine Road and 15m from Nos.1-8 Falcon Way, the closest properties to the development. Given the orientation of the proposed blocks and the reasonable separation distances, it is not considered that the proposal would have a material impact in terms of overlooking between habitable rooms.

Noise disturbance

- 8.69. Policy SP10 of the CS and MDD policy DM25 note that development should not create unacceptable levels of noise and vibration.
- 8.70. Some disturbance is inevitable during the construction phase of the development; however a conditioning limiting work to standard hours will be included on the decision to ensure any such disturbance is not unreasonable.

**Transport Impact**

- 8.71. The site has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility. The site is located just 20m to the west of Mudchute DLR station, which offers good links to the rest of the Isle of Dogs, Canary Wharf and London generally.
- 8.72. The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.73. CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.74. The site has an average public transport accessibility level (PTAL) of 3 (1 being poor and 6 being excellent). The application is supported by a Travel Plan and Transport Statement (June 2013, Campbell Reith). The Borough Highway Officer is in support of the application as set out within section six of this report.

Car parking

- 8.75. Many of the objectors to the application mentioned that the development should provide car parking spaces. In line with Council policy no car parking has been provided, save for four disabled parking says to the north of the site. The developers will sign up to a S106 car free agreement if planning permission is granted preventing occupiers of the development from obtaining a car parking permit.

- 8.76. Several of the objectors mentioned that car-free agreements rarely function well in practice, as residents of 'car-free' developments often own cars and park illegally.
- 8.77. This is a matter best dealt with through enforcement. It is for the Council to control parking on the adopted highway of Spindrift Avenue, and the Clippers Quay Management Company to control parking on the privately owned Undine Road. This is not considered a justification to depart from the Council's established policy in this instance.
- 8.78. Given the location of the site, so close to Mudchute DLR, it is considered that a car-free development is appropriate for the site and would comply with CS policy SP09 and MDD policy DM20.

#### Cycle Parking

- 8.79. The application proposes 32 cycle parking spaces with Sheffield stands. These are provided within a secure storage building towards the north of the site. The application originally proposed 44 spaces on stackers, however on the advice of highways, Sheffield stands have been incorporated. Highways have confirmed they do not object to the proposal.
- 8.80. On balance the proposal therefore complies with London Plan policy 6.13.

#### Servicing/deliveries

- 8.81. The application originally proposed a servicing bay on Spindrift Avenue, with adjacent refuse stores for pick up. This arrangement generated significant objection from residents, as well as the Council's Highways officers regarding safety and the free flow of traffic.
- 8.82. This has been revised, with servicing to take place from the privately owned Undine Road.
- 8.83. Several objectors have mentioned that rights to use Undine Road for these purposes would not be given. However, no information has been provided to demonstrate that such use of Undine Road is not allowed. On the contrary, the applicants registered title grants the applicants *"a right of way on foot and with vehicles for all purposes and at all times over Spindrift Avenue and Undine Road and a right of way on foot over the footpath between Spindrift Avenue and Undine Road along the western boundary of the retained land until such time as the same are adopted and maintained at public expense"*
- 8.84. Vehicle tracking has been provided to demonstrate that refuse vehicles can negotiate the servicing area, and the revised servicing arrangements are considered acceptable by the Council's Highways section.

#### Impact on local transport infrastructure

- 8.85. The proposal is only for 36 residential units and it is not considered it would have any undue impact upon the capacity of the local road or public transport networks. TfL were consulted, and whilst requesting conditions as outlined in section 6 of this report, did not raise concern regarding impacts on the public transport network.

#### **Other planning matters**

##### Biodiversity

- 8.86. Neighbour representations mentioned that many different species of bird are found locally, along with foxes and bats. The submitted Ecology Survey, dated 27<sup>th</sup> June 2013, states that a bat survey of the existing building should be undertaken before

work at the start commences. It is considered this matter can be adequately dealt with by way of condition, and appropriate action taken if/when bats are found on site.

- 8.87. The report also suggested mitigation which can be secured via condition, relating to bird boxes, tree protection measures, and protection of watercourse.

#### Renewable Energy and Energy Efficiency

- 8.88. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.89. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. The Managing Development Document Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.
- 8.90. The Energy Strategy (May 2013), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO2 emissions by 8%. High efficiency boilers are proposed to supply the space heating and hot water requirements.
- 8.91. Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The proposed roof area for an array is identified (see drawing SK001) and a PV system with a peak output of 28.8kWp is proposed to achieve a 20% reduction in CO2 emissions. The current proposals for delivering the space heating and hot water, and CO2 savings (29%), are considered acceptable in this specific instance due to the size of the scheme, technologies available and roof space arrangements.
- 8.92. In terms of sustainability, the Council requires all residential development to achieve a Code for Sustainable Homes Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document
- 8.93. The submitted Pre-assessment demonstrates how the development is currently designed to achieve A Code 4 rating with a score of 70. This is supported and the achievement of Code 4 is secured via condition with the final certificate being submitted to the council within 3 months of occupation.

#### Flood Risk

- 8.94. The site is located within flood zone 3a. The application has been accompanied by a Flood Risk Assessment produced by Hyder Consulting, dated June 2013, which the Environment Agency were consulted on.
- 8.95. The site is outside the area at risk of flooding in the event of a breach or failure of the River Thames tidal defences. Amongst the measures taken to prevent flood risk are setting the ground floors of the proposed buildings above 2.5m AOD and inclusion of a green roof. The Environment Agency has no objections to the scheme, subject to conditions, which will be included on the decision notice.

#### S106 Contributions

- 8.96. The NPPF requires that planning obligations must be:
1. Necessary to make the development acceptable in planning terms;
  2. Directly related to the development; and
  3. Are fairly and reasonably related in scale and kind to the development.
- 8.97. Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.98. Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.99. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
1. Affordable Housing
  2. Employment, Skills, Training and Enterprise
  3. Community Facilities
  4. Education
- 8.100. The Borough's other priorities include:
1. Public Realm
  2. Health
  3. Sustainable Transport
  4. Environmental Sustainability
- 8.101. This application is supported by a viability toolkit which detailed the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is not viable for the proposal to deliver more than 31% affordable housing alongside a contribution of £140,000 of planning obligations.
- 8.102. The toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative 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. 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.

- 8.103. Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers sought to deliver 31% on-site affordable housing and deliver an offer of £140,000 of financial contributions.
- 8.104. The s106 SPD requirement would be for £241,839 in financial contributions. The proposed offer meets the full ask. The monies have been allocated according to the priorities within the s106 SPD.
- 8.105. The obligations can be summarised as follows:

Financial Contributions

- a) Education: £89,184
  - b) Enterprise & Employment: £7,638
  - c) Community Facilities: £28,723
  - d) Health: £34,953
  - e) Sustainable Transport: £795
  - f) Public Realm: £75,804
  - g) Monitoring & Implementation 2% of total: £4742
- TOTAL: £241,839**

Non-Financial Obligations

- a) 31% affordable housing
- b) Access to employment initiatives
- c) Permit free agreement
- d) Code of Construction Practice
- e) Public access
- f) Travel Plan
- g) Review mechanism in the event the developer were to secure grant funding

- 8.106. The applicant has demonstrated through the submission of a viability assessment that there is no additional provision to deliver further affordable housing, and the full s106 Financial Contribution ask has been secured. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 31% by habitable room and the maximum reasonable amount of financial contributions which can be delivered is £241,839. It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities.
- 8.107. For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered.

**Other matters**

Designation as Metropolitan Open Land

- 8.108. Several objections received mentioned that the site should be designated as Metropolitan Open Land. At present it is not designated as such, and this application

must be determined on the current designation. Furthermore for a parcel of land to be designated as Metropolitan Open Land, it must satisfy the following criteria:

- Contributes to the physical structure of London by being clearly distinguishable from the built-up area;
- Include open air facilities, especially for leisure, recreation sport, arts and cultural activities and tourism which serve the whole or significant parts of London;
- Contain features of historic, recreational, nature conservation or habitat interest, of value at a metropolitan or national level;
- Form part of a green chain and meets one of the above criteria.

8.109. The site is separated from Mudchute Park and Farm by the DLR line, so does not form part of a green chain, and is simply not large enough or used in a way that would warrant inclusion in the first three categories.

8.110. For this reason it is not considered that significant weight can be given to possible future designation of the land as Metropolitan Open Land, particularly in light of the fact that the Council's Proposals Map was only recently adopted (2010), and further cemented through the adoption of the Council's MDD in 2013.

Parliamentary Undertaking on part of the site

8.111. A large number of objections received mentioned that there is a Parliamentary Undertaking on the site stating that when the DLR was extended a strip of land to the east of the site was to be landscaped. The objectors feel that this obligation has never been fully discharged.

8.112. When dismissing the previous appeals on this site, the Inspector noted that 'the status of the DLR undertaking to the Council is a matter that both parties accept as being satisfactorily resolved and thus not material to the consideration of these appeals'. It remains the case that the matter has been resolved to the satisfaction of the Council, and it can be afforded only little weight during the consideration of this application.

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

8.113. 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:

8.114. 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.

8.115. 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.

8.116. In this context "grants" might include the new homes bonus and payment of the community infrastructure levy.

- 8.117. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.118. 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 £88,315 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 31% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 8.119. 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.
- 8.120. 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 £35,943 within the first year and a total of £215,657 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 8.121. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.122. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- 8.123. Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- 8.124. Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- 8.125. Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

### **Equalities Act Considerations**

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

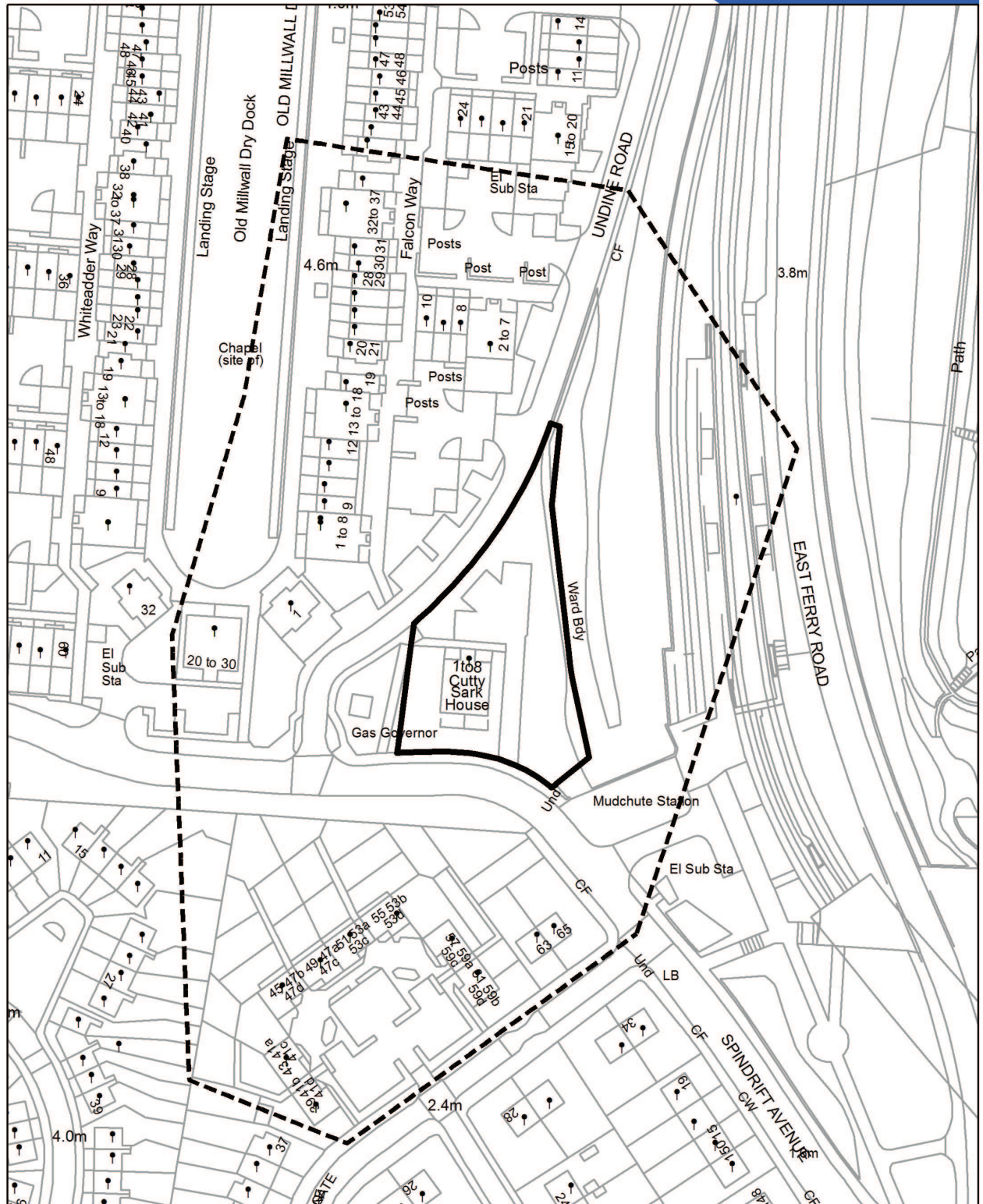


- 8.135. The community related contributions (which will be accessible by all), such as the new public piazza, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.136. The contributions to affordable housing support community wellbeing and social cohesion.

### **Conclusions**

- 8.137. All other relevant policies and considerations have been taken into account. PLANNING PERMISSION should be granted and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

**Planning Application Site Map**  
**PA/13/01606**



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

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

© Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288



1:1,250

# Agenda Item 6.5

<b>Committee:</b> Development Committee	<b>Date:</b> 11 December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
---	----------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/1532, PA/13/1533 and PA/13/1534
	<b>Ward:</b> Mile End East

## 1. APPLICATION DETAILS

**Location:**

St Clement's Hospital Site , 2 Bow Road, London E3

**Existing Use:**

Disused/vacant hospital buildings.

**Proposal:**

PA/13/01532: Full planning permission for the redevelopment of the Grade II listed former St Clement's hospital site comprising the part demolition (and infill of associated basements), part refurbishment and change of use of the existing hospital buildings and the construction of eight new buildings between two and nine storeys high to accommodate 252 residential units, 306 sqm (GIA) community floorspace (D1 Use Class), 174 sq m (GIA) commercial floorspace (B1/A2 Use Class), 69sqm (GIA) café/restaurant (A3/A4 Use Class,) 32 parking spaces, cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works.

PA/13/001534: Conservation area consent for the demolition of unlisted buildings (post-dating 1948) and removal of and works to trees in association with the redevelopment of Grade II listed St Clement's site.

PA/13/01533: Listed building consent for the demolition of the Timber Building, Catering Department, Nurses Home and Old Boiler House; the limited partial demolition of the Laundry building, the Bungalow, Administration Block, North Block, South Block, Generator and boundary walls; and the repair and conversion of the retained listed buildings in association with the planning application for the redevelopment of the St Clement's hospital site.

**Drawing Nos/Documents:** Drawings:

00464\_MP\_01; 00464\_MP\_02; 00464\_MP\_03; 00464\_MP\_04;  
00464\_MP\_05; 00464\_MP\_06; 00464\_MP\_07; 00464\_MP\_08;  
00464\_MP\_09; 1288-002L; 1288-003H; 1288-004F; 1288-005A;  
00464\_JD\_B\_EP00\_EP01; 00464\_JD\_B\_EP02;  
00464\_JD\_B\_EE1; 00464\_JD\_B\_EE2; 00464\_JD\_B\_EE3;  
00464\_JD\_B\_EE4; 00464\_JD\_B\_ES; 00464\_JD\_B\_P00\_P01;  
00464\_JD\_B\_P02; 00464\_JD\_B\_PE1; 00464\_JD\_B\_PE2;  
00464\_JD\_B\_PE3; 00464\_JD\_B\_PE4; 00464\_AD\_NB\_EP-01;  
00464\_AD\_NB\_EP00; 00464\_AD\_NB\_EP01;  
00464\_AD\_NB\_EP02; 00464\_AD\_NB\_EP03;  
00464\_AD\_NB\_EP04; 00464\_AD\_NB\_EE1;  
00464\_AD\_NB\_EE2; 00464\_AD\_NB\_EE3\_5;  
00464\_AD\_NB\_EE6; 00464\_AD\_NB\_EE7;  
00464\_AD\_NB\_EE8; 00464\_AD\_NB\_EE9\_12;  
00464\_AD\_NB\_EE13\_15; 00464\_AD\_NB\_ES;  
00464\_AD\_NB\_P01; 00464\_AD\_NB\_P00; 00464\_AD\_NB\_P01;

00464\_AD\_NB\_P02; 00464\_AD\_NB\_P03; 00464\_AD\_NB\_P04;  
00464\_AD\_NB\_PE1; 00464\_AD\_NB\_PE2;  
00464\_AD\_NB\_PE3\_5; 00464\_AD\_NB\_PE6;  
00464\_AD\_NB\_PE7; 00464\_AD\_NB\_PE8;  
00464\_AD\_NB\_PE9\_11; 00464\_AD\_NB\_PE13\_15;  
00464\_SB\_EP-01; 00464\_SB\_EP00; 00464\_SB\_EP01;  
00464\_SB\_EP02; 00464\_SB\_EP03; 00464\_SB\_EE1\_2;  
00464\_SB\_EE3\_4; 00464\_SB\_EE5\_8; 00464\_SB\_EE9\_12;  
00464\_SB\_EE13\_16; 00464\_SB\_ES; 00464\_SB\_P-01;  
00464\_SB\_P00; 00464\_SB\_P01; 00464\_SB\_P02;  
00464\_SB\_P03; 00464\_SB\_PE1\_2; 00464\_SB\_PE3\_4;  
00464\_SB\_PE5\_8; 00464\_SB\_PE9\_12; 00464\_SB\_PE13\_16;  
00464\_OC\_EP00; 00464\_OC\_EP01; 00464\_OC\_EE1\_EE4;  
00464\_OC\_EE5\_7; 00464\_OC\_EE8\_10; 00464\_OC\_ES00;  
00464\_OC\_EE1\_EE4; 00464\_OC\_P00; 00464\_OC\_P01;  
00464\_OC\_PE5\_7; 00464\_OC\_PE8\_10; 00464\_OC\_PS00;  
00464\_W\_EP00\_EP01; 00464\_W\_EE1\_EE3;  
00464\_W\_P00\_P01; 00464\_W\_PE1\_PE3,  
00464\_G\_EP00\_EP01; 00464\_G\_EE1\_3; 00464\_G\_P00\_P01;  
00464\_G\_PE1\_4; 00464\_BLOCK A\_P\_SHT01P02;  
00464\_BLOCK B&C\_P\_SHT01P06; 00464\_BLOCK  
B&C\_P\_SHT02P05; 00464\_BLOCK D&E\_P\_SHT01P07;  
00464\_BLOCK D&E\_P\_SHT02P07; 00464\_BLOCK  
D&E\_P\_SHT03P06; 00464\_BLOCK D&E\_P\_SHT04P01;  
00464\_BLOCK F\_P\_SHT01P03; 00464\_BLOCK  
F\_P\_SHT02P01; 00464\_BLOCK G\_P\_SHT01P01;  
00464\_BLOCK H\_P\_SHT01P03; 00464\_BLOCK  
A\_E\_SHT01P02; 00464\_BLOCK B&C\_E\_SHT01P02;  
00464\_BLOCK B&C\_E\_SHT02P02; 00464\_BLOCK  
D&E\_E\_SHT01P02; 00464\_BLOCK B&C\_E\_SHT02P02;  
00464\_BLOCK F\_E\_SHT01P02; 00464\_BLOCK  
F\_E\_SHT02P02; 00464\_BLOCK G\_E\_SHT01P02;  
00464\_BLOCK H\_E\_SHT01P02;  
00464\_ELEVATION\_DETAILP01; 00464\_BLOCK  
B\_UNIT\_03P02; 00464\_BLOCK C\_UNIT\_04P02;  
00464\_BLOCK C\_UNIT\_07P01; 00464\_BLOCK  
C\_UNIT\_13P01; 00464\_BLOCK D\_UNIT\_01P01;  
00464\_BLOCK D\_UNIT\_02P01; 00464\_BLOCK  
D\_UNIT\_03P02; 00464\_BLOCK D\_UNIT\_04P01;  
00464\_BLOCK D\_UNIT\_05P01; 00464\_BLOCK  
D\_UNIT\_10P01; 00464\_BLOCK D\_UNIT\_12P01;  
00464\_BLOCK D\_UNIT\_18P01; 00464\_BLOCK  
D\_UNIT\_24P01; 00464\_BLOCK D\_UNIT\_27P01;  
00464\_BLOCK D\_UNIT\_28P01; 00464\_BLOCK  
E\_UNIT\_01P01; 00464\_BLOCK E\_UNIT\_03P02;  
00464\_BLOCK E\_UNIT\_05P02; 00464\_BLOCK  
E\_UNIT\_10P02; 00464\_BLOCK E\_UNIT\_12P02;  
00464\_BLOCK E\_UNIT\_17P02; 00464\_BLOCK  
E\_UNIT\_21P01; 00464\_BLOCK E\_UNIT\_23P02;  
00464\_BLOCK E\_UNIT\_27P01; 00464\_BLOCK  
E\_UNIT\_29P02;  
00464\_BLOCK E\_UNIT\_31P01; 00464\_BLOCK  
E\_UNIT\_33P01; 00464\_BLOCK F\_UNIT\_03P02;  
00464\_BLOCK F\_UNIT\_04P02; 00464\_BLOCK  
G\_UNIT\_02P02; 00464\_BLOCK G\_UNIT\_03P02;  
00464\_BLOCK H\_UNIT\_01P02; 00464\_BW\_E\_SHT01P02;  
00464\_PSS\_1\_3P02; 00464\_CE\_SHT01; 00464\_CE\_SHT02;

00464\_CE\_SHT03; 00464\_CE\_SHT04;

Documents:

Design and Access Statement by JTP;  
Heritage Statement and Addendum JTP;  
Existing Buildings – Internal Study JTP;  
Statement of Community Involvement dated Jun 2013 by JTP;  
Planning Statement with reference 12814/DL/CB dated 28 June 2013 by NLP;  
Sustainability Statement dated 27 June 2013 by Darren Evans;  
Energy Strategy dated 27<sup>th</sup> June 2013 by Darren Evans;  
Ecological Appraisal with reference 53221 dated June 2013 by Landscape Planning;  
Bat Report (initial issue) by Landscape Planning;  
Report on Bat Survey Interim Report dated June 2013 by Landscape Planning Ltd;  
Report on Bat Survey dated September 2013 by Landscape Ltd;  
Phase I and Phase II Geo-environmental Site Investigation with ref 51311 1.2 by Resources & Environmental Consultant Ltd;  
Arboricultural Impact Assessment with project number 53221 dated June 2013 prepared by Landscape Planning;  
Archaeological Desk Based Assessment with reference RM/KB/9238 by Richard Meager dated November 2007;  
Heritage Impact Assessment by NLP;  
Transport Assessment with reference GDB/4240/TA.4 dated Jun 2013 by Bellamy Roberts;  
Interim Residential Travel Plan with reference GDB/4240/IRTP.5 by Bellamy Roberts;  
Outline Construction Logistics Plan with reference GDB/4240/OCLP.3 dated June 2013 by Bellamy Roberts;  
Flood Risk Assessment with reference 6328 Rev B dated Jun 2013 by Walker Associates Consulting Ltd;  
Daylight, Sunlight and Overshadowing Assessments with reference 12814/03/DL/GL dated July 2013 and addendums with references 12814/DL dated 11 Oct 2013, 12814/03/DL/BK dated 23 October 2013, and 12814/03/DL/BK/5857328v1 dated 12 November 2013 by NLP;  
Air Quality Assessments with references UK18-18671 dated June 2013; and LV/UK1818671\_10102013 dated 10 Oct 2013 by Environ;  
Acoustic and Vibration Assessment with references: C/13175/T02c/HAL dated 27 June 2013; C/13175/T02e/HAL dated 16 August 2013; and C/13175/T04RevA/HAP dated 22 Nov 2013 by SRL;  
Construction and Environment Management Plan dated 28 June 2013 by Linden Partnerships Ltd/Galliford Try plc;  
Baseline TV and Radio Signal Survey and Reception Impact Assessment with issue number 1.0 dated 06 June 2013 by Concerio;  
Secondary Glazing Proposal for John Denham Building;  
Statement of Biomass Deliveries with reference GDB/4240/SBMD.2 dated Oct 2013 by Bellamy Roberts;  
PERS Audit with reference JCB/4240/PERS.1 October 2013

**Applicant:**  
**Ownership:**  
**Historic Building:**

Galliford Try Plc/Linden Partnerships Ltd  
Greater London Authority Land and Property Limited  
Grade II Buildings: Front wall, gate piers and gates at St

**Conservation Area:** Clement's Hospital; and Hospital Buildings.  
Tower Hamlets Cemetery Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a residential development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment.
- 2.3 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing.
- 2.4 In urban design terms, the retention and refurbishment of the Listed Buildings, site layout, building heights, scale and bulk and detailed design of the proposal is considered to be of a quality which would respect local character of the area including the Tower Hamlets Cemetery Conservation Area and the setting of the Grade II listed buildings.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment.
- 2.6 The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental, given the urban nature of the site.
- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are considered to be well designed and effectively meet the needs of the development.
- 2.8 Transport matters, including parking, access, and servicing are acceptable which promotes sustainable travel modes.
- 2.9 Sustainability matters, including energy, are acceptable and promote sustainable development practices.
- 2.10 The proposed development is considered to provide appropriate contributions towards health facilities, education facilities, employment opportunities, libraries, leisure and improvements to the streetscene sufficient to mitigate the impact of the development.
- 2.11 The proposed refurbishment and re-use of the Grade II listed buildings would bring back unused buildings which are on a Heritage Risk Register into use and therefore the proposal will continue to preserve and enhance the character and appearance of the conservation area.

## 3. RECOMMENDATION

- 3.1 That the Development Committee resolve to **GRANT** planning permission, Conservation Area Consent and Listed Building Consent subject to:

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

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

### 3.2 Financial Obligations

- a) A contribution of £675,887 towards education facilities to mitigate against the demand of the additional population on education facilities.
- b) A contribution of £3,878 towards employment and enterprise.
- c) A contribution of £206,990 towards leisure facilities.
- d) A contribution of £63,213 towards community facilities (libraries).
- e) A contribution of £331,253 towards health facilities.
- f) A contribution of £143,422 towards streetscene improvements.
- g) A contribution of £347,657 towards public realm (open spaces)
- h) A contribution of £80,000 towards improvement of Cycle Superhighway (TfL)
- i) £37,046 towards S106 monitoring fee (2%)

**Total: £1,889,346**

### 3.3 Non-Financial Obligations

- a) 35% affordable housing by habitable room
  - 69% Social rent (target rent)
  - 31% Intermediate Affordable Housing
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- c) Car-free agreement to restrict occupants applying for parking permits
- d) Code of Construction Practice
- e) Electric vehicle charging points to be provided to London Plan standards together with monitoring of their use to indicate when the passive provision of spaces is brought into operation.
- f) Public access through the site: Gates to the southern end of site providing access to Hamlets Way can only be closed during hours of dusk till dawn. No other gates providing access to the north-south access road within the site shall be closed at any time.
- g) A car club space on site and one year membership offered to future residents of the development
- h) 5 apprenticeship places to Tower Hamlets residents targeted to be commenced within 2 years from the commencement date of the construction phase. In the event this is not achieved an apportioned payment of the construction phase contribution (equivalent to £9,647 for each placement) will be made for each apprenticeship in lieu of the apprenticeship provision
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### **CONDITIONS & INFORMATIVES**

3.6 Full Planning Permission PA/13/01352

1. Permission valid for 3years
2. Development in accordance with approved plans
3. External materials
4. Details of public art
5. Details of building insulation and ventilation to achieve 'good' internal rating for all residential units
6. Pre-completion noise testing to residential units within John Denham Building
7. No cooking or preparation of food for A3/A4 use
8. Design detail of the stack for the biomass boiler
9. Soft and hard landscaping details
10. Details of: bat survey to be carried out if demolition has not taken place by March 2014/15; site-wide construction method statement to support demolition phase; details of bat boxes, bricks and tiles which can be incorporated into the structure of new buildings
11. Clearance of vegetation to be undertaken outside the bird nesting season and surveys for nesting birds to be undertaken by suitably qualified ecologist prior to clearance
12. Energy
13. Code for sustainable homes – level 4 and BREEAM refurbishment 'very good'
14. Details of communal heating: plant room location and layout, future proofing arrangements to allow for connection to a district system;
15. Scheme of highway works
16. All private fourcourt and communal area to be drained within the site
17. Final Residential travel plan
18. Demolition, Construction Management and Logistics Plan
19. Waste Management Strategy including residential and details for commercial waste storage
20. Prior to first occupation, details of D1 use
21. Lifetime homes
22. Details of 25 wheelchair units in scale 1:50 and implemented in accordance with approval
23. Hours of construction
24. Method Statement : No impact piling (Thames Water) and details of piling
25. Ecological assessment and mitigation measures during demolition and construction
26. Full landscaping details with biodiversity enhancement objectives
27. Details of the green/brown/biodiversity roofs
28. Provision of 440 cycle parking
29. Contaminated land – details remediation works
30. Car parking spaces line marked and retained and provided prior to occupation for: 30 spaces for residential (3 spaces for wheelchair unit); 1 space for commercial; 1 car club space
31. delivery and servicing plan (including refuse strategy)
32. CCTV and lighting strategy which rationalises impact to the ecology and impact to neighbouring properties
33. Hours of operation for A3/A4 (not to open later than 10pm Mondays to Fridays and Sundays, 11pm on Saturdays )
34. Details of ventilation for residential dwellings on the north façade of Block B and JD



building

35. No use of amplified noise in D1 use from 6pm-9am Mondays to Saturdays, and no amplified noise on Sundays and bank holidays

36. Approval of detailed archaeological and historic building recording project design (EH).

### 3.7 Conservation Area Consent PA/13/1534

1. Permission valid for 3 years
2. No demolition works shall be carried out until a contract is in place for the redevelopment of the site.

### 3.8 Listed Building Consent PA/13/1533

1. Permission valid for 3 years
2. Secure and protect the interior and exterior features
3. All new external and internal works of making good to match existing
4. Details to be submitted and approved
  - a. Boundary walls and gates
  - b. Roofing
  - c. Methods of cleaning brickwork
  - d. Repairs and alterations to existing windows
  - e. All new replacement joinery
  - f. Proposed new elevation and balconies
  - g. New lift and stair enclosure
  - h. Alterations to the Bungalow building
  - i. Proposed extension to the south side of John Denham building
  - j. Proposed Block A extension to the Administration Building and details of junctions between the new and retained fabric
  - k. Secondary window glazing details
  - l. Ventilation details to dwelling within JD building
5. Any hidden historic features which are revealed during works shall be retained in situ.

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

### 3.10 **Informatives:**

- S106 planning obligation
- Advertisement consent required for any signage
- Requirement for a s278
- Thames Water

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

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

## 4. **PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

4.1 The application site is a rectangular shape and is approximately 1.8ha in size. The site is bounded by terraces and block of flats on the west, Bow Road to the north, and British Street to the east, and Tower Hamlets Cemetery to the South.

- 4.2 The hospital buildings were originally built in 1848-49 as a workhouse, for the Board of Guardians of the City of London Union. It became an infirmary for the City of London Union in 1874, and in 1912 the Bow Institution for the long-term sick. In 1936 it became a psychiatric unit, under the St Clement's name. It became part of the London Hospital in 1968 and went through various organisational changes until its closure in 2005. Services were transferred to a new Adult Mental Health Facility at Mile End Hospital in October 2005.
- 4.3 The application site is within Tower Hamlets Cemetery Conservation Area and it is also adjacent to the Tredegar Square Conservation Area which lies to the north.
- 4.4 The site also contains Grade II listed buildings; John Denham Building with its Bungalow, Administration Building with its North Block, and the boundary wall, gates and its piers fronting Bow Road. The site has been identified by English Heritage as a historic site which is currently at risk and is on their Heritage at Risk Register.
- 4.5 The prevailing character of the area is mixed, with open space to the south, and mixture of rows of terraces and low rise flatted development to north and west, and a recent flatted redevelopment (2007) to the east. There are commercial activities along the ground floor of the buildings with residential above on Bow Road and Mile End Road. The building heights generally range from 2 to 5 storeys within the vicinity.
- 4.6 The site has a Public Transport Accessibility Levels of 6a and 5 (in a range of 1 to 6 where 6 is excellent). Mile End station is the closest Underground station being 250m away from the site and providing access to the Central Line; and Bow Road Underground is within 300m from the site providing access to the District and Hammersmith Lines. Bow Church DLR can be reached within 600m away which provides access to Stratford and Canary Wharf.
- 4.7 Three main bus routes (Nos. 25, 205 and 425) currently operate on Bow Road immediately front of the site; services are to east, central, and west London. Other numerous bus routes operate from Bow Road further to the east and Mile End Road further to the west, and Burdett Road which are all within easy walking distance from the site. The site is very well served by public transport.

### **Proposal**

- 4.8 The proposal includes retention of the listed buildings and other unlisted buildings on site and demolition of unlisted buildings (post-dating 1948) to redevelop the site for predominately residential use comprising of 252 residential units with 306sq.m D1 Use Class, 174sq.m of B1/A2 Use Class, and 69sqm A3/A4 Use Class. The proposal also includes 32 on-site parking spaces at grade, provision for cycle parking, refuse storage, plant equipment, private and communal amenity space and associated works

Within the new building elements, the heights of the buildings range from 2 storeys to 9 storeys and are brick construction. The site arrangement and layout is predicated by the existing listed buildings, however the proposed buildings will align a central boulevard which will be a shared surface for vehicles and pedestrians.

The proposal maintains the existing site access from Bow Road however the eastern end access would be made for vehicles and two other existing accesses would be for pedestrians and cyclists only. To the southern end of the site, the existing pedestrian access to Hamlets Way then on to the Tower Hamlets Cemetery Park would be retained.

The proposal provides 74 affordable units which represents 35% by habitable room. The affordable rent units are located within the new build and the proposed tenure split is 69:31 in favour of the Rent sector. All of the proposed units would meet Lifetime Homes standards and 25 units are designed to be wheelchair accessible/adaptable.



 Conservation Area

 Grade II Listed Building

 Trees with Tree Preservation Order

## 5 RELEVANT PLANNING HISTORY

5.1 When the hospital was in use, there were planning applications approved between 1966 and 2002 for ancillary and temporary buildings associated with the hospital use. Since its closure, an application for works to a tree(s) in a Conservation Area was approved on 8<sup>th</sup> August 2009 to carry out works to 32 trees including felling of 5 trees on site.

5.2 There is no other relevant planning history for the site.

## 6. POLICY FRAMEWORK

6.1 Following the adoption of the Managing Development Document on 17<sup>th</sup> April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011. The following policies are relevant to the application:

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

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations
Appendix 9		Mile End Laps 5 & 6

### **Managing Development Document (Adopted 2013)**

Proposals: Tower Hamlets Cemetery Conservation Area

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

### **Supplementary Planning Guidance/Documents and Other Documents**

Planning Obligations SPD 2012  
 St Clement's Planning Brief 2005  
 Tower Hamlets Cemetery Conservation Area Character Appraisal 2007

### **Spatial Development Strategy for Greater London (London Plan 2011 and REMA 2013)**

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

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

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

London Housing Design Guide 2010  
 Housing Supplementary Planning Guidance Nov 2012  
 Sustainable Design & Construction 2006  
 Accessible London: Achieving an Inclusive Environment 2004  
 Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

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

The National Planning Policy Framework 2012 (NPPF)

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

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

## **7. CONSULTATION RESPONSE**

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

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

7.3 **LBTH Environmental Health**

Contaminated Land

The Council's record shows that the site and surrounding area has been subject to former industrial uses, which have the potential to contaminate the area. LBTH Environmental Health has reviewed the submitted site investigation report requested that the inclusion of planning conditions relating to remediation works and production of a verification report to render the site suitable for residential use.

*[OFFICER COMMENT: Appropriately worded conditions are recommended and would be imposed]*

Noise

The accompanying Noise Report and further acoustic and vibration surveys have been received. The overall proposal is satisfactory; however the residential unit immediately adjacent to the Community use may not receive most suitable sound insulation and therefore make the use unsuitable. Given the restricted intervention to the listed building, it may be most appropriate for post completion sound testing to be carried out to ensure that the quality of the residential accommodation is satisfactory. All other residential units to the scheme would meet good internal standards and therefore acceptable.

*[OFFICER COMMENT: The noise assessment and survey carried out demonstrate that the noise level achieved would be 55bd DnTw and therefore would comply with the Building Regulations Approved Document E (AD E) – Residential Buildings. Whilst the EH officer's concerns are noted, the additional measures such as control of hours for the community use, and restriction to the use of amplified noise at late hours would be conditioned to minimise the impact further. In addition, as required pre-completion testing would be required to be carried out and therefore a condition will be imposed. For all other units, a condition requiring details to achieve the noise standard to meet 'good' internal noise level will be imposed.]*

Air Quality

Environmental Health require the proposal to be in compliance with the Clean Air Act 1993, and the design details of the location and the stack will need be further approved in writing by the Council to ensure that no nuisance or emissions to atmosphere will be caused to occupants of the development. The applicant has further submitted a mitigation strategy which is satisfactory however the details should be conditioned.

*[OFFICER COMMENT: Appropriately worded conditions are recommended and would be imposed].*

7.4 **LBTH Communities Leisure and Culture**

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

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

*[OFFICER COMMENT: Full planning obligations have been sought in response to these requests].*

## 7.5 LBTH Biodiversity

The bat survey interim report has identified several buildings on the site with high potential to hold bat roosts, including a cellar which would be used by hibernating bats. Significant levels of bat activity were recorded on the site. This coupled with the proximity to the high quality feeding habitat of Cemetery Park means that the site could be important for roosting bats. Further bat surveys found no evidence of roosting bats. Due to the inaccessibility of some buildings, bat roosts cannot be entirely ruled out, but it is very unlikely that bats roosted in any of the buildings this year. There is, therefore, no biodiversity reason not to grant planning permission. A number of conditions relating to bats should, however, be imposed.

As recommended in the bat survey report, a sitewide construction method statement should be produced to support the demolition phase. This should take into account the slight possibility that bats might be encountered.

If demolition (or significant works to roof or roof void) of any building has not started by March 2014/15, a precautionary bat survey (emergence/re-entry) should be undertaken of the building immediately before work on the building commences.

Lighting, during construction and operation of the new development, should be minimised, and in particular no light should spill beyond the southern boundary of the site onto the edge of cemetery Park.

Features providing roosting opportunities for bats, such as bat bricks or tiles (which can be incorporated into the structure of the new buildings) or bat boxes (which can be fixed to buildings or trees) should be provided within the development.

Apart from the potential for roosting bats, there is some wildlife habitat on the site in the form of mature trees, scrubs and hedges. The extended phase 1 survey was undertaken in February, which is not an ideal time for such survey, as many plants are not identifiable, invertebrates are inactive and birds are not breeding. Nevertheless, it is highly unlikely that the site would support any species of particular significance. The loss of these habitats can readily be mitigated through the landscaping of the site. A condition should require that clearance of vegetation should be undertaken outside the bird nesting season. Surveys for nesting birds should be undertaken by suitably qualified ecologist immediately prior to clearance. If any nests are found, they must be left undisturbed until the young have fledged.

Large areas of green roofs are proposed on the buildings and cycle stores. This will be a significant benefit to biodiversity. No details of the green roofs appear to be available at this stage. A condition should require full details of the green roofs, including construction, depth substrate and planting, to be agreed by the Council before work commences. At least some, and preferably all, of the roofs should be biodiverse roofs, following the best practice guidance published by Buglife ([www.towerhabitats.org](http://www.towerhabitats.org)).

The Landscape Masterplan indicates that the landscaping at ground level is likely to be largely formal. The proposed trees are mostly of native species, and many of them will provide nectar for invertebrates and/or berries for birds. However, its value for biodiversity will depend very much on details. There are substantial areas indicated as 'shrub planting'. It would be unfortunate if these were to be the ubiquitous evergreen shrubs which seem to be standard for housing estate developments, and which are of limited value for biodiversity (or for amenity or anything else). The landscaping will be of most value to biodiversity if it includes plenty of native species, a varied structure, and plenty of nectar-rich flowers. The landscape condition should indicate that the landscaping is expected to benefit biodiversity, and the applicant

should be required to indicate how the landscaping achieves this.

*[OFFICER COMMENT: Due to the site location and its close proximity to the Cemetery Park, the application site has the potential to be biodiversity rich. The requested planning conditions are necessary and will be imposed to ensure that the biodiversity is protected and enhanced on site through securing details of landscaping and others as mentioned.]*

## 7.6 LBTH Energy Efficiency

The proposals have examined the feasibility of utilising a CHP and the analysis has shown that whilst feasible there would be more benefits associated with a biomass system such as lower emissions (NOx) and eligibility for Renewable Heat Incentive. The proposals are anticipated to reduce CO2 emissions in excess of the policy requirements.

Subject to agreement with highways officers on potential delivery issues and air quality officers on the proposed emission reduction mitigation strategy the sustainable development team have no objections to the proposed energy strategy.

The proposals are for Code for Sustainable Homes Level 4 units for the new build element and BREEAM Very Good for the refurbished residential units. Whilst the refurbished units are not meeting the Policy DM29 requirements, the 'Very Good' rating is considered appropriate in this specific instance.

In principle the proposals are supported by the sustainable development team. However the proposals should be Conditioned for:

- Energy strategy delivered in accordance with approved documents;
- Communal heating details: including plant room location and layout, future proofing arrangements to allow connection to a district system;
- Code for Sustainable Homes certificates to demonstrate Code level 4 to be submitted within 3 months of occupation;
- BREEAM domestic refurbishment certificates demonstrate Very Good rating to be submitted within 3 months of occupation.

*[OFFICER COMMENT: With regards to Air Quality and Transport issues see further commentary in paragraphs 9.130-9.132 and paragraph 9.109, respectively. The Conditions as requested will be attached to any planning permission to secure the details]*

## 7.7 LBTH Highways

### Car Parking

The site is located in an area of excellent public transport accessibility (PTAL 5/6) and connectivity; therefore this development should be subject to a s.106 Agreement to secure prohibition for all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

The application includes proposals for 32 on-site parking spaces, of which 30 are allocated to the residential units, one to the commercial use and one for a car club use. The allocation to the residential units would be at the limit of the maximum parking standards contained in the Managing Development Document 2013 when applied to this development and is acceptable in policy terms. An acceptable proportion of these spaces (10%) are for blue Badge holders.

By designating a set proportion of these spaces to affordable family units, providing a car club space, and providing a number of electric vehicle charging points, the development is fully compliant with policy DM22 of the MDD 2013.

One space would be allocated to the community use in the John Denham building.



### Cycle parking

The minimum cycle parking standard for the proposed development is as follows:

Residential: 295 cycles

D1: 4 cycles

A2/B1: 2 cycles

A3/A4: 2 cycles

Provision for 440 cycles, divided into cycle stores of various sizes would be distributed throughout the site. Of these, 416 spaces will be allocated to residents in dedicated storage areas. The proposed provision would be in excess of the minimum requirement and would be welcomed.

For the remaining uses and visitors, 28 spaces are provided in two cycle stores towards the north of the site.

### Trip Generation

An analysis of trips generated by the proposed development has been provided in the transport assessment. It forecast that a total of 1,235 daily trips to and from the site will be made and of these, 58 will be by car (15 in the morning peak and 14 in the evening peak). This level of additional car trips on the network will not cause material harm to the borough's highway network. Highways have no objections to the proposed car parking for the development.

### Servicing

The development would have a single vehicle access from Mile End Road for car parking and goods vehicles. As Mile End Road is managed by TfL, their comments should be sought on the access and servicing arrangement.

The proposed internal road layout offers sufficient space for larger goods vehicles to safely enter, turn around and exit the site in a forward gear. In relation to the deliveries associated with the proposed biomass, it is estimated that the biomass deliveries will only occur around 10 times per year. This represents an acceptable impact on the highway network.

### Public Realm

The development will create a new north-south pedestrian and cycle route through the site which will improve connectivity and permeability for these modes and is welcomed. To facilitate this, a new access to the footpaths on Hamlets Way would be created at the southern boundary for the site. Further clarity is required as to whether an access restriction will apply to the southern end of the site. A condition should also be included for the all private forecourt/area to be drained within the site and not to the public highway.

### Travel Plan

The applicant has submitted an interim Travel Plan which sets a timetable for production of a full Travel Plan for the site which is welcomed. This commitment should be secured via a planning condition requiring approval by LBTH and TfL.

### Construction

The applicant has submitted an outline Construction Logistics Management Plan (CLMP) showing that construction vehicles will be able to enter and exit the site in a forward gear. This information is welcomed as it would alleviate common concerns over the safe management of goods vehicle on and off construction sites. A full CLMP should be secured by condition to any planning permission and should require approval by LBTH and TfL prior to commencement of construction.

### Public Realm

The development proposal includes two east-west shared surface routes which will increase pedestrian permeability and connectivity in the area and are welcomed. The development

proposal may require works to upgrade crossovers or instate where crossovers are made redundant. A Section 278 agreement is required for the provision of works to the public highway necessary to facilitate the proposed development.

#### Planning Contributions

Highways request a s106 contribution towards works to the public realm improvements to fund safety and amenity improvements to Hamlets Way at the southern end boundary of the site and wayfinding improvements to integrate the north-south route through the site into the borough's walking and cycling network.

*[OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions have also been recommended, as detailed within paragraphs 3.2 – 3.8 of this report].*

7.8

#### **LBTH Housing**

This scheme is one which the housing team have been closely involved in, alongside the GLA, since their decision to release this site for development.

The overall quantum of affordable housing would meet the Council's policy expectations with the overall affordable percentage of 35.45% measured by habitable room. The proposal will also provide affordable rent housing at target rent levels.

The rented units would be located in the proposed blocks C and D and breakdown of the rented units is 14 x 1bed, 15x 2bed, 17 x 3bed, and 5 x 4bed which is a total of 51 units. The proposed mix is acceptable as it is close to the Council's policy requirements. The policy requires 30% of 1bed, 25% of 2 bed, 30% of 3bed, and 15% of 4 beds and the proposal would provide 27% of 1bed, 29% of 2 bed, 33% of 3 bed, and 10% of 4bed. The proposal would provide 43% family sized units in the rent sector.

Intermediate units would be in the proposed block B, D and E. Within the intermediate mix, the proposal would provide 5x 1bed, 12 x 2bed, and 6x3bed, which provides percentages of 22% of 1 bed, 52% of 2 bed, and 26% of 3 bed which would be very close to the Council's policy mix of 25% of 1 bed, 50% of 2 bed, and 25% of 3 bed.

The private units are predominately within existing buildings and within this tenure, the proposal is not fully policy compliant in terms of the mix. It would provide 18 x studios, 56 x 1bed, 89x 2bed, and 15x3bed. The policy requirement is 50% of 1bed, 30% of 2bed, and 20% of 3beds. The proposal provides 41.5% of 1bed, 50% of 2bed, and 8.5% of 3beds.

The affordable housing is located in four of the new build blocks and it appears that the design of the new build blocks is tenure blind. The proposal to retain the listed buildings for sale use is supported as these would be difficult to convert into units which meet all the current space and access standards for affordable housing. All of the affordable housing appears to meet the London Housing Design Guide 2011 space standards and all would have generously sized private balcony spaces. The largest family sized units for rent would be provided as houses with private garden space in Block C which would be welcomed by families on the waiting list.

*[OFFICER COMMENT: The delivery of the affordable housing will be captured by the s.106 Agreement. Detail of the housing is further discussed later in the report at paragraph 9.161].*

7.9

#### **LBTH Waste**

The proposed waste management strategy is acceptable however there is a need for an internal management system in place for those above ground storage bins to be pulled out to a suitable location on the day of collection.

*[OFFICER COMMENT: The proposed refuse stores are proposed to be within underground URS systems and are located appropriately in relation to the building cores. Further, above ground storage areas are also proposed for the blocks which are located further away from the URS systems. The detail of the waste is further discussed later in this report, and any necessary planning condition will be imposed to ensure on-site management is in place.]*

7.10

### **LBTH Employment and Enterprise**

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

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.

The Council would usually seek to secure a financial contribution of £48,239 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase and £3,878 end phase of the proposed development. In this instance the applicant has agreed to the end use phase of the contribution however have offered to provide in-house training and 5 apprenticeship places during construction phase of the development. This is acceptable and the provided details for the provision are welcomed and this will need to be secured as an obligation through the s.106 Agreement.

The contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

*[OFFICER COMMENT: The financial and non-financial obligation towards employment and enterprise would be secured through the s.106 Agreement.]*

### **7.11 Secure By Design Officer**

Objections raised to the proposal as the proposed Archways to the northern part of the site are without gates, and it was previously discussed with the architects that this access should be controlled at agreed hours. A new porch at the southern boundary of the site is also noted and if the recess would be larger than 600mm at this location is not appropriate as this location is vulnerable.

*[Officer Comment: It is not considered necessary to close off the The Archways gates however the gates located to the southern end of the site would be closed during dusk till dawn. The proposal does not include a 'new porch' which is recessed on the southern boundary.]*

### **7.12 Tower Hamlets Clinical Commissioning Group (Formerly Primary Care Trust (PCT))**

PCT have confirmed the HUDU model requires:  
A Capital Planning Contribution      £331,253

*[OFFICER COMMENT: The stated amount will be secured through a s.106 Agreement.]*

### **7.13 English Heritage**

In relation to the application for the conservation area consent, this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

In relation to the Listed building consent application, if the authority is minded to grant listed building consent, you are hereby directed to attach conditions, in addition to any which the Council is minded to impose.

[Officer Comment: The Council's Conservation Officer has reviewed the details and is satisfied with the proposal. Further detailed issues on heritage matters are discussed later in the report in paragraphs 9.36 – 9.60, and the suggested conditions will be imposed as directed by English Heritage.]

#### 7.14 **English Heritage Archaeology**

The application site lies outside an area of archaeological potential but its size means that archaeological consideration is appropriate whilst its historic buildings merit consideration for buildings archaeology impact.

The submitted archaeology assessment and also the interior survey and heritage impact statements from the site have been examined. The hospital complex is of archaeological interest due to its potential to preserve evidence of the development of healthcare and social provision in London over a long period of time. Changes such as the introduction of the NHS are likely to be reflected in changes in layout and use of the hospital. Although some recording works have already been undertaken, consideration of this aspect needs to be taken into account, which is important in order to fully understand the hospital in addition to simply recording its rooms.

The archaeological desk-based assessment provides limited evidence behind its reasoning and does not make an assessment of the impact of the proposed new build. Archaeological evaluation of the open parts of the site is therefore desirable in order to understand this.

Archaeological remains may be affected by the proposed development and a programme of historic buildings analysis and field evaluation followed by a necessary mitigation work would be appropriate in this case. Planning Conditions should be imposed to secure this.

*[OFFICER COMMENT: Appropriately worded conditions as suggested by English Heritage Archaeology will be imposed which will secure details of programme of archaeological works and an archaeological and historic buildings recording project design which is in accordance with EH guidelines]*

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

The GLA have provided a Stage I response. Their summary of the key issues are as follows:

##### Principle of the development

The change of use of the site from what has been a longstanding health facility to a residential use is acceptable on the basis that services have been provided elsewhere in the area and the site is surplus to NHS requirements.

##### Housing

The scheme proposes an acceptable density, appropriate mix and tenure of units and high quality accommodation. The affordable housing offer appears reasonable but this is subject to confirmation that this is the maximum reasonable amount that can be achieved. Confirmation that the play space meets minimum standard is required.

##### Heritage and Urban Design

The scheme is of high architectural quality, and the scheme respects the heritage and character of the site.

### Inclusive Design

The inclusive design provisions are welcomed. The 100% Lifetime Homes and 10% wheelchair accessible flats should be secured by condition.

### Climate change

The proposed 54% carbon dioxide saving are welcomed and the absence of a CHP system is accepted in this instance. This is subject to clarification regarding cooling, carbon savings and future district heating systems. The sustainability measures are in accordance with the Mayor's standards and should be secured by condition.

### Air quality

The emission rate of PM10 from the proposed biomass boiler is greater than the GLA's emerging guidance, and further information and discussion is required before the proposed energy strategy can be deemed acceptable in London Plan terms.

### Transport (Transport for London)

The proposal generally complies with the London Plan subject to satisfactory resolution of the following: -

- The future residents should be ineligible for resident parking permit
- Secure necessary highway works on Bow Road to improve safety
- Provision car parking management strategy
- Secure a contribution towards the Cycle Superhighway Route 2 upgrade
- Revise and resubmit the travel plan in light of the ATTrBuTE assessment outputs; and
- Secure a CLP, DSP and Travel Plan via appropriate condition/obligation

*[OFFICER COMMENT: The applicant has provided necessary information to address any outstanding issues as required by the GLA, and in TfL's clarification has also been satisfied. Further details of the issues raised by GLA and TfL are discussed later in this report under the appropriate headings.]*

## 7.16 **Natural England**

The proposal is unlikely to affect any statutory protected sites or landscapes.

It is noted that a survey for European Protected Species has been undertaken in support of the proposal. Natural England does not object to the proposed development. On the basis of the information available, the proposed development would be unlikely to affect bats.

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site. This would be in accordance with Paragraph 118 of the NPPF.

This application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and connect with nature. Landscape characterisation and townscape assessment, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location to the character and function of the landscape and avoids any unacceptable impacts.

A licence from Natural England will be required in order to carry out any works.

*[OFFICER COMMENT: These comments reflect comments raised by the Borough's biodiversity officer. A condition requiring details for biodiversity enhancement and landscaping*

*details will be sought and imposed.]*

#### 7.17 **Thames Water**

Surface Water drainage – With regards to surface water drainage 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. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Service will be required.

*[OFFICER COMMENT: An informative will be included to advise the applicant of Thames Water Comments.]*

#### 7.18 **The Victorian Society**

The Victorian Society raises objection to the application and is summarised as follows:

- The proposal does not take its cues from the axial plan, and the proposed new blocks do not follow the existing linearity. For example, the west blocks would sit much further north than footprint of the lost west wing, and the massing of Block C, position beside that centrepiece of the complex. The resultant layout fails to match the current order and symmetry of the site. The massing and positioning of new buildings must keep to the spirit and principles of the original layout to be successful and not disrupt the spatial qualities and coherence of the site.
- The designs for the new buildings proposed for the site are not as responsive as would be hoped for a site of this importance and quality. We have particular concerns about the pavilion buildings, which would intrude on front views of the administration block, and for such a prominent position on the site of the original chapel, a more responsive building is needed.
- The south of the site seems to have been treated as the rear, and less historically significant, end of the site, and thus the tallest building proposed is at this boundary. However this boundary is adjacent to Tower Hamlets cemetery, and a seven storey building, taller than any other building in that area, would certainly cause harm to its setting.
- The overall principle of development at St Clement's, but this site of significant historic and communal value deserves a far more sympathetic treatment that responds to the existing site plan and massing of the original buildings.

*[OFFICER COMMENT: The design detail and heritage implications are dealt with in paragraphs 9.36 – 9.60 of this report.]*

### **8. LOCAL REPRESENTATION**

8.1 A total of 509 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.

8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses:	36	Objecting:	30	Supporting:	0	Neither:	6
No of petitions received:	1 (10 Signatures)						

8.3 The construction of this development will cause considerable disruption in terms of deliveries, noise, dust and vibration in an area that has recently experienced the construction of other

developments and where a number of young children live. The construction traffic also has the potential to be dangerous if it is not managed correctly.

*[OFFICER COMMENT: Draft Construction and Logistic Management Plan has been submitted and the Council's Highways and TfL have not raised any objections. The final Construction and Logistic Management Plan will be secured through a planning condition to ensure that appropriate mitigations measures are brought into place.]*

- 8.4 The height of the buildings adjacent to Brokesley Street, Rebecca House and 644-648 Mile End Road is unacceptable and will cause daylight and sunlight concerns for those properties, including several that use their gardens to grow vegetables. There are errors and omissions in the daylight and sunlight assessment provided by the applicant.

*[OFFICER COMMENT: Sunlight and Daylight impacts are considered in paragraphs 9.89-9.99.]*

- 8.5 The boundary wall surrounding the site is too high.

*[OFFICER COMMENT: The proposal does not increase the height of the existing boundary walls. However the proposal includes alterations to existing boundary walls to lower the height of the brick wall and to include railings.]*

- 8.6 The traffic generated by residents entering and exiting the proposed new development has the potential to be unsafe in an area that has already had several traffic incidents, including deaths. The Pelican crossing on the plans is not drawn accurately. No right turns out of the development should be allowed onto Mile End Road.

*[OFFICER COMMENT: Mile End Road is a Transport for London Road Network and TfL have not raised any concerns to the proposed access arrangements and proposed works to the highway which would be carried out under the s278 of the Highways Act.]*

- 8.7 There is not enough social housing/the entire site should be social housing.

*[OFFICER COMMENT: The proposal provides 35% affordable housing which meets the Council's policy target. There is a need to ensure that the proposals provide for a balanced and mixed communities and therefore 100% social housing on this site would not be appropriate.]*

- 8.8 It should not be a gated community.

*[OFFICER COMMENT: The proposal would not be gated. There would be conditions to ensure that the site is accessible, only with an exception that the gate to the southern end of the site is controlled during hours of dusk till dawn as concerns have been raised by the Crime Prevention Officer. Other gates and access from Bow Road/Mile End Road shall remain open and no other gates restricting site access within the site can be closed. This would be secured through Planning Obligation.]*

- 8.9

Unacceptable impact on the setting of Tower Hamlets Cemetery Park

*[OFFICER COMMENT: This is discussed in paragraphs 9.89 – 9.99]*

- 8.10 There is not enough community use provided within the proposal. The early consultations carried out by the applicant gave the impression that the community use would be greater; the meanwhile uses recently carried out on the site (eg, the Shuffle Festival) demonstrate a local need. If providing more community use is not financially viable, other funding opportunities should be explored, as several parties have expressed an interest.

- 8.11 The community use that is provided should not be in the same building as residential dwellings as this will restrict the community uses.

The Bungalow is more suitable for community use as it is on the ground floor and therefore accessible.

*[OFFICER COMMENT: The proposed community use would be located within the John Denham Building which would be made accessible for all. Whilst it is adjacent to a residential use, there would be limited restrictions to the community use; nonetheless it would need to be controlled to protect the existing residential occupiers. The proposed community facility is considered to provide much community benefit.]*

- 8.12 During the summer some space on site was given to a temporary community cycling hub which was well-used. The site is on a popular cycle route and therefore this element should be made permanent.

*[OFFICER COMMENT: This could be a possibility but is not a planning consideration. There are spaces to the front of the site to allow for such use, however this is not a matter for planning.]*

- 8.13 Chain cafes and estate agents do not reflect the needs of the community.

*[OFFICER COMMENT: Planning process cannot control the end user of the proposed uses for A2/B1 and A3/A4 uses, rather the proposed land uses are considered on their acceptability. The acceptability of these uses are discussed under paragraphs 9.2 – 9.16]*

- 8.14 There are too many smaller (ie, 1-bedroom) units/there are too many flats and not enough houses.

*[OFFICER COMMENT: The proposal includes 43 family units within the development and some of these are within duplexes. Details of housing is discussed in paragraphs 9.27 – 9.34]*

- 8.15 There is a red chestnut tree overlooking Hamlets Way which is attractive and the only one in the area; therefore it should be preserved. Care must also be taken to ensure that the roots of large trees at the site boundaries are not disturbed by excavation; such trees are currently not marked on the plans.

*[OFFICER COMMENT: The Red Horse Chestnut Tree is proposed to be retained and would be protected throughout the construction period. In relation other tree protection paragraph 9.145 deal with this in detail. Further, a condition will be imposed to ensure that any trees and their roots along the boundaries of the site are protected throughout the construction phase. ]*

- 8.16 There is not enough public realm; in its current state the site provides a good play environment for children and this should be reflected in the final proposal.

*[OFFICER COMMENT: The proposal provide public realm through a central boulevard and by bringing uses back into the site. There are areas within the site which are publicly accessible, which include the central boulevard.]*

- 8.17 There are already not enough primary school places in this area; no mention is made of how this will be mitigated.

*[OFFICER COMMENT: The proposal will provide the full contribution towards education provision in the borough which will be secured as part of the planning obligation.]*

- 8.18 The borough does not need more housing; the site should be used to provide entertainment for the local community such as bars, restaurants and a bowling alley.

*[OFFICER COMMENT: The need for housing is discussed in the land use section of the report, paragraphs 9.2 – 9.16. Other uses mentioned would not be acceptable as the site is out of town*



*centre location, and the site is surrounded predominately by residential uses.]*

8.19 The modern design of the new buildings is not sympathetic with the original buildings on site.

*[OFFICER COMMENT: Design detail is discussed in paragraphs 9.36 – 9.60]*

8.20 There is no evidence of any planning obligations attached to this proposal.

*[OFFICER COMMENT: Planning obligation would be secured and is outlined in paragraph 9.161]*

8.21 The landscaping plans are not appropriate and do not provide a link to Tower Hamlets Cemetery Park. Local groups should be involved with the final landscaping plans.

*[OFFICER COMMENT: Landscape masterplan has been assessed and details of landscaping will be secured through a planning condition, which would address the Natural England's commentary and the Council's Biodiversity Officer's comment to include much features to enhance biodiversity in the area.]*

## **9. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use.
- Housing
- Heritage and Design
- Amenity
- Transport
- Energy and Environmental considerations
- Development viability / planning obligations

### **Land Use**

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

### **9.3 Loss of the hospital Use**

At a strategic level, Policy 3.17 'Health and social care facilities' recognises that London's growing population will need additional health care facilities and states that where local health services are being changed, the London Mayor will expect to see replacement services operational before the facilities are replaced are closed, unless there is adequate justification for the change.

9.4 At a local level policy DM8 of the Managing Development Document 2013 states that health, leisure and community facilities will be protected where they meet an identified need and the buildings are considered suitable for their use. The loss of the facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being re-provided elsewhere in the borough.

9.5 In the case of the application site, the hospital use ceased in 2005 and services have moved

to a purpose-built adult mental health facility at Mile End Hospital, off Bancroft Road. Given that the facility has been relocated within the locality and the site is a surplus to the requirements of the NHS, the loss of the hospital use of this site is therefore acceptable and alternative acceptable uses can be supported.

#### Residential Use

- 9.6 In terms of the proposed residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885.
- 9.7 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types and tenures, to help create sustainable communities.
- 9.8 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is most suitable for a residential development which provides sufficient level of affordable housing. The application seeks to provide 252 new homes of which 35.45% (by habitable room) would be affordable and would contribute to the Borough's annual housing target and delivery of affordable housing.
- 9.9 The Council's Planning Brief (2005) for the site also supports residential use.

#### Commercial units

- 9.10 Core Strategy SP01 part 5.b promotes areas outside of town centres for primarily residential use, as well as other supporting uses that are local in nature and scale.
- 9.11 The proposal includes 69sq.m. of floorspace, which will be A3/A4 Use Class (café) and 174sq.m. of B1/A2 Use Class (commercial/office) in the John Denham and Bungalow buildings. The site is not located within a town centre; therefore the proposed uses should be carefully considered in accordance with policies which protect town centre uses.
- 9.12 In relation to A2, A3, A4 uses, to ensure vitality and viability of town centres MDD policy DM1 part 4 seeks to direct these uses to town centres. Policy DM2, part 2 supports local shops outside of town centres only when there is a demonstrable local need; of an appropriate scale; does not affect or detract from the character of the area; and they do not form part of a concentration of uses that would undermine nearby town centres.
- 9.13 The sizes of the proposed units are small enough that the impact to the town centre would be minimal. The proposed A3 and A4 uses are likely to provide a complementary service to the proposed Community Use. It is likely that these type of uses would have associated issues such as installation of extractor ducts and associated smells and therefore a planning condition is proposed to restrict cooking on the premises to ensure that the proposal would minimise any impact to the Listed Building. Therefore, it is considered that the scale and nature of the development will ensure that the nearby town centres will not be undermined, and would not detract from the character of the area.
- 9.14 In relation to the B1 Use, the Core Strategy SP06 and MDD policy DM15 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough. It also supports new employment floor space for a range of flexible units which would meet the needs of Small and Medium Enterprise. The proposed B1 use floorspace would therefore be acceptable in principle.

#### Community use

- 9.15 The proposal includes 306sq.m.offloorspace which will would be for Community use (D1 Use Class) in the John Denham Building. The specific details of the end user of the community use have not been provided however, the applicants are working with the East London Community Land Trust to deliver a scheme which is truly beneficial to the local community.
- 9.16 Whilst the MDD policy DM8 directs these community facilities to town centres, it is noted that a number of residents support community uses within the application site, particularly in light of the success of the recent meanwhile uses carried out on the site. Therefore the proposed community use is welcomed and as such, submission of the details and hours of operation of the D1 use will be conditioned.

## **Housing**

### *Policy summary*

- 9.17 At the national level the NPPF seeks to ensure that wide choices of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 9.18 The London Plan (with its REMA) has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that Boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.19 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites.
- 9.20 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site.
- 9.21 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable rents to 30% intermediate housing provision.
- 9.22 A total of 252 residential units are proposed, of which 74 units would be affordable housing, which represents a total affordable housing provision of 35% based on habitable rooms.
- 9.23 Of the 74 affordable housing units, 51 units would be within the rent and 23 units would be intermediate provision as a Shared Ownership. This represents a split of 69% rent and 31% intermediate housing provision. The scheme proposes to deliver the rent units at Social Target Rents.
- 9.24 The Shared Ownership model is proposed to be delivered by the East London Community Land Trust (ELCLT). The ELCLT's model is different from the standard shared equity model in that ELCLT will retain a percentage share of the property in perpetuity with no staircasing up to 100% ownership. The ELCLT intends that the value of the percentage share for sale will be at a price affordable to those on average medium incomes in the Borough. There is no rental charge on the retained proportion of the property. The applicants' intention is that St Clement's will see the delivery of the UK's first urban Community Land Trust properties. The current owners of the land, the GLA, have arranged that ownership of the freehold of the whole site will eventually be held by a Community Foundation which will receive ground rents

from the completed properties and use this income for the benefit of all the community living at the new St Clements' development.

- 9.25 In an event that the applicants are unable to agree the purchase of the shared ownership units with the ELCLT, it will seek to engage with another Community Land Trust or otherwise it will sell the units to a Registered Social Landlord on the basis of the shared ownership model. The LBTH Housing team supports this approach.
- 9.26 The proposal provides policy compliant level of affordable housing units on-site and provides spilt which closely reflects 70:30 in favour of rented accommodation and therefore the proposal would be acceptable and complies with policies mentioned above.

*Housing Mix*

- 9.27 Pursuant to Policy 3.8 of the London Plan, the development should ‘... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups’.
- 9.28 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.
- 9.29 The following table summarises the proposed housing mix against policy DM3 of the Managing Development Document 2013 which seek to reflect the Borough’s current housing needs.

Table 1: Housing mix

		Affordable Housing						Market Housing		
		Affordable Rent			Intermediate			Private Sale		
Unit Size	Total Units in Scheme	Units	%	MDD %	Units	%	MDD %	Units	%	MDD %
Studio	18		27	30		22	25	18	42	50
1bed	75	14			5			56		
2bed	116	15	30	25	12	52	50	89	50	30
3bed	38	17	33	30	6	26	25	15	8	20
4bed	5	5	10	15						
<b>Total</b>	<b>252</b>	<b>51</b>	100	100	<b>23</b>	100	100	<b>178</b>	100	100

- 9.30 The unit mix for affordable rent sees a 27% provision of one beds against a policy target of 30%, a 30% provision of two beds against a policy target of 25%, a 33% provision of three beds against a policy target of 30%, and a 10% provision for four beds against a policy target of 15%.
- 9.31 The unit mix for the intermediate units sees a 22% provision of one bed against a policy target of 25%, a 52% provision of 2 beds against a policy target of 50%, and a 26% provision of three beds against a policy target of 25%.
- 9.33 Within the market housing provision, the scheme proposes a 42% provision for studio/one bed against a policy target of 50%, a 50% provision for two beds against a policy target of 30%, and a 8% provision of three beds against a policy target of 20%.
- 9.34 The proposal is not fully compliant with the Council’s required housing mix and there is lack of

family housing and a higher proportion of 2 bed units within the market sector. The main issue with this is due to the private units being within the converted listed buildings and the limitation associated with reconfiguring the existing layout to meet the space standards for larger dwellings. It is considered that, given that 34% of the proposed affordable housing would be provided as family sized units and that family units within the rented tenure would include five larger sized dwellings, on balance, the proposal would meet local needs of families who are on the Council's waiting list. It is considered that the proposal would meet the policy objectives in providing a mixture of small and large scale housing.

#### *Density*

- 9.35 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 4-6, the anticipated density range is 200-700 habitable rooms per hectare or 70-170 units per hectare; and urban areas with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260 units per hectare. The applications site lies in PTAL 5 and 6 has a density of 393hr/ha or 140u/ha and therefore would be within the recommended density range and therefore acceptable. It should be noted that maximising the density in this location would not be appropriate due to the constraints surrounding heritage designated assets.

#### **Heritage and Design**

- 9.36 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.37 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.38 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.
- 9.39 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.40 The application is supported by a Design and Access Statement and a Heritage Statement. The proposal is based on retaining existing buildings with heritage significance on site with new build elements appearing as a backdrop to the setting of the listed and existing buildings to accommodate the proposed uses.
- 9.41 All of the listed buildings on site would be retained, refurbished and converted for residential and commercial/community uses. This includes the John Denham Building with its Bungalow; and Administration Building and its North Block. The proposed retention of the unlisted building includes the Occupational Therapy Building; South Block; Workshop building and

## Generator Block.

- 9.42 The John Denham Building and the Bungalow are the original workhouse fronting Bow Road. These buildings are not linked but are of an integral part of the original Italianate composition, and are the most notable buildings that is visible from the surrounding streets. These buildings together with the Administration Building (and North Block), South Block, and the Generator Block were built by Board of Guardians of the City of London in 1849.
- 9.43 The Administration Building was the central core for the workhouse. This building and the North Block are considered as one building as they are linked and date from the original workhouse design. The Administration Building features a clock tower which is the most prominent feature. The original western wing and the chapel to the Administration Building were damaged during WWII and ruins demolished early 1950s.
- 9.44 Whilst not listed, the South Block is the original infirmary for the workhouse and is significant for its prominence within the setting of the conservation area, when viewed from the cemetery path and for views along British Street. The accompanying Heritage Statement categorises this building with high heritage significance together with the Generator Block, which once was the mortuary.
- 9.45 The other retained building which postdates the original workhouse is the Occupational Therapy Block which dates 1912-1930. However this newer building encompasses the remaining part of the Laundry Room which was once part of the original workhouse. These buildings seen as a group and is considered to have a medium heritage significance. The Workshop Building with low heritage significant is also proposed to be retained, which is a single storey block. The main reason for retention is for its fair condition for residential conversion.
- 9.46 Other buildings on site are of low or negative/no significance and therefore are proposed to be demolished. The findings and conclusions as set out in the Heritage Statement has been reviewed by the Borough's Conservation Officer and the English Heritage and concurs with the outcome.
- 9.47 Originally the workhouse had a symmetrical site layout with Italianate detailing to the front of the site. This is particularly notable on Administration building as the elevation fronting Bow Road are in the Italianate style whereas the rear elevations facing the interior of the site are stripped back in details. The buildings located at the rear of the site had less architectural detailing.
- 9.48 The proposal also incorporates eight new blocks which would accommodate all of the affordable housing and some of the private tenure. The new buildings would be arranged sympathetically around the listed and unlisted buildings and would create a public realm spine through the site to allow for vehicular (no through road) and pedestrian access which enhances permeability through the site. The proposal also includes a pedestrian walkway along the eastern boundary of the site. It is considered that the detailing of the new blocks follow the historical cues, with simple detailing to the blocks located to the front of the site, and calmer, less detailing to the blocks located towards the rear of the site. The main intention is for the new buildings to appear as backdrops rather than compete with the historical buildings. The proposal, with subtle changes and articulation does this successfully. The historical buildings are also set around garden squares and landscaping and therefore spatially the site plan works in favour of the historical buildings which in turn preserve and enhance the setting of the listed buildings. It should also be noted that the listed buildings on the site are on the Heritage Risk Register and therefore, the proposed re-use and refurbishment of these buildings are welcomed, and English Heritage also supports the proposal.
- 9.49 The proposal also includes interventions to the Listed Buildings to make it suitable for re-use and particularly for the residential use. The main notable alteration is to include a lift over run

on the western side of the Administration Block. The proposed lift over run would be glazed and positioned above the new extension which house the lift to service the Administration Block. The proposal is considered to be a sympathetic addition to the Listed Building. Other additional extensions and alterations include removal of openings, creation of openings, re-instating openings, demolition of fire escapes and other ancillary plants, installation of balconies and general repair works.

- 9.50 The proposed residential dwellings within the John Denham Building, due to its proximity to the main road, TfL Underground Central Line beneath the site, and the proposed community use adjacent to the residential use, secondary glazing are also proposed to all residential windows to ensure that suitable internal noise levels can be achieved. The applicant has submitted a strategy outlining how the secondary glazing would be installed however full details for all of the windows will need to be submitted and approved by the Local Planning Authority. English Heritage has confirmed that proposal is satisfactory subject to further conditions for full details of all works to the listed buildings to be submitted and approved in writing by them and the Council.
- 9.51 In relation to the new building, the proposal consists of the following:
- 9.52 Block A is located in front of the Administration Block and is a part two and three storeys in height. The simplistic geometric vernacular design and the minimalistic brick and stone banding detailing works successfully with the Administration and the North Blocks.
- 9.53 Block B is a part three and four storeys in height which joins up with the proposed Block C. It would be located west of to the Administration Block, separated by the central boulevard. Again, the principles of the design would be simple and of brick construction. The proposed building would have double height arched pedestrian access to the private courtyards for Blocks B and C.
- 9.54 Block C would be a part three and five storey in height and adjoins the proposed Block B to the south.
- 9.55 Block D is a part 6 and 7 storey which would be set behind the Administration Block. Whilst the proposed Block D would be taller than Administration Block, the simple flat roof form, brick work and uniform openings would ensure that the proposed new build would not compete the articulate detailing of the listed building. The brick type and colour would be important to secure, to ensure that this proposed Block would not appear domineering when seen in the context of the Administration Building and further details will be sought through a planning condition.
- 9.56 Block E would be located south of Block D and would part 5 and 6 storeys and vernacular of the building is similar to other proposed new blocks.
- 9.57 Block F is located south of the North Block, and is 3 and 4 storeys in height.
- 9.58 Block G is located on the south western tip of the application site and is the tallest building within the redevelopment scheme. The proposed height is a part 7 and 9 storeys. The massing of the proposed block when viewed from Hamlets Way would be slender and the façade is broken down by openings and balconies. The façade is also stepped to break up the verticality of the building.
- 9.59 Block H is a modest four storey in height and would be located on the southern edge of the site. This block would be located south of the South Block and would be at similar height to the three storey South Block.
- 9.60 The proposed buildings, have been designed to its simplest form so not to compete with the listed buildings, yet articulated and provide visual interest in their own right. The architectural

approach and the height distribution throughout the site would be positive and sympathetic in the context of the listed buildings and the setting of the Conservation Area. The retention and the re-use of the buildings which are currently on the Heritage Risk Register is also welcomed which otherwise could be lost.





*Quality of residential accommodation*

- 9.61 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.62 In relation to the design of the open spaces, the proposed communal areas are arranged around the existing buildings and the proposed new blocks which would ensure they would be overlooked by the residents of the flats.
- 9.63 The proposal has been designed and laid out in such way that the individual and main communal entrances to the buildings would be highly visible from the internal access ways and pedestrian access roads and therefore approaches to the dwellings would be satisfactory.
- 9.64 The design guide says internal corridors should have natural light, they should be a minimum of 1200mm wide, and properties at fourth floor and above should be served by at least one lift. The proposed development due to re-use of the listed buildings and working with the current building layout, cannot meet all of these criteria. Within the new building, the corridor widths are satisfactory and where wheelchair units are located, these are served by two lifts.
- 9.65 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development meets or exceeds the required standard.
- 9.66 The document also provides a baseline standard and a good practice standard for the size and layout of each room. The development complies with the good practice guidance for all aspects relating to living rooms, bedrooms and bathrooms. Storage cupboards are also provided within each dwelling. 14 of the 22 family sized rented units would have separate kitchen/diners and living rooms. Meeting each of the good practice criteria is an indicator that this would be a high quality development that would provide a good standard of amenity for the future occupants of the dwellings.
- 9.67 The proposed development provides 70% dual aspect homes and where single aspect homes are proposed these are mainly one and two bedroom flats with exception of 6x 3 bed units.
- 9.68 As well as having a good internal space it is important to consider whether the occupants of the unit would be unduly overlooked to a degree where their privacy would be compromised. Policy DM25 of the Managing Development Document sets out that a distance of 18m between habitable room windows reduces inter-visibility to a degree acceptable to most people. This figure is a guideline and depends on the design and layout concerned.
- 9.69 Within the listed and retained buildings it is difficult to achieve the minimum separation distances, however in most cases the rooms benefit from multiple windows and therefore on balance, any privacy can be obtained by the user of the rooms without resulting to altering the fabric of the building such as installation of louvers. In the case for the new buildings the separation distances are over 20m with existing neighbouring dwellings along Brokesley Street and British Street. Within the site, there are instances where the separation distances are short of the 18m, however again, this is due to their relationship with the retained buildings on site. It is acknowledge that it would be difficult to meet all the current minimum standards

when working with retention of listed buildings and therefore, on balance, the benefits of retaining and re-using the building which are currently on the Heritage at Risk Register and the limited amount of privacy impacts to the future residents of the development site is considered to be acceptable.

- 9.70 The proposal provides 25 units in total which are wheelchair accessible and this represent 10% as required by the GLA' supplementary planning guidance note. The proposed wheelchair units are all serviced by two lifts where it is located on the first floor or above, and therefore the proposal would provide choice and inclusivity. Six wheelchair units within the rent sector would be fully fitted out to the requirement of the resident who would be allocated the unit and this would be secured through the planning obligation.
- 9.71 The proposed residential accommodation complies with the minimum standards as set out in the GLA's Supplementary Planning Guidance Note, and the standards which are repeated in the Council's Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

#### *Amenity space*

- 9.72 For all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space.
- 9.73 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. These spaces can be provided in the form of balconies, private gardens, and terraces. With the exception of majority of the units within the retained (listed) buildings, a limited number of units in the retained buildings and all of the new proposed flats within the new building would be served by private gardens, balconies and terraces. All of the new balconies, terraces and private gardens would meet the minimums space standards. It is considered that alterations to the listed building to introduce balconies and terraces to provide private amenity spaces would be unacceptable. Within the limited number of dwellings which have been provided new balconies and terraces, these have been sympathetically introduced. Some of the ground floor flats within the retained building benefit from private gardens. All units would have access to the proposed communal garden area. Therefore, on balance, with the exception of the limited number of units within the listed/retained buildings, the proposal would provide sufficient provision of private amenity space.
- 9.74 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, a provision with a minimum area of 292sq.m is required. The proposal provides in excess of the policy requirements, by providing five separate communal courtyard areas. Each courtyard can be accessed directly by the residents of the blocks which is associated with and in total, the site would provide approximately 1,364sq.m of communal court yard areas.
- 9.75 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and informal recreation SPG' provide guidance on acceptable levels and quality of children's play space. Policy DM4 of the Managing Development Document requires 10sq.m of play space per child. This policy is further expanded through its leading paragraphs which state that child play space provision for under 5s should be provided on site. The required quantum of on-site play space is 290sq.m for the proposed development. The proposal provides four areas of play space which in total equate up to approximately 440sq.m in addition to the communal courtyards. The on-site provision is in excess of the minimum requirement. These spaces are proposed to be formal play areas

but also creatively designed to include sensory and imaginative play.

- 9.76 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. An analysis of the existing play provision within 400m and 800m of the site has been carried out to understand whether there is suitable provision for the over 5s within easy walking distance from the site. Whilst the on-site provision would provide sufficient play provision for the older children from the development (minimum of additional 110sq.m), the site location benefits from well equipped open spaces nearby. The Tower Hamlets Cemetery Open Space is located directly south of the site, and Mile End Park with its many facilities is within a short walking distance.
- 9.77 Therefore, the proposed on-site play provision would provide more than sufficient level of play space for all age groups of children from the development and the site benefits from various existing provision within close vicinity.
- 9.78 Policy DM10 of the Managing Development Document 2013 seeks developments to provide or contribute to the delivery of open spaces. Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.
- 9.79 The proposed development would require a 5,964sq.m on site provision, or a financial contribution towards public open spaces. The proposal would provide publicly accessible garden areas to the front of the site of approximately 440sq.m. It would also provide publicly accessible route through the site, connecting Bow Road to Hamlets Way and further beyond through Tower Hamlets Cemetery which would contribute to the existing Green Grid. Nonetheless, the proposal would provide financial contributions towards improving the borough's existing open spaces and therefore any additional impact as a result of the proposed development would be fully mitigated.

### **Amenity**

- 9.80 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD require developments to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

#### *Privacy*

- 9.81 Any loss of privacy which may occur to the neighbouring residents needs to be considered. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.82 As discussed earlier, there are instances within the development site where the minimum distances are not met. This is mainly due to the converting the listed and existing buildings for residential use with its original openings retained throughout. However, as explained, many of the rooms benefit from more than one window and therefore privacy can be maintained by the occupier of the flats. It is considered that alterations and additions to the building to limit inter-visibility would be unacceptable interventions to the listed and historic buildings. In relation to the privacy for the existing residents as a result of the proposed development, the distances of 20m + would be maintained and therefore it is considered that the proposal would not result in loss of privacy for the existing residents.

#### *Outlook / sense of enclosure*

- 9.83 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable

sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.

- 9.84 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the surrounding residential occupiers.

#### *Daylight and sunlight*

- 9.85 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.86 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.87 The accompanying sunlight and daylight assessment considers the impacts of the development with respect to availability of daylight and sunlight into habitable rooms and/or windows and this has been independently reviewed by a specialist consultant (BRE).
- 9.88 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with a daylight distribution 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.

#### Sunlight and daylight to the existing properties.

- VSC

- 9.89 The reduction in VSC has been measured for 501 windows which surround the site. This includes properties on:
- 642-648 Bow Road;
  - 1-14 Brokesley Street;
  - 15-24 Brokesley Street;
  - Rebecca House, Brokesley Street;
  - 31-39 Brokesley Street;
  - Kira Building, Bow Road;
  - St Clare House, British Street;
  - Icarus House, British Street; and
  - Esk House, British Street
- 9.90 Of the 501 windows tested 58 (12%) do not meet the minimum VSC criteria in that the VSC figure is less than 27 and is less than 0.8 times its former value once the development is constructed. The main affected windows are to the properties along Brokesley Street. 22 of the 47 windows in 1-14 Brokesley Street; all 30 windows to 15-19 Brokesley Street; 6 of 12 windows to 21-24 Brokesley Street. The resultant impact is primarily due to the proposed new buildings located along the eastern side of these properties where currently there is an open space to the application site. Therefore the ground floor windows are currently only lightly obstructed by the boundary wall. In addition, the first floor level windows are only just below the recommended guideline of and therefore the overall the loss of the light to these houses are considered to be minor to moderate impact. Eight of the 80 windows to Rebecca House would also not meet the daylight guidelines. Again, these are only lightly obscured currently due to the existing nature of the application site and therefore the loss of the light is classed as minor to moderate.

- Daylight Distribution (No Sky Line)

- 9.91 'No skyline test' (NSL) is usually carried out in addition to the VSC to understand how the

daylight is distributed within the dwellings. This is an assessment which looks at an area of a room in a neighbouring property that can see the sky from the working plan (0.85m above the floor). The submitted assessment does not assess the Daylight Distribution which is acceptable given that BRE guide emphasise the VSC assessment as the primary method of assessment and the layout of the existing neighbouring properties cannot be easily obtained.

- Sunlight (Average Probable Sunlight Hours)

9.92 The BRE Guideline use Average Probable Sunlight Hours (APSH) as methodology for calculating sunlight levels. This considers the amount of total and winter sunlight. The BRE recommends that the APSH in the proposed situation should be at least 25% of the annual total of which 5% should be from the winter months. Only residential properties that face 90 degrees of due south are taken into account. The properties which fall within the testing parameters are windows to Esk House, Icarus House, and St Clair House on British Street and Kira Building on Bow Road. Two windows on the ground floor of Esk House would not meet the BRE guidelines. However these windows are thought to be next to the projecting element of Esk House which already blocks some of their sunlight. Therefore, the loss of sunlight to Esk House would be classed as a minor impact. All other windows tested retain good level of APSH and any reductions are within the BRE Guidance.

Daylight to the proposed dwellings

9.93 British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings to assess the availability of daylight received, and these being:

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

9.94 The assessment has reviewed the ADF of the proposed 712 rooms, and 677 rooms would comply with the BS standards. The analysis shows that 17 living rooms and 18 bedrooms would not meet the recommended British Standards. Half of these failures are to the rooms within the listed/converted buildings which are restricted. Other failures within the new building are as result of balconies above the windows. Nonetheless, it is considered the non-compliance is a minor breach in the context of the overall development and therefore would be acceptable, on balance.

Sunlight to proposed gardens

9.95 The BRE guideline suggests a target of 50% of the open spaces to receive 2 or more hours of sunlight on March 21<sup>st</sup>.

9.96 The assessment looks at the proposed total of 17 spaces provided on site, which are accessible for use as a form of amenity space, as it would be landscaped and allows for sitting out areas. Of the 17 spaces 6 spaces would not meet the BRE guidelines. However, of the total 6, only 2 of the spaces are formal communal amenity areas and 1 would be the play space for children. The locations of these spaces are also surrounded by the Listed buildings and given that majority of the communal amenity areas would have adequate sunlight, it is considered that the proposal is acceptable.

Sunlight to gardens of existing properties

9.98 The loss of sunlight to gardens of properties along Brokesley Street (1-14; and 15-24) would meet the BRE guidelines and the garden of No 24 Brokesley Street would be significantly improved compared to the current situation.

9.99 Overall it is considered that the impact of the development on the neighbouring windows is acceptable; whilst there is a loss of light which would be noticeable to some of the surrounding occupants, the loss is not considered to be significantly detrimental enough to warrant a refusal of the site. It is officer's opinion that the loss of daylight to a small number of properties compared to the provision of much needed housing, that on balance, the development is

acceptable in this regard.

## **Transport**

- 9.100 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.101 CS Policy SP08 & SP09 and Policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on safety and road network capacity; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.102 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 6a and 5 (1 being poor and 6 being excellent) which is an excellent/very good rating.

### *Highways*

- 9.103 The site is bounded by Bow Road (A11) to the north, British Street to the east, Brokesley Street to the west and Hamlets Way to the south. The A11 forms part of the Transport for London Road Network (TLRN) with British Street and Brokesley Street being part of the borough highway network. Hamlets Way is a pedestrian-only access road.
- 9.104 The site is served by eight bus routes, with stops immediately front of the site, and within short walking distance providing connections to various destinations to central and east London. Routes 25, 205, 425 serve the bus stops at Bow Road adjacent to the site, route 277, D6 and D7 are from bus stops on Mile End station (approx. 300m) and D8 and 323 serve stops near Bow Road station (approx. 600m). London Underground District, Hammersmith & City Line services serve Mile End station as well as Bow Road station which is approximately 600m east of the site. In addition, Bow Church DLR station which is located adjacent to Bow Church Underground Station, and provide connections to various destinations on the DLR network.
- 9.105 The application proposes a surface level car park and the site would be access via the existing site entrance off Bow Road, located to the eastern side of the site. The proposal includes 32 on site car parking spaces, of which 3 would be for wheelchair users, 1 space for a car club and at least 1 space for commercial use. Deliveries and refuse collection will occur within the site through the shared surface central access road. To the southern part of the site, there would be a dedicated area for turning of larger vehicles.
- 9.106 The forecast 58 daily car trips generated by the development supplied in the Transport Assessment show that the development would not have a significant impact on traffic levels on the local road network, and the TfL road network.

### *Servicing / Deliveries and Refuse*

- 9.107 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.108 The proposed development would have a single vehicle access from Mile End Road for car parking and goods vehicles. The proposed internal road layout offers sufficient space for larger goods vehicle to safely enter, turn around and exit in a forward gear. Therefore, loading and servicing of the commercial and residential units can take place within the site, off the highway network. The Council's Highway officer and TfL are satisfied with the proposed access and servicing arrangements for the site.
- 9.109 In relation to the Biomass which is part of the proposed energy strategy for the site, the deliveries associated with the Biomass are expected to be 10 times a year. This is not

considered to have any significant impact to the highway network. Again, any unloading or servicing associated with the Biomass plant will take on-site, off the highway and therefore would be acceptable.

- 9.110 In relation to refuse storage and collection, the application is accompanied by a refuse strategy which includes the use of the underground refuse storage system (URS) as well as Eurobins and localised bin stores. The refuse storage requirement for the proposed development is 31,260litr and 16,080litr would be required for recycling for weekly collections, in accordance with the standards as set out in Appendix 2 of the MDD. The proposal provides a total of 7 URS for refuse and 5 URS for recycling, all at 5000litr capacity each. Therefore, the proposal would provide in excess of the minimum requirement for both refuse and recycling. It is proposed that these URS would be grouped into three areas and located along the north-south internal road. There would be blocks within the development which would be more than 25m away from these locations and therefore, each of these blocks would have their own bin stores, and additional Eurobins. The site management will see for these bins to be temporary holding areas until the collection day which will be re-located along the north-south central road where URS bins are located. The Council's waste officer is satisfied with this approach, provision and location and have requested for the refuse management strategy conditioned. The proposal also includes storage areas for bulk storage which is welcomed.
- 9.111 Details of the commercial waste is required and would be requested through a planning condition, as the collection of the commercial waste is arranged privately, the details through a planning condition would be satisfactory.

#### *Car Parking*

- 9.112 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.113 The proposal includes 32 on site car parking spaces at grade, of which 30 spaces are allocated for residential use. The proposal would result in 0.11 space per unit which is at the limit with the maximum standards as set out in the MDD and therefore would be acceptable. Nonetheless, the forecast car trips from this development is not considered to have a significant impact and therefore the proposed car parking provision for the residential use would be acceptable.
- 9.114 In addition to the car parking spaces for residential use, 1 space would be dedicated for a car club and 1 space for the proposed commercial use. Having carried out a survey of the surrounding area by officers, there would be a demand by a car club operator in this area. This has been confirmed by the applicants who have been directly liaising with a car club operator. The applicants have also offered 12 months free membership to the new residents of the development, as part of the sustainable transport improvement strategy. This would be secured through the planning obligations.
- 9.115 In order to minimise the impact of development on the surrounding highways in terms of parking stress the application would be permit free which would ensure that the only car parking available to residents is that which is on-site.
- 9.112 In relation to the MDD Policy DM22.3 which requires a proportion of on-site parking to be allocated to affordable family homes, and the supporting transport assessment indicate that 10 spaces in total would be dedicated to affordable homes which would be managed by the RSL.
- 9.113 The proposal provides 3 wheelchair parking spaces which would meet the minimum standard, 10% of the total parking space proposed. The wheelchair spaces will need to be made available for any occupiers of the wheelchair flats which can include affordable housing tenure.
- 9.114 In accordance with policy 6.13 of the London Plan 20% of the parking spaces should also be electric vehicle charging points with an additional 20% passive provision for possible future

connection. This is proposed to be secured through a s.106 agreement.

#### *Provision for Cyclists*

- 9.115 The development provides a total of 440 cycle spaces across the site. The site also provides 28 visitor cycle spaces which would be more than the minimum requirement of 1 cycle space per 10 residential units, in accordance with the London Plan standard. Sheffield stands would be provided for the visitor cycle parking.
- 9.116 The proposal provides 2 residential cycle stores within the basement levels of the South Block and the North Block. These can be accessed by cycle ramps and therefore would be acceptable. Other 11 areas are provided at grade level in separate areas around the site. All the free standing cycle storage areas at grade level would provide green/brown roofs which would enhance the biodiversity of the site.
- 9.117 The site is adjacent to the Cycle Superhighway CS2 and local cycle networks. Therefore TfL have requested a financial contribution towards the improvement and expansion of the CS2 and this will be secured through the s.106 planning obligations. In addition, the Council's highway officer have also consider a s106 contribution towards works to the public realm improvements to fund safety and amenity improvements to Hamlets Way at the southern end boundary of the site and wayfinding improvements to integrate the north-south route through the site in the borough's walking and cycling network. The proposal would provide full contribution towards streetscene improvement works which could be allocated to and fund the mentioned improvement works.

#### *Pedestrian Environment*

- 9.118 As previously mentioned, the proposal includes a north-south publicly accessible route through the site, also referred to as a central boulevard. The access would be at minimum 5m wide and would be appropriately landscaped. The proposal also includes a piece of public art and is considered to enhance the public realm and pedestrian environment within the site, and such details will be conditioned for details to be submitted and approved.

#### *Inclusive Access*

- 9.119 Policy 7.2 of the London Plan (2011), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.120 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. Step free access is proposed to all publicly accessible areas allowing accessibility to wheelchair users or people with limited mobility. All of the wheelchair units proposed were assessed and have been designed satisfactorily to accommodate a wheelchair user. The proposed wheelchair units within the rented accommodation, applicant has agreed to enter into a planning obligation for the 6 units to be fitted out at the cost of the developer to meet the required needs for the user who would be allocated the unit on the Council's waiting list. This contribution is welcomed.
- 9.121 The difference in hard landscaping treatments between the application site and the public footway would assist in indicating that a person has moved from the public realm to a semi-private space. Such details will be secured through a landscape condition.

### **Energy and Environmental Considerations**

#### *Energy*

- 9.122 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and



providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.123 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

9.124 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

9.125 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a minimum Code for Sustainable Homes Level 4 rating.

9.125 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generation.

9.126 The submitted Energy Strategy (June 2013), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and communal heating systems (Be Clean) would reduce CO2 emissions by 18.5%. The integration of the Biomass fuel supply (Be Green) is proposed to deliver an overall CO2 savings of 53.99%, exceeding the Policy DM29 requirements.

9.127 The proposals have examined the feasibility of utilising a CHP and the analysis has shown that whilst feasible there would be more benefits associated with a biomass system such as lower emissions (NOx) and eligibility for Renewable Heat Incentive. As the proposals are anticipated to reduce CO2 emissions in excess of the policy requirements, the proposed use of Biomass is acceptable.

9.128 In terms of sustainability, the proposals are for Code for Sustainable Homes Level 4 units for the new build element and BREEAM Very Good for the refurbished residential units. Whilst the refurbished units are not meeting the Policy DM29 requirements, the 'Very Good' rating is considered appropriate in this specific instance.

#### *Air quality*

9.129 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing

carbon emissions and greening the public realm.

- 9.130 In this case, the development includes a Biomass boiler and it is predicted that the emission rate from the boiler would not exceed  $40\text{mg}/\text{Nm}^3$ . This is above the  $10\text{mg}/\text{Nm}^3$  suggested emission standard for development sites located within Band B within the Mayor of London's Draft Supplementary Planning Guidance: Sustainable Design and Construction. However, it would be below the  $50\text{mg}/\text{Nm}^3$  provided for site located in Band A. Band A and Band B refers to baseline air quality in the area of development.
- 9.131
- 9.132 The applicants have produced an Air Quality Assessment which states that the air quality over the St Clement's Hospital Site would vary. At the northern boundary, air quality is likely to exceed the  $\text{NO}_2$  objective due to existing traffic flows and would therefore fall within Band B, but concentrations will decrease away from the Bow Road. At the location of the biomass boiler concentration levels are predicted to be  $34\mu\text{g}/\text{m}^3$ , which is less than 5% below the  $\text{NO}_2$  annual mean objective ( $40\mu\text{g}/\text{m}^3$ ) and therefore would fall within Band A. In addition, the air quality modelling has demonstrated that the operation of the biomass boiler will have an increase of  $0.4\mu\text{g}/\text{m}^3$  in  $\text{PM}_{10}$  concentrations at all location, which is considered to be negligible significance in air quality terms. The proposal also proposed to install a filter system to filtered ventilation systems to remove the ambient  $\text{NO}_x$  from the ventilation air for those units within John Denham Building and those within north façade of Block B. Given that the suggested installation is to a listed building, further details will be sought through a condition. The Council's Air Quality officer has reviewed the assessment and has not raised any issues in relation to the air quality and is satisfied with the mitigation strategy proposed.

#### *Noise and Vibration*

- 9.133 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 9.134 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the CS and Policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 9.135 The development will mainly be exposed to external noise and vibration from vehicles movements on Mile End Road/Bow Road; and ground borne vibration from TfL Underground below John Denham Building. Therefore, the new residential dwellings within the John Denham Building would be exposed to a high degree of noise and vibration. In addition, as the adjoining uses to residential within the John Denham Building would be a community use, further noise and vibration impact would need to be considered.
- 9.136 The dwellings which would be exposed to a high degree of noise and vibration would be required to meet 'good' design standards of BS8233. The applicants have submitted detailed noise and vibration assessments together with noise and vibration surveys of the existing situation and have confirmed that the new dwellings within the John Denham Building can meet a good design standard. As previously mentioned, the proposal includes a strategy to install secondary glazing to all residential units within the John Denham Building and therefore such details will be secured through a planning condition.
- 9.137 In relation to the A3/4 use, given that the location of this use would be within the listed building, it would not be appropriate for any mechanical and extraction plant to be installed to the external face of the building and therefore no installation is proposed and cooking on the premise will be controlled through a planning condition. There would be no noise and vibration implications associated with the mechanical installations for the proposed A3/A4 use, and the

hours of opening would be controlled through a planning condition.

- 9.138 Construction activities would also be controlled to normal council policy working hours, and would be conditioned to ensure that noise is minimised.

*Contamination*

- 9.139 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Land Contamination Assessment which assesses the likely contamination of the site.

- 9.140 The Council's Environmental Health Officer has reviewed the documentation, and noted that the assessment provides results of intrusive investigation works. Therefore, a condition requiring remedial works and production of verification report to render the site suitable for its proposed end-use.

*Biodiversity*

- 9.141 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings. Bats are protected pursuant to the Conservation (Natural Habitats &c.) Regulations 1994 ('the Habitats Regulations'), which prohibit deliberate disturbance of a European Protected Species. Disturbance as a result of major development can be licensed by Natural England provided it meets the three tests - Will there be a significant impact on the population or conservation status of bats in the area; Is there a satisfactory alternative; and are there imperative reasons of overriding public interest why the licence should be granted.

- 9.142 The application was accompanied by the bat survey interim report and has identified several buildings on the site with high potential to hold bat roosts, including a cellar which would be used by hibernating bats. Significant levels of bat activity were recorded on the site. As outlined in the Biodiversity Officer's comment earlier part of this report, the proximity to the high quality feeding habitat of Cemetery Park means that the site could be important for roosting bats. Further bat surveys found no evidence of roosting bats.

- 9.143 As required by the biodiversity officer, details will be sought through planning conditions for: a sitewide construction method statement (demolition Phase); if demolition (or significant works to roof or roof void) of any building has not started by March 2014/15; a precautionary bat survey (emergence/re-entry) to be undertaken of the building immediately before work on the building commence; lighting to be minimised during construction and operation of the new development, and in particular no light should spill beyond the southern boundary of the site onto the edge of cemetery Park; and features providing roosting opportunities for bats, such as bat bricks or tiles (which can be incorporated into the structure of the new buildings).

- 9.144 Apart from the potential for roosting bats, there is some wildlife habitat on the site in the form of mature trees, scrubs and hedges. The loss of these habitats can readily be mitigated through the landscaping of the site. The application is accompanied by a Landscape Masterplan, however detail of types of vegetation (to be native species); green/brown roofs to be biodiversity roofs; and a survey to be undertaken prior to clearance of vegetation which all aim to benefit and enhance biodiversity on the site.

- 9.145 Natural England has not objected to the proposed development and is satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines. A licence from Natural England will be required in order to carry out any works. In addition, Natural England have raised similar commentary to the Council's Biodiversity Officer in relation to general improvement to biodiversity and ecology of the site, will be conditioned.

### *Trees*

- 9.145 The application is accompanied by an Arboricultural Impact Assessment which provides analysis of the existing trees on site. Out of the 49 trees on site, 25 trees would be felled. These trees are either replaced with mature trees, or felled due to the trees being unsafe, or felled to facilitate the proposal. In relation to the concern raised by the residents regarding the Red Horse Chestnut tree, this is proposed to be retained and protected throughout the construction. This is considered to be acceptable and suitable measures would be put in place in order for the trees to be protected throughout the construction of the development. In relation to trees along the boundaries of the site which may not be within the development site, a condition will be imposed to ensure that all retained trees which may be affected by the proposal are protected during construction. The proposed landscaping includes planting of new trees, and as suggested by the Biodiversity Officer, native trees will be requested through the landscaping condition to encourage biodiversity.

### **Health Considerations**

- 9.146 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.147 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.148 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 9.149 The applicant has agreed to a financial contribution of £331,253 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.150 The application will also propose public accessible routes and publicly accessible areas, which provide connectivity with Tower Hamlets Cemetery; children's play areas and communal amenity space provisions within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.151 It is therefore considered that the financial contribution towards healthcare and new access routes will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Planning Obligations and CIL**

- 9.152 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.153 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and

(c) Are fairly and reasonably related in scale and kind to the development.

- 9.154 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.155 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 9.156 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education
- The Borough's other priorities include:
- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 9.160 In line with the Council's SPD, the applicant has agreed to provide a financial contribution of £1,889,346. The applicant has also agreed to non-financial obligations towards employment and enterprise in lieu of the full amount for employment and enterprise, to provide 5 apprenticeship places through the applicants' in-house training programme. This is supported by the Council's employment and enterprise team. The s.106 agreement would also be drafted to ensure that there would be a claw back mechanism in an event that the applicants do not provide the full 5 apprenticeship places.
- 9.161 These planning obligations have been discussed and agreed by the Planning Contribution Overview Panel.

#### Financial Obligations

- a) A contribution of £675,887 towards education facilities to mitigate against the demand of the additional population on education facilities.
- b) A contribution of £3,878 towards employment and enterprise.
- c) A contribution of £206,990 towards leisure facilities.
- d) A contribution of £63,213 towards community facilities (libraries).
- e) A contribution of £331,253 towards health facilities.
- f) A contribution of £143,422 towards streetscene improvements.
- g) A contribution of £347,657 towards public realm (open spaces)
- h) A contribution of £80,000 towards improvement of Cycle Superhighway (TfL)
- i) £37,046 towards S106 monitoring fee (2%)

**Total: £1,889,346**

#### Non-Financial Obligations

- a) 35% affordable housing by habitable room

- 69% Social rent (target rent)
- 31% Intermediate Affordable Housing

- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- c) Car-free agreement to restrict occupants applying for parking permits
- d) Code of Construction Practice
- e) Travel Plan monitoring
- f) Electric vehicle charging points to be provided to London Plan standards together with monitoring of their use to indicate when the passive provision of spaces is brought into operation.
- g) Public access through the site: Gate to the southern end of site providing access to Hamlets Way can only be closed during hours of dusk till dawn. No other gates providing access to the north-south access road within the site shall be closed at any time.
- h) A car club space on site and one year membership offered to future residents of the development
- i) 5 apprenticeship places to Tower Hamlets residents targeted to be commenced within 2 years from the commencement date of the construction phase. In the event this is not achieved an apportioned payment of the construction phase contribution will be made for each apprenticeship in lieu of the apprenticeship provision.

### **Local Finance Considerations**

- 9.162 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:  
“In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.”
- 9.163 Section 70(4) defines “*local finance consideration*” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.164 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.; Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 9.165 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £648,130.
- 9.166 With regards to the New Home Bonus, it was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.167 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 £322,384 in the first year and a total payment £1,934,312 over 6 years.

### **Human Rights Considerations**

9.168 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.170 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.171 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.172 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.173 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.174 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

9.175 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

## **Equalities Act Considerations**

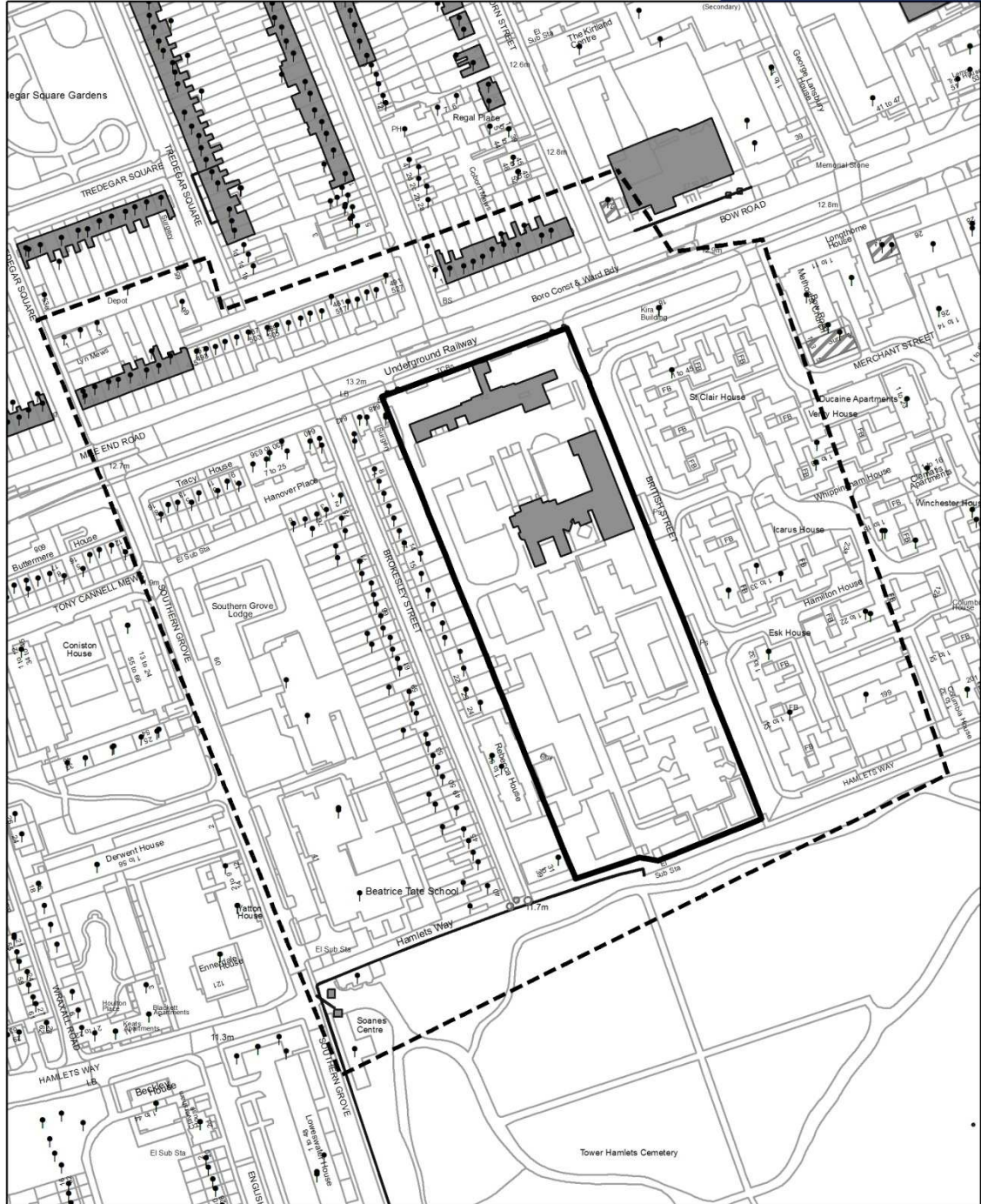
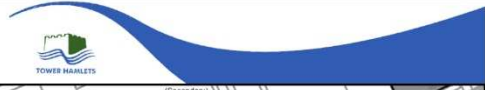
- 9.176 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.177 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.178 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.179 The community related uses and contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.180 The contributions to affordable housing support community wellbeing and social cohesion.



## **10 Conclusions**

- 10.1 The proposal represents a sensitive, high quality, well designed residential scheme which would provide much needed affordable housing, a substantial proportion of which is social rented family homes. The proposal would also see the Grade II Listed buildings, and other buildings within the site with much social and physical heritage assets brought back to use, which are at a risk of loss. The proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission; Listed Building Consent and Conservation Area Consent should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



**Planning Application Site Map**  
**PA/13/01532**



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	0 20 m
 Consultation Area	 Statutory Listed Buildings		

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

© Crown copyright and database rights 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288



1:2,250

This page is intentionally left blank

# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 11 <sup>th</sup> December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<b>Originating Officer:</b>		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

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

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

---

**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:  
See individual reports

This page is intentionally left blank

# Agenda Item 7.1

<b>Committee:</b> Development	<b>Date:</b> 11December 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	---------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Pete Smith	<b>Title:</b> Planning Appeals
--	--------------------------------

## 1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Communities and Local Government. All Members of the Council receive a regular monthly email update of appeals received by the Council.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Development Committee, Strategic Development Committee or by officers under delegated powers. It is also considered appropriate that Members are advised of any appeal outcomes following the service of enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

## 2. RECOMMENDATION

- 2.1 That Committee notes the details and outcomes of the appeals as outlined below.

## 3. APPEAL DECISIONS

- 3.1 The following appeal decisions have been received by the Council during the reporting period.

<b>Application No:</b>	<b>PA/12/03015</b>
<b>Site:</b>	<b>78 Ellesmere Road, London E3 5QX</b>
<b>Proposed Development:</b>	<b>Erection of a basement and first floor extension</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>

- 3.2 The main issue in this case was the impact of the proposed first floor extension of the amenities of the occupiers of the neighbouring 80 Ellesmere Road with particular reference to daylight, sunlight and outlook.
- 3.3 Whilst the Inspector was satisfied that the proposed first floor extension would not have significantly affected daylight and sunlight from reaching habitable

rooms of the neighbouring property, he was more concerned about the impact of the proposed first floor element in terms of loss of outlook at an increased sense of enclosure. He concluded that the first floor element would have had an over-bearing effect on the neighbouring residential occupier.

- 3.4 The appeal was DISMISSED.

<b>Application No:</b>	<b>PA/12/02893</b>
<b>Site:</b>	<b>Flat 14, Chandlery House, 40 Gowers Walk, London E1 8BH</b>
<b>Proposed Development:</b>	<b>Application for listed building consent for alterations to windows at first floor level</b>
<b>Council Decision:</b>	<b>REFUSE LISTED BUILDING CONSENT (delegated decision)</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>

- 3.5 The Planning Inspector concluded that the proposed alterations (the lowering of two window sills at first floor level) would not be so significant as to affect the perception of the building as a former wool warehouse. He felt that the lowering of the window sill would also allow additional light to penetrate the room used as a bedroom. He did not feel that the works would have diminished the building's industrial heritage significance, providing that the materials to be used for the proposed window frames are the same as the 3 identical windows above.
- 3.6 The appeal was allowed and listed building consent granted – but with conditions attached requiring detailed plans indicating the detailed work required and the design of the replacement window frames and sills. He was not prepared to accept double glazed replacement window.
- 3.7 The appeal was ALLOWED.