

# STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 9 January 2014 at 7.00 p.m.  
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

The meeting is open to the public to attend.

**Members:**

Chair: Councillor Helal Abbas  
Vice Chair : Councillor Marc Francis  
Councillor Rajib Ahmed, Councillor Carli Harper-Penman, Councillor Denise Jones,  
Councillor Zara Davis, Councillor Dr. Emma Jones, Councillor Kabir Ahmed and  
Councillor Md. Maium Miah

**Deputies:**

Councillor Carlo Gibbs, Councillor Joshua Peck, Councillor Helal Uddin, Councillor Tim  
Archer, Councillor Peter Golds and Councillor Shahed Ali

The quorum for this body is 3 Members

Public Information.

The deadline for registering to speak is **4pm Tuesday, 7 January 2014**  
Please contact the Officer above to register. The speaking procedures are attached  
The deadline for submitting material for the update report is: **Noon Wednesday, 8  
January 2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,  
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Web: <http://www.towerhamlets.gov.uk/committee>

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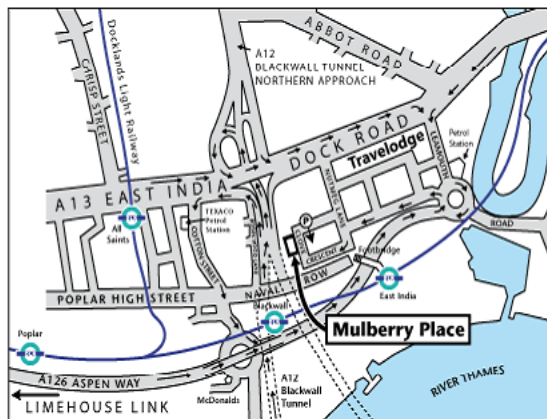
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## **APOLOGIES FOR ABSENCE**

### **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) (Pages 5 - 18)**

To confirm as a correct record of the minutes of the meeting of the Strategic Development Committee held on 21<sup>st</sup> November 2013.

### **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 19 - 20)**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee and the meeting guidance

	PAGE NUMBER	WARD(S) AFFECTED
<b>5. DEFERRED ITEMS</b>	<b>21 - 24</b>	
<b>5 .1 Suttons Wharf North, Palmers Road, London (PA/13/02108)</b>	<b>25 - 58</b>	<b>Mile End &amp; Globe Town</b>
<p>Proposal: Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Suttons Wharf North development comprising the conversion of a part ground floor, first and second floor levels to create 8 residential units and retain 107sq.m of commercial floor space on the ground floor; and associated minor alterations to Block B</p> <p>Recommendation: <b>GRANT</b> planning permission subject to the variation to the legal agreement, conditions and informatives.</p>		
<b>5 .2 Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644)</b>	<b>59 - 142</b>	<b>Weavers</b>
<p>Full Planning Permission PA/13/01638</p> <p>Proposal: Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.</p> <p>Recommendation: <b>GRANT</b> planning permission subject to any direction by the London Mayor, a legal agreement, conditions and informatives.</p> <p>Conservation Area Consent PA/13/01644</p> <p>Proposal: Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.</p> <p>Recommendation: <b>GRANT</b> Conservation Area Consent subject to conditions and informatives.</p>		



**5.3 Land at Fleet Street Hill, London, E2 (PA/13/01637) 143 - 200 Weavers**

Proposal: Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.

The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

Recommendation: **GRANT** planning permission subject to any direction by The London Mayor, a legal agreement, conditions and informatives.

**6. PLANNING APPLICATIONS FOR DECISION 201 - 202**

**6.1 Former News International Site, 1 Virginia Street, London, E98 1XY (PA/13/01276 and PA/13/01277) 203 - 340 St Katharine's & Wapping**

Planning Application:

Proposal: A hybrid application (part outline/part detailed) comprising:

(1) Outline submission for demolition of all buildings and structures on the site with the exception of the Pennington Street Warehouse and Times House and comprehensive mixed use development comprising a maximum of 221,924 sqm (GEA) (excluding basement) of floorspace.

(2) Detailed submission for 82,596 sq m GEA of floorspace (excluding basement) in five buildings – the Pennington Street Warehouse, Times House and Building Plots A, B and C comprising residential (C3), office and flexible workspaces (B1), community and leisure uses (D1/D2), retail and food and drink uses (A1, A2, A3, A4, A5) together with car and cycle parking, associated landscaping and new public realm”.

Listed Building Consent Application:

Works to the Grade II Listed Pennington Street Warehouse both internally and externally

Recommendation: **GRANT** planning permission and Listed Building Consent subject to any direction by the London Mayor, a legal agreement, conditions and informatives.

<b>7.</b>	<b>OTHER PLANNING MATTERS</b>	<b>341 - 342</b>	
<b>7 .1</b>	<b>Indecon Court (Phase 2 site), 20 Millharbour (PA/13/00846 and PA/07/03282)</b>	<b>343 - 352</b>	<b>Millwall</b>
	<p>Proposal: Deed of variation to Section 106 agreement dated 13<sup>th</sup> June 2008, relating to application PA/07/03282</p> <p>Recommendation: To ratify officers recommendation to refuse to agree a deed of variation to the original S.106 Agreement to alter the tenure of affordable housing to the affordable rent product.</p>		
<b>7 .2</b>	<b>Block D, Professional Development Centre, English Street, London, E3 4TA (PA/13/02242)</b>	<b>353 - 360</b>	<b>Mile End East</b>
	<p>Proposal: Repair and refurbishment works to external store to include removal of existing non original windows and replacement with new external infill walls.</p> <p>Recommendation: That the Committee resolve to refer the application to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions.</p>		

**Date of the next Meeting:**

The date of the next meeting of the Committee is Tuesday, 25 February 2014 at 7.00 p.m. in the 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>

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON THURSDAY, 21 NOVEMBER 2013**

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

**Members Present:**

Councillor Helal Abbas (Chair)  
Councillor Rajib Ahmed  
Councillor Carli Harper-Penman  
Councillor Denise Jones  
Councillor Zara Davis  
Councillor Kabir Ahmed (Executive Advisor to the Mayor and  
Cabinet)  
Councillor Md. Maium Miah (Advisor to the Mayor and Cabinet on  
Third Sector and Community  
Engagement)  
Councillor Joshua Peck (Substitute for  
Councillor Marc Francis)  
Councillor Peter Golds (Substitute for (Leader of the Conservative Group)  
Councillor Dr. Emma Jones)

**Other Councillors Present:**

Councillor John Pierce

**Apologies:**

Councillor Marc Francis and Councillor Dr. Emma Jones

**Officers Present:**

Pete Smith – (Development Control Manager, Development &  
Renewal)  
Jane Jin – (Planning Officer, Development and Renewal)  
Nasser Farooq – (Planning Officer, Development and Renewal)  
Megan Nugent – (Legal Services Team Leader, Planning, Chief  
Executive's)  
Richard Murrell – (Deputy Team Leader, Planning, Development  
and Renewal)  
Zoe Folley – (Committee Officer, Democratic Services Chief  
Executive's)

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## 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillors Helal Abbas and Joshua Peck declared an interest in agenda items (6.1) Suttons Wharf North, Palmers Road, London (PA/13/02108), (6.2) Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644) and (6.3) Land at Fleet Street Hill, London, E2 (PA/13/01637). This was on the basis that the Councillors had received correspondence from interested parties (including the ward Councillor for item 6.1) and had been approached by residents.

Councillors Rajib Ahmed, Peter Golds, Zara Davis and Denise Jones declared an interest in agenda items (6.1) Suttons Wharf North, Palmers Road, London (PA/13/02108), (6.2) Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644) and (6.3) Land at Fleet Street Hill, London, E2 (PA/13/01637). This was on the basis that Councillors had received correspondence from interested parties

Councillor Md. Maium Miah declared an interest in agenda items (6.1) Suttons Wharf North, Palmers Road, London (PA/13/02108), (6.2) Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644) and (6.3) Land at Fleet Street Hill, London, E2 (PA/13/01637). This was on the basis that the Councillor had received correspondence from interested parties and that he was also a Island Area Board Member for One Housing Group in respect of item 6.1.

## 2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 29th August 2013 be agreed as a correct record and signed by the Chair.

## 3. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate



Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

#### **4. PROCEDURE FOR HEARING OBJECTIONS**

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

#### **5. DEFERRED ITEMS**

Nil items.

#### **6. PLANNING APPLICATIONS FOR DECISION**

##### **6.1 Suttons Wharf North, Palmers Road, London (PA/13/02108)**

Update Report Tabled.

Pete Smith (Development Control Manager) introduced the report regarding Suttons Wharf North, Palmers Road, London seeking minor material amendments to the \*approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations.

The Chair then invited registered speakers to address the Committee.

Mr Kha'lique spoke in objection to the proposal from the Suttons Wharf Residents Group. He referred to the previous changes to the scheme to convert from commercial to residential units. He objected to the impact of these changes in terms of increased litter and other environmental challenges in the area. This additional conversion to housing would only worsen these problems. The proposals would change the nature of the area by converting potentially high end commercial units (that was welcomed in the area) to purely housing. The occupants, when moving in to the development, bought their properties on the basis that the units would be commercial units not residential. In response to questions, Mr Kha'lique stated that the approved commercial units would improve natural surveillance by generating a flow of people (even though the units would be closed at night). It was anticipated that the units would attract a high quality businesses given the quality of surrounding units in Palmers Road. He had sent to the Planning Officers photographs of the litter problems and Councillor Amy Whitelock Gibbs, a ward Councillor, was aware of the issues and had submitted a representation against the scheme.

Dr Abigail Woollard spoke against the proposal. She stressed the importance of the commercial units to the residents of the development to provide essential services (such as a chemist and a nursery). There were approximately 1200 residents in the development and there was a lack of

commercial facilities to support them. She considered that the previous conversion to residential units proceeded on the basis that these commercial units would be retained. So this was the last chance for the residents to save some commercial use within the development. In response to Members, Dr Woollard stressed the benefits for residents of having services in the development. The nearest commercial units were some distance away, requiring a large detour to visit the nearest shops for essential, sometimes late at night. There was also the potential to provide much needed nursery and health care facilities within the commercial units that would be lost.

Ben Kelway spoke in support of the scheme on behalf of the applicant. He stressed that the application was for minor amendments to the scheme. He commented on the overall benefits of the Suttons Wharf North scheme including 206 affordable houses and a significant contribution to the Borough's housing stock. The changes related to a small number of units in block B, granted consent in 2007 in very different market circumstances. The applicant's assessment found that there was currently no demand for commercial units at the site in view of the lack of footfall and the high level of commercial units in the area. It was highly likely that the units would be left vacant. He addressed the other issues raised in objection. The plans should improve surveillance and help prevent crime by activating the units that would otherwise be left empty. The issues around litter and bins were a management issues. He considered that the level of bins were proportionate to the number of occupants.

In response to Members about the marketing research, Mr Kelway reported that the applicant's assessment primarily looked at the demand for commercial uses as opposed to retail uses. The results showed that there was a lack of demand for such uses in the area given the overprovision of commercial units in the area. The study had been robustly tested by Council Officers. Mr Kelway acknowledged there had been no attempts to market the subject units directly for commercial use and limited exploratory work regarding the demand for nursery places.

Members further questioned the reasons for the application now and the robustness of the original viability assessment given the perceived lack of real change in the local economy. Mr Kelway responded that the original assessment was carried out in 2004. He underlined the changes in planning policy since then and the very different market conditions, that the applicant considered justified the proposal.

Jane Jin (Planning Officer) presented the committee report and the update report. She explained the location, the nature of the consented scheme and the previous amendments. She explained the tenure mix of the various blocks (that were all affordable housing) and had been completed. She explained the tenure mix of the proposed residential units including family sized units. A total of 33 representations had been submitted to the consultation and the objections raised were explained.

The scheme showed no signs of overdevelopment (despite exceeding the density guidance in the London Plan) which was a key test. The site was well serviced by commercial units given the close proximity to Town Centres. Therefore, the loss of the commercial units and the conversion for residential complied with policy. There would be a car free agreement and less vehicle servicing. It was considered that the refuse/recycling proposals were adequate in view of the additional pressure. The existing problems with rubbish were more of a management issue not due to lack of capacity. Officers had recently visited the site and had found that the problems with litter had improved (as shown by the photographic evidence). The management would be taking further steps to address any litter issues. In summary, Officers were recommending that the scheme should be granted planning permission.

In response to questions, Officers clarified the amount of commercial space that would remain in the development if granted. In response to questions about the residential units on the ground floor, it was explained that all of the units would have private space and defensible space and there would be adequate levels of community space.

On a vote of 3 in favour of the Officer recommendation, 4 against and 2 abstentions the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/13/02108) at Suttons Wharf North, Palmers Road, London be **NOT ACCEPTED** for the application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 at Suttons Wharf North, Palmers Road, London to seek minor material amendments to the \*approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B

The Committee were minded to refuse the application due to concerns over:

- Overdevelopment of the site.
- Loss of the commercial units given the need for such uses for existing residents (for example to provide much needed childcare facilities).
- Lack of marketing evidence/exploration work to inform the lack of demand for the commercial space.

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

The Councillors that voted on this item were Councillors Helal Abbas, Rajib Ahmed, Carli Harper –Penman, Denise Jones, Zara Davis, Kabir Ahmed, Md Maium Miah, Joshua Peck and Peter Golds.

**6.2 Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644)**

Update Report Tabled.

Pete Smith (Development Control Manager) introduced the report regarding Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street for the demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The application also sought Conservation Area Consent for the demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street to facilitate the planning permission.

He also introduced the linked application (Agenda Item 6.3) regarding Land at Fleet Street Hill, London, for the redevelopment of the site to provide 34 residential dwellings of mixed tenure, the provision of 135 sqm of restaurant and 671 sqm of flexible commercial and community space, five car parking spaces plus other incidental works.

**Note:** It was agreed that the Committee would consider the presentations on the two schemes together (including the speakers cases, Members questions and debate) as the applications were closely linked. However, the Committee would vote on the items separately.

The Chair then invited registered speakers to address the Committee.

Objector's Statements and Members Questioning

Robin Fellgett (Jago Action Group) spoke in opposition. He stated he was speaking on behalf of many residents. Whilst they supported the development of the Huntington Industrial Estate (HIE) site, the proposals was far too high and bulky and was out of keeping with the Conservation Area given the mid - rise nature of the surrounding buildings. Therefore it would harm the setting of area. The scheme breached many planning policies as noted in the Officers report.

He disputed the justification for the height to subsidise the number of affordable housing on the Fleet Street Hill site (FSH). The profit margins would be far in excess of what was needed to delivery the affordable housing as shown by the objectors own research. He considered that their proposal of a mid rise building (with a mixed tenure) would generate sufficient profit and should be considered. It would be possible to provide 80% of the floor space with a significant reduction in height, according to their research.

Any scheme should fit in with the Conservation Area, provide a mixed tenure with a reasonable profit. On this basis, he requested that the Committee refuse the HIE scheme but not the Fleet Street Hill Scheme subject to a greater mix in housing tenures.

In response to Members, he commented that the height of the HIE scheme would be 56 metres high. Therefore much higher than the surrounding buildings (including the Tea and Biscuit building and the nearby synagogue).

Rebecca Collings (Local resident and co-chair of OPEN Shoreditch) spoke in opposition to the schemes. She highlighted the experience of her organisation, as respected planning experts, with regards to commenting and changing major planning proposals. The consultation carried out by the application in February 2013 was misleading. The information consulted on suggested that the plans for the HIE site would be only a few stories higher than the Tea and Biscuit building. Given this, there had been no proper consultation on the actual proposal.

Brad Lochore spoke in opposition. He commented that he had lived near the HIE site for many years and that there had been a great amount of development in the area. He considered that the location was a prime example of a high quality housing estate in the Conservation Area that should be protected. Firstly, the height exceeded the highest building in the area, therefore would harm the setting. Furthermore, the height and design would build over and spoil the historic street pattern of Whitby Street. He supported the development of the site. However, this scheme breached many planning policy and English Heritage had concerns.

In response to Members, he considered that the proposed materials were acceptable for the Conservation Area and marked an improvement on the previous scheme.

Councillor Jon Pierce spoke in objection to the proposals, as the ward Councillor. He reported that fellow ward Councillor Mohammed Mukit also objected to the proposal. He emphasised the amount of opposition to scheme amongst the community. He considered that plans for the HIE site would damage the uniqueness of the area (especially the Redchurch Street and Brick Lane Conservation Area). It would therefore damage tourist trade and the local economy. English Heritage considered that proposal would harm the setting of the historic buildings. The proposals conflicted with the Council's Core Strategy which sought to protect the mid-rise nature of the Shoreditch area.

He also objected to the concentration of off site affordable housing at the FSH site given the need for a mixed community. It might also lead to requests for a gated development given the security issues. He expressed concerns about the lack of jobs for local people. It was recognised that there was a real need for new homes in the area. However, this scheme was unacceptable.

#### Applicant's statement and Members questioning

David Barnett spoke on behalf of the applicant. He stressed the scope of the consultation including engagement with ward Councillors. The proposals would provide 43% affordable housing across both sites (that was above the

policy requirement), mainly on the FSH site that would provide high private quality amenity space and a courtyard. A large percentage of the affordable housing would be family units at the Council's target rent levels. The proposals would create 155 jobs across both sites including commercial units for start up small and medium sized businesses via the s106 at capped rents levels for a period.

Mr Barnett confirmed the amendments to the previous HIE scheme to better fit in with the Conservation Area including the decrease in height and the introduction of mixed tenure units on both sites. Only 25% of the HIE building would be above the Tea and Biscuit building. The large majority of objection letters were pro - forma letters from out of Borough groups. The scheme would provide much needed housing, amongst other benefits and he requested that the schemes should be granted.

In response to Members about the consultation in February 2013, Mr Barnett stated that the Applicant had held a public exhibition (to which the local residents were invited) and distributed 1000s of leaflets. The meetings were well attended and the vast majority of the feedback was positive. During the consultation, the exact height of the HIE building was made clear. In response to Members about the level of public opposition (mainly to the height of the HIE scheme), Mr Barnett stated that the vast majority of the building would be seven stories or lower. In relation to the split in housing tenures, Mr Barnett stressed the need for this to maximize the affordable housing at the FSH site and the amenity space for the family sized housing that could not be provided at the HIE site due to the site constraints.

In relation to the proximity of the FSH site to railway lines, Mr Barnett stressed the merits of the location for family housing given the proximity to Allen Gardens. He also spoke about the opportunities to reactivate the derelict site, decrease nuisance and facilitate community cohesion (given the proposed courtyard, the bridge improvements and the mixing of commercial and residential units). This would bring real benefits for the local community.

Oliver Shepherd spoke in favour of the application on behalf of the applicant. He commented further on the local job opportunities, the lengthy consultation process for the scheme including the appointment of specialist architects to address the previous concerns with the last scheme. He also confirmed the improvements on the last scheme in light of the consultation.

Mhairi Weirto spoke in support as the Manager of the Spitalfields City Farm. Ms Weirto considered that the proposals had been significantly influenced by the consultation. She welcomed the plans for the FSH site and stated that it would help create a mixed community (with so many people living and working together) and should help address the asb problems in the area. In summary, she welcomed the revisions to the plans and the introduction of mixed housing tenures on both the sites.

Finally, Phil Hamilton spoke in support for the applicant. He commented on the affordable housing provision at the FSH site. He addressed the issues

around the proximity of the FSH site to the railway. All of the units would be dual aspect and would have windows opening into the quiet areas. The public space would be quiet and peaceful and, due to the design, the courtyard would be shielded from the railway. He referred to similar developments near railways and there had been no complaints. He highlighted the merits of the FSH scheme.

In response to questions about the demand for further retail services at the FSH site, i.e. a coffee shop (in view of the proximity to similar services in Brick Lane) he expressed confidence that such units would be in demand and could be sustainably occupied given the competitive rent rates proposed under the s106. Once established, he felt confident that the business would stay.

Nasser Farooq (Planning Officer) made a detailed presentation on the scheme. Mr Farooq firstly explained the plans for the Huntington Industrial Estate. He explained the location and surrounds including the heritage assets. He explained the proposed layout of the scheme, the amenity space, the materials and the improvements on the previous scheme. He addressed the issues around the height showing a height profile of the wider area. Officers considered that the proposed height accorded with policy that supported tall buildings in the area.

Officers were mindful of the heritage value of the surrounding buildings and the comments of English Heritage. However, Officers were of the view that the significant public benefits of the scheme would outweigh the harm caused to the surrounds. Therefore, the scheme satisfied the relevant tests in the National Planning Policy Framework (NPPF) requiring this to be demonstrated. Careful consideration had been given to the need to demolish 30-32 Redchurch Street and ways of retaining this if possible. However, given the costs of the option, the quality of the replacement and the wider benefits of the scheme, this proposal could also be supported and met the tests in policy. The day light and sunlight impact on the neighbouring properties was acceptable, as validated by an independent review.

Mr Farooq also explained in detail the plans for the Fleet Street Hill site. Mr Farooq explained the location that was currently derelict with security issues. He explained the housing mix, the proposed courtyard, the commercial space and the general improvements with regards to natural surveillance. He stressed the measures to minimise any noise and vibration from the railway. Environmental Health had fully considered this issue and considered that the proposed conditions would deal with any issues. Mr Farooq also described the improvements to the bridge and the s106 package.

In response to questions, Officers clarified that the schemes would be car free, subject to the application of the Council's parking permit transfer scheme.

Questions were also asked about:

- The work to identify a suitable mid - rise building (in relation to the HIE site).

- The justification for demolishing 30-32 Redchurch Street given the buildings were in the Conservation Area.
- Whether the proposed stepped down terraces at the HIE site were in keeping with the appearance of the Conservation Area.
- Clarification of the recent planning history for Whitby Street. (i.e. when it was stopped up).
- The perceived in balance in tenures across the two sites.
- The suitability of the FSH site for family housing given the risk of noise to the occupants from the nearby railway and the security issues from Allen Park.
- The risk that the FSH site could become gated in view of the concerns around the security of the immediate area.
- The servicing arrangements for the commercial units at FSH.
- Whether the commercial units at FSH could be successfully occupied, over the long term, especially after the concessionary rent period. If not, there was a risk that any security issues would return.

In response, Officers addressed each point. Officers confirmed the servicing arrangements for the commercial units at FSH. The submitted tracking information showed that the vehicles could access and exit the site safely. There would be controls to manage deliveries.

Officers considered that the height of the HIE scheme was acceptable (although at the upper limits) on balance, in view of the benefits of the scheme. Whilst English Heritage had concerns about the heritage impact, it was of the view that the scheme needed to be considered in the balance.

It was reported that the separation in housing tenures was supported in policy where it could be demonstrated that it would deliver a better outcome as in this case (i.e. a higher proportion of affordable housing and amenity space). The viability testing looked at various different scenarios and found that a greater level of affordable housing at the HIE site would reduce viability given the site constraints, therefore reduce the overall affordable housing offer. The FSH site could provide better quality family housing and amenity space given the nature of the site. The viability assessment had been assessed by independent specialists. Both sites were also in a close proximity.

Officers also clarified the planning history of Whitby Street. The Council's Conservation Officer had not raised any concerns about this part of the scheme in terms of the impact on the historic street scheme.

A lot of work had gone into addressing the noise and vibration issues at the FSH site to ensure the necessary mitigation measures would be secured. The issues and the results of the testing had been thoroughly considered by



independent experts and Environmental Health who were satisfied with the stringent conditions to manage any impact.

There were a number of roof top terraces in the HIE area. The FSH scheme would greatly improve the linkages with surrounding area in accordance with policy.

Planning permission (PA/13/01638)

On a vote of 2 in favour of the Officer recommendation, 6 against and 1 abstention the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/13/01638) at Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street be **NOT ACCEPTED** for the demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces

The Committee were minded to refuse the application due to concerns over:

- Impact on the surrounds and the heritage assets in view of the height, scale and massing, demolition of 30-32 Redchurch Street, the design (especially the use of Roman Brick, the design of the proposed balcony and the roof terrace arrangements) and the loss of the historic street pattern with regards to Whitby Street. The heritage assets include: the Owl and the Pussycat Public House and the neighbouring Redchurch Street, South Shoreditch, Brick Lane/Fournier Street and Boundary Gardens Conservation Area.
- The failure to provide a mixed and balanced community given the overprovision of private sale within the development and concentration of affordable housing on the linked Fleet Street Hill application. (PA/13/01637)

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

Conservation Area Consent PA/13/01644

On a vote of 2 in favour of the Officer recommendation, 6 against and 1 abstention the Committee **RESOLVED**:

That the Officer recommendation to grant Conservation Area Consent (PA/13/01644) at Land bounded by 2-10 Bethnal Green Road, 1-5 Chance

Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street be **NOT ACCEPTED** for the demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.

The Committee were minded to refuse the application as it would be premature to grant this consent in the absence of a suitable replacement building.

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

The Councillors that voted on this item were Councillors Helal Abbas, Rajib Ahmed, Carli Harper –Penman, Denise Jones, Zara Davis, Kabir Ahmed, Md Maium Miah, Joshua Peck and Peter Golds.

### 6.3 Land at Fleet Street Hill, London, E2 (PA/13/01637)

For the summary of this application, see the previous item.

On a vote of 4 in favour of the Officer recommendation and 5 against the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/13/01637) at Land at Fleet Street Hill, London, E2 be **NOT ACCEPTED** for the redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys. The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

The Committee were minded to refuse the application due to concerns over:

- The failure to provide a mixed and balanced community given the concentration of affordable housing within the proposed development and the overprovision of private sale within the linked application for Huntingdon Industrial Estate (PA/13/01638, PA/13/01644).
- The suitability of the site for family housing given the security and environmental challenges within the area and noise and vibration from the nearby railway lines.
- The commercial units particularly whether the units could be sustainable and viably occupied.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future

meeting of the Committee, setting out proposed detailed reasons for refusal, along with the implications of the decision.

The Councillors that voted on this item were Councillors Helal Abbas, Rajib Ahmed, Carli Harper –Penman, Denise Jones, Zara Davis, Kabir Ahmed, Md Maium Miah, Joshua Peck and Peter Golds.

## 7. OTHER PLANNING MATTERS

### 7.1 Planning Appeal - Poplar Business Park, Prestons Road E14 (PA/11/03375)

Pete Smith (Development Control Manager) presented the item. He explained the key outcome of the appeal.

In summary, the appeal was allowed on the basis of a 20% affordable housing level by floor area (21% by habitable room) – a total of 71 units (47 affordable rent and 24 intermediate). It also agreed with a S.106 package of £2,646,222; an additional £882,361 compared to the scheme reported to Strategic Development Committee.

Notwithstanding this, the level of affordable housing was less than that offered by the developer when the case was determined by the Strategic Development Committee in April 2012.

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

That the details and outcomes of the Poplar Business Park appeal as outlined in the report be **NOTED.**

The meeting ended at 10.40 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee

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## 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 for decision 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 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Location Reference number	Development	Reason for deferral
21 <sup>st</sup> November 2013	Suttons Wharf North, Palmers Road, London (PA/13/02108)	Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 at Suttons Wharf North, Palmers Road, London to seek minor material amendments to the *approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B	The Committee were minded to refuse the application due to concerns over:  Overdevelopment of the site.  Loss of the commercial units given the need for such uses for existing residents (for example to provide much needed childcare facilities).  Lack of marketing evidence/exploration work to inform the lack of demand for the commercial space.
21 <sup>st</sup> November 2013	Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and	<i>FPP PA/13/01638</i> Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary	The Committee were minded to refuse the application due to concerns over:  Impact on the surrounds and the heritage assets in view of the height, scale and massing, demolition of 30-32 Redchurch Street, the design (especially the use of Roman Brick, the design of the proposed balcony and the roof terrace arrangements) and

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

	30-32 Redchurch Street (PA/13/01638, PA/13/01644)	accommodation; a central courtyard and accessible amenity roof terraces.  <i>CAC PA/13/01644</i> Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.	the loss of the historic street pattern with regards to Whitby Street. The heritage assets include: the Owl and the Pussycat Public House and the neighbouring Redchurch Street, South Shoreditch, Brick Lane/Fournier Street and Boundary Gardens Conservation Area.  The failure to provide a mixed and balanced community given the overprovision of private sale within the development and concentration of affordable housing on the linked Fleet Street Hill application. (PA/13/01637)
21 <sup>st</sup> November 2013	Land at Fleet Street Hill, London, E2 (PA/13/01637)	Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys. The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.	The Committee were minded to refuse the application due to concerns over:  The failure to provide a mixed and balanced community given the concentration of affordable housing within the proposed development and the overprovision of private sale within the linked application for Huntingdon Industrial Estate (PA/13/01638, PA/13/01644).  The suitability of the site for family housing given the security and environmental challenges within the area and noise and vibration from the nearby railway lines.  The commercial units particularly whether the units could be sustainable and viably occupied.

### 3. CONSIDERATION OF DEFERRED ITEMS

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

- Suttons Wharf North, Palmers Road, London (PA/13/02108)
- Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street (PA/13/01638, PA/13/01644)
- Land at Fleet Street Hill, London, E2 (PA/13/01637)

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



**4. PUBLIC SPEAKING**

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

**5. RECOMMENDATION**

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

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# Agenda Item 5.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/2108
	<b>Ward:</b> Mile End and Globe Road

Location: Suttons Wharf North, Palmers Road

Existing Use: Residential Development

Proposal: Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Suttons Wharf North development comprising the conversion of a part ground floor, first and second floor levels to **create 8 residential units and retain 107sq.m of commercial floor space** on the ground floor; and associated minor alterations to Block B.

## 2. BACKGROUND

- 2.1 The above application was reported to the Strategic Development Committee on the 21<sup>st</sup> November 2013 with an Officers recommendation for APPROVAL. The Committee resolved NOT TO ACCEPT officers' recommendation to GRANT planning permission (subject to conditions) for the development mentioned for the Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create **10 residential units** and associated minor alterations to Block B.
- 2.3 Following Members' resolution not to accept officer's recommendation the applicant has amended the proposal to address Members' concerns which now include an element of commercial floor space for retention. This report will detail the reasons for refusal as outlined by the Members and discuss in detail of the amended scheme which aims to address the concerns raised.
- 2.3 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- Overdevelopment of the site;

- Loss of the commercial units given the need for such uses for existing residents (for example to provide much needed childcare facilities); and
- Lack of marketing evidence/exploration work to inform the lack of demand for the commercial units.

### **3.0 AMENDED PROPOSAL**

- 3.1 The application is now proposing to provide 8 residential units and provision of 107sq.m of A1 retail floor space on the ground floor of Block B. The proposed residential units comprise of 2 x1 bed units; 3x 2 bed units; and 3 x 3bed units.
- 3.2 Whilst the amended proposal is for A1 retail use, it is considered by officers that the proposed commercial space can either accommodate B1 or A1 uses as per consented scheme and therefore, if the subject application is approved, it is recommended for the commercial unit to have a flexible use, either B1 or A1 Use Class.
- 3.3 The proposed retail or office space would provide 107sq.m which would be appropriate in size in the context of the site location's proximity to the District Centres. If the space is first taken up as a retail space, it can be regarded as a local shop as per policy DM2 of the Managing Development Plan as it would be located around 300m away from the District Centres. Furthermore, if the space is taken up as a B1 use, this is likely to be of a small medium enterprise unit and therefore would be acceptable. Nonetheless, as initially reported in the main report, given the location of the site, it would be preferable not to have any commercial uses in this location on pure policy grounds. In any event, the small scale nature of the proposed uses can be supported which is a response to the Members' and local residents' concerns.
- 3.4 The applicant has also carried out a health check of the existing Roman Road District Centres. It has been identified that the general health of the Roman Road East District Centre is generally good with National representation such as Barclays Banks, Nationwide, Superdrug etc., with majority of the shops comprising of independent retailers. However, 12 vacant small scale shops were identified within this centre. Within Roman Road West District Centre, there are a number of convenience stores providing access for 'top-up' facilities and variety of non-retail facilities such as banks and restaurants. The health check showed that there are 6 small scale vacant shops in the Roman Road West District Centre at present. The proposed flexibility of the use as either A1 or B1 would ensure that the space can be utilised to suit the demand at the time of the construction of Building B being completed.
- 3.5 All initially notified neighbouring residents/occupiers were re-notified about the revised proposal, and at the time of writing, three comments were received which raises the following objection.
- *Objection as same as before – need of retail/office space and the revised proposal is not a compromise*

- *Demand for parking, and impact from deliveries and the highway network generally*
- *Under served by public transport and 450 residential units would put a huge additional strain on the infrastructure; no mitigation has been sought*

*[Officer comment: The first two points have already been addressed in the main report; in relation to the last point, the proposal is for additional 8 residential flats and impact on highway as discussed in the main report would be applicable. The original consent for the site wide development has already contributed towards, amongst other things, public transport to mitigate its impact.]*

3.6 Officers are of the view that this amended proposal should be approved.

#### **4.0 PROPOSED REASON FOR REFUSAL**

4.1 In the case where the Members are still not satisfied with the current revised proposal, Officers have drafted the following refusal reasons to cover the issues raised can be applied to the amended scheme.

1. The proposed development, by virtue of the resultant total quantity of the residential units on the application site, will result in an over-development of the site, contrary to policy SP02 of the Core Strategy 2010, and policy 3.4 of the London Plan 2011.

2. The proposed development, by virtue of the loss of a large quantum of the consented A1 and B1 uses and the applicants failure to properly investigate alternative non-residential uses to serve the local community, would be contrary to the Strategic Objectives S01, S05 and S06 of the Core Strategy.

3. The proposal, due to lack of adequate marketing evidence or exploration works, fails to satisfactorily justify the loss of the consented A1 and B1 uses contrary to policy DM16 of the Managing Development Document 2013.

#### Consideration

4.2 It is the professional view of officers that it is unlikely that all of the reasons for refusal could be successfully defended at an appeal.

4.3 In relation to the first reason, whilst the density of development, in pure numeric terms, would be outside the recommended density range in Table 3.2 of the London Plan 2011, it should be remembered that the density range is set out to optimise the land for housing.

4.4 The London Plan states that, 'A rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end.' It further states that 'It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular

*types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play.'*

- 4.5 Therefore, Members should note that the density only serves an indication of the likely impact of a development. Typically high density schemes may have an unacceptable impact on the areas already reported in the main report, paragraphs 9.24 – 9.26. As concluded, the proposed 10 additional units would not have the 'symptoms' of over-development and therefore would be acceptable.
- 4.6 It should be noted that the original consented scheme for the site had a density range of 1037hr/ha and the proposed 10 additional units or 8 additional units would only see an increase of this range by 1.25% or 0.75%, respectively. As stated in the main report, the proposed residential units would not worsen the conditions on the local highway network; privacy would be maintained; there would be no increased sense of enclosure as the new residential units are within the existing building footprint; access to sunlight and daylight to future occupiers would be acceptable; sufficient amenity space would be available for the future and existing occupants and impacts towards the public open space and social and physical infrastructure would be mitigated through the use of financial contribution sought.
- 4.7 It would not be appropriate to indicate that the proposal for 10 additional units or the revised proposal for 8 units would result in the whole of the application site being an over-development when in fact the site has already demonstrated its acceptability through its original consent.
- 4.8 With regard to the second reason for refusal, Members are reminded that the proposal in question is to change the use of the consented A1 and B1 Use Classes to residential and not D1 use, such as nursery spaces. Therefore, there would be no planning policy requirement to change or to explore other alternative uses. What officers and Members have to consider is the proposal, which is to change the use to residential and whether the residential use is an appropriate land use. The full acceptability of proposed 10 residential unit have been assessed which are detailed in the main report and still applies to the revised proposal for 8 units. This reason for refusal would be unacceptable and unjustifiable.
- 4.9 Nonetheless, it is worthwhile to note that the application site has a consent for D1 Use Class which would be retained that was originally identified for a health care provision at the time of original consideration in 2002/03. Since then, NHS has confirmed that the space within Block A is no longer required as it would be a surplus to their required floor space. The applicant has confirmed that an application has recently been submitted (at the time of writing) which will seek to use the consented D1 space for other uses which fall within the D1 use Class. The applicant is currently liaising directly with the Council's Early Years Services to identify whether there is a demand for such space in this locality by any service providers or the Early Years Services themselves, such as children centres or nurseries. Therefore, the current implemented consent would retain a

floor space of 1,907sq.m of D1 Use Class. Therefore, it would be difficult for the officers to justify the second reason for refusal and is unlikely to be successful at an appeal.

- 4.10 The third reason for refusal is also difficult to justify as the application was supported by a commercial appraisal which sets out the supply and demand of B1 office spaces and A1 retail spaces within the location and also looks at the existing provisions within the borough. It was indicated at the meeting that the real marketing exercise was not undertaken by the applicant. However, unlike residential developments, the commercial units are rarely marketed off plan and it is not until the physical space becomes available that the spaces are marketed. This is the case of the current proposal and Block B is currently being constructed and therefore the physical space is not present to market to potential tenant/purchaser.
- 4.11 In addition to this, it is clear that the Council's adopted policies direct the B1 and A1 uses to appropriate locations. The current planning policy status is that retail uses are directed to town centres and offices are directed to preferred office location. In this instance, due regard have to be had on the current planning policies and these have changed since the original approval in 2003. The consented uses are no longer appropriate in the location and the demand for these spaces is identified elsewhere in the borough. This is clearly evident through Prior Approval applications recently submitted to the Council for conversion of office spaces within Suttons Wharf South, and Victoria Wharf, both off Palmers Road, which are being assessed at the time of writing. Notwithstanding this and as outlined in the earlier paragraph 3.3, the revised proposal for 107sq.m would be provided and officers are supportive of the applicant's response to the concerns raised by Members and nearby residents/occupiers.

## **5.0 IMPLICATIONS OF THE DECISIONS**

- 5.1. Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):
- 5.2. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:
- “Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.
- 5.3. There are two financial implications arising from the appeal against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the

Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)

- 5.4. A future appeal, should it be successful, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking which might well result in a lesser s.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).
- 5.5 Whatever the outcome, your officers would seek to defend any appeal.

## **6.0 CONCLUSION**

- 6.1 All relevant policies and considerations have been taken into account. Whilst officers' remain satisfied that planning permission for the amended proposal should be GRANTED, Members are directed to revised proposal and also the draft reasons for refusal together with the officers comments, viewed alongside the previous report and the updated report presented to the Strategic Development Committee on 21<sup>st</sup> November 2013 (see Appendices 1 and 2) and determine the planning applications as appropriate.

## **6.0 APPENDICES**

- 6.1 Appendix One - Committee Report to Members on 21<sup>st</sup> November 2013
- 6.2 Appendix Two – Update Report to Members on 21<sup>st</sup> November 2013



<b>Committee:</b> Strategic Development	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Jane Jin	<b>Ref No:</b> PA/13/02108
	<b>Ward:</b> Mile End and Globe Road

## 1. APPLICATION DETAILS

**Location:** Suttons Wharf North, Palmers Road, London  
**Existing Use:** Residential Development  
**Proposal:** Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the \*approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B.

\*see planning history for the approved Suttons Wharf North Development

**Drawing Nos/Documents:** Drawings:  
303/PL/001; 491/PL/011 Rev B; 491/PL/012 Rev B;  
491/PL/013 Rev B; 491/PL/014 Rev A; 491/PL/015 Rev A;  
491/PL/016 Rev B; 491/PL/017 Rev A; 491/PL/018 Rev A;  
491/PL/019 Rev A; 491/PL/020 Rev A; 491/PL/021 Rev B;  
491/PL/022 Rev B; 491/PL/023 Rev A; 491/PL/024 Rev A;  
491/PL/025 Rev 5; 491/PL/026 Rev A; 491/PL/027 Rev A;  
491/PL/028 Rev A; 491/PL/029 Rev A; 491/PL/040;  
491/PL/041 Rev C; 2841/SK/08; 2841/SK/9; 2841/SK/10;  
2841/SK/11; 303/SK/100118/03; 396/PL/203 Rev A;  
396/PL/204 Rev A; 303/PL/102 Rev B; 491/SK/131009-  
CG01;

Environmental Statement Addendum with ref  
11752/IR/BK/CB;  
Additional Internal daylight and sunlight assessment for Block  
B with ref JB/RV/2852/13;

**Applicant:** Hollybrook Limited  
**Ownership:** Barwood Ventures Ltd;  
Barwood (Suttons Wharf) Ltd;  
Barwood Nominees Ltd; and  
One Housing Group  
**Historic Building:** None  
**Conservation Area:** Adjacent to Regents Canal Conservation Area

## 2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets 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 The proposal to remove the consented B1 and A1 uses and to introduce 10 residential units can be considered to be a minor material amendment to the consented scheme.
- 2.3 The loss of B1 and A1 uses are acceptable and have been satisfactorily justified as such these uses are better located in town centres and office locations rather than isolated locations.
- 2.4 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 built form of the consented scheme and the urban nature of the site.
- 2.5 Sufficient quantum and quantity of housing amenity space, communal space, child play space and open spaces are already provided for which can cater for the requirement of the 10 additional units and are considered to effectively meet the needs of the development.
- 2.6 Transport matters, including parking, access, and servicing are not altered and additional cycle spaces are provided for the additional 10 residential units which are acceptable and promote sustainable travel modes.
- 2.7 The proposal will provide the full amount of the financial contributions for the 10 additional units in accordance with the Council's Planning Obligation SPD towards health facilities, employment opportunities, libraries, leisure facilities and sustainable transport which would be sufficient to mitigate the impact of the development.

### 3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permissions subject to:

The variation to the **legal agreement** to secure the following additional planning obligations:

#### 3.2 Financial Obligations

- a) A contribution of £1,870 towards employment and enterprise.
- b) A contribution of £1,260 towards libraries
- c) A contribution of £5,419 towards leisure facilities.
- d) A contribution of £12,295 towards health facilities.
- e) A contribution of £150 towards sustainable transport
- f) £419 towards S106 monitoring fee (2%)

**Total: £21,413**

#### 3.3 Non-financial Obligations

- a) Car-free agreement to extend to the 10 new residential units to restrict occupants applying for parking permits
- b) 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 Where they have not already been discharged, the conditions on the previous decision notice shall be re-imposed to the new decision notice and there are no new conditions proposed as a result of the proposed minor material amendment. All other pre-commencement conditions which have been discharged will be re-worded to ensure that they are changed to compliance conditions.
- 3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
- 3.8 **Informatives:**
- S106 planning obligation
- 3.9 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.10 That, if within 3 months of the date of this committee's resolution 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 Suttons Wharf North is approximately 1.2 ha in size, and is located at the southern-end of Palmers Road. The site originally comprised of a cash and carry warehouse however the warehouse has been demolished since the approval of the re-development in 2006 and half of the development has been completed.
- 4.2 Of the 7 consented residential blocks, the 5 blocks which are the affordable housing units are the only element of the wider consented scheme have been delivered on site and now occupied. The remaining two blocks (A and B) are the private tenure and these blocks are currently under construction.
- 4.3 The site adjoins the Regents Canal (to the east) which is a conservation area, and lies between Meath Gardens (to the west) and Mile End Park (further to the east). Adjoining to the south of the site is Suttons Wharf South that has recently been redeveloped for a predominately a residential scheme.

##### **Proposal**

- 4.4 The consented scheme comprises 7 blocks of predominately in residential use, of which 5 blocks have been constructed and are solely for affordable housing. The ground floors of some of these buildings had consented commercial uses.
- 4.5 The remaining two blocks (A and B) are currently under construction and the subject application is to alter Block B of the consented scheme. The originally consented scheme had a total quantum 3,118sq.m of B1, A1 and D1 uses for the entire site.

- 4.6 Block B comprise of a 18 storey building with retail (118sq.m) and office (628sq.m) floor space on the lower three floors. The proposal is to replace the consented commercial spaces and to provide 10 additional units on the ground, first and second floors within Block B. The proposed mix of the units are, 4x1 bedroom units, 3 x 2 bedroom units and 3 x 3 bedroom units. These would be for private tenure.
- 4.7 The proposed amendment also include associated elevational changes to the façade to the building on the ground, first and second floor levels which will incorporate balconies and other amenities associated with residential use.

## **5 RELEVANT PLANNING HISTORY**

5.1 There is a complex planning history for the site and this can be summarised as below.

### **PA/05/1727**

*Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 (Business) floorspace, 225m<sup>2</sup> of either Class B1 and/or D1 (non-residential institution) floorspace, 330m<sup>2</sup> of Class A1 (shop) floorspace, a health clinic (1,907m<sup>2</sup>), and a day nursery (367m<sup>2</sup>), 183 parking spaces and landscaping was granted on 12 May 2006.*

The consented mixed use scheme included the following residential number of units:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 16

Total 419 units.

The total affordable housing provision on site equated to 52% in habitable rooms.

### **PA/06/1336**

*Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 (Business) floorspace, 225m<sup>2</sup> of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330m<sup>2</sup> of Class A1 (Shop) floorspace, a 1,907m<sup>2</sup> health clinic and a 367m<sup>2</sup> day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727) was granted on 13 December 2007.*

This application involved removal of planning conditions and therefore did not alter the make up of the scheme, however a new consent was issued and therefore was the 'Planning Permission' for the site.

### **PA/10/1089**

*Non-material amendment to planning permission dated 13th December 2007, Reference PA/06/1336, for the demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656 m<sup>2</sup> of Class B1 (Business) floorspace, 225 m<sup>2</sup> of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330 m<sup>2</sup> of Class A1 (Shop) floorspace, a 1,907 m<sup>2</sup> health clinic and a 367 m<sup>2</sup> day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727); by the addition of a condition requiring development to be carried out in accordance with approved plans.*

This non-material amendment saw the insertion of a planning condition to list all approved

plan numbers to allow for an application to be made for a minor material amendment to the scheme under s.73 of the Town and Country Planning Act. This was introduced through the Country Planning Act 1990 which was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008.

#### 5.5 **PA/10/2697**

*Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Reference PA/06/1336, as amended on 26 June 2010 ref: PA/10/1089 for redevelopment to allow the replacement of eight approved plans with revised versions that would result in minor material amendments to Blocks C and G comprising:*

##### *Block G*

- *Change of 16 studio units to 8 x 1 bedroom units and 4 x 2 bedroom units.*
- *Reconfiguration of nursery space resulting in an increase in floorspace from 367sq.m to 395sq.m.*
- *Reduction in height of glass panelling around the circumference from two storeys to one storey.*
- *Minor reduction in height but remains 6 storey.*

##### *Block C*

*Modifications to ground floor window framing.*

This permission was granted on 4 August 2011 and subsequently increased the number of habitable rooms slightly and therefore the percentage of the affordable housing was reduced to 51%.

The number of residential units in each block has been changed to following:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 14

Total 415 units.

#### 5.6 **PA/11/3348**

*Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Ref PA/06/1336, as amended on 26 June 2010 ref PA/10/1089 (and further amended on 4th August 2011), reference PA/10/2697 for the replacement of two approved plans with revised versions to allow the following minor material amendments to blocks D, E and F:*

- *Minor reconfiguration of the 9th floor set back storey of Blocks D, E and F;*
- *Removal of the open walkway's between Blocks D, E and F at ground to second floor levels;*
- *Glazed enclosure of the external stair cores between Blocks D and E, and E and F;*
- *Enclosure of the external walkway's between Blocks D and E, and E and F;*
- *Minor alterations to fenestration and external stair cores of the north elevation of Block F and southern elevation of Block D; and*
- *Chimney flue on the north elevation of Block F.*

This permission was approved on 30 March 2012 and sought minor changes to the physicality of the buildings. However, through the variation of the s.106, Block B became all private tenure and Blocks C and G were allocated for affordable housing. This permission retained the affordable housing provision on site as 51%. A new planning permission was issued and therefore this permission became the implemented permission.

5.7 **PA11/2309**

*Change of use of the ground floor and first floor of Block G of Suttons Wharf North from a nursery (D1 use class) to residential (C3 use class), and associated exterior alterations, to provide six additional one and two bedroom units was approved 30 March 2012.*

This permission was a stand-alone permission and was considered on its own merits for the change of use from D1 use (395sq.m) on the ground floor of Block G to residential. The dwelling mix consented were 6 x 2bedroom units in the intermediate tenure.

**PA/11/2310**

- 5.8 *Change of use on the ground floor of Block C of Suttons Wharf North from non-residential floorspace (Class B1 and/or D1) to residential (C3 use class), to provide three additional units (one x no. one bedroom, one x no. two bedroom and one x no. three bedroom) was granted on 30March 2012.*

This permission was also a stand-alone permission and was for the change of use within Block C from B1/D1 use (225sq.m) to residential to provide 3 private units.

The planning permissions PA/11/3348, PA/11/2309 and PA/11/2310 were all considered at the same time to allow for a holistic assessment. The permissions and variation of the s106 to the original planning obligation provided the number of dwelling units for the site as follows. The affordable housing % was slightly reduced to 50.7% through the permissions but still remains as 51% as a whole number.

Block A – 151

Block B – 64

**Block C – 38**

Blocks D, E, F – 150

**Block G – 18**

**Total 424 units.**

**PA/12/2535**

- 5.9 *Non-material amendment following grant of planning permission dated 30/03/2012, ref PA/11/03348 to Blocks A & B for:*

- *reduction in floor to ceiling heights within Block B in order to introduce two additional floors of development*
- *minor external changes to the elevations of block B associated with the introduction of two new floors*
- *changes to the dwelling mix within Block A and B in order to ensure the overall number of units and bed spaces within the development remains as approved.*

This application was approved on 2 November 2012 for a non-material amendment which altered dwelling schedule of Blocks A and B (private tenure). Whilst the unit numbers stayed the same, the number of habitable rooms increased due to the removal of studios, and increased number of 2 bedroom units which are all in private tenure. This resulted in the increase of habitable rooms in private tenure by 82 rooms and therefore consequently resulted in the reduction of affordable housing to 49.6% on the site.

In conclusion, currently the site has consent for 424 units with 49.6% of affordable housing. It is worthwhile to note that all of the affordable units have been delivered on site as consented and currently Block B and A (private units) are under construction.

In terms of non-residential uses, the planning history of the application resulted in a reduction of commercial spaces (A1, B1 and D1) from a total consented 3,485sq.m to 2,898sq.m. Block A contains the largest quantum of commercial space (D1) at 1,907sq.m which was identified for PCT during the initial application stages in 2005.

## 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 with its Revised Early Minor Alterations (REMA) 2013. 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

### **Managing Development Document (Adopted 2013)**

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM27	Heritage and Historic Environment
	DM29	Zero-Carbon & Climate Change

### **Supplementary Planning Guidance/Documents and Other Documents**

Planning Obligations SPD 2012

### **Spatial Development Strategy for Greater London (London Plan 2011 and REMA 2013)**

- 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
- 7.15 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

#### **Good practice guidance is issued by 'Communities and Local Government'**

- 6.2 The guidance 'Greater flexibility for planning permissions: Guidance', published 23 November 2009 and as amended by 2<sup>nd</sup> edition dated October 2010 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

#### **Background to Minor Material Amendments**



- 6.3 Changes were introduced to the planning regime in October 2009 to allow minor and non-material amendments to proposals after permission has been granted.
- 6.4 The 'Greater Flexibility Guidance' states that the use of the existing route under s.73 to vary a condition would be the best short term solution for allowing minor material amendments to an approved scheme. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.
- 6.5 The implemented permission does have such a condition to vary, allowing the Council to consider the proposed minor material amendment.
- 6.6 Therefore, the current proposal proposed an amendment to Condition 22 which lists the approved plan numbers of the Permission for the proposed minor-material amendment.

**7. CONSULTATION RESPONSE**

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:
- 7.2 The following were consulted and made comments regarding the application:

**LBTH Housing**

- 7.3 This proposal delivers ten additional private units to the original consented scheme. These units are provided through existing vacant commercial space within the scheme.
- 7.4 The scheme achieved 52% affordable housing by habitable room, when the scheme was originally consented in 2006. Through amendments, the consented scheme has delivered 49.6% affordable housing. This proposal with the additional uplift of (10) ten units (29 habitable rooms) would change the affordable housing habitable provision to 48.6% by habitable rooms.
- 7.5 The 48.6% existing affordable units by habitable rooms still exceeds the Council's minimum affordable housing policy requirement of 35% by habitable rooms, therefore this proposal is acceptable on balance.

**8. LOCAL REPRESENTATION**

- 8.1 A total of 450 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:	30	Objecting:	30	Supporting:	0	Neither:	0
No of petitions received:	None						

- 8.3 The issues raised in the objections received are;-
- 8.4 *Need for commercial spaces within the site*  
[Officer's comment: This is addressed in the Land Use section of this report]
- 8.5 *Need retail uses for the existing residents*  
[Officer's comment: the site is located within 300m of the Roman Road District Centre, and out of town centre retail uses are not supported through current plan documents. This is

further expanded upon in the Land Uses section of this report.]

8.6 *Increase in density resulting in overcrowding*

[Officer's comment: The proposal does not suffer from any of the symptoms of over development and thus resulting in overcrowding conditions. The proposed unit sizes are also in accordance with the minimum dwelling standards as outlined in the Council's Managing Development Document 2013 and in the London Plan 2011.]

8.7 *Problems with refuse disposal*

[Officer's comment: As detailed in the Transport section of this report the site exceeds the minimum required capacity for refuse and recycling provision. The issues raised by the residents are in relation to an on-site management issue and the manner in which waste is disposed of. The development provides sufficient waste and recycling storage capacity to accommodate the projected waste disposal for the units on site.]

8.8 *Fly tipping*

[Officer's comment: Again, this is a site management issue. There is no direct link to suggest that the additional residential units will result in further fly tipping on site]

8.9 *Anti-social behaviour*

[Officer's comment: Objections received indicate that there have been numerous incidents of anti-social behaviour on site (9 reported cases in August 2013) and that the proposed additional new units will further add to anti-social behaviour. There is no clear association between reported cases and occupiers of the development and officers are not aware of any evidence to suggest that the proposed 10 additional units will add to the anti-social behaviour to 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
- Design
- Amenity
- Transport
- Planning obligations

### Land Use

9.2 The proposal will see the loss of consented commercial uses within Block B and the introduction of additional residential units on the ground, first and second floors.

#### Loss of B1 and A1 Uses

9.3 Building B is comprised of 628sq.m of B1 use and 118sq.m of A1 use on the lower floors. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Part 1.b of SP06 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough, with a particular focus on small and medium enterprises (SMEs). Part 3.c of SP06 supports the provisions of units approximately 250sqm or less for SMEs. This is further reiterated in the Managing Development Document (MDD) policy DM15, which sets out how new development will contribute to delivering growth in locations outside designated employment areas. The loss of employment floorspace within the Borough will usually be resisted by the Council unless it can be demonstrated through marketing evidence of 12 months or that the site is unsuitable for continued employment use.

- 9.4 The application is supported by commercial assessment which looks at the supply and demand for commercial floorspaces in the local area as well as across the borough. It also looks at the appropriateness of the B1 use in this location. The assessment concludes that as the subject location is not an established business location and given the residential nature of the area, a B1 use in this location would have little prospect of it being taken up. It further states that there is a general lack of interest due to the site not benefiting from sufficient parking and not being centrally located (close to other businesses). In summary the site is not suitable due to:
- Insufficient footfall for future businesses;
  - Limited demand within this part of the borough
  - Large number of existing units (operated by workspace- customised employment spaces) are available within a 1 mile radius of the site;
  - Site is not within a preferred office location
- 9.5 It is also noted that within the locality, officers are aware that that the consented 3,000sq.m of B1 office floorspace area within Suttons Wharf South development has been actively marketed since the development was completed in 2008, and it largely remains vacant, with only limited area taken up by the One Housing Group who manages the site and the affordable housing within the application site. An application for a Prior Approval to convert the existing B1 use to residential is being assessed at the time of writing.
- 9.6 It is considered that the loss of B1 use in this location is acceptable in this instance and satisfactorily justified, and therefore accord with policies SP06 Core Strategy 2010 and DM15 of the Managing Development Document 2013.
- 9.7 In relation to the loss of the consented A1 Use, the site is within 300m from the Roman Road District Centre where a wide variety of services is available. The Council's Core Strategy directs A1 uses to town centres and only supports developments for local shops where there is a demonstrable local need which cannot be met within the existing town centre. It is considered that the Roman Road District Centre would provide the demands of the local needs and therefore A1 uses should be directed to town centres. The loss of the A1 Use is supported.

#### Residential Use

- 9.8 In terms of 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.
- 9.9 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
- 9.10 Given that the predominate use of the site and the area in general is in residential use, and the consented commercial uses are within a residential block, the alternative use on the ground, first and second floors are better suited for a residential use. The development site has already delivered affordable housing which is above the Council's minimum standards which is already in occupation. The proposed residential use is welcomed.
- 9.11 It is considered that the proposed change from B1/A1 to residential is a minor amendment in the context of the site wide scheme as the proposal will see 3% in change of the total floor area on site, and an increase of 2% in residential unit numbers.
- 9.12 The remainder of the report looks at whether the proposed residential quality is in accordance with policies, and whether the proposal will have impact upon the general amenities to the

area. The detail of affordable housing is also discussed below.

## Housing

### 9.13 *Policy summary*

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.

9.14 The London Plan 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.

9.16 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.

9.17 The site originally was consented with 419 residential units separated in 7 residential blocks, with a total of 206 units for affordable housing, equating 52% in habitable room numbers. Since the granting of the original permission, various amendments have been sought on site as detailed in the Planning History earlier in this report, and therefore the current consented scheme on site is 424 residential units with the same 206 affordable housing units (49% habitable room).

9.18 The proposed additional 10 units which is the subject of this minor material amendment will be located in Block B which is a private tenure block. This will result in the development delivering an overall 434 residential units for the application site with a minor reduction of the affordable housing provision to 48.6% as a result of the increase in habitable room numbers in private tenure.

9.19 The proposal continues to exceed the minimum required affordable housing units on-site and provides split which retains 72:28 in favour of target rented accommodation and therefore the proposal would still be acceptable and would remain compliant with policies mentioned above.

9.20 It is important to note that the 206 units of affordable housing, of which 136 units are target rents and 70 units are within the Intermediate provision, have already been constructed and delivered on site. Therefore, as part of this proposal for 10 additional units, no further affordable housing is secured. The Council's Housing officer is satisfied with the quantum of the already delivered affordable housing which exceeds the Council's minimum.

### *Housing Mix*

9.21 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*'.

9.22 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.

9.23 The proposal will provide 4 x 1 bedroom units, 3 x 2 bedroom units and 3 x 3 bedroom units. The proposed mix for the 10 additional units would provide a range of housing choice within the private tenure which includes 3 bedroom family sized units. The proposed mix is acceptable and is a proposal which does not alter quantum and the mix of affordable housing tenures.

#### *Density*

9.24 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 70-260 units per hectare. The application site lies in PTAL within PTAL 4 and 5 and has a density of 1162hr/ha or 361u/ha and therefore would be above the recommended density range. However, the intent of the London Plan and Council's MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

9.25 It should be remembered that density only serves 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.

9.26 As detailed within this report, officers consider that the subject site can accommodate the density of the proposed development, and the above symptoms of over-development are not present in this case.

#### **Design**

9.27 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

9.28 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.

9.29 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.

9.30 The proposal includes minor elevational changes to the first three floors of Block B. Due to the commercial use on the ground, first and second floors, the building would be predominately glazed on these floors however the proposal will now have design elements which reflect the residential use.

9.31 The proposed changes are minor in nature and do not alter the building form in its entirety. The proposed balconies and elevational treatments, including the double height main communal residential entrance follows the typology of the architecture and the use of the consented materials will continue to the lower floors. The ground floors still maintain the visual break-up of the Block B of the upper floors and lower floors and therefore the proposed elevational changes are acceptable in principle and as a minor material amendment to the entire scheme.

9.32 Consented North Elevation Block B



9.33 Proposed North Elevation – Block B



9.34 Consented West Elevation (canal side)



### 9.35 Proposed West Elevation (canal side)



#### *Quality of residential accommodation*

- 9.36 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.
- 9.37 The proposed units on the lower three floors are laid out appropriately to ensure that the majority of the units do have dual aspect and all of the family sized units benefit from private garden spaces on the street level. All of the ground floor units have sufficient setback and are designed with defensible spaces around them and therefore provide sufficient privacy to the occupiers of these units. The block was originally designed with two lifts and with sufficient circulation spaces and therefore this will continue with the lower floors.
- 9.38 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 exceed the required standard by at least 10sq.m.
- 9.39 The proposed residential accommodation complies with the 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*

- 9.40 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. All of the proposed units have private amenity spaces which exceed the minimum standards as set out in the said policy. As mentioned, the proposed 3 family sized units benefit from garden space on the ground floor and all units have balconies of sufficient width and size.

- 9.41 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, the 10 additional units will require 10sq.m additional communal open space on site. The consented scheme provides a comprehensive landscaping scheme that includes a tree-lined central avenue, an ecology pool, and a landscaped pedestrian link that creates a connection between the canal and Meath Gardens. In addition, a canal-side walkway will be provided running the entire length of the canal frontage.
- 9.42 As part of the originally consented development, a financial contribution was also delivered towards the construction of the pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park which is now in place. It is considered that the consented scheme provides sufficient amenity benefits and the 10 additional square metres can comfortably be met within the site.
- 9.43 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.
- 9.44 Whilst the consented scheme contributed financially towards the linkage of the two Parks through the construction of the pedestrian bridge, it is likely that the 10 additional units will generate further demand and pressure on the existing open spaces. The total projected population from the 10 additional units is 20 people, using the Tower Hamlets Planning for Population Growth Capacity Assessment. The applicant has agreed to fully mitigate the impact by contributing towards open spaces as outlined later in this report.

### **Amenity**

- 9.45 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*

- 9.46 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.
- 9.47 The location of the windows to the proposed 10 additional units would follow the location of windows of consented upper floors. Therefore, the proposed windows would be located so as to be comfortably separated by more than 18m. The main facing habitable room windows are located within the development site at Block A (which is being constructed) and Suttons Wharf South Development. The relationship between Block A and Block B is approximately 25m between habitable rooms and more than 18m to the northern elevation of the Suttons Wharf Development.

### *Outlook / sense of enclosure*

- 9.48 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.
- 9.49 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*

- 9.50 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 9.51 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.
- 9.52 Given that the proposed units will be within the consented building footprint, there will be no further implications to the availability of the sunlight and daylight to the neighbouring dwellings. However it is important to assess daylighting conditions within the proposed units to ensure that satisfactory levels of daylight are received by the future occupants.
- 9.53 For calculating daylight to proposed units, British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 9.54 The applicant has submitted ADF values for the proposed units and 22 out of 29 rooms tested would be well within the BRE compliant levels of daylight. Of the 6 windows which fall below the required values, only 1 window falls significantly below the required value and remaining 5 are a marginal variance. The windows which do not comply with the guidelines are as a result of limiting factors such as overhanging balconies. It is considered that as majority of the rooms will meet the minimum standard and therefore on balance, the failures do not warrant refusal.

#### **Transport**

- 9.54 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.
- 9.55 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.
- 9.56 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 4 and 5 (1 being poor and 6 being excellent) which is a moderate/good rating.

#### *Servicing / Deliveries and Refuse*

- 9.57 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.58 There are no new highway implications as a result of the proposed development, rather details as to whether sufficient provision is available for servicing and deliveries and refuse collection is considered. Given that the proposal is to change commercial use to a residential, the changes to the servicing requirements and trips to the site is likely to be neutral as residential uses have lower frequency dependency on servicing than commercial. Nonetheless, there is sufficient vehicular access on site to accommodate deliveries associated with the residential use off the highway and the frequency of the deliveries associated with residential use is likely to be on an ad-hoc basis which is not likely to have a

noticeable impact on the highway network.

#### *Car Parking*

- 9.59 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.
- 9.60 The consented scheme had a total of 183 car parking spaces, of which 178 are located within the basement level. The proposal does not alter the number of consented car parking spaces, and the additional units would be subject to a car free agreement which is already in place for the wider development site but will apply to the additional units.

#### *Provision for Cyclists*

- 9.61 The consented scheme provided a total of 464 cycle spaces and the additional 10 units will require additional 13 spaces. The proposal includes 13 additional spaces within the basement of Block B and therefore sufficient cycle parking has been provided for and is considered to be acceptable which would help to promote cycling for the residents of the development.

#### *Refuse/recycling*

- 9.62 The consented scheme utilises 'iceberg type' underground refuse storage system which was designed to hold a capacity of 60,000litres across the whole site, held in 12 separate containers. Currently the site has a total provision of 6 underground storages and further two underground storage areas will be created as a result of Block B phases. The remaining four will be provided with Block A phase of construction. The consented scheme would generate 57,320 litres of waste and the additional 10 would require additional 1,960litre capacity. The provision of 60,000litres across the site would exceed the total weekly projected waste generation of 58,420litres.
- 9.62 In relation to recycling, the consented scheme had 7 x 'node type' underground storage facility with a capacity of 3,200litres per node which equates to 22,400litres in total. As part of the subject amendments, the proposal will provide a total number of 11x nodes which will equate to a total capacity on site of 35,200litres for weekly collection. The total current requirement in accordance with the standards as set out in Appendix 2 of the MDD 2013 for recycling storage provision for the proposed 10 additional units together with the consented units is 28,940litres. Therefore, the site will exceed the requirements for recycling for the entire site.
- 9.63 In relation to the objections received, it was noted during the officers' site visits that rubbish was being dumped around the bins rather than in the bins itself. Therefore, the rubbish dumping was not due to the lack of capacity within the underground storage rather it would appear that there was lack of management and the storage provisions not being used appropriately. This is clear from the current provision of 6 x iceberg storage bins which provides 30,000litres and the requirement for the occupied blocks in accordance with the policy would be 29,020litres for weekly collection. Nonetheless, the existing affordable housing blocks are being managed by the One Housing Group and the applicant is directly liaising with One Housing Group to overcome this management issue. It was also evident during officer's site visit that notices for residents to utilise the bins properly were being displayed on bins to ensure that rubbish is disposed of properly.
- 9.64 As stated, the proposal would provide sufficient waste and recycling storage capacity for weekly collection and would accord with the policies with the Managing Development Document 2013.

#### **Environmental Considerations**

- 9.65 The Environmental Statement (ES) addendum accompanied the application which supplements the Environmental Statement prepared in October 2005 to accompany the

original planning application for the Suttons Wharf North development (ref: 05/01727). The ES addendum analyses each chapter on the effects of the current proposed changes on each of the technical EIA analyses. The proposal only affects Transportation and Socio Economic chapters and the overall conclusions of the original ES Chapters remain applicable to the amended development. The Council's EIA officer has reviewed the detailed report and supports the conclusion.

### **Health Considerations**

- 9.66 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.
- 9.67 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.
- 9.68 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.
- 9.69 The applicant has agreed to a financial contribution of £12,295 to allow for expenditure on health care provision within the Borough.
- 9.70 The application has already proposed public accessible routes and contributed towards a pedestrian bridge linking two Parks, which provide connectivity with the Canal, Mile End Park and Meath Gardens. This contributes to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.71 It is therefore considered that the financial contribution towards healthcare and consented 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**

- 9.72 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).
- 9.73 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.
- 9.74 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.
- 9.75 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.

9.76 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

9.77 In line with the Council's SPD, the applicant has agreed to the additional Heads of Terms for the proposed 10 additional units which will be secured through a deed of variation. The calculations of the following contributions are based on 20 additional people and zero uplift in child yield utilising the Tower Hamlets' Planning for Population Capacity Assessment.

- a) A contribution of £1,870 towards employment and enterprise.
- b) A contribution of £5,419 towards leisure facilities.
- c) A contribution of £12,295 towards health facilities.
- d) A contribution towards £1,260 towards libraries
- e) A contribution towards £150
- f) £410 towards S106 monitoring fee (2%)

**Total: £21,413**

#### Non-Financial Obligations

- a) Car free agreement to be extended to the future occupiers of the 10 residential units.

#### **Local Finance Considerations**

9.78 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."

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.

9.79 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.

- 9.80 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 'altered' element of the scheme. The likely CIL payment associated with proposed amendment would be in the region of £25,130.
- 9.81 With regards to the New Home Bonus. 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 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.
- 9.82 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 £14,392 in the first year and a total payment £86,353 over 6 years.

#### **Human Rights Considerations**

- 9.83 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:-
- 9.84 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".
- 9.85 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.
- 9.86 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.

- 9.87 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.
- 9.88 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.89 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.
- 9.90 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**

- 9.91 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.
- 9.92 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.
- 9.93 Furthermore, the requirement of the original s.106 Agreement to use local labour during construction enabled local people to take advantage of employment opportunities.
- 9.94 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.
- 9.95 The contributions to affordable housing support community wellbeing and social cohesion.

## **10 Conclusions**

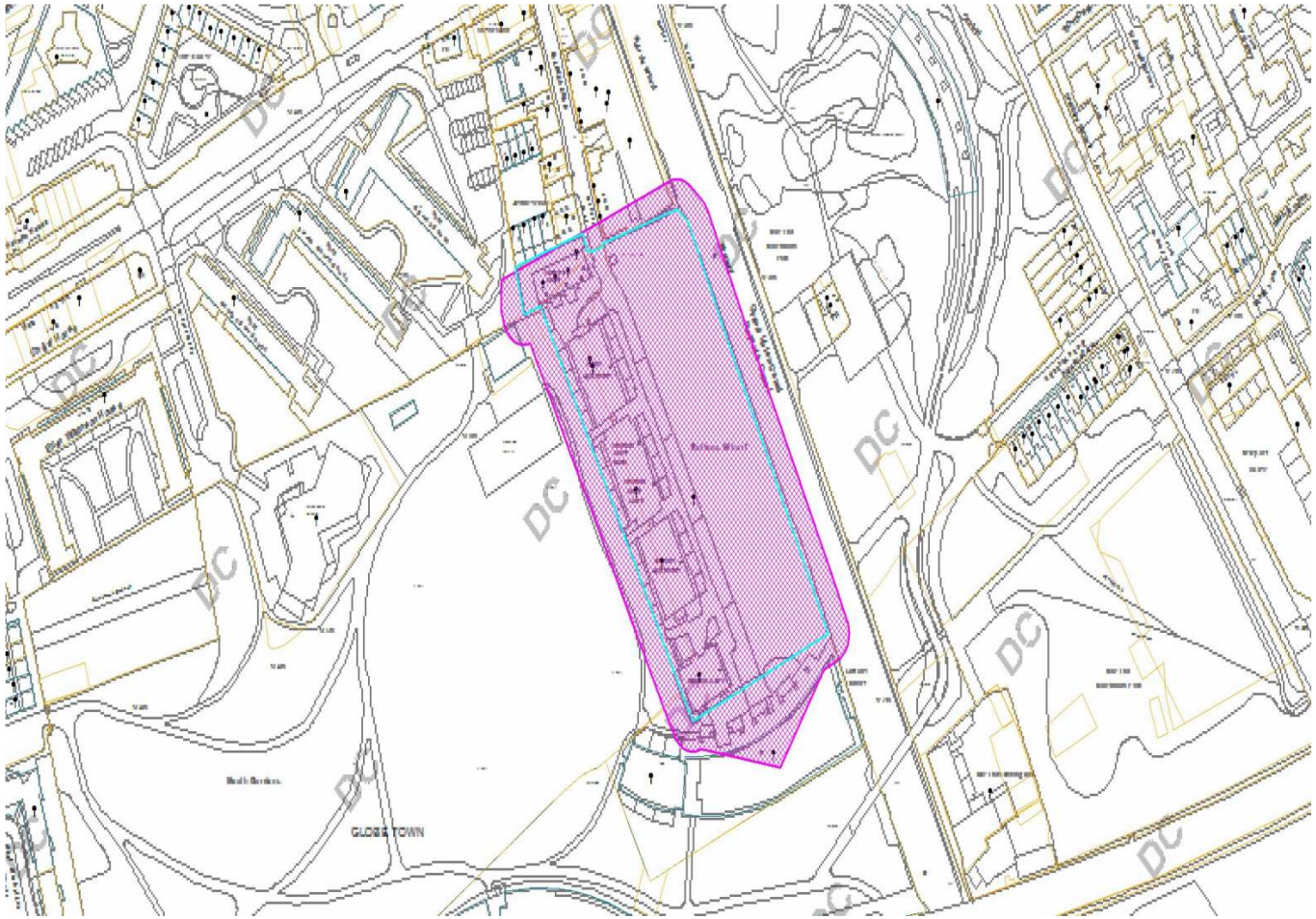
- 10.1 The proposed amendments are minor in nature in the context of the site wide re-development and the proposal represents a high quality, well designed residential units in the market tenure. The site has already delivered much need affordable housing which is already in occupation and the proposal 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 for the s.73 application 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.

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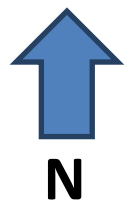
Planning Application Site Map  
PA/13/02108



Not to scale.

This Site Map displays the Planning Application site boundary and the neighbouring Occupiers/Owners who were notified as part of the Planning Application process.

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<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/13/02108
<b>Location:</b>	Suttons Wharf North, Palmers Road, London
<b>Proposal:</b>	Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the *approved Suttons Wharf North development comprising the conversion of ground, first and second floor levels to create ten additional residential units and associated minor alternations to Block B.

## 1.0 ADDITIONAL REPRESENTATIONS RECIEVED

- 1.1 Since the publication of the committee report, three additional representations were received from Suttons Wharf Residents Group, a resident and Councillor Whitelock Gibbs, a ward Councillor for Mile End and Globe Town.
- 1.2 The representation received from the Residents Group and the resident raises the same objections as already addressed in the main report.
- 1.3 In relation to the Ward Councillor's representation, she raises the following objections:
- a) Loss of planned A1 and B1 uses within a predominately residential area  
*[Officer Comment: This has been addressed in the Land Use Section of the report, paragraphs 9.2-9.7]*
  - b) Disagree with officer's report in paragraph 2.3 which refers to the A1 and B1 uses in an isolated location. The area is densely populated residential area, adjacent to main roads, and tub stations.  
*[Officer Comment: The isolated location is referred to in the context of consented A1 and B1 uses in isolation from other commercial units.]*
  - c) The proposal contradict SP12 and SP02 of the Core Strategy where it refers to ensuring places have access to a mixed use town centre that offers a variety of shops and services; and distribution and density of housing to the hierarchy and proximity of nearby town centres, respectively.  
*[Officer Comment: The proposal complies with the mentioned policies as the site, and its density correspond with its location being very close to Roman Road East and West District Centres.]*
  - d) Disagrees with Paragraphs 2.5 and 2.6 of the officer's report which refers to the sufficient provision of external space and servicing not being affected as there are issues with fly tipping and there is a lack of any communal space such as a square or play facilities for residents to use.  
*[Officer Comment: The consented scheme as a whole does have sufficient external amenity space. It should be noted that the site as a whole is still under construction and therefore the delivery of all amenities associated with the wider development is forthcoming. The full potential of the development cannot yet be appreciated due to the construction works currently on site.]*

- e) As the residential use will be private, it will do little if any to alleviate the pressure on the housing list.  
*[Officer Comment: As stated in the main report, the existing blocks on site are the affordable housing delivered for the consented scheme. A total of 136 units ranging in unit size, were delivered as target rented units (additional 70 delivered as Intermediate provision) and now occupied, which is managed by One Housing Group RSL. In terms of percentage, this equates to 48.6% of affordable housing provision on site with the proposal, or 49.6% as consented.]*

## **2.0 CORRECTION**

- 2.1 In paragraph 5.8 it refers to 3 additional units in private tenure, and it should have stated 3 additional units in the intermediate tenure.
- 2.2 In paragraph 5.5, Block G should be 12 units, and not 14.
- 2.3 In paragraph 5.8 Block A should be 154 and not 151.
- 2.4 In paragraph 9.17 It should read:

The site originally was consented with 419 residential units separated in 7 residential blocks, with a total of 200 units for affordable housing, equating 52% in habitable room numbers. '.....therefore the current consented scheme on site is 424 residential with 206 affordable housing units (49% habitable room).

- 2.5 These errors are typographical errors and therefore do not change the conclusion of the report nor the % of the affordable housing as reported.

## **3.0 RECOMMENDATION**

- 3.1 Officers' recommendation remains as outlined in the main report.

# Agenda Item 5.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01638 and PA/13/01644
	<b>Ward:</b> Weavers Ward

## 1. APPLICATION DETAILS

**Site 1: PA/13/01638 Full Planning Application and PA/13/01644 Conservation Area Consent.**

**Location:** Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street

**Existing Use:** Huntingdon Industrial Estate: Light Industrial Buildings (Use Class B1) and temporary D1 and B2 uses.  
30-32 Redchurch Street: Vacant

**Proposal:** FPP PA/13/01638  
Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

CAC PA/13/01644  
Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.

## 2. **BACKGROUND**

2.1 The above applications were reported to the Strategic Development Committee on the 21<sup>st</sup> November 2013 with an Officers recommendation for APPROVAL. The Committee resolved NOT TO ACCEPT officers' recommendation to GRANT planning permission (subject to conditions) for the approval of the redevelopment of Huntingdon Industrial Estate.

2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:

- Impact on the surrounds and the heritage assets in view of the height, scale and massing, demolition of 30-32 Redchurch Street, the design (especially the use of

Roman Brick, the design of the proposed balcony and the roof terrace arrangements) and the loss of the historic street pattern with regards to Whitby Street.

- The failure to provide a mixed and balanced community given the overprovision of private sale within the development and concentration of affordable housing on the linked Fleet Street Hill application. (PA/13/01637)

### **3.0 PROPOSED REASON FOR REFUSAL**

3.1 Officers have drafted the following refusal reasons to cover the issues raised.

#### PA/13/01638- Full Planning Permission

3.2

1. The proposed development, by virtue of its excessive height and bulk, is insensitive to the context of its surroundings and as such would not incorporate the principles of good design. By failing to relate well to the scale of the buildings in the immediate surrounds the proposal would not preserve or enhance the character and appearance of the Redchurch Street Conservation Area and fail to preserve or enhance the setting of surrounding conservation areas. The proposal would therefore be contrary to Core Strategy (2010) Strategic Policies SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place-Making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27; and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d.
2. The detailed design of the building including the use of a stepped massing, a Roman profile brick, balconies and terraces with balustrades would be out of character with its surroundings and as such, would be contrary to: Core Strategy (2010) Strategic Policies SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27; and London Plan (Revised Early Minor Alterations to the London Plan 2013) policies 7.4, 7.6, 7.7 and 7.8d.
3. The demolition of 30/32 Redchurch Street would result in the loss of a building which makes a positive contribution to the character and appearance of the Redchurch Street Conservation Area. The public benefits of the proposal are not considered to outweigh the harm caused by the loss of the buildings and the proposal is therefore contrary to Core Strategy policy SP10, Managing Development Document policy DM27(3), London Plan policy 7.8( c and d) and guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.
4. The development would be constructed over the historic route of Whitby Street and as such, would result in the loss of the traditional street pattern of the area, failing to preserve or enhance the character and appearance of the Redchurch Street Conservation Area. The proposal would therefore be contrary to Core Strategy (2010) Strategic Policies SP10(2, 3 and 4) and SP12(b and i) and Annex: 9 Delivering Place-Making 'Shoreditch'; Managing Development Document (2013) policies DM24, DM26 and DM27 and London Plan (Revised Early Minor Alterations to the London Plan 2013)

policies 7.4, 7.6, 7.7 and 7.8d. The proposal would also be contrary to guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.

5. The development by virtue of the lack of on-site affordable housing (particularly housing falling within the rented tenure) would fail to contribute to the creation of a mixed and balanced community in the area. The proposal would therefore be contrary to Strategic Objective S08 of the Core Strategy (2010), policy DM3(a) of the Managing Development Document and London Plan policy 3.9.
6. In the absence of a planning permission for the redevelopment of a linked scheme at Fleet Street Hill (LBTH Ref PA/13/1637) the development would not secure the provision of an appropriate level of affordable housing and S106 contributions. The proposal would therefore be contrary to policies (legal agreement to secure an appropriate level of affordable housing and s106 contributions) and would fail to deliver affordable housing and mitigate against its impact. As such, the proposed development would fail to accord with policy 3.12 of the London Plan, policies SP02 and SP13 of the adopted Core Strategy and policy DM3 of the Managing Development Document (2013).

#### PA/13/01644- Conservation Area Consent

1. The proposed demolition of 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) without the grant of planning permission for an acceptable replacement, would neither preserve nor enhance the Redchurch Street Conservation Area. As such, the proposed demolition would be contrary to policy SP10 of the adopted Core Strategy 2010, and Policy DM27 of the of the Managing Development Document (Adopted 2013).
2. The demolition of 30/32 Redchurch Street would result in the loss of a building which makes a positive contribution to the character and appearance of the Redchurch Street Conservation area. The public benefits of the proposal are not considered to outweigh the harm caused by the loss of the buildings and the proposal would therefore be contrary to Core Strategy policy SP10, Managing Development Document policy DM27(3), London Plan policy 7.8(c and d) and guidance set within the Redchurch Street Character Appraisal dated 4<sup>th</sup> November 2009.

#### Consideration for PA/13/01638- Full Planning Permission

- 3.3 The Officer report to the Strategic Development Committee set out the very balanced nature of the assessment of these proposals. Officers identified that aspects of the scheme did not comply with policy, but that the overall regenerative benefits of linked applications weighed in favour of approval.
- 3.4 Officers consider that it is reasonable for Members to adopt a different view on the balance of the issues and have drafted reasons to cover the main areas of concerns raised by Members. Reason 6 is an additional reason to the reasons given by Members. Officers consider that this reason is necessary as it follows from the minded to refuse resolution in respect of the Fleet Street Hill proposal (LBTH Ref PA/13/01637). Officers consider it appropriate to include this further reason into a decision notice.

- 3.5 Officers consider that the reasons given by Members are reasonable and could be defended at appeal. Officers note that in the event of an appeal it is open for an Appellant to make an application for Costs. Planning Inspectorate Guidance on appeals sets out in paragraph B20 that:

“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.

- 3.6. Officers consider that it would be possible to produce evidence to defend these reasons and do not consider that there is a particularly high risk of an award of costs in this case - though noting that any decision on this matter would be made by the Secretary of State.

#### Consideration for PA/13/01644- Conservation Area Consent.

- 3.7 The reasons for refusal in relation to the conservation area consent application have been divided into two. The first reason focusses on prematurity of demolition in the absence of a planning permission for a suitable replacement building. The second reason focusses on the principle of demolition of 30.32 Redchurch Street (which was highlighted as an area of concern for Members in respect of the application for planning permission).
- 3.8 Huntingdon Industrial Estate, is not considered to be of particular architectural merit, and is included in the reason for refusal, purely on the basis of the lack of an suitable alternative design. As such, the demolition of the buildings could result in a derelict site which would not be in accordance with the character of the conservation area.
- 3.9 The second reason involves the concerns raised by Members with regards to the loss of 30/32 Redchurch Street.
- 3.10 Officers consider both reasons are reasonable.

#### **4.0 IMPLICATIONS OF THE DECISIONS**

- 4.1. If Members resolve to **REFUSE** Planning Permission the application must be reported to the Mayor of London under the ‘Stage II’ provisions of the Mayor of London Order. Following receipt of this referral the Mayor of London may decide to either:-

- i) Direct that he is to act as the Local Planning Authority, or
- ii) Let the Decision Stand (i.e. allow LBTH to Refuse the Application)

In the event that the Authority is allowed to determine the application as a Refusal the following are among the options open to the Applicant:-

- i) Submit a Revised Application and try to overcome the reasons for refusal.
- ii) Appeal against the Refusal of Planning Permission to the Secretary of State.

- 4.5 Officers would defend the decision of the Council at Appeal.

#### **5.0 CONCLUSION**



- 5.1 All relevant policies and considerations have been taken into account. Whilst officers' remain satisfied that planning permission for the Huntingdon Industrial Estate should be GRANTED for the reasons outlined in the appended report and update report, subject to the direction by the London Mayor, Members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous reports and update report presented to the Strategic Development Committee on 21<sup>st</sup> November 2013 (see Appendices 1 and 2) and determine the planning applications as appropriate.

## **6.0 APPENDICES**

- 6.1 Appendix One - Committee Report to Members on 21<sup>st</sup> November 2013  
6.2 Appendix Two – Update Report to Members on 21<sup>st</sup> November 2013

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<b>Committee:</b> Strategic	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01638- Full Planning Permission PA/13/01644- Conservation Area Consent
	<b>Ward:</b> Weavers Ward

1. **APPLICATION DETAILS**

**Location:** Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street

**Existing Use:** Huntingdon Industrial Estate: Light Industrial Buildings (Use Class B1) and temporary D1 and B2 uses.  
30-32 Redchurch Street: Vacant

**Proposal:** *FPP PA/13/01638*  
Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

*CAC PA/13/01644*  
Demolition of 1-5 Chance Street and 28 and 30-32 Redchurch Street in conjunction with the comprehensive redevelopment of the Huntingdon Estate site to provide a mixed use development.

**Drawing and documents:** A\_PL\_010 001, A\_PL\_011 001, A\_PL\_020 001, A\_PL\_021 001, A\_PL\_022 001, A\_PL\_023 001, A\_PL\_024 001, A\_PL\_025 001, A\_PL\_026 001, A\_PL\_027 001, A\_PL\_028 001, A\_PL\_030 001, A\_PL\_031 001, A\_PL\_032 001, A\_PL\_033 001, A\_PL\_034 001, A\_PL\_035 001, A\_PL\_036 001, A\_PL\_037 001, A\_PL\_098 002, A\_PL\_099 001, A\_PL\_100 001, A\_PL\_101 001, A\_PL\_102 001, A\_PL\_103 001, A\_PL\_104 001, A\_PL\_105 001, A\_PL\_106 001, A\_PL\_107 001, A\_PL\_108 001, A\_PL\_109 001, A\_PL\_110 001, A\_PL\_111 001, A\_PL\_112 001, A\_PL\_113 001, A\_PL\_114 001,

A\_PL\_115 001, A\_PL\_201 001, A\_PL\_202 001,  
A\_PL\_203 001, A\_PL\_204 001, A\_PL\_205 001,  
A\_PL\_206 001, A\_PL\_301 001, A\_PL\_302 001,  
A\_PL\_303 001, A\_PL\_304 001, A\_PL\_401 001,  
A\_PL\_402 001, A\_PL\_403 001 and A\_PL\_404 001.

Planning Statement dated July 2013 prepared by DP9  
Community Involvement Report dated July 2013  
Design and Access Statement dated July 2013  
prepared by Robin Partington Architects  
Assessment of economic viability dated July 2011  
prepared by BNP Paribas Real Estate  
Environmental Statement – Non technical summary  
dated July 2013  
ES Volume 1: Main report Part 1: Chapters 1.0 -9.0  
dated July 2013  
ES Volume 1: Main report Part 2: Chapters 10.0 -19.0  
dated July 2013  
ES Volume 2: Townscape, Heritage and Visual Impact  
Assessment reports dated July 2013  
ES Volume 3 – Part 1 Transport Assessment dated  
July 2013 prepared by Motion  
ES Volume 4 – list of Appendices  
Appendix 2.1 Scoping Report for Huntingdon Industrial  
Estate and Fleet Street Hill 2013  
Appendix 2.2 Scoping Opinion of London Borough of  
Tower Hamlets 2013  
Appendix 2.3 Letter from NATS regarding no objection  
on safeguarding for Huntingdon Industrial Estate  
Appendix 2.4 Letter to H Peacock (LBTH) regarding  
Transport scoping and EIA  
Appendix 6.1 Site Waste Management Plan for  
Huntingdon Industrial Estate and Fleet Street Hill  
(EPAL 2013)  
Appendix 7.1 Open Space and Playspace Assessment  
(Quod 2013)  
Appendix 9.1 Huntingdon Industrial Estate Noise  
Assessment (Hoare Lea 2013)  
Appendix 10.1 Dust Risk Assessment (APPLE) for  
Huntingdon Industrial Estate and Fleet Street Hill  
(EPAL 2013)  
Appendix 10.2 IAQM Risk Assessment Procedure  
adopted for Assessment  
Appendix 10.3 Description of ADMS Roads 3.1.2 Air  
Quality Model (EPAL 2013)  
Appendix 11.1 ENVIROCHECK Report for Huntingdon  
Industrial Estate  
Appendix 11.3 Site Investigation and Risk Assessment  
Ramboll Whitby Bird (2007)  
Appendix 11.4 Asbestos Survey Report 1 Huntingdon  
Industrial Estate by Caswell  
Appendix 11.5 Asbestos Survey Report 2 Huntingdon  
Industrial Estate by Caswell  
Appendix 11.7 Drainage Report for Huntingdon  
Industrial Estate by AKTII (2013)

Appendix 12.1 Desk-Based Archaeological Assessment for Huntingdon Industrial Estate (Museum of London Archaeology 2011)  
 Appendix 13.1 Wind Tunnel Test Report for Huntingdon Industrial Estate (by RWDI Anemos 2013)  
 Appendix 14.1 Huntingdon Industrial Estate including:  
 Appendix 14.1.A Principles of Daylight and Sunlight  
 Appendix 14.1.B HIE: Drawings of the Existing and Proposed Situations  
 Appendix 14.1.C HIE: Permanent Overshadow Studies  
 Appendix 14.1.D HIE: Transient Overshadow Studies  
 Appendix 14.1.E HIE: Detailed results of the Daylight and Sunlight to the Surrounding Properties  
 Appendix 14.1.F HIE: Internal Daylight, Sunlight and Overshadowing Assessment  
 Appendix 14.1.G HIE: Reflected Solar Glare Assessment  
 Appendix 15.1 HIE and FSH Ecology survey data: Species Lists and Photographs (2013)  
 Appendix 17.1 Hard TV Shadow Plan for Huntingdon Industrial Estate (2013)  
 ES Volume 5 part 1 Energy Statement dated May 2013 revision 3 prepared by Scotch Partners  
 ES Volume 5 part 1 Sustainability Statement dated May 2013 revision 2 prepared by Scotch Partners  
 Travel Plan prepared by TTP consulting dated October 2013  
 Letter dated 25<sup>th</sup> October 2013 prepared by Citydesigner  
 30/32 Redchurch Street options review 20/02/2013  
 Environmental Statement Addendum Regulation 22 dated October 2013

**Applicant:** UKI (Shoreditch) Limited

**Ownership:** Applicant

**Historic Building:** Adjoins Grade II listed Owl and Pussycat Public House

**Conservation Area:**

- Partially located within the Redchurch Street Conservation area,
- Adjacent to South Shoreditch Conservation Area (located within London Borough of Hackney)
- In close proximity to Brick Lane/ Fournier Street and Boundary Gardens Conservation areas.

## 2. EXECUTIVE SUMMARY

2.1. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission, including maximising housing, creating employment and the overall regeneration benefits of redeveloping two sites within the borough.

- 2.2. This application seeks planning permission for the residential led redevelopment of Huntingdon's Industrial Estate. The proposal would provide 78 dwellings, the majority of which would be for private sale. The scheme would be linked to an associated planning application for the redevelopment of Fleet Street Hill (also on the agenda for this meeting of the Strategic Development Committee) which would provide the majority of the affordable housing required by both schemes.
- 2.3. Officers consider that linking the schemes and accepting the provision of a largely off-site affordable housing offer, results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 43.8% affordable housing across the two sites and a fully SPD compliant package of planning obligations. This is significantly more affordable housing than could be viably provided if the sites were to be redeveloped on an individual basis. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of Fleet Street Hill which will lead to a significant improvement in the quality of public realm around this site.
- 2.4. This application proposes the erection of a building ranging from 2 – 14 storeys in height. Members need to carefully consider the acceptability of the height of the building. There is significant local opposition to the proposals, with objectors considering that the building is too high and that it has a detrimental impact on surrounding heritage assets.
- 2.5. Officers have considered these representations and have also taken into account the view of English Heritage who consider that the proposals will harm the conservation area (though it is noted that English Heritage also comment that the overall quality of the proposals is very high).
- 2.6. Officers consider that the height of the building is challenging, and is at odds with the 'Principles' for the Shoreditch area set out in the Core Strategy Vision - which states that development should '*retain and enhance the traditional street pattern and medium-rise character of the area*'. Officers agree with the assessment made by English Heritage that, in some places, the scheme will cause harm to the conservation area and the setting of the Grade II Listed Owl and Pussycat.
- 2.7. However, Officers consider that the degree of harm is '*less than substantial*' and that this harm needs to be weighed against the public benefits of the scheme. The overall design quality of the proposed building is very high, with the choice of brick as finishing material and architectural detailing resulting in a development that would make a positive contribution to built environment. Officers consider that the delivery of a high proportion of affordable housing together with the improvement of the quality of the built environment at this site and at Fleet Street Hill represent significant public benefits. On balance these benefits are considered to outweigh the harm to views from the conservation area and the setting of listed buildings. The proposed building is therefore considered to be acceptable terms of design.
- 2.8. The local planning authority has considered the particular circumstances of this application which include maximising housing, creating employment and the redevelopment of two sites within the borough against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.9. Lastly, Members will also need to be satisfied that the proposed development by meeting the full s106 ask and additional contributions to improve the surrounding public realm appropriately mitigates against its impact.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of **£39,679.66** towards employment, skills, training and enterprise.
- b) A contribution of **£82,728.36** towards Community Facilities
- c) A contribution of **£1,995.00** towards Sustainable Transport.
- d) A contribution of **£57,921.31** towards Education
- e) A contribution of **£286,250.89** towards Public Realm.
- f) A contribution of **£89,328.00** towards the provision of health and wellbeing.
- g) A contribution of 2% of the total financial contributions would be secured towards monitoring.

Total Contribution financial contributions **£569,061.28**

#### Non-financial contributions

- h) Delivery Affordable Housing comprising 9 Intermediate units at HIE and 27 units at FSH (3 x intermediate units and 24 rented units), with appropriate triggers
  - i) Occupation clauses to ensure FSH is delivered
  - j) Permit Free for future residents
  - k) 10% Wheelchair units
  - l) TV reception and monitoring
  - m) Requirement to enter into S278 agreement for highway works including servicing bays on Ebor Street and Chance Street and 5 Sheffield stands on Bethnal Green Road
  - n) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
  - o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
  - 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
  - 3.6. Conditions
    - 1) Three year time limit
    - 2) Compliance with approved plans
    - 3) Samples of materials
    - 4) Detailed design drawings
    - 5) Details of the Landscape plan
    - 6) Full details of the biodiversity enhancement measures
    - 7) Full details of the brown roofs proposed
    - 8) Submission of a Piling Method Statement

- 9) Submission of a Hydrogeological Risk Assessment
- 10) Submission of a Written Scheme of Archaeological Investigation
- 11) Contaminated Land Condition
- 12) Submission of a Parking Management Plan
- 13) Electrical Charging Points
- 14) Retention of car parking inc disabled spaces
- 15) Retention of cycle spaces
- 16) Retention of refuse spaces
- 17) Submission of a Travel Plan
- 18) Delivery and Service Management Plan
- 19) Construction management and logistics plan
- 20) Restriction on commercial uses
- 21) Compliance with Energy Statement
- 22) Code for sustainable homes level 4
- 23) Breeam Excellent for commercial uses
- 24) Noise 1: Ground Borne condition
- 25) Noise 2: Air Borne condition
- 26) Noise 3: Details of any extraction systems
- 27) Noise 4: Hours of operation for any A3/D1 and D2 uses
- 28) Wheelchair Units 1:50
- 29) Details of micro-climate mitigation measures
- 30) Surface Water Drainage condition
- 31) Removal of permitted development rights from A1 to A3 or from B1 to C3
- 32) Details of screening of terraces

### 3.7. **Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames water informatives
- 5) English Heritage Archaeology Informative
- 6) Environmental Health informatives
- 7) London City Airport Condition

3.8. That Committee Resolve to GRANT Conservation Area Consent.

3.9. 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

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

### **Proposal**

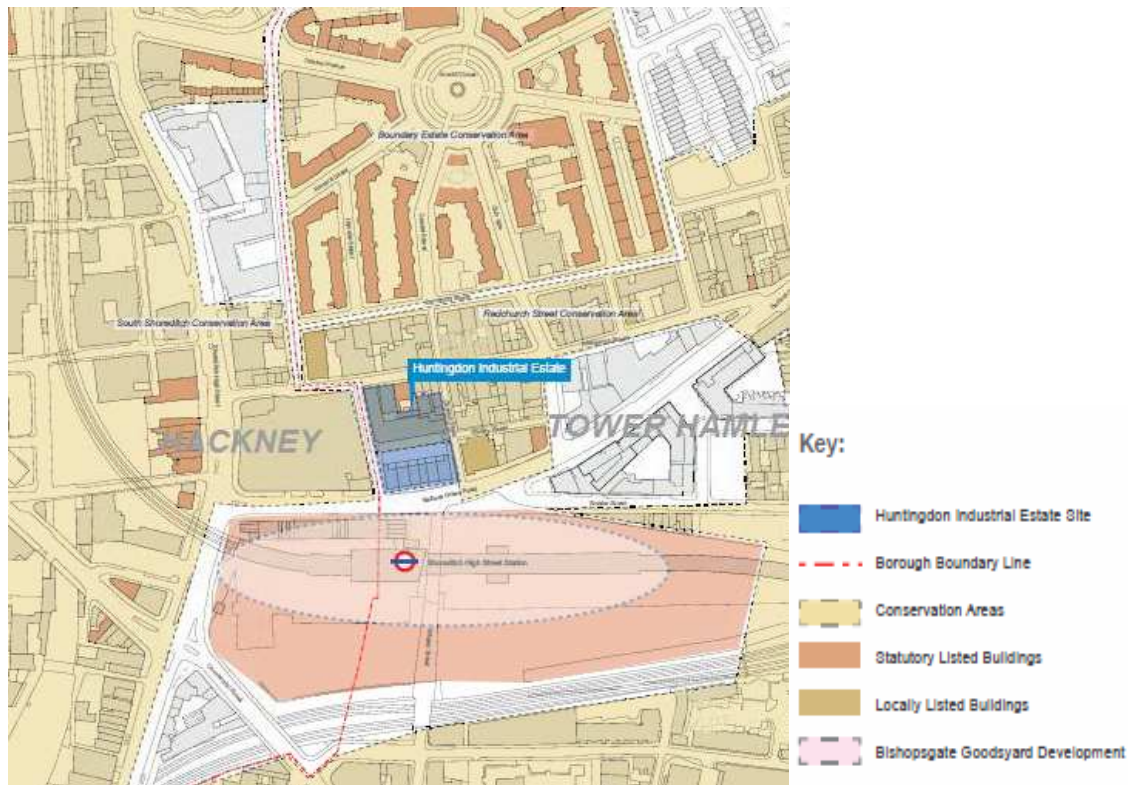
4.1. Two planning applications have been submitted by the applicant, this application at Huntingdon Industrial Estate ("HIE") which is discussed further within this report and the planning application at Fleet Street Hill (LBTH Ref PA/13/01637) which is to be considered on this agenda..



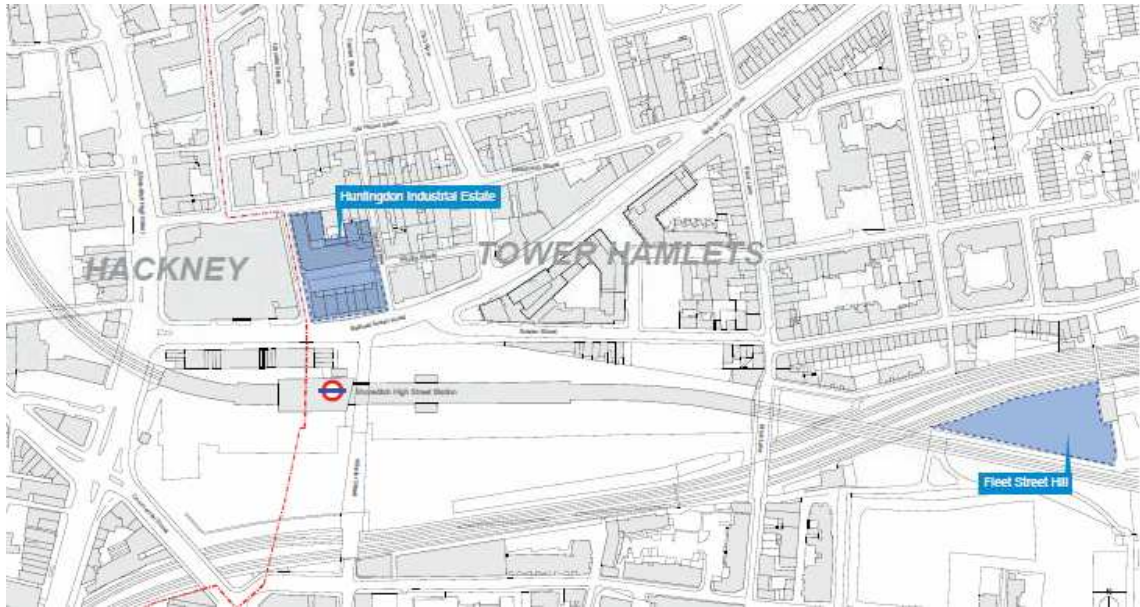
- 4.2. The applications are linked to facilitate the delivery of both sites and to maximise the provision of housing including affordable housing.
- 4.3. The proposal involves the demolition of the Huntingdon Industrial Estate and 30-32 Redchurch Street and the re-development of the site to provide a mixed use development comprising two basement floors and between 2 - 14 storeys.
- 4.4. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor and parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

### **Site and Surroundings**

- 4.5. The application site currently consists of the Huntingdon Industrial Estate and 30-32 Redchurch Street. The site is bounded by Redchurch Street to the north, Chance Street to the east and Bethnal Green Road to the south. Ebor Street forms the western boundary of the site and also forms the boundary with the London Borough of Hackney.
- 4.6. The Huntingdon Industrial Estate (HIE) consists of two, 1970's two-storey buildings. The site was bisected by Whitby Street, however the part of Whitby Street that runs through the site was formally 'stopped up' in the 1980s. The light industrial uses are further outlined within the land use section of this report, under 'Material Planning Considerations'. 30-32 Redchurch Street consists of a Victorian Building within a commercial terrace.
- 4.7. The surrounding area consists of a variety of building types and land uses. Ground floors tend to be occupied by commercial and retail uses, whilst the upper storeys are in residential, hotel or further commercial uses.
- 4.8. On the northern boundary of the site on Redchurch Street, lies a terrace of three storey, brick buildings. Of these buildings, number 34 Redchurch Street is the Owl and Pussycat public house, a grade II listed building.
- 4.9. The Estate is situated between the 6-9 storey Tea & Biscuit Building on Ebor Street to the west and lower single and 2-3 storey buildings on Chance Street to the east. Further afield on 32-48 Bethnal Green Road lies the 'AvanteGarde tower' which is a recently completed 25 storey residential building, around 75metres in height above ground floor level (LBTH Ref: PA/07/02193)
- 4.10. The northern half of the site is within the Redchurch Street Conservation Area and close to the Boundary Conservation Area which lies further to the north. The location of the application site in relation to these heritage assets is shown in the following Plan.



- 4.11. The site has a very good public transport accessibility level (PTAL) of 6, with 1 being the lowest and 6 being highly accessible. The new Shoreditch High Street Overground Station is directly opposite the site on Bethnal Green Road as shown in the above plan.
- 4.12. The application site falls within the Central Activity Zone (CAZ), boundary of the London Plan and is within the City Fringe Opportunity Area. The site also falls within the London View Management Framework and is within the Redchurch Street Conservation Area.
- 4.13. An application at the Fleet Street Hill (LBTH Ref:PA/13/01637) has been submitted concurrently to provide the majority of the affordable housing requirements arising from this application and to further the regeneration of that site also.
- 4.14. The application sites location in relation to Fleet Street Hill is shown in the following map and discussed further within the main body of this report.



### Relevant Planning History

- 4.15. The previous applications to redevelopment HIE and FSH
- 4.16. PA/11/00460- Full Planning Application and PA/11/00461- Conservation Area Consent Application was received on 1st March 2011 on the Huntingdon Industrial Estate.
- 4.17. The applications sought the demolition of existing buildings (and those at 1-5 Chance Street and 28 Redchurch Street) and redevelopment of site by the erection of a building from 1 to 25 storeys (78m above street level) in height plus two basement levels.
- 4.18. The development proposed 116 residential units (Use Class C3), retail (Use Class A1), cafe/restaurant (Use Class A3), office (Use Class B1), community/education (Use Class D1) and assembly and leisure (Use Class D2) floor space at basement, ground and first floor levels; together with parking and plant at basement level plant; roof gardens at first floor level and associated landscaping across site.
- 4.19. At land known as Fleet Street Hill the affordable housing element of this planning application was proposed (application reference PA/11/00459)
- 4.20. Both applications were withdrawn on 21st November 2011, following concerns raised by Council officers and a recommendation to refuse planning permission for the development. The key concerns of HIE at the time related to the height and the overall design approach of the proposal and its impact on the heritage assets. The proposed application seeks a building of a maximum height of 56m above ground level. The following is an illustrating outlining the change in design and appearance from both schemes.



- 4.21. The image on the left is currently proposed, whilst the image on the right was the one proposed within PA/11/00460. As the CGI were drawn from two slightly different positions the images are not exactly comparable.
- 4.22. The current applications seek to overcome these concerns and are a result of detailed pre-application discussions.

Other Relevant history:

- 4.23. A number of temporary planning permission have been granted on the site since 2008 as the applicant sought to retain employment on the site whilst the regeneration proposals were developed.

Site At 1 To 5 Chance Street And 28 Redchurch Street, Chance Street, London

- PA/08/00640

Application for a temporary use of ground floor for a Gallery and Exhibitions with associated uses within Class Use D1 for a period of 15 months. This was approved on 23/05/2008 and have been extended on several occasions, most recently in 2012, under planning reference PA/12/00724.

**5. POLICY FRAMEWORK**

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 5.2. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)
- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) and the Revised Early Minor Alterations to the London Plan published 11th October 2013**
- 2.15 Town centres
  - 3.1 Ensuring equal life chances for all
  - 3.2 Improving health and addressing health inequalities
  - 3.3 Increasing Housing Supply

- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young peoples play and informal recreation facilities
- 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 and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 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
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 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
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 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
- 7.18 Protecting local open space and addressing local deficiency

- 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodland
  - 7.30 London's canals and other river and waterspaces
  - 8.2 Planning obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP01 Refocusing on our town centres
  - SP03 Creating a green and blue grid
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP08 Making connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
  - DM1 Development within the town centre hierarchy
  - DM2 Local shops
  - 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
  - DM16 Office locations
  - 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 historic environments
  - DM28 World heritage sites
  - DM29 Achieving a zero-carbon borough and addressing climate change
  - DM30 Contaminated Land
- 5.6. **Supplementary Planning Documents include**
- Planning Obligations SPD – LBTH – January 2012
  - Town Centres Draft Supplementary Guidance(January 2013)
  - Draft Sustainable Design and Construction SPG (July 2013)
  - Shaping Neighbourhoods: Character and Context - draft (February 2013)
  - Housing Supplementary Planning Guidance (November 2012)
  - Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)
  - Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
  - London View Management Framework SPG (March 2012)
  - London World Heritage Sites - Guidance on Settings SPG (March 2012)

SPG: Planning for Equality and Diversity in London (October 2007)  
SPG: Sustainable Design and Construction(May 2006)  
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

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

5.8. **Other Material Considerations**

EH Guidance on Tall Buildings  
Seeing History in the View  
Conservation Principles and Practice

**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:

**Crossrail Limited**

6.3. Crossrail Limited donot have any comments on this application.

6.4. *[Officer Comment: This is noted]*

**LBTH Parks and open spaces**

6.5. No comments received

**LBTH Landscape Section**

6.6. No comments received

**Environmental Health - Contaminated Land**

6.7. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist. A condition should be recommended to ensure any contaminated land is appropriately dealt with.

6.8. *[Officer Comment: The suggested condition is recommended to this application]*

**Environmental Health - Air Quality**

6.9. No comments received.

6.10. *[Officer Comment: The air quality has been fully considered within the submitted Environmental Assessment and conditions will be imposed to ensure a construction management plan which includes measure to reduce the impact on air quality are fully adhered to]*

**Environmental Health –Noise and Vibration**

- 6.11. Following several meetings with the applicant and the submission of a revised Noise Report by Hoare Lea with Supplementary Vibration Measurements for Huntingdon Industrial Estate (HIE), Environmental Health does not have any objections for planning permission to be considered, subject to compliance with the mitigation measures within the reports.
- 6.12. *[Officer Comment: This is noted and compliance with the noise reports will be recommended as conditions to the consent]*

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

- 6.13. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.
- 6.14. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

#### **Natural England**

- 6.15. No comments received

#### **London Borough of Hackney (LBH)**

- 6.16. LBH do not consider the application to raise any significant cross borough issues and consequently do not have any comments to make on the application.
- 6.17. *[Officer Comment: This is noted]*

#### **City of London Corporation**

- 6.18. City of London have no observations to make on this application.

#### **Conservation And Design Advisory Panel (CADAP)**

- 6.19. CADAP were consulted on the application at pre-application stage. They welcomed the applicant's attempt to reduce the scale and break up the frontage along Redchurch Street by respecting existing plot widths, however they considered that the frontage should be permanently divided into smaller units at ground floor and basement levels.
- 6.20. Some CADAP members advised that the 30-32 Redchurch Street buildings should be retained, even if only the facades, though incorporated into the building structure itself and not just a stand alone facade with the new building behind it. Other members considered that the reconstruction of these facades could be acceptable, subject to detail.
- 6.21. CADAP members considered the height reduction from earlier schemes to be an improvement; however concerns remained over the impact of the taller 14 storey element on views from the surrounding Conservation Areas, particularly the Boundary Estate. It was suggested that these views should be tested as part of the application.



- 6.22. CADAP also considered the single storey element on the corner of Bethnal Green Road to be 'weak' however acknowledged that this was due to right of light issues.
- 6.23. *[Officer Comment: The application as submitted has proposed two separate retail units, and provided the verified views. These have been assessed within the material planning section of the report, as has the proposed demolition of 30-32 Redchurch Street]*

#### **BBC Reception Advice**

- 6.24. No comment received

#### **London City Airport (LCY)**

- 6.25. LCY has no safeguarding objection. However, in the event that during construction, craning or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with LCY.
- 6.26. *[Officer Comment: This is noted and an informative advising the applicant of this is recommended to this consent]*

#### **English Heritage**

- 6.27. English Heritage consider the height and scale of the proposed development to be in marked contrast to the existing small scale blocks that make up the conservation area, or to the larger six-seven storey warehouses fronting Bethnal Green Road to the west. The introduction of this amount of development to the conservation area, its setting and to the setting of the grade II listed building will, in English Heritages view, harm the conservation area.
- 6.28. English Heritage also considered two buildings [30-32 Redchurch Street] to make a positive contribution to the conservation area, and the loss of these buildings along with the partial closure of the historic street pattern to add to that harm on the Conservation Area.
- 6.29. However, English Heritage also noted that the proposed development is generally of high quality and has the potential to benefit the area in a variety of ways and therefore considered that these benefits must be weighed against the harm that the proposals cause to the historic environment--the conservation area and its setting, and to the setting of the grade II listed pub, as part of the assessment of the application before coming to a decision in accordance with the relevant NPPF policies.
- 6.30. *[Officer Comment: The Borough conservation officer has requested 30-32 Redchurch Street is retained. The consideration of the proposal in accordance with local polices and the National Planning Policy Framework is discussed further within this report]*

#### **English Heritage Archaeology (EHA)**

- 6.31. EHA have advised the proposed development may affect remains of archaeological importance. However any further work is not required to be undertaken prior to determination of this planning application.

6.32. In the event planning permission is granted a EHA have requested a condition to secure detailed investigations to ensure any remains are extensively investigated.

6.33. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended to this planning permission]*

#### **Environment Agency (EA)**

6.34. The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

6.35. Environmental Agency have not raised objections to the scheme, however have requested conditions and aninformative in relation to any piling to ensure any piling does not disturb or contaminate aquifers.

6.36. Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

6.37. *[Officer Comment: These comments have been taken into account and the relevant conditions and informatives are recommended on the consent]*

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

6.38. No comments received.

6.39. *[Officer Comment: Given this matter will be further considered within the building control stage no further action is considered necessary]*

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

6.40. The proposed number of residential units generates an Health Contribution of £89,328.00

6.41. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

#### **London Bus Services Ltd.**

6.42. No comments received.

#### **TFL London Underground**

6.43. No comments received

#### **The Twentieth Century Society**

6.44. No comments received

#### **Network Rail Infrastructure Ltd.**

6.45. No comments received.

#### **The Victorian Society**

- 6.46. No comments received

#### **Thames Water Utilities Ltd.**

##### TheWaste Comments

- 6.47. Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed.
- 6.48. Thames Water have advised that a groundwater discharge permit will be required for any discharged into the ground.
- 6.49. Lastly, 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.

##### Water Comments

- 6.50. Thames Water have recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.51. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission.]*

#### **Greater London Authority**

##### Principle of redevelopment

- 6.52. The GLA consider the redevelopment of this site for residential use, with a mix of ground floor commercial uses, in accordance with strategic policies, and the draft emerging City Fringe OAPF.
- 6.53. The GLA have requested the applicant to explore further whether the provision of B1 floorspace could be increased in accordance with the emerging priorities within Tech City.
- 6.54. *[Officer comment: The provision of additional floorspace, has been discussed further with the applicant who considers any loss of residential floorspace to facilitate the creation of additional B1 uses on the upper floors to further undermine the viability of the scheme. The applicant has also outlined that further commercial floorspace (Use Classes A1/A2/A3/B1a) are also proposed as part of the linked application at Fleet Street Hill (application reference PA/13/01637). This increases the range of commercial opportunities within the area. As such, officers considered the B1 floorspace has already been maximised]*

##### Housing

- 6.55. The GLA in earlier applications and in this application considered the provision of off-site affordable housing at Fleet Street Hill to be acceptable, subject to confirmation that the overall housing is suitably maximised.
- 6.56. *[Officer comment: the viability of the scheme has been independently verified and outlines that the off-site suggestion not only maximises housing but also maximises affordable housing and as such, is supported. This is discussed further within the design section of the report]*

##### Housing choice

- 6.57. GLA consider that overall the two sites provide an appropriate balance of units given the context of each site and the nature of the development, and prioritise family affordable provision, and as such is supported.

#### Density

- 6.58. The density of the proposed development is 696 habitable rooms per hectare, which is within the density range for central sites with a public transport accessibility level of six, as detailed in London Plan. As such, the density is strongly supported by the GLA.

#### Housing Quality

- 6.59. The GLA consider the overall residential quality to be high, and is in accordance with strategic policy.

#### Child Play Space

- 6.60. The GLA support the number of shared amenity spaces, which will provide opportunities for door-stop play.

#### Urban design

- 6.61. The GLA consider the proposed building appropriately respond to the townscape in the vicinity, which is one of low and medium-rise buildings, with very tall buildings visible beyond the immediate area, and addresses concerns raised previously regarding scale, and particularly potential impacts on the adjacent conservation areas and heritage assets. The GLA also support the overall approach to materials within the development.

- 6.62. The GLA have advised that the application site does fall within the Background Assessment Area of the Protected Vista of St. Paul's Cathedral from Westminster Pier (SAI), and that the proposal does not adversely impact on this strategic view.

#### Impact on heritage assets

- 6.63. The GLA suggest that the detailing at ground and first floors is of particular importance and given the impact on the Owl and Pussycat public house is mainly on the upper floors, on balance, the proposal does not adversely impact on the setting of the listed building.
- 6.64. They also consider that the proposed buildings at 30-32 Redchurch Street to have a harmonious relationship with the adjacent pub, and make a positive contribution to the character and appearance of the conservation area, which is also considered acceptable.

#### Climate change

- 6.65. The GLA consider an appropriate range of passive design features, and demand reduction measures, have been included, in addition to the use of appropriate measures to minimise the demand for cooling. The also consider the overall carbon dioxide emissions savings of 38.8% exceeding the targets established within London Plan Policy 5.2, which they support.
- 6.66. *(Officer Comment: as a result of this direction, the recommendation made on this application is to refer the application back to the London Mayor with a recommendation to grant planning permission)*

### **Transport for London**

#### Car Parking

- 6.67. TfL in recognition of the site's excellent accessibility as well as the level of congestion in the area considered that the scheme should be car free and that any car parking should be fully justified. TfL have also outlined that in line with the London Plan Housing SPG, each accessible unit should be provided with a blue badge space and the applicant will need to provide Electric Vehicle Charging Points (EVCP) in line with the London Plan Standard (20% active and 20% passive).
- 6.68. The applicant in response to these comments has reduced the car parking by 10 spaces to 18 spaces with 8 being dedicated disabled spaces. The disabled parking equates to 44% of the total parking and ensures 1 parking space per accessible unit.
- 6.69. The applicant has also provided the following justification for the level of parking:
- a) there is an overall reduction in car parking numbers at the site from (at least) 20 spaces at the existing industrial estate to 18 spaces for the proposed residential development.
  - b) the change of use from employment to residential will lead to a reduction in vehicle movements during the traditional weekday peak hours when congestion and air pollution are also generally accepted to be at their peak; and
  - c) the number of spaces proposed will cap the level of car ownership to a level below the existing levels of car ownership in the surrounding area and as such encourage an overall reducing level of vehicles owned per household.
- 6.70. TfL have advised that the reduction of 10 spaces is welcomed and left it to the local planning authority to consider whether this provision is acceptable. If acceptable TfL consider that a Car Park Management Plan whereby the 8 blue badge parking will only be available to those who require accessible parking should be secured by the development.
- 6.71. *[Officer comment: Officers are aware that the proposed development is seeking a high quality residential development and that the loss of parking spaces could adversely impact on the viability of the scheme further (the viability is discussed further within the material planning section of the report) having a knock-on impact on housing and s106 contributions. Taking this and the justification of the applicant into account, it is considered that on balance the level of car-parking proposed by the applicant is acceptable. This is discussed further within the highways section of the report under material planning considerations. The request for 20% active and 20% passive Electric Vehicle Charging Points are recommended to be conditioned whilst a car free obligation is proposed as an obligation on the s106 to restrict future residents from applying to park on the local highway network]*
- 6.72. *TfL have advised that the approach to trip generation, mode share and trip distribution presented in the Transport Assessment is considered acceptable and in compliance with, London Plan Policy 6.3 "Assessing the Impacts of Development on Transport Capacity". As such, TfL advises that the development will not have any unacceptable impact on the transport networks in the area]*
- Cycling and Walking
- 6.73. TfL have reviewed the Pedestrian Environmental Review System and considered it acceptable. TfL have also recommended that a contribution is sought to provide a crossing facility on Bethnal Green Road

- 6.74. TfL have advised that number and locations of cycle parking spaces, secure storage, changing rooms and showers for staff who cycle are all supported and will need to be subject to a planning condition.
- 6.75. *[Officer comments: As per the SPG, the CIL acts as a credit to the Crossrail contribution and the greater of the two amounts is sought to fund Crossrail. The resulting impact in this instance is discussed further within the material planning section of the report]*

#### Community Infrastructure Levy/ Crossrail

- 6.76. The site is located within the Central Activity Area and as such, is eligible for a Crossrail contribution. This is calculated based on the 'Use of planning contributions in the funding of Crossrail, and the mayoral community infrastructure levy' supplementary planning guidance April 2013.
- 6.77. TfL have estimated that the Crossrail Contribution would be £22,990. TfL therefore expects that once the CIL payment has been agreed it should be secured through the section 106 agreement.
- 6.78. The TfL have also advised that the application will be CIL liable based on £35 per sqm.
- 6.79. *[Officer comments: As per the SPG, the CIL acts as a credit to the Crossrail contribution and the greater of the two amounts is sought to fund Crossrail. The resulting impact in this instance is discussed further within the material planning section of the report]*

#### **LBTH Highways**

- 6.80. Highways have advised a s278 agreement would be required to the surrounding streets to mitigate the impact of the development.
- 6.81. Given the footprint of the site and the various options for servicing, details of a Delivery and Service Plan (DSP) demonstrating the arrangements for control of the arrival and departure of vehicles servicing the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 6.82. Construction Management Plan should be attached by condition to any planning permission and must be approved by the Local Planning Authority and Local Highway Authority prior to commencement of construction.
- 6.83. The development should be operated in accordance with the approved Travel Plan (or any amended Travel Plan that may be approved from time to time by the Local Planning Authority) for a minimum period of 5 years from occupation of the premises.

#### Car Parking

- 6.84. The proposed car parking has been reduced by ten spaces, however is still in excess of the maximum level specified in the MDD which for this development is nine spaces of which 10% should be allocated for Blue Badge holders.
- 6.85. However, as the applicant is proposing a generous supply of on-site parking for Blue Badge holders highways suggest the parking is reduced by one further space to proposed 9 residential spaces and 8 disabled spaces for use of visitors and residents.

6.86. In addition, a condition requiring a car parking management plan should be approved by the local authority prior to occupation of the site.

6.87. *[Officer comment: Given the significant reduction of car parking from the application as submitted, it is considered difficult to seek a further reduction of one parking space, and officers on balance, consider the proposed level acceptable. This has been discussed further within TfL comments above and also with the material planning section of this report]*

#### Cycle Parking

6.88. The outstanding issue regarding visitor parking is resolved. The applicant has agreed to fund installation of cycle parking adjacent the site frontage on Bethnal Green Road. This will of course need to be covered in the s278 condition.

6.89. *[Officer comment: This is noted]*

#### Servicing

6.90. Following additional information showing how servicing can take place on the northern servicing bay on Ebor Street, Highways concerns have been overcome.

#### **LBTH Refuse**

6.91. Waste strategy as described in design and access statement and demonstrated in the Basement Level 1 and Ground Level Plan is satisfactory and as such no objections are raised to the proposal.

6.92. *[Officer comments: This is noted]*

#### **Commission for Architecture and Built Environment CABA**

6.93. No comments received. However, the design was presented to CABA during pre-application discussions and the general principles of the design were supported. It was suggested that a stronger presence should be achieved on the Bethnal Green Road and Chance Street corner.

6.94. The strong vertical emphasis and the height on Ebor Street was considered acceptable.

6.95. *[Officer comments: These comments were noted and considered at pre-application stage. The single storey element on the Bethnal Green Road and Chance Street has been designed to respect right of light constraints on the adjoining property]*

### **7. LOCAL REPRESENTATION**

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at St Hilda's East Community centre on three consecutive days in February 2013. Separate meetings were also held with groups/individuals that were unable to attend. The Community Involvement Report submitted with the application indicates that as a result of these meetings, additional works were undertaken to address specific concerns raised. Including different views and overshadowing analysis.

7.2. At application stage a total of 1142 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to

comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 820      Objecting: 799      Supporting: 21  
 No of petitions received: 0

7.3. The following is a breakdown of the objections received.

734 Pro-forma letters

From	Number
Residents from LBTH	147
Residents from adjoining Hackney postcodes E2, E8 and E9	113
Other	386
No name or address	88

65 Non pro-forma letters

From	Number
Residents from LBTH	26
Residents from Local Hackney	13
Other	24
No name or address	2

\*due to the volume of responses it is considered reasonable to make allowance for a small degree of error in the exact figures.

7.4. The following is a breakdown of the support letters received.

From	Number
Residents from LBTH	18
Residents from Local Hackney	2
Other	1
No name or address	0

7.5. The following 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 full representations are available to view on the case file.

**Objections**

- 7.6. Landuse  
*"loss of existing commercial floorspace and introduction of upmarket residential not appropriate within the area"*
- 7.7. *[Officer comments: The acceptability of the loss of the existing floorspace and the gain of residential uses are discussed further within the landuse section of the report]*
- 7.8. Design and appearance  
*"Proposed height and scale is unacceptable"*  
*"loss of existing buildings not acceptable"*  
*"Out of character within the surrounding area"*  
*"Not in keeping with local peoples view and aspirations of the area"*



- 7.9. *[Officer comments: The majority of objections received consider the design to be out of character with the surrounding area and Shoreditch as a place, the objection primarily relate to the height of the building being higher than surrounding properties. An analysis of the design and a justification why officers consider the height to be acceptable is located within the following section of this report]*
- 7.10. Conservation  
*"Adversely impacts on the listed building and conservation area"*  
*"Loss of Whitby Street"*
- 7.11. *[Officer comments: These objections are noted, and the impacts of the proposal on the local heritage assets are discussed within the following section of this report]*
- 7.12. Housing  
*"Lack of affordable housing on Huntingdon"*  
*"inappropriate location of affordable and principle of two linked sites not acceptable"*
- 7.13. *[Officer comments: This is noted, the lack of affordable housing on this site and the level of affordable housing across both sites are discussed further within this report]*
- 7.14. Amenity  
*"Adverse impact on daylight ,sunlight, privacy and overlooking including to creative workshops"*  
*"Impact on the Tea Building"*  
*"Loss of local businesses"*
- 7.15. *[Officer comments: This is noted, the impact on amenity is discussed further within this report]*
- 7.16. Transport  
*"Provision of sustainable transport not considered"*
- 7.17. *[Officer comments: It is considered that the impact on local transport has been fully considered within the submission and this is discussed within the following section of this report]*
- 7.18. Other
- 7.19. *"proposed development adversely impacts on the City of London and London's Tourism"*  
*"adverse impacts on local services"*
- 7.20. *[Officer comments: This representation was included within the response by a local ward councillor from the City of London. Officers take a contrary view that the redevelopment of the site, by creating additional housing and commercial uses has the potential to benefit the local economy. It is also noted that the City of London have no objections to the proposal. With regards to the impact on local services, s106 contributions have been agreed to mitigate these impacts, as discussed further within this report]*
- 7.21. Support  
 -*"Regeneration benefits"*  
 - *"Supportive of new housing"*

- “proposal will enhance the area”
- “increase employment benefits”
- “supportive of materials”
- “Proposed development will address Shoreditch Station”
- “Proposal will benefit the Owl and Pussycat public house”
- “Proposed design in keeping with the area”

7.22. [Officer Comment: These comments have been noted and considered within the assessment of the application]

7.23. One anonymous letter was also received, questioning whethersignatories of the objections letters had knowledge of the scheme. This is noted and given no details of the author limited weight is given to this letter.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- ⊗ Land Use
- ⊗ Urban Design
- ⊗ Heritage Assets
- ⊗ Transport, Connectivity and Accessibility
- ⊗ Amenity
- ⊗ Energy and Sustainability
- ⊗ Biodiversity
- ⊗ Environmental Considerations (Air Quality, Microclimate, Contaminated Land)
- ⊗ Environmental Statement
- ⊗ Planning Contributions and Community Infrastructure Levy
- ⊗ Local Finance Considerations
- ⊗ Human Rights
- ⊗ Equalities

### Proposal

8.2. This application seeks planning approval for the residential led redevelopment of Huntingdon’s Industrial Estate. The proposal would provide 78 dwellings, the majority of which would be for private sale. The scheme would be linked to an associated planning permission for the redevelopment of Fleet Street Hill (also on the agenda for this meeting of the Strategic Development Committee) which would provide the majority of the affordable housing required by both schemes.

8.3. Officers consider that linking the schemes, and accepting the provision of a largely off-site affordable housing offer results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 43.8% affordable housing across the two sites, and a fully SPD complaint package of planning obligations. This is significantly more affordable housing than could be viably be provided if the sites were to be redeveloped on an individual basis. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of Fleet Street Hill which will lead to a significant improvement in the quality of public realm around this site. These issues are discussed in greater detail within this report.

### Land Use

#### Principle of development

- 8.4. The application site is located within a Central Activity Zone (CAZ) as identified by the London Plan and the Councils Managing Development Proposals Map. Policy 2.10 of the London Plan outlines the strategic priorities within CAZ locations stating that boroughs should enhance and promote the unique international, national and Londonwide roles of the Central Activities Zone (CAZ), supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations.
- 8.5. The strategic function of CAZ areas (policy 2.11 of the LP) require boroughs to seek solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design to complement these designations.
- 8.6. There is also an aim (identified within policy 2.12 of the LP) to identify, protect and enhance predominantly residential neighbourhoods within CAZ, and elsewhere to develop sensitive mixed use policies to ensure that housing does not compromise CAZ strategic functions in the zone.
- 8.7. As the site is also within an opportunity area, policy 2.13 of the London Plan seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses and support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas especially areas for regeneration.
- 8.8. As such, by virtue of the sites designation, it is considered that the principle of re-development on the site to optimise residential and non-residential development is considered acceptable

#### Loss of existing uses and gain proposed commercial uses

- 8.9. Policy SP01 of the adopted Core strategy (CS) seeks to support the boroughs Town Centres. Policy SP01(5) seeks to promote areas outside, and at the edge of town centres, as places that support and assist in the creation of sustainable communities.
- 8.10. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.11. As the site is within the CAZ policy DM1 of the MDD is applicable. This policy seeks the continued enhancement and promotion of the CAZ. The guidance within paragraph 1.3 states that policy DM1 seeks to promote CAZ at the top of the town centre hierarchy and to promote a vibrant mix of uses including retail towards the CAZ in order to consolidate their London wide importance.
- 8.12. The proposal seeks to create 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 within the basement and ground floor of the development. This seeks to replace 3459 sqm of existing light industrial floorspace, leading to an overall reduction of 1513 sqm.
- 8.13. The existing site contains 3459 sqm of light industrial floorspace some of which has had temporary change of uses to gallery uses. Policy DM15 of the MDD states that

development should not result in a loss of active and viable employment uses, unless it can be shown through a marketing exercise, that the site is unsuitable for continued employment uses due to its location, viability, accessibility, size and condition.

- 8.14. According to the application documents, the site supports 68 jobs which when taking into account the sites location within the CAZ area and that the existing two storey building is surrounded by much taller buildings, it is considered that the loss of this floorspace can be supported, given the overall provision of commercial floorspace which is expected to generate between 100 to 115 jobs.
- 8.15. In addition, given the provision of residential above the ground floor is maximised and there is a net gain of 806sqm commercial floorspace at Fleet Street Hill, the reduction in floorspace is accepted to deliver a high quality development.
- 8.16. With regards to the proposed uses, a wide range of uses are proposed to ensure the ground frontages are suitably animated. As per the Town Centre hierarchy the proposed uses are considered to be appropriately located within the CAZ and taking the above policies into consideration, there is considered strong policy support for the provision of these uses within this location.

#### Housing Provision

- 8.17. 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.
- 8.18. 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”.
- 8.19. 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.
- 8.20. 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.
- 8.21. 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.
- 8.22. The site does not have an 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.
- 8.23. 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).

#### Density

- 8.24. Policies 3.4 of the LP (2011) and SP02 of the CS (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25. 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 Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.26. The site has an excellent public transport accessibility level (PTAL) of 6. In terms of density characteristics, the site is considered to have an urban character. Table 3.2 of the LP sets out that where accessibility to public transport is good, densities in central area should be between 650-1100 hr/ha habitable rooms per hectare.
- 8.27. Officers have calculated the density to be 696hr/ha, which is well within the recommended guidelines and as such is acceptable.

### **Urban Design**

- 8.28. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.29. Chapter 7 of the LP places an emphasis on good design in new developments. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 8.30. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.31. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes. The Core Strategy vision for Shoreditch seeks to reinforce and reflect the historic qualities of Shoreditch to shape future growth. The principles of the development within Shoreditch in order to achieve the vision should seek to retain and enhance the traditional street pattern and medium-rised character of the area.
- 8.32. The existing buildings on site are to be demolished to make way for a building up to 14storeys in an height of 56 metres above ground floor level.
- 8.33. The southern elevation looks out onto Bethnal Green Road with views over the Shoreditch High Street Station and the vacant Bishopsgates Goods Yard to the city beyond.

- 8.34. The application seeks to provide a mix of commercial uses at ground floor along Bethnal Green Road, with the building rising from 1 storey on the corner with Chance Street to 6 storeys at the corner with Ebor Street adjacent to the Tea Building which is located within the London Borough of Hackney. A series of glazed terraces, rising from the 2nd to 7th floor, are set back from the forward line of the brick façade on Bethnal Green Road.
- 8.35. Along Ebor Street the west elevation continues from 6 storeys on the Bethnal Green Road corner to ground plus 14 storeys mid-way along the street. The building height drops back down to 3 storeys before reaching the Redchurch Street corner.
- 8.36. The height of the proposed building continues at three storeys along Redchurch Street to match the height of the existing buildings, including the most important building the Owl and Pussycat Public House (PH). The application seeks to demolish the existing 30/32 building which adjoins the PH and construct a new façade finished with a London stock brick.
- 8.37. Along Chance Street, the east façade is proposed to remain between 1 and 2 storeys high responding to the lower scale of Chance Street.
- 8.38. The existing site is separate by a closed part of Whitby Street. The application seeks to remove Whitby Street and redevelop over this part of the site as well. To retain reference to the street an glazed panel is to be inserted into the recess on Chance Street and provide a view into the site
- 8.39. The commercial uses at ground floor level are to have their own direct entrances on to the street. The main residential entrance is to be located off Ebor Street, along a distinctively designed as a 4 storey high atrium space, shaped by curving walls
- 8.40. The northern section of the façade has two residential entrances interspersed between the retail units.
- 8.41. The following is a computer generated image of the proposed building from the opposite side of Bethnal Green Road. The Bethnal Green Road and the partial façade of Ebor Street are shown in the Image.



### Building Heights

- 8.42. Policy 7.7 of the London Plan states that tall and large buildings should:
- Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
  - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
  - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
  - Have ground floor activities that provide a positive relationship to the surrounding streets;
  - Contribute to improving the permeability of the site and wider area, where possible;
  - Incorporate publicly accessible areas on the upper floors, where appropriate;
  - Make a significant contribution to local regeneration.
- 8.43. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

*DM26(1) Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9) and the criteria stated in part 2.*

- 8.44. The proposed building is located within a Central Activity Zone and is within an Activity Area. As such, the proposed height at ground plus 14 storeys is considered appropriate in relation to the above hierarchy.
- 8.45. The proposed height at 56 metres is lower in height to the approved and implemented development at 34-48 Bethnal Green Road which is around 75 metres above ground floor level.

*DM26(2)a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*

- 8.46. As outlined above, the proposed building is appropriate within the town centre hierarchy. In relation to its surroundings, fronting Bethnal Green Road, Chance Street and Redchurch Street the proposal is of a height and scale that is proportionate to its surroundings.
- 8.47. With regards to Ebor Street, the proposed building is significantly taller than the adjacent building. However, given Ebor Street is a narrow, side road, the impact and harm arising from the height within this location is confined to an extent.
- 8.48. The main impact of the height is likely to be from Shoreditch Station opposite the application site and from views from the different surrounding conservation areas. The latter impact is discussed within the heritage section of this report.
- 8.49. When viewing the site along the northern side of Bethnal Green Road the proposed building will appear taller than any of the surrounding buildings. However, it is important to note that the streetscape would also include panoramic views and in this regard, the proposed height is considered acceptable in its context when viewed with the much taller building approved on 34-48 Bethnal Green Road and the Interim planning guidance approved for the vacant Bishopsgate Goodsyards, which is expected to deliver up to 2000 new residential units (as outlined within the site allocation within the MDD).



- 8.50. Overall, with regards to the surrounding context the acceptability of the height is dependent on its impacts on amenity and heritage matters, both of which are discussed further within this report.

*DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*

- 8.51. As outlined above, the development has been carefully designed to respond to local context, the proposed heights (with the exception of Ebor Street) largely follow the adjacent building heights. This has been sufficiently demonstrated within the submitted design and access statement.

*DM26(2)c. Achieve high architectural quality and innovation in the design of the building,*

- 8.52. The design has been extensively consulted on during pre-application and application stage. It is widely acknowledged by English Heritage and the borough Conservation Officer that subject to detailed conditions the proposed building is of high quality. The Councils Conservation and Design Advisory Panel (CADAP) and the Commission for Architecture and the Built Environment were involved within the pre-application stage and raised no in principle objections to the design.

*DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*

- 8.53. By virtue of the proposed design, the proposed building will be experienced differently when viewed from different streets and within both during the day and night. The proposed palette of materials with a combination of recessed balconies and cantilevered balconies will seek to ensure the fenestration and overall appearance is distinctive and attractive within the streetscape.

- 8.54. The application has been accompanied by a Townscape, Heritage and Visual Impact Assessment, which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual impact to the local skyline will be positive and as such is considered acceptable.

*DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*

- 8.55. This is discussed further within the Heritage section of this report, which follows the design considerations. In summary, officers consider the overall impacts to be less than substantial, which are not considered to out-weigh the regenerative benefits of the scheme and the level of affordable housing.

*DM26(2)f. Present a human scale of development at the street level;*

- 8.56. The proposed development on the Bethnal Green Road, Chance Street and Redchurch Street, all follow the existing building lines and heights, which along with the proposed ground floor retail uses will ensure the proposed development will have a human scale at street level.

8.57. With regards to Ebor Street, the retail units on both Bethnal Green Road and Redchurch Street both turn into Ebor Street, continuing this scale. The tallest elements of the proposal are to be centrally located within Ebor Street. This element does not represent what is normally considered a human scale at street level, however it is considered that due to the narrowness of the road and the design of the development, especially how the buildings are broken up, one would not experience the height of the proposed building, with focus retained at the ground and first floors.

*DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*

8.58. The proposed development by virtue of its design enables the options of providing a wide range of high quality and useable amenity spaces within the development. This is shown by the plan to the right.

8.59. A wide range of terraces and courtyards are proposed, along with various cantilevered balconies and inset balconies. This is considered acceptable and in accordance with policy.



*DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*

8.60. This is discussed further within the amenity section of the report. In summary the micro-climate impacts have been considered acceptable.

*DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*

8.61. The existing site does not have any biodiversity value and there are not any watercourses and water bodies within the surrounding area. As such, the proposed development is considered to comply with the requirements of this policy.

*DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*

- 8.62. This is discussed further within the report. In summary, it is considered that the proposed development resulting in a socially balanced and inclusive development and when taking into account the proposal at Fleet Street Hill, enabling substantive regenerative benefits arising from the re-development of both sites.

*DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and*

- 8.63. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. In addition, television and radio transmission testing and mitigation will be required as a S106 obligation to mitigate against the impact of the development.

*DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.64. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

- 8.65. As such, the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document.

#### *Local/ Strategic Views*

- 8.66. The application site does fall within the Background Assessment Area of the Protected Vista of St. Paul's Cathedral from Westminster Pier, although it does not fall within the protected viewing corridor. The applicant's submitted townscape, heritage and visual impact assessment confirms that the proposal lies below the threshold plane, and does not therefore adversely impact on the strategic view.

- 8.67. The main local views are considered to be acceptable, some of which are illustrated and discussed further within the Heritage section of this report.

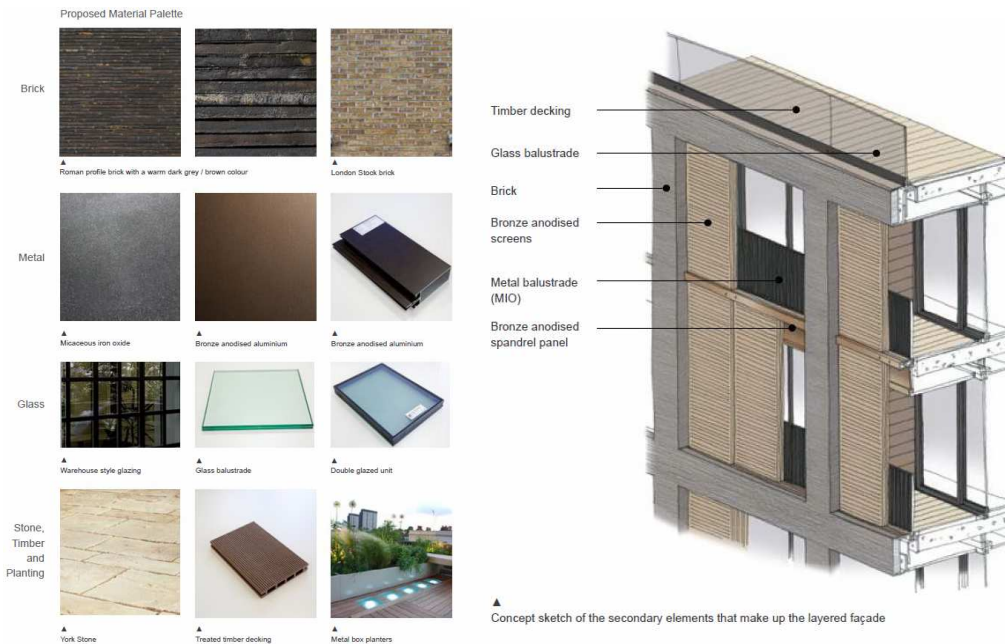
- 8.68. Overall, the development would form a positive addition to London's skyline, without causing detriment to local or strategic views, in accordance policies 7.8 of the London Plan (2011), and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated and local views

#### *Materials and Elevation Treatment*

- 8.69. The main façade is to be a textured 'roman' profile brick with a dark grey/brown colour. The aim is to respond to provide an alternative, yet complimentary brick to the red bricks of the Boundary Estate or the brown London stock bricks prevalent along Redchurch Street.

- 8.70. A variety of other materials are to be used to create a distinctively designed building. A combination of recessed and cantilevered balconies are proposed along with anodised aluminium screens to provide external solar shading where required and provide privacy at lower levels.

8.71. The following images outlined the proposed material palette and an indicative sketch of how they will be applied to the façade of the building.



8.72. The new build at 30 – 32 Redchurch Street is to be designed differently to ensure a more acceptable relationship with the grade II listed public house. To achieve a transition between the main building the ‘roman’ profile brick will not be used for this façade. Instead, a standard profile brick is proposed in order to change the scale appropriate to the smaller 3 storey façades.

8.73. The overall, design of the building is considered an challenging but appropriate addition within the streetscape, which draws on references to the surrounding contemporary developments. Whilst the building will appear taller than neighbouring buildings, the proposed design is considered to appropriately respond to the different scales of the immediate Streets.

8.74. Overall, it is considered that the proposed design and materials are broadly considered acceptable. The final detailing will be conditioned to ensure they are acceptable.

#### Secure by Design

8.75. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.

8.76. The Secure by Design officer as fed into the design development, and is satisfied that the proposal will achieve secure by design approval. A condition to ensure secure by design measures are incorporated into the development is recommended to ensure the resulting scheme is safe and secure for residents.

8.77. 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.

#### Design Conclusions

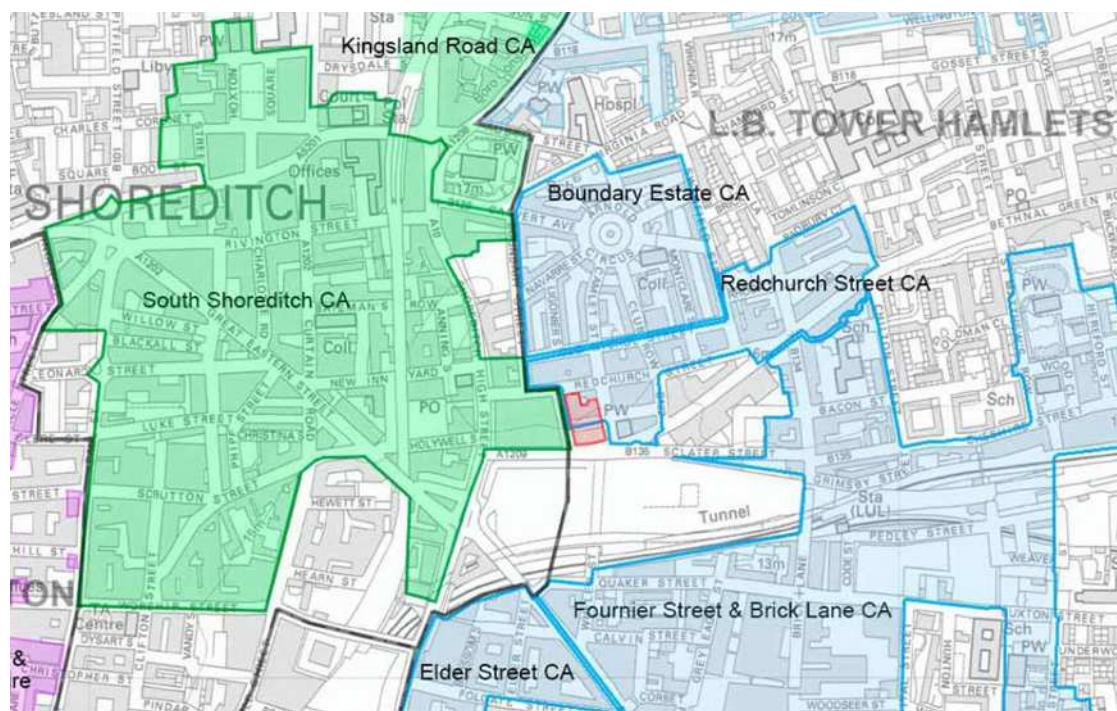
8.78. In terms of detailed design, materials and finishes, whilst the building represents a bold and contemporary development, it is considered that that the proposed

development reads as a cohesive architectural response and includes design elements that respond to the surrounding built form and public realm and incorporates high quality materials, which is supported. As such, it is considered that the overall design of the scheme is acceptable.

- 8.79. As such, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

Heritage Assets

- 8.80. The National Planning Policy Framework defines heritage assets a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
- 8.81. The development site is situated partly within the Redchurch Street Conservation Area. It is also immediately adjacent to Hackney's South Shoreditch Conservation Area and surrounded at some distances by other conservation areas in the borough and the adjoining borough of Hackney. This is shown in the following plan.



- 8.82. The northern boundary adjoins a Grade II listed building (Owl and Pussycat Public House), whilst the eastern boundary of the site is adjacent to a locally listed building (nos 15 Bethnal Green Road).

Heritage Considerations

- 8.83. 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.
- 8.84. 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.
- 8.85. 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.
- 8.86. Lastly, policy DM27 of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.87. The following are considered to be the main issues relating to Heritage Assets and these are discussed further within this report.
- 1) Whether the demolition within the Redchurch Street Conservation Area and building over the historic highway of Whitby Street is acceptable?
  - 2) Whether the proposed height (and design) preserve or enhance the Redchurch Street Conservation Area and its locally listed building and the adjoining conservation areas
  - 3) Whether the proposed height of the building preserves or enhances the setting of the Grade II listed Owl and Pussycat Public House and the setting of the locally listed building?
  - 4) Overall, whether the benefits of the regeneration outweigh any of the impacts on these heritage assets?
- 8.88. Local objections including a document prepared by Richard Griffiths Architects (RGA) commissioned by local interest groups believe the development causes substantial harm and should be refused on these grounds.
- 8.89. The document raises concerns over the height, scale, and massing of the proposed development and considers it inappropriate within the Redchurch Street Conservation Area and the other designated heritage asset. It is also not considered to retain or enhance the traditional street pattern and medium-rise character in accordance with the adopted principles of the LBTH Core Strategy for Shoreditch (2010).
- 8.90. The Applicant has prepared a response to the RGA report. The response states that *'They (RGA) do not acknowledge, however, the part of the scheme which does indeed extend that character and scale into the development site. They do not*

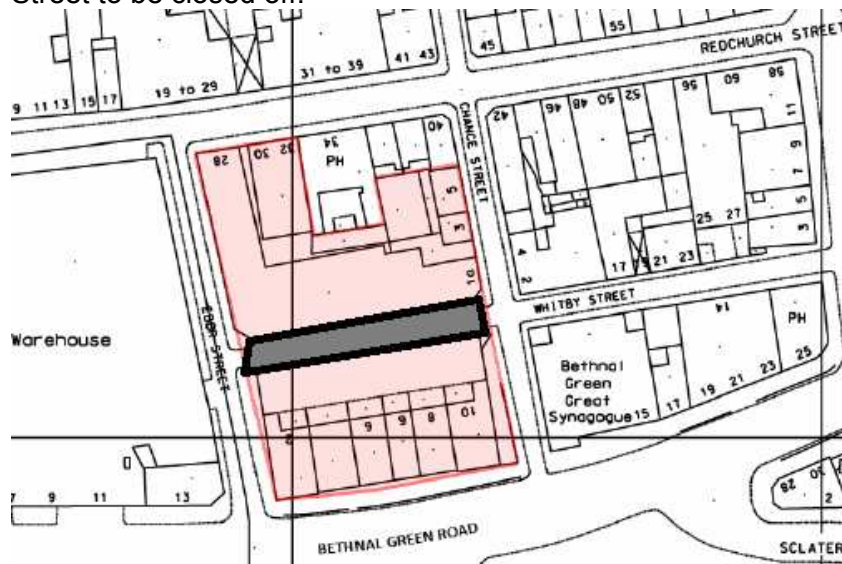
*describe the existing setting of the conservation area but claim nevertheless that it is damaged. We have shown that the majority of our site, with the exception of the Redchurch Street frontage, contains no part of the built townscape forming the character and appearance and provides a setting where one is currently missing. This applies also to the southerly setting of the listed Owl and Pussycat Pub. In not acknowledging the current lack of a setting to the south and the fact that the scheme does in fact extend the character and appearance to the south, RGA devalue the status of their criticism.'*

- 8.91. Both responses have been considered within the assessment of whether the proposed design and in particular in relation to its impacts on heritage assets is acceptable. This is outlined further within the following section.

*1 .Whether the demolition within the Redchurch Street Conservation Area and the building over the Whitby Street is acceptable?*

- 8.92. Paragraph 132 of the National Planning Policy Framework (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 of the NPPF (2012) states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 8.93. English Heritage and the Boroughs Conservation Officer consider the proposed development does cause some harm and as such, should be considered in relation to its benefits. Therefore paragraph 134 of the NPPF is application. This paragraph states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.94. Policy DM27(3) of the Managing Development Document (2013) states that proposals for the demolition of a designated heritage asset will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention. When exceptional circumstances require demolition to be considered, applications 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;
  - (d). The merits of any alternative proposal for the site.
- 8.95. The application site lies within the Redchurch Conservation Area, which was designated in October 2008. It is abutted to the north by the Boundary Estate Conservation Area and to the south by the Fournier Street/ Brick Lane Conservation Area.

- 8.96. The character appraisal states that the purpose of designation is to safeguard the remaining street pattern and the buildings within it. The vision for Shoreditch seeks to reinforce and reflect the historic qualities in Shoreditch to shape future growth.
- 8.97. The proposal seeks to develop over part of Whitby Street, thus permanently removing part of a street pattern which the conservation area appraisal seeks to retain. The Tower Hamlets historic maps dated 1896 indicate 'Little York Street' ran across the site linking Club Row to Ebor Street. This was later renamed Whitby Street and part of the site was later closed off as a public highway. It continued to provide off street parking and servicing to the existing Huntingdon Estate.
- 8.98. The proposal seeks to remove this access route resulting in a larger parcel of land to be developed. The borough conservation officer has not raised any objections over the loss of this route, whilst English Heritage consider it to have less than substantial harm which is to be weighed against the benefits of the scheme. To retain reference to the street a glazed panel is to be inserted into the recess on Chance Street and provide a view into the site and to the entrance on Ebor Street.
- 8.99. The following plan shows the application site outlined, and the portion of Whitby Street to be closed off.



- 8.100. Whilst the proposed reference to the existing street is relatively minor, officers feel the loss of this portion of Whitby Street, which is a narrow and relatively insignificant route and one that has been closed off for several years as an adopted highway to be acceptable in order to facilitate such a high quality and well-designed development. It is also important to note, the main side streets off Redchurch Street – Chance and Ebor Streets will both be retained continue to be served as adopted highways, as will be the remaining portion of Whitby Street.
- 8.101. The proposal seeks to demolish the two storey HIE (including 28 Redchurch Street) and developed on part of Whitby Street to facilitate the development. HIE is a modern two storey warehouse building with limited heritage value. No objections are raised to the demolition of this building to enable a more intensive better utilised site.
- 8.102. The following photographs show 28, 30 and 32 Redchurch Street.





Fig.5.14: 30-32 Redchurch Street.



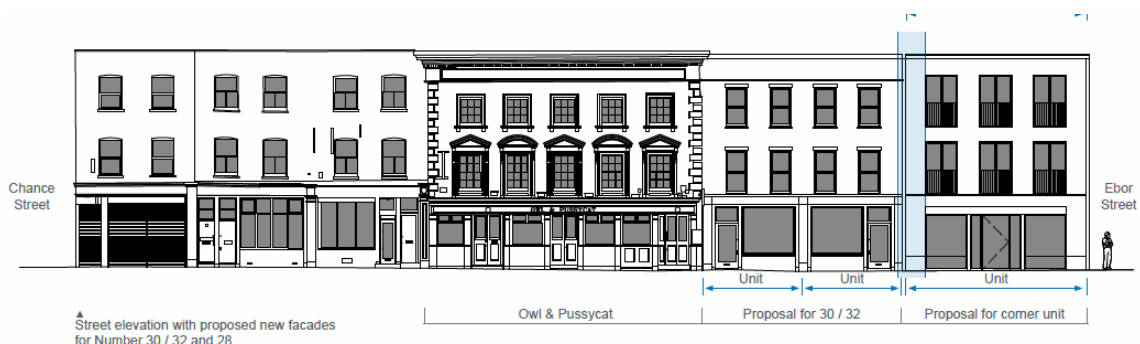
Fig. 5.15: No. 28 Redchurch Street.

- 8.103. English Heritage considers the loss of 30-32 Redchurch Street, to make a positive contribution to the conservation area and that this loss, along with the loss of part of the Whitby Street pattern to the harm on the Redchurch Street Conservation Area. The Borough Conservation officer also shares the belief that the existing 30-32 Redchurch Street makes a positive contribution to the conservation area, and has requested the scheme is amended to have the façades of these buildings retained.
- 8.104. English Heritage also advise they believe the proposed development is generally of high quality and has the potential to benefit the area in a variety of ways and that these benefits should be weighed the harm outlined in accordance with the relevant NPPF policies, when making a final view over the acceptability of the development.
- 8.105. The four policy tests to be considered when assessing the loss of these buildings are found within policy DM27 of the MDD.
- 8.106. DM27(3a) of the MDD (2013) requires the loss of heritage assets to be assessed with regard to the significance of the asset, architecturally, historically and contextually. As outlined above, and taking the advice of specialist heritage officers, consider that the buildings makes a positive contribution to the character and appearance of the Redchurch Street Conservation Area. However, given the buildings are not listed, and are not considered to have their own unique merit they are considered to have less than significant value and the overall harm resulting from the loss of these buildings on the Redchurch Street Conservation Area can be considered as 'less than substantial harm' to the significance of a designated heritage asset and can be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF.
- 8.107. Policy DM27(3b) of the MDD (2013) requires this application to be assessed in terms of 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. Whilst policy DM27(3c) of the MDD (2013) requires this application to be assessed in terms of the adequacy of efforts made to retain the asset in use. Lastly, DM27(3d) requires this application to be assessed in terms of the merits of any alternative proposal for the site.

- 8.108. The applicant has submitted a '30 / 32 Redchurch Street Options Review' which looks at the different options available. These include, the retention and refurbishment of the buildings, the redevelopment involving the retention of the facades and lastly, the complete demolition and rebuilding of the buildings.
- 8.109. With regards to the first option, in order to deliver an affordable residential offer of approximately 7 apartments a partial demolition of the existing building and roof is required. Removal of the rear portion of the building would provide the space required for the new access core.
- 8.110. However, the development would also need to comply with the following requirements.
1. Current building regulations
  2. The requirements of the London Housing Design Guide
  3. Code for Sustainable Homes - Level 4
  4. Secure by Design
- 8.111. It is suggested that in order to meet the above standards significant work will be required which will not only be expensive, but likely to reduce the usable space within the building and as such, provide less affordable housing than that proposed.
- 8.112. The second option is to retain the façade and re-develop the building behind the façade. This option has been favoured by officers during the pre-application discussions; however the viability conclusions arising from the submitted viability assessment indicate that any further costs (which would be incurred if the façade is to be retained) would render the scheme lessviable. As such, the suggested additional costs of £350,000 to £400,000 to retain the façade have led to this option being discounted.
- 8.113. The following plans show the existing streetscape, with the listed Owl and Pussycat in the centre and option 3 which is proposed within this application.



Existing Redchurch Street Elevation



Proposed Redchurch Street Elevation

- 8.114. The final option, as shown above seeks to demolish and rebuild the façades; the main advantage is the lack of constraint over existing floor plates and façades. The rebuilding allows the existing alleyway to be filled by both buildings thus keeping the proportions of both new buildings (28 & 30-32 Redchurch Street) similar.
- 8.115. 30-32 Redchurch Street will continue to have a horizontal row of four sash windows, with 28 Redchurch Street having three. The proposed simple, yet traditional design along with the window alignment and height of the buildings will ensure the setting of the grade II listed building is preserved.
- 8.116. As such, whilst officer's preference is for the facades of 30-32 Redchurch Street to be retained as a minimum, given the design and overall quality of the proposed buildings, it is considered that in line with the test required by the NPPF the harm arising from the loss is lessened sufficiently by the proposed buildings. In addition, when taking into account the overall quality of the scheme and the regenerative benefits of both HIE and FSH the loss is considered, on balance acceptable.

*2. Whether the proposed height (and design) preserve or enhance the Redchurch Street Conservation Area and the adjoining conservation areas (and their locally listed/ listed buildings)?*

Redchurch Street Conservation Area

- 8.117. Firstly, in relation to the Redchurch Street Conservation Area, Whitby Street currently running through the site also forms the boundary of the conservation area. The northern part of the application site falls within the conservation area.
- 8.118. As outlined above, the proposed replacement buildings have been assessed in relation to their location and have been considered acceptable. In terms of their impact on the conservation area, this is also the case. The main impact on the conservation area is considered the impact from the tallest element of the proposal, which is significantly above the identified scale of 3 – 4 stories as outlined within the conservation area appraisal.
- 8.119. As the application site is located within the south-east corner of the conservation area, and the narrow streets, the proposed height will only be visible from certain views within the conservation area.
- 8.120. The submitted Townscape, Heritage and Visual Impact Assessment report, considers many of these views which have been assessed by officers. With the impact on the Owl and Pussycat PH considered separately below, officers consider the greatest impacts to be when viewing the site east to west from (1) Redchurch Street along Ebor Street, (2) Whitby Street, and when (3) viewing the site from the north east corner of Chance Street and Redchurch Street. CGI's of these views are shown below.

VIEW 16 - JUNCTION OF REDCHURCH STREET AND EBOR STREET

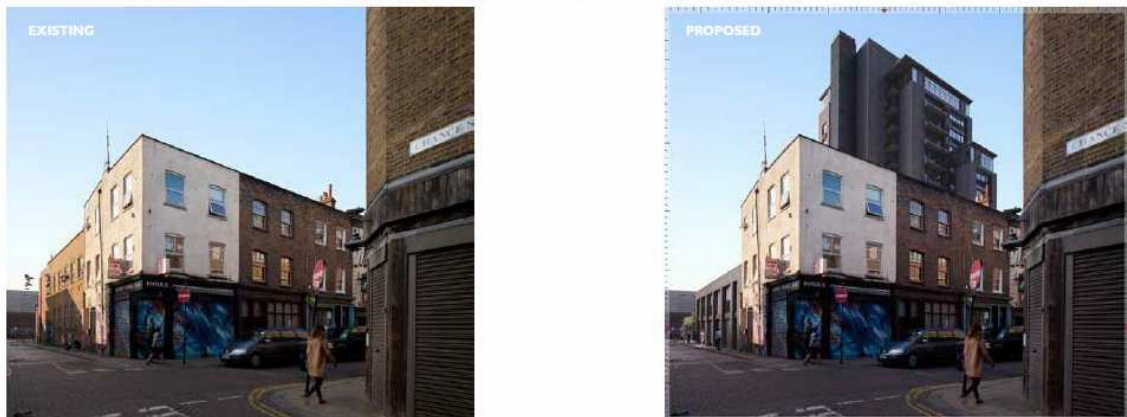


(1) Existing and proposed view of the application site from Redchurch Street, looking along Ebor Street.

8.121. This view of Redchurch Street to the corner of the application site has two main impacts; the first is considered a beneficial impact of the corner building providing an emphasis to the site in comparison to the site and resulting in a better relationship along the streetscape of Redchurch Street. The second is the impact of the taller element. With the steeped approach to the height, the proposed impact of the height is reduced on this view.

8.122. When considering the partial viewpoint from this corner, the quality of the corner building, and the proposed stepped approach, the impact on this part of the conservation area is considered acceptable.

VIEW 12- CHANCE STREET BETWEEN OLD NICHOL STREET AND REDCHURCH STREET



(2) Existing and proposed Chance Street facing Redchurch Street view.

8.123. When travelling east to west along the northern side of Redchurch Street (from 65 Redchurch Street to 45 Redchurch Street), the main tower will appear gradually culminating at the corner of 45 Redchurch Street to the above view. When experiencing Redchurch Street kinetically, this building is most likely to appear within the background of the street and as such, the actual harm is not considered substantial and on balance is acceptable.



VIEW 8 - EAST END OF WHITBY STREET



(3) Existing and proposed east west view along Whitby Street

8.124. The proposed view along Whitby Street shows a significant change from the existing; however this view in itself is not considered a significant view within the conservation area. As such, whilst there is an impact the impact itself is not considered particularly negative and the introduction of a building in this location draws attention along the narrow street.

8.125. Adjacent to the application site is the locally listed 15 Bethnal Green Road. As outlined above, the application has been carefully designed to respect the setting of this building by keeping the Chance Street elevation at single storey. This measure is sufficient and considered acceptable.

8.126. The views from other aspects of the conservation area have also been assessed and considered acceptable.

South Shoreditch Conservation Area

8.127. With regards to South Shoreditch Conservation Area, the proposed building will appear as a distant back ground building, like the Avant-Garde Tower on Bethnal Green Road and is considered to have an acceptable impact on the conservation area. This is shown in the following CGI's



CGI from the corner of Shoreditch High Street, looking towards Bethnal Green Road.

8.128. The 'Tea Building' located on the corner appear prominent and by virtue of the separation distance largely shields the height of the application site. The proposed building is shown by a faint outline.

8.129. The greatest impact is likely to be felt along southern part of the conservation area, on Shoreditch High. The existing and proposed views are shown in the following images. Given Former BishopsgateGoodsyard is located in the foreground, the overall impact and sensitivity of this view is minor as is its impact.

VIEW 23 - SHOREDITCH HIGH STREET AT JUNCTION WITH PLOUGHYARD



#### Boundary Gardens Conservation Area

8.130. Boundary Gardens Conservation Area, unlike other conservation areas is not based on linear streets. Instead it is based on a central listed bandstand which has several residential buildings running off this bandstand. As this is one of the first example of social housing in the Country, the majority of building are also grade II listed.

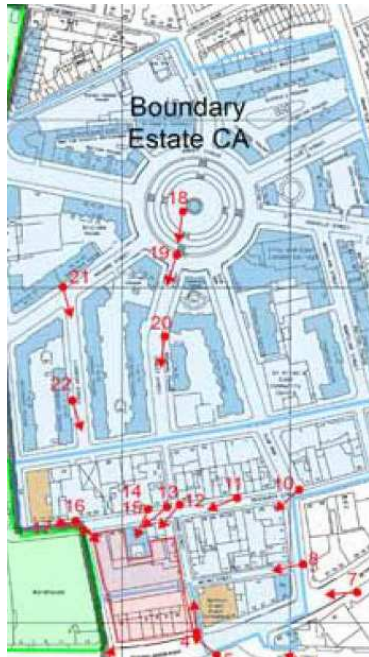
8.131. The application site is located to the south of this estate and the proposed development will be viewed from the bandstand (Arnold Circus) and some of the surrounding streets.

8.132. The following plan shows the relation of the application site in to the Conservation Area. The arrows indicate the various views considered within the application.

8.133. Given the conservation area includes a large number of mature trees the actual impact of the development will largely be confined to winter months.

8.134. The following are a couple of the existing and proposed views considered within the application.





VIEW 20W - CAMLET STREET NORTH OF OLD NICHOL STREET (WINTER)



Existing and proposed view from Camlet Street.

VIEW 21 - NAVARRE STREET AT JUNCTION WITH LIGONIER STREET

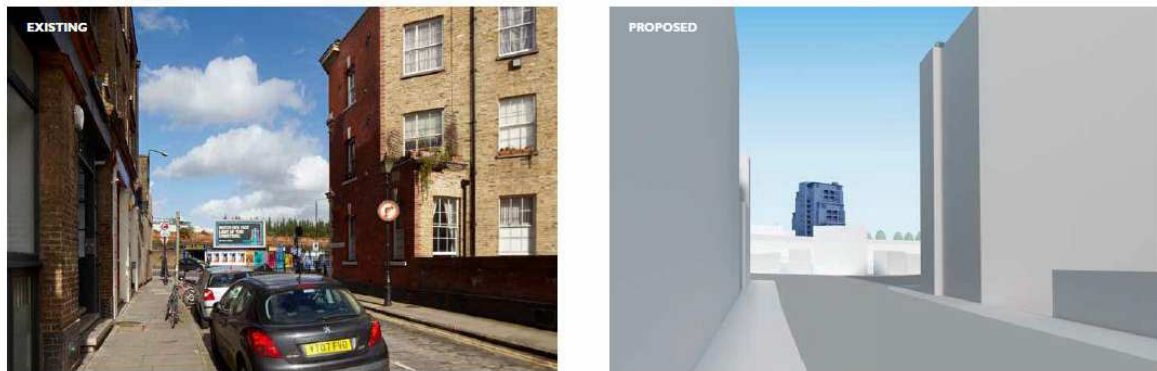


Existing and proposed view from Ligonier Street.

8.135. From these views, the proposal is considered as a tall building located within the background of these listed buildings. As such, officers consider the overall impacts on the setting of the conservation area and the listed buildings to be minor and acceptable.

Other conservation areas

- 8.136. Lastly, in relation to other nearby conservation areas, the building will appear as a distant background building as shown in the following view from the Elder Street Conservation Area. The overall impacts are acceptable.



*3. Whether the proposed height of the building preserves or enhances the setting of the Grade II listed Owl and Pussycat Public House and the locally listed building?*

- 8.137. According to the submitted Townscape, Heritage and Visual Impact Assessments suggests The Owl and the Pussycat Pub (known as the Crown Public House earlier) had its origins in the 1670's and that it was perhaps always used as a public house.
- 8.138. The pub and its small rear courtyard is adjacent to and enclosed on 3 sides by the development site and faces Redchurch Street. It is also within the Redchurch Street Conservation Area.
- 8.139. The taller elements of the development will be visible within the back-drop of the listed building from the opposite (north side) of Redchurch Street and distant views will exist further east on Redchurch Street. Due to the relatively narrow nature of Redchurch Street the longer views of the site in relation to the Owl and Pussycat are not considered to adversely impact on its setting.
- 8.140. An existing image Computer generated images (CGI) from the northern side of Redchurch is shown below along with two proposed images, one is taken from the edge of the pavement, whilst the second is taken against the edge of the adjacent building.



EXISTING



8.141. It is clear the proposed building will be visible above its parapet. Whilst the proposed building will be visible, its impact is restricted to only the upper most storeys. Furthermore, the main architectural detail of interest when considering the building is the first floor detailing and ground floor frontage, which remain the focal element in views. On balance, the proposal does not adversely impact on the setting of the listed building. This is also a view shared by the GLA within their stage 1 response.

*4. Overall, whether the benefits of the regeneration outweigh any of the impacts on these heritage assets?*

8.142. The main regenerative benefits of the scheme the regeneration of both sites (HIE and FSH) with high quality developments and the provision of much needed affordable housing 43.8%. When considering the lack of substantial harm caused by

the proposal on the heritage assets overall, the proposed benefits that will be brought by the regeneration are considered to significantly outweigh the less than substantial harms on the neighbouring heritage assets. As such, the proposal is considered to comply with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(3) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

## Housing

- 8.143. Paragraph 49 of the National Planning Policy Framework seeks to ensure Housing applications are considered in the context of the presumption in favour of sustainable development.
- 8.144. 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.
- 8.145. 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 LP.
- 8.146. HIE proposes 78 residential units the breakdown of which is shown in the following table. Out of the 78 units, 69 are proposed to be market housing and 9 intermediate.

	MARKET		INTERMEDIATE		Total units	
	Number	Hab Rooms	Number	Habrooms	Units	Habrooms
STUDIO	12	12	0	0	12	12
1B	27	54	5	10	32	64
2B	24	72	3	9	27	81
3B	5	21	1	4	6	25
4B	1	6	0	0	1	6

## Affordable Housing

- 8.147. As noted earlier, the scheme has been submitted in conjunction with a development at the Fleet Street Hill which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is delivered at Fleet Street Hill in lieu of the bulk of the affordable housing obligation arising from the HIE development, which will contain the majority of the market accommodation.
- 8.148. At the national level, the NPPF seeks to ensure that a wide choice 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 or 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
- 8.149. The London Plan 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.

8.150. 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 having regard to:

- a) Current and future requirements for affordable housing at local and regional levels
- b) Affordable housing targets
- c) The need to encourage rather than restrain development
- d) The need to promote mixed and balanced communities
- e) The size and type of affordable housing needed in particular locations
- f) The specific circumstances of the site.
- g) Recourses available to fund affordable housing, to maximise affordable housing output
- h) the priority to be accorded to the provision of affordable family housing.

8.151. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Borough's should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

8.152. Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:

- a) Secure a higher level of provision
- b) Better address priority needs, especially for affordable family housing
- c) Secure a more balanced community
- d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

8.153. The issue of affordable housing and off-site provision is similarly dealt within policy SP02 of the Core Strategy which sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

8.154. Policy DM3 of the MDD requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- i. It is not practical to provide affordable housing on-site
- ii. To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- iii. It can provide a minimum of 50% affordable housing overall
- iv. It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- v. Future residents living on all sites use and benefit from the same level and quality of local services.

8.155. In light of the above policies when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances,

if it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

#### Proposed Affordable Housing

- 8.156. The applicant is seeking to provide Intermediate and Market housing on HIE and Intermediate, Rented and Market on FSH. Based on habitable rooms, the percentage affordable on HIE is 12% whilst at FSH is 87%. When combined this equates to an overall affordable housing percentage of 43.8%.

#### Quantum of affordable housing

- 8.157. MDD policy DM3 requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.
- 8.158. Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.159. A viability toolkit has been submitted with the scheme and this has been independently reviewed by Allsops. It has been concluded that the 43.8% affordable housing is more than what can viably be provided across the two sites and that to achieve this level, the applicant is relying on the housing market to pick up in the medium term to enable this provision of affordable housing.
- 8.160. As part of the viability exercise consideration was given to two scenarios if Huntingdon Industrial Estate was to be developed as two stand-alone applications. The first scenario was with the scheme proposing 35% affordable housing. This was discounted as the residual land value would have been lower than the existing use value and as such would have been unviable.
- 8.161. The second scenario considered a situation where 22% affordable housing was provided on site. This would still generate a negative residual land value and would have been similarly unviable.
- 8.162. It is also noted, that in both scenarios, without introducing separate lift cores which in itself would reduce the overall housing provision, the proposed affordable units would be liable to greater service charges making them less appealing to registered providers and unlikely to come forward in the design currently submitted.
- 8.163. The proposal seeks to provide 12% affordable on Huntingdon which enables the development to fund the site at Fleet Street Hill and enable a greater proportion of affordable housing overall to be delivered.
- 8.164. The level of affordable housing provided across the HIE and FSH sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability). The combined schemes are offering 43.8% affordable housing. The

acceptability of the FSH for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the HIE, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance officers support the off-site provision of affordable housing in this instance is set out below.

#### Mixed and balanced communities

- 8.165. The proposed development on HIE represents a mix of tenure by providing some intermediate units properties. This is considered to meet the objectives of mixed and balanced communities in this instance.
- 8.166. It is also noted that the applicant has used census in the socio-economic chapter of the ES to outline that Weavers ward has a higher proportion of social rented housing than LBTH as a whole, and a significantly higher proportion than the London average. Over 43% of homes in the ward are under social rented tenures, compared to 39% across LBTH and 24% in London. This further provides justification that a larger than normal percentage of market housing at Huntingdon Industrial Estate will not lead to an overall dis-balance in mixed and balanced communities within the locality as a whole.
- 8.167. As outlined within the land use section, a number of commercial units are also proposed within the development. These will further encourage a range of mix and balanced community.
- 8.168. Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of rented accommodation the proposed development will result in a mixed and balanced community.

#### Better addressing a priority housing need

- 8.169. The FSH scheme provides a high proportion of rented family units which are a priority for the Borough. Policy SP02 seeks to ensure that within the social rented tenure 45% of housing would be suitable for families. At FSH, 58% of this site would be three, four and five bedroom properties which would all be provided at social rent levels. Each of these units have their own private amenity space, some of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children.
- 8.170. The provision of ground level, private amenity space is not possible on the HIE site due to its restricted size. The majority of amenity space within that development [HIE] is provided by way of roof terraces, whilst some child's play space could be provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of social rented units. There is also a higher quantum of communal and public open space that can be provided on this site when compared to the HIE site which is more suitable for non-family accommodation.
- 8.171. Overall it is considered to be a better solution to allow rented units to be provided on the FSH as it can provide a better standard of family housing.

Future residents living on all sites use and benefit from the same level and quality of local services.

- 8.172. The proposed development at FSH is considered to be of a high quality design which would be located within an established residential area. It is just 500m from the HIE site and will therefore benefit from the same local infrastructure as that site. The FSH site also has the added advantage of having Allen Gardens immediately south of the site.
- 8.173. If the HIE scheme were a stand-alone development seeking to provide all of the affordable housing requirement on-site there would be a number of implications for the overall quantum of affordable housing and the quality of accommodation for residents.
- 8.174. The high-rise living environment within HIE is not necessarily suitable for families, particularly families within the social rented tenure due to the larger child yield. Whilst it could be accommodated, an off-site solution in this instance would maximise housing on HIE whilst ensuring the overall provision of family sized rented accommodation is maximised on FSH. The amenity floors and pavilion within HIE provide a sufficient quantum of space for the current scheme but this is on the basis that the majority of the accommodation is smaller, private units, where the child yield is significantly lower than if social rented family accommodation were to be provided. The FSH site is able to allow more family sized units with their own private, outdoor gardens. There is also a more generous provision of communal outside space for children and adults to use as outlined above with Allen Gardens immediately to the south of the site.
- 8.175. The inclusion of social rented units within HIE would reduce the viability of the scheme, it would not be possible to provide the same quantum (or quality) of rented accommodation if all affordable housing were to be 'on-site'. This is compounded by the service charges which would be applicable to within HIE. The cost of service charges within this development would be relatively high for a number of reasons including the provision of several lifts, 24-hour security, and maintenance of the internal amenity spaces. Whilst it would be possible for the developer to not pass on the service charges to the affordable units, this would be at the cost of the viability of the scheme, thereby further reducing the amount of affordable housing (or financial contributions) which could be provided on-site.

#### Conclusion.

- 8.176. On balance, it is considered, in this instance that the provision of off-site affordable housing is acceptable. Whilst the scheme is unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing beyond what is currently viable.
- 8.177. The benefits of the scheme, including the provision of housing, including the ability to provide a large number of family units within the social rented tenure, the quality of amenity space and the overall benefit of the regeneration of two sites is considered to outweigh the inability of the scheme to provide 50% affordable housing.

#### **Housing Mix**

- 8.178. If the committee decides that the principle of providing the majority of the affordable housing arising from the HIE within the FSH development is acceptable, the Committee also needs to determine whether the proposed dwelling mix is satisfactory.

#### Housing Type and Tenure Mix

8.179. Policy 3.11 of the LP requires 60/40% split of affordable housing in favour of rented accommodation. Policy SP02(4) of the adopted CS requires a 70/30 split in favour of rented accommodation given Tower Hamlets greater need for rented units. The proposed schemes combined delivers a tenure split of 77% rented accommodation and 23% intermediate which is policy compliant.

Mix of units

8.180. The proposed scheme is considered to broadly comply with Policy SP02(5) of the adopted CS and policy DM3(7) of the MDD which requires schemes to deliver a mix of units. The first table shows the mix for HIE as a stand alone application. Whilst the second table shows the combined mix of units.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	15%	0	0%	0%	0	0%	0%	12	17%	0%
1 bed	32	41%	0	0%	30%	5	56%	25.00%	27	39%	50.00%
2 bed	27	35%	0	0%	25%	3	33%	50.00%	24	35%	30.00%
3 bed	6	8%	0	0%	30%	1	11%	25%	5	7%	20%
4 bed	1	1%	0	0%	15%	0	0%		1	1%	
5 bed	0	0%	0	0%	0%	0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>78</b>	<b>100%</b>	<b>0</b>	<b>0%</b>	<b>100%</b>	<b>9</b>	<b>100%</b>	<b>100%</b>	<b>69</b>	<b>100%</b>	<b>100%</b>

Table showing HIE in isolation.

8.181. Besides the lack of affordable rented accommodation, it is noted that there is a higher proportion studios, one beds and two beds within the market accommodation, which would normally be unacceptable. However, in this instance given the development is maximising housing overall, including a large provision of family housing within the rented section at FSH, it is on balance, considered acceptable.

8.182. The number of intermediate (9 respectively) considered too low for a percentage comparison against policy to be useful. Instead it is considered that this is better made when assessing the mix of units for both sites collective as shown in the following table.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	11%	0	0%	0%	0	0%	0%	12	16%	0%
1 bed	39	35%	2	8%	30%	6	50%	25.00%	31	41%	50.00%
2 bed	39	35%	8	33%	25%	5	42%	50.00%	26	34%	30.00%
3 bed	14	13%	7	29%	30%	1	8%	25%	6	8%	20%
4 bed	7	6%	6	25%	15%	0	0%		1	1%	
5 bed	1	1%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>112</b>	<b>100%</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	<b>12</b>	<b>100%</b>	<b>100%</b>	<b>76</b>	<b>100%</b>	<b>100%</b>

Table showing FSH and HIE combined.

8.183. It is clear from the above table, within the rented accommodation and market units overall, there is a strong imbalance between the higher number of studio, one bedroom and two bedrooms than the Core Strategy target which is at the expense of

family sized units. In terms of intermediate units only 8% are suitable for families (3 bedroom +) and within the market just 9% are suitable for families.

- 8.184. The bulk of the intermediate and market are located within the HIE development and as such, the justification for this mix is explained in greater detail within this item on the agenda.
- 8.185. The provision of family sized accommodation across both sites is 19% against the 30% target set within policy SP02 of the Core Strategy, however officers consider HIE to be unsuitable for a large number of family sized units and the provision of studios, one bedroom and two bedroom market units on HIE, allows an over provision of larger number of rented family size units to be sustained at FSH, which is considered acceptable.

#### Overall housing conclusions

- 8.186. Overall, it is considered that the benefits of the scheme in this instance outweigh the shortfalls and that the proposal would provide an acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 43.8% overall affordable housing is acceptable on balance. Therefore, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (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.

#### **Quality of accommodation**

- 8.187. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

#### Internal Space Standards

- 8.188. LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.189. 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.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.190. Policy 3.8 of the LP and Policy SP02 of the LBTH 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.
- 8.191. Within HIE, 10.25% of all the units (8 units) are proposed to be provided as wheelchair accessible. These four units are also to be family sized units which is supported by housing colleagues as it would meet a demonstrated housing need.
- 8.192. If planning permission is granted a condition would be attached to ensure that the wheelchair accessible units are delivered within the scheme.

#### Private and Communal Amenity Space



- 8.193. Policy DM4 of the MDD sets out standards for new housing developments with relation to private and communal amenity space. These standards are recommend that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.
- 8.194. 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 78 units the minimum communal amenity space required would be 118sqm.
- 8.195. The proposal delivers approximately 353sqm of usable communal amenity space within a dedicated areas with both the private and intermediate units have separate but areas both in excess of policy levels. This exceeds policy requirements and is considered acceptable.

#### Child Play Space

- 8.196. Policy 3.6 of the LP, 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 10 sq.m of useable child play space per child).
- 8.197. Using LBTH child yield calculations, the overall development is anticipated to accommodate 8 children and accordingly the development should provide a minimum of 80sq.m of play space. This is below the threshold whereupon on-site play facilities are required, as detailed in the Mayor's SPG. However, the proposal includes a number of shared amenityspaces, which will provide opportunities for door-stop play, which is supported.
- 8.198. Overall, the provision of amenity space to provide doorstep child playspace is considered acceptable in relation to policy DM4 of the MDD and policy 3.6 of the LP.
- 8.199. In addition to the Child Play Space requirements, the Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. There are areas in the vicinity of the site listed below, including the Allen Gardens which provides a local area of designated amenity space for future residents

#### Public Open Space

- 8.200. The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need, and secure financial contributions towards the improvement of public open space.

- 8.201. In this instance, a contribution of £286,250.89 has been requested towards Public Realm and streetscene improvements. This is discussed further within the 'Planning Obligations' section of this report.
- 8.202. To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 1596sq metres based on a likely population yield of 133 new residents.
- 8.203. The accompanying text to policy DM10 states that in instances where public open space cannot be provided on-site then a contribution will be sought towards open space to deliver or improve existing open spaces within the borough. In this instance, using the Planning Obligations SPD as a basis, a contribution has been secured towards public open space. This is discussed further within the amenity section of the report.
- 8.204. Officers acknowledge that due to the site constraints it is not possible to deliver the full suggested open space amount. Given this figure is only guidance and taking the public space contribution into account along with the quality and design of the proposed pocket park, officers feel in this instance the provision of open space is acceptable.

#### **Daylight/ Sunlight for future occupiers.**

##### Daylight

- 8.205. Daylight for future residents is calculated by Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylight appearance.
- 8.206. BRE guidelines recommend the following values for dwellings. These are:  
2.0% - Kitchens  
1.5% - Living Rooms  
1.0% - Bedrooms
- 8.207. The applicant has submitted a daylight and sunlight assessment which has been independently reviewed by the Council. The review outlines that some of the rooms do not meet the standards outlined above and these primarily located on Ebor Street, where they face towards the relatively tall structures of the Biscuit House and Tea Building. The worst affected are those to the centre of the Ebor Street elevation, 9 of these types of rooms not meeting the required standard and based on this, the appropriateness of residential facing Ebor Street is a challenge.
- 8.208. The applicant has provided a response to this review outlining further why they consider some of the failures to be acceptable. They point out that only a very small proportion of the rooms fail and that the majority meet and exceed the recommended minimum levels.
- 8.209. They also highlight that the majority of living areas affected on Ebor Street (7 out of 12) are located on the lowest 2 residential floors and by level 3 there's only 1 flat per floor which falls short of the recommended minimum guidance. Officers agree with the suggestion made by the applicant that this is typical of most residential accommodation located in central London.
- 8.210. In addition, the applicant also outlines that the single rooms falling short of guidance on the levels above the third floor, do so because they are served by balconies,

which trade private amenity with reduced daylight levels and that if the balconies be removed they would enjoy levels of daylight in excess of the minimum recommendations.

- 8.211. Officers taking the above into consideration and in particular that the vast majority of units fully meet the ADF standards the minor losses are on balance acceptable.

#### Sunlight

- 8.212. The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.213. "Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary"
- 8.214. The applicants report identifies that only the Ebor Street and Bethnal Green Road elevations qualify for sunlight assessment, as facing within 90 degrees due south. There are generally poor results to the lower elevations on Ebor Street and to centre windows on Bethnal Green Road.
- 8.215. Officers consider that it is inevitable that sunlight results would be poor on Ebor Street due to that elevation facing almost due east and due to the height of the Biscuit House and Tea Building and that overall, sunlight levels are acceptable as a result.

#### Noise and Vibration

- 8.216. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.217. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.218. The proposed development will be exposed to noise and some vibration from local road and railway transport in close proximity to the development.
- 8.219. The submitted noise report considers existing noise levels from ground borne vibration and air borne noise from the adjacent overground line and also from the surrounding highway.

#### Groundborne Noise and Vibration

- 8.220. In order to address the Groundborne noise and vibration, a noise and vibration report has been submitted with the application, this is accompanied with supplementary vibration measurements which were carried out at the request of the Councils

Environmental Health Officer. The vibration levels were originally measured using 'eVDV' estimated Vibration Dose Values. Following comments from Environmental Health, the applicant undertook additional testing which involved actual VDV.

Land Use / Time Period	Low probability of adverse comment VDV (m/s <sup>1.75</sup> )	Adverse comment possible VDV (m/s <sup>1.75</sup> )	Adverse comment probable VDV (m/s <sup>1.75</sup> )
Residential Buildings 16-hour day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential Buildings 8-hour night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

Table showing criteria for Assessing the Effects of Vibration on Human Response (VDV)

- 8.221. All VDV values recorded on site fall within the recommended 'Low probability of adverse comment'.
- 8.222. The applicants submitted information confirms that the proposed development is unlikely to have an any groundborne noise and vibration issues. This has been reviewed by the Councils Environmental Health department who consider the information acceptable.
- 8.223. It is also noted that the Councils Environmental Health department have the powers under the Environmental Protection Act 1990 to prevent occupation of the building.
- 8.224. As such, subject to condition, it is considered that groundborne noise and vibration will be suitably addressed within the development.

#### Airborne noise

- 8.225. Airborne noise is more concerned with noise within internal rooms. The applicant in discussions with colleagues from the Environmental Health Department has agreed to the following standards. This would ensure during the night 'Good' standards during the day 'Reasonable-Good' are achieved. The standards are reflective of WHO and BS8233 documents.

Living Rooms 35dB LAeq  
 Bedrooms 30dB LAeq  
 Bedrooms 45dB LAmx

- 8.226. In order to ensure this is the case, an additional condition will be required ensuring this standard is met.
- 8.227. The terraces are proposed with solid screening to ensure a range of 41 to 51 LAeq (day time) and 36-45 LAeq (night-time) is achieved. These are lower than the upper limits suggested by the WHO and are considered acceptable.

#### Noise arising from commercial uses at ground floor level to residential uses above.

- 8.228. This is a matter that would largely be dependent on construction which is required by Building Control. The mitigation proposal against Airborne noise is conditioned to meet 60dB DnTw between the commercial use and the residential uses.
- 8.229. Lastly, noise from the operations of the commercial uses in particular the A3 use will be controlled via the imposition of conditions as no end user has been identified at this stage.

- 8.230. Taking into account the above, and the imposition of robust conditions, it is considered that the proposed development would adequately protect future residential occupants from unacceptable levels of noise and vibration, and as such, preserve the residential amenity for future occupiers. The proposal is therefore in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

#### Air Quality

- 8.231. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.232. The Air Quality assessment (chapter 12 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 8.233. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.

As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

#### **Neighbouring Amenity**

- 8.234. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

#### Daylight, Sunlight and Overshadowing

- 8.235. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.236. Surrounding the application site exist a number of residential and commercial properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, which are discussed below.

## *Daylight*

8.237. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

8.238. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

8.239. The impacts of daylight/ sunlight are also categorised as Minor, Moderate and Major.

- Minor: Only just fails to meet the BRE guidelines or may be one failing window within a room that has numerous windows.
- Moderate: A loss of VSC/NSL (or loss of sunlight) of approximately 31.99% - 45.99%.
- Major: A significant loss of daylight to the property (i.e. 46% loss or more) or may be numerous windows failing within a room.

8.240. The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site. Given the dense nature of the surrounding area a large number of properties have been considered as part of the application. The following properties demonstrate compliance with the above standard and as such the impact on these properties is considered acceptable.

- 41/43 Redchurch Street;
- 45 Redchurch Street;
- 47 Redchurch Street;
- 51 Redchurch Street;
- 53 Redchurch Street;
- 42 Redchurch Street;
- 44 Redchurch Street;
- 46 Redchurch Street;
- 17 Whitby Street;
- 19 Whitby Street;
- 11 Club Row;
- 7/9 Club Row;
- 25 Bethnal Green Road; and
- 65/66 Bethnal Green Road.

8.241. The following properties do not meet all the standards; however, the results have been reviewed by the independent consultant and are considered the overall impact to be negligible or minor adverse.

- 15/17 Redchurch Street;
- 31/39 Redchurch Street;
- 34 Redchurch Street;

- 36 Redchurch Street;
- 38 Redchurch Street;
- 2/4 Chance Street; and
- 15 Bethnal Green Road.

8.242. The following properties have a greater impact in terms of VSC and NSL and these are discussed in greater depth.

*19/29 Redchurch Street*

8.243. 19-29 Redchurch Street is located to the north east of the site, on the northern side of Redchurch Street. It is currently under development, with planning permission granted in 2008, and amended several times since then. In 2012 (planning reference PA/12/00221) amendments were proposed to the earlier applications, this consent was granted and finalised the proposal as the change of use of existing ground floor B1 (office) space to provide three A1(retail) units and the change of use of existing B1 (office) space at second floor to provide 9 flats (2 x 1-bed, 2 x 2-bed, 4 x 3-bed and 1 x 4-bed) over second, third and fourth floor levels, and associated external alterations.

8.244. The daylight/sunlight report for this property suggests that this property would experience VSC reductions of between 20% and 49% to residential rooms including a 49% reduction to a living room. In terms of NSL, the rooms which see a reduction of VSC do not see a significant reduction of NSL, which means light will still penetrate within these rooms. There is a five % loss of NSL to the Living room which sees the greatest loss of VSC.

8.245. The council's independent consultant considers that as a result of the minor loss of NSL the perception of light obstruction to a person in the inner part of the rooms will not be materially different and on balance considered acceptable.

*40 Redchurch Street*

8.246. 40 Redchurch Street is located at the corner of Redchurch Street with Chance Street is an 'L' shaped block located at the corner of Redchurch Street and Chance Street. The windows tested are located at the rear perpendicular to the rear façade of 38 Redchurch Street. Both windows on this flack elevation were tested, with one residential room experiencing a 30% reduction in VSC. That room experiences very little change in daylight distribution and on balance considered a minor adverse impact by the independent consultant. It is also considered that given the window is located at the rear of what is a tight narrow site, and that the property is dual aspect this overall impact is considered acceptable.

*13 Bethnal Green Road*

8.247. 13 Bethnal Green Road, is located within the London Borough of Hackney. Under Hackney planning reference 2008/1404 planning permission was granted for the change of use of ground floor and basement from B1 (Business) to A1 (Retail) use, use of upper floors (first to fifth) for C1 (Hotel) purposes, and three-storey roof extension following removal of existing mansard roof at third floor level.

8.248. Some of the bedrooms serving the hotel face Ebor Street will experience very high reductions in VSC with a substantial number experiencing reductions in VSC of more

than 50%, up to reductions of over 80%. In addition, there are also significant failures of daylight distribution with NSL reductions of over 50% to many rooms.

8.249. The following is a plan of the third floor. The windows located at the bottom of the plan face Ebor Street and are likely to be affected. The corner bedrooms are dual aspect and are likely to maintain a view over Bethnal Green Road, the bedroom nearest to the corner room has a window close to the flank wall and as such, the impact of the greatest mass is unlikely to be felt here.



8.250. This leaves two most southerly windows on each of the 1st, 2nd and 3rd floors which are likely to be affected. The fourth and fifth floor rooms are set back, some with dual aspect and contain private balconies which should ensure the impact is less severe.

8.251. On balance, officers consider that given the use is as a Hotel which has a transient population that is most likely to use the hotel in the evening the loss of VSC and NSL is considered acceptable when weighed against the regenerative benefits of the scheme.

#### *The Biscuit House and Tea Building (Shoreditch House)*

8.252. The Biscuit House and Tea Building are commercial premises, used as offices, with a private members club on the upper floors. This property is located to the north of 13 Bethnal Green Road also within the London Borough of Hackney. This property faces Ebor Street where the tallest part of the building is to be located.

8.253. The results show significant reductions in VSC to windows in that building, primarily those windows located directly facing the taller tower part of the proposed development, across Ebor Street. The distribution results show rooms with losses of NSL of between 70% and 82%. Some of these losses occur to staircases which are considered to be of minimal significance but there will be offices where the available light will be significantly reduced.

8.254. Given the building is very large bounded by Shoreditch High Street, Redchurch Street, Ebor and Bethnal Green Road, the impact of the proposal is most likely to be



felt near Ebor Street with the rest of the building unlikely to be affected. Therefore the independent daylight consult considers that there is some justification for the applicant's assessment of the impact as 'minor adverse'. However given the actual loss of VSC and NSL the independent consultant considers it would be more appropriate for it to be identified as 'moderate adverse'. Given the affected floors are predominantly office (and a restaurant on the top floor), the impact of the VSC and NSL losses would mean artificial lighting would most likely be required more often. This dis-benefit is not considered to outweigh the overall benefit of maximising residential use at the application site and as such, the impact on balance is considered acceptable.

- 8.255. During the course of the application an objection has been received raising daylight/sunlight impacts on 52 & 54 Redchurch Street. Given properties nearer to the site have been tested and pass the relevant tests and given it is flanked by a much larger building at 48-50 Redchurch Street, both the applicant and the Councils independent consultant consider testing on this property is not required.

#### *Sunlight*

- 8.256. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.257. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:

The GIA report identifies that the following properties meet the required standard for APSH:

- 8.258.

- 31/39 Redchurch Street;
- 41/43 Redchurch Street;
- 45 Redchurch Street;
- 51 Redchurch Street;
- 53 Redchurch Street;
- 36 Redchurch Street;
- 38 Redchurch Street;
- 44 Redchurch Street;
- 46 Redchurch Street;
- 17 Whitby Street;
- 19 Whitby Street;
- 15 Bethnal Green Road;
- 17 Club Row;
- 7/9 Club Row;
- 25 Bethnal Green Road; and
- 13 Bethnal Green Road.

- 8.259. GIA have identified the following properties as not meeting the required sunlight standard, but where the impact on APSH can be considered to be negligible or minor

adverse. On balance, the independent consultant agrees this assessment for the following properties:

- 15/17 Redchurch Street;
- 47 Redchurch Street;
- 34 Redchurch Street;
- 40 Redchurch Street;
- 42 Redchurch Street;
- 2/4 Chance Street; and
- Biscuit House and Tea Building.

8.260. Two properties have a greater loss of sunlight these are 19/29 Redchurch Street and 49 Redchurch Street.

8.261. 19/29 Redchurch Street, there are failures of both the annual and winter sunlight to a number of bedrooms. Given these rooms are used as bedrooms, the impact is considered less significant. Furthermore, given the existing sunlight hours are low, any loss as a percentage appears logically greater. Overall, the impact on this property is considered to be moderately adverse, however not unduly detrimental.

8.262. With regards to 49 Redchurch Street, there are significant failures in winter sunlight, with a reduction of 100% winter sunlight in the case of one room. This is an obscured glazed window serving that appears as a ground floor residential unit. The window appears to be a former shopfront window which has been frosted over, this would naturally reduce light entering the building. The independent consultant has reviewed the finding and advises that given the reduction in annual sunlight is compliant the indication is that the location of the window (at ground floor level) resulting in a low angle of winter sun which is the cause of the failures of winter APSH standards. It is considered that impact is moderate adverse. Again officers consider that in relation to the scheme, the impact is considered acceptable on balance and partially a result of the sites design as well as from the impact of the development.

8.263. Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

#### Overshadowing

8.264. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March".

8.265. The report demonstrates that the majority of the amenity area within the rear of surrounding properties are already in almost total permanent shadow under the existing situation and so would not comply with BRE guidelines now. The proposed development will not adversely impact these properties.

8.266. The amenity space between Hedsor House and Laleham House within the Boundary Estate will achieves at least the recommended 2 hours of sun to 39.4% of its area which is below the BRE recommended 50% and is therefore not compliant with the BRE guidelines.

8.267. Overall, given this amenity space is already restricted by the buildings they serve, and it is only a 11% failure, it is considered acceptable on balance.

#### Privacy

- 8.268. The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings and existing buildings.
- 8.269. The proposed residential uses on Ebor Street would face commercial uses, and the residential uses on Chance and Redchurch Street would maintain an existing street relationships and separation distances.
- 8.270. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

#### Impact on Shoreditch House

- 8.271. Officers acknowledged the importance of Shoreditch House, located at the adjacent Tea and Biscuit building as a local enterprise which has a positive impact on the surrounding area. The vibrant nature of the uses at the premises, the private members club and the hotel all partially face the applicant site. Due to the existing buildings being of two storeys, Shoreditch House has enjoyed wide views over the eastern part of Tower Hamlets. The proposed development will significantly obscure these views.
- 8.272. Loss of views is not normally a material planning consideration, however, given the views of experienced by the private members club are a unique benefit of this facility they have been considered in this instance and discounted as not being of sufficient weight to restrict a development of the scale proposed and the associated benefits which have been discussed within this report.
- 8.273. Officers also consider that the proposed development would result in an overlooking relationship between commercial and residential to not result in an unduly detrimental impact to justify a refusal of this application.
- 8.274. The concern over 'reverse sensitivity' has been noted. However, given future occupiers of the application site will be aware of Shoreditch House when considering whether they would live at the premises and the noise insulation already proposed by the applicant, it is considered that the proposed development will not in the long term have an adverse impact on Shoreditch House to warrant a refusal of the application.

#### Visual amenity / sense of enclosure

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

#### Landscaping and Biodiversity

- 8.277. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, 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.

- 8.278. The Council's Biodiversity officer has advised that the application site is of negligible biodiversity value. There is no vegetation and the buildings are not suitable for roosting bats.
- 8.279. The proposals include significant areas of soft landscaping, which will ensure an overall benefit for biodiversity. Green roofs are proposed on several parts of the building. Some of these are shown as "brown" or "biodiverse" roofs. This is recommended to be secured by the imposition of a condition.
- 8.280. Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS.

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

#### Car Parking

- 8.281. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility levels (PTAL) to be secured as 'permit free'.
- 8.282. The application site is located opposite the Shoreditch High Street Station which serves the Overground line. Opposite the site lie two bus routes (8 & 388) and the site is within walking distance of the A10 which is a major bus corridor, as such the site has an excellent PTAL rating of between 6a and 6b, which is the highest possible level.
- 8.283. In areas of high PTAL, appendix 2 of the MDD which is read in conjunction with policy DM22 seeks 0.1 parking space for units less than 3 bedrooms and 0.2 parking spaces for units containing 3 bedrooms plus.
- 8.284. Based on this standard, the scheme generates a maximum of 9 parking spaces, and a minimum of two required for accessible parking.
- 8.285. The application as submitted proposed 28 car parking spaces with 8 accessible parking, to be located within the basement of the site and served by two car- lifts which are accessed from Ebor Street. Given the PTAL rating, this was considered unacceptable to both the Council's Highways and Transportation section and Transport for London. The GLA stage1 report also suggested that this level should be reduced.
- 8.286. In response to these comments the level of parking has been reduced to 18 spaces with 8 to remain as accessible parking. As noted in the consultation section of this report, this reduction is welcomed by TfL, and the boroughs highways department who wish to see a further reduction of one space.
- 8.287. Whilst this level is still double the policy requirement, several factors in combination have resulted in officers considering this level acceptable on balance. These are outlined below:
- 8.288. Firstly, the existing estate provides at least 20 parking spaces for light business type uses, these uses tend to result in higher trip rates during am and pm peak periods. The proposed 18 car parking for residential uses, is unlikely to generate the same level of trips and would be lower than the existing arrangement.

- 8.289. Secondly, the proposed level of parking enables a higher % of disabled parking to be accommodated on site, which could reduce a potential increase in disabled parking on the surrounding area, which may arise if the parking is reduced further.
- 8.290. Lastly, the proposed development by providing a high –end residential product is required to achieve the projected sales values which will in part aid the development of Fleet Street Hill. Any further reduction may reduce the need for the two car lifts and the basement, potentially having a knock on impact on parking on the surrounding highway and also servicing.
- 8.291. As such, taking the above into consideration, it is considered an appropriate balance has been struck between the level of car parking in this instance.

#### Cycle Parking

- 8.292. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document. Specifically, the relevant minimum cycle parking requirements for the uses proposed in the current application are provided at Table 1 below.

8.293. Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
A1 retail	1 space per 125 sqm
A3 restaurant/café	1 space per 20 seats for staff 1 space per 20 seats for visitors
B1a offices	1 space per 120 sqm
C3 residential	1 space per 1 or 2 bed unit 2 spaces per 3+ bed unit
D1 community use	1 per 10 staff 1 per 5 staff for visitors

- 8.294. The scheme 150 cycle spaces for residents (118 in the basement and 8 at grade, both within secure stores), which exceeds the policy requirements. A further 24 cycle parking spaces are provided at grade for the retail units.
- 8.295. No visitor parking is proposed by the application. The applicant considers this would be better provided on Bethnal Green Road where the pavement width can accommodate the spaces and where it is likely to be used. This is considered acceptable to LBTH Transportation and Highways who have suggested it is provided under a s278 agreement.
- 8.296. The overall, provision is supported by LBTH Transportation & Highways and will be conditioned to ensure it's retention.

#### Servicing

- 8.297. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.
- 8.298. The proposal includes retail, café, office and community uses at basement, ground and first floor level which will require goods deliveries and servicing

- 8.299. The proposals have been assessed by LBTH Transportation & Highways, who originally raised concerns over one of the servicing bays provided at Ebor Street. Following additional plans demonstrating vehicles would still be able to pass, this concern has been overcome.
- 8.300. Highways also have no objections to the other servicing bays on Ebor and Chance Streets. These will be implemented under a s278 agreement.
- 8.301. The servicing for the retail uses will be secured under a Delivery and Servicing Management Plan as end users have not been identified at this stage.
- 8.302. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements for the non-residential uses is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

#### Refuse and Recyclables Storage

- 8.303. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.304. The proposed development includes a designated refuse store in the basement. These have been reviewed by officers from the waste collection team and considered acceptable.
- 8.305. As such, subject to condition requiring the provision and retention of refuse facilities, it is considered that the proposed refuse and recyclables storage facilities are acceptable, in accordance with Policy 5.17 of the London Plan (2011), Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013).

#### **Public Transport Improvements**

##### *Crossrail*

- 8.306. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution towards Crossrail.
- 8.307. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London.
- 8.308. It is noted that the CIL payment has been estimated at between £181,973 for this development. As this acts as a credit towards Crossrail and is the greater of the two amounts no additional Crossrail contribution is required.

##### Conclusion:

- 8.309. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network. Conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to

mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

### **Energy and Sustainability**

- 8.310. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.311. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).
- 8.312. 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). Policy DM29 requires a 35% CO2 reduction between 2011 to 2013, and a 50% CO2 reduction between 2013 to 2016. The Councils Sustainability Team have confirmed that the 50% reduction will be sought on applications received after 1st October 2013. Given, this application has been submitted before 1st October the 35% reduction is applicable.
- 8.313. Policy SO3 of the CS 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. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.314. Policy DM29 of the MDD 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 non-residential schemes to achieve a BREEAM Excellent rating.
- 8.315. Lastly, policies 5.5 and 5.6 of the LP and DM29(2) of the MDD promote the use of decentralised energy within development proposals through the use of Combined Heat and Power (CHP) systems.
- 8.316. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and CO2 emissions by 18%. A site wide CHP to deliver an additional 22% reduction in CO2 emissions at the 'Be Clean' stage of the energy hierarchy.
- 8.317. The total anticipated CO2 savings from the developments are 36%, through a combination of energy efficiency measures and a CHP system. There are no renewable energy technologies proposed for the site and this is accepted as the policy target of 35% has been achieved.

#### Sustainability:

- 8.318. 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 developments to achieve a minimum BREEAM Excellent rating, and a code for sustainable homes Level 4. The proposals have been designed to achieve this rating and are therefore

supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

### **Environmental Considerations**

#### Contaminated Land:

- 8.319. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.320. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

#### Microclimate:

- 8.321. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.322. Chapter 13 of the submitted ES assesses the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.323. In the absence of any mitigation, the development would give rise to a full range of wind effects. Depending on the location within and surrounding the site, the season and the type of pedestrian activity taking place, wind conditions were found to be both suitable for the intended pedestrian use in some locations and windier than desired in others.
- 8.324. Further detailed design of the building (to include building form and articulation and entrance locations) would allow an opportunity to improve the wind conditions where required. This could include detailed landscape planting within the site and the implementation of possible wind screens. These measures are recommended to be secured by condition in the event that planning permission is granted.

### **Environmental Impact Assessment**

- 8.325. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.326. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's



Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

- 8.327. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that following a Regulation 22 request the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.328. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/ obligations providing for appropriate mitigation measures.

### **Planning Contributions and Community Infrastructure Levy**

- 8.329. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- § 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.
- 8.330. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.331. 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.
- 8.332. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, skills, training and enterprise
  - Community facilities
  - Education
- 8.333. The Borough's other priorities include:
- Health
  - Sustainable Transport
  - Environmental Sustainability
  - Public Realm
- 8.334. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

- 8.335. In considering how to deal with the section 106, in light of the fact this is an outline scheme and the scale of development is not fixed at this stage, Officers have calculated the level of contributions taking account of the minimum and maximum level of commercial floor space provision. The minimum and maximum range of planning contributions required to mitigate the impact of development dependent on the final level of commercial floor space provided are listed below.
- 8.336. The section 106 agreement would include the formulas contained within the section 106 SPD and the final level of the contribution would be agreed as part of the reserved matters applications once the fixed amount of commercial floor space is agreed.
- 8.337. This approach ensures that the level of financial mitigation is proportion to the scale of development and accords with the CIL regulations. Officers presented this approach to the Planning Contributions Overview Panel (PCOP) who agreed with the approach.
- 8.338. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at £181,973.00. This is higher than the Crossrail SPg contribution.
- 8.339. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.340. To mitigate for the impact of this development on local infrastructure and community facilities the following contributions accord with the Regulations and have been agreed.
- 8.341. The proposed heads of terms are:

Financial Obligations:

- A contribution of between **£39,679.66** towards employment, skills, training and enterprise.
- A contribution of between **£82,728.36** towards Community Facilities
- A contribution of between **£1,995.00** towards Sustainable Transport.
- A contribution of **£57,921.31** towards Education
- A contribution of between **£286,250.89** towards Public Realm.
- A contribution of **£89,328.00** towards Health
- A contribution of 2% of the total financial contributions would be secured towards monitoring.
- Total Contribution financial contributions **£569,061.28**

Non-financial contributions

- Delivery Affordable Housing comprising 9 Intermediate units at HIE and 27 units at FSH (3 x intermediate units and 24 rented units).
- Occupation clauses to ensure FSH is delivered
- Permit Free for future residents
- 10% Wheelchair units
- TV reception and monitoring

Requirement to enter into S278 agreement for highway works including servicing bays on Ebor Street and Chance Street and 5 Sheffield stands on Bethnal Green Road  
Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

8.342. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

8.343. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

8.344. 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.

8.345. 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.

8.346. 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.

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

8.348. 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.

8.349. 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 £181,973.00

### **Human Rights**

8.350. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.351. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European

Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

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

- 8.352. 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.
- 8.353. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 8.354. 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.
- 8.355. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.356. 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.
- 8.357. 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 obligations to be entered into.

### **Equalities**

- 8.358. 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.

8.359. 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.

8.360. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

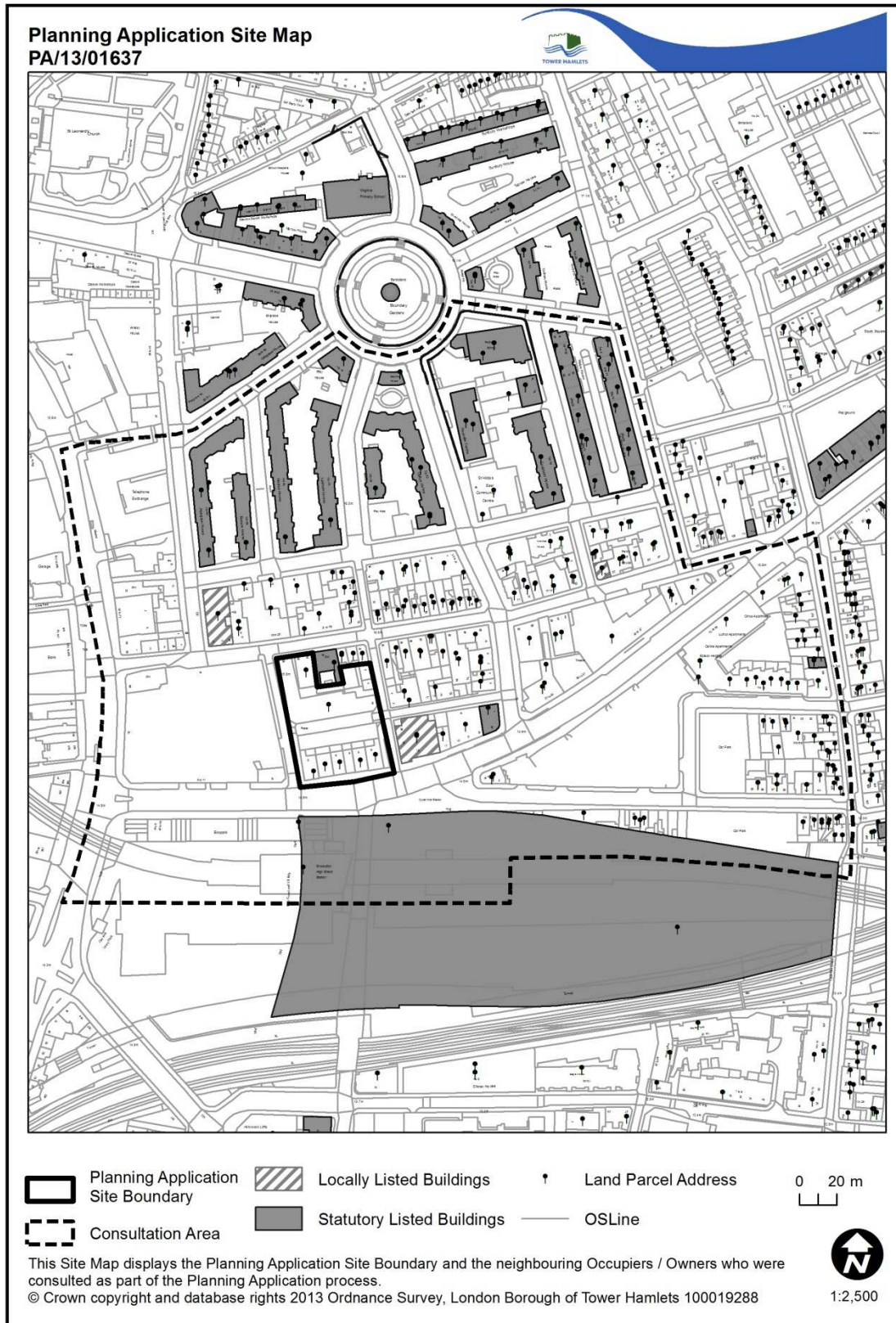
## **9.0 OTHER MATTERS**

9.1. Officers would advise Members that the images included in this report are for illustrative purposes. The submitted Townscape Assessment includes Accurate Visual Representations of the scheme, and this will be available to view at the Committee Meeting.

## **10.0 CONCLUSION**

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

Appendix 1: Consultation map



<b>Agenda Item number:</b>	6.2
<b>Reference number:</b>	PA/13/01638 and PA/13/01644
<b>Location:</b>	Land bounded by 2-10 Bethnal Green Road, 1-5 Chance Street (Huntingdon Industrial Estate) and 30-32 Redchurch Street
<b>Proposal:</b>	Demolition and redevelopment to provide a mixed use development comprising two basement floors and between 2 - 14 storeys. The proposal provides 78 residential units (Use Class C3), 456 sqm Class A1, 359 sqm Class A1/B1/D2 and 1,131 sqm A1/A3/A4/D2 at basement and ground floor; parking, plant and ancillary accommodation; a central courtyard and accessible amenity roof terraces.

## 1.0 CLARIFICATIONS AND CORRECTIONS

1.1 Paragraphs 8.335 and 8.336 of the report consider the s106 in the event the scheme is for outline planning permission, this is an error the scheme is not an outline planning application and as such, these paragraphs do not apply.

1.2 Paragraph 8.168 states

*Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of rented accommodation the proposed development will result in a mixed and balanced community.*

It should read:

1.3 *Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of market accommodation the proposed development will result in a mixed and balanced community.*

## 2.0 ADDITIONAL REPRESENTATIONS RECEIVED

2.1 Since the publication of the committee report additional representations have been received.

- 123 pro-forma letters in objection to the scheme, of which 12 contained no address
- 6 letters in objection to the scheme.
- 1 letter in opposition have been received from Cllr Jackson
- 12 letters of support have also been raised

2.2 The majority of issues raised in the letters have been addressed within the committee report. The following additional comments have been received.

### Daylight/Sunlight

2.3 A letter has been received by Anstey Horne, Chartered Surveyors on behalf of local residents. The letter reports on the findings of the Daylight and Sunlight review carried out as part of the Environmental Statement, however disagrees with the summary of the findings for both Daylight and Sunlight.

*[Officer Comment: Officers have considered the daylight and sunlight impacts for the application and the findings are discussed within sections 8.234 and 8.263 of the main report to committee. The assessment made by officers is based on an independent review of the daylight/ sunlight study and has not changed following the publication of the committee report and the letter received by Anstey Home]*

#### Viability

- 2.4 Several objection letters consider Fleet Street Hill as proposed is not fully maximised and that should it be maximised the development at Huntingdon would be able to be reduced in height, without impacting on the viability of the scheme, and would result in a more mixed and balanced community. A spread sheet has been submitted which suggests an appropriate balance would be for Fleet Street Hill to provide 42 dwellings (instead of 34 units) and Huntingdon Industrial Estate to provide 66 dwellings (instead of 79 units).

*[Officer Comment: Given no planning application has been submitted or assessed, officers are unable to attribute much weight to this suggestion. However, it is noted, that a previous application on Fleet Street Hill (PA/11/00459) proposed 43 units, which is one more than what is suggested within the spreadsheet and this was not considered acceptable. In addition, based on the current plans for Fleet Street Hill additional units, could be at the expense of the delivery of family sized units]*

#### Whitby Street

- 2.5 Objections have been received regarding the closure of Whitby Street in the 1980's to facilitate a development that was not implemented. On this basis, objectors consider that the Council should seek to re-instate Whitby Street and that the developer should not benefit from this.
- 2.6 The partial loss of Whitby Street has been fully considered by officers in the assessment of the planning application, and its loss to facilitate the development has been considered acceptable. The objections received on this ground do not change this position.

#### **3.0 RECOMMENDATION**

- 3.1 Officers' recommendation remains as outlined in the main report.



# Agenda Item 5.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01637
	<b>Ward:</b> Weavers Ward

## Site 2: PA/13/01637 Full Planning Application.

Location:	Land at Fleet Street Hill, London, E2
Existing Use:	Vacant
Proposal:	Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.  The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works

## 2. BACKGROUND

- 2.1 The above application was reported to the Strategic Development Committee on the 21<sup>st</sup> November 2013 with an Officers recommendation for APPROVAL. The Committee resolved NOT TO ACCEPT officers' recommendation to GRANT planning permission (subject to conditions) for the development of the site at Fleet Street Hill.
- 2.2 This application was considered in conjunction with the planning application at Huntingdon Industrial Estate. It was acknowledged that the development at the Huntingdon Industrial Estate would fund the development at Fleet Street Hill. Fleet Street Hill would be used to provide the bulk of the affordable housing obligation arising from the development at Huntingdon Industrial Estate.
- 2.3 Following member's resolution not to accept officer's recommendation on Huntingdon Industrial Estate. Fleet Street Hill was considered as a stand-alone planning application on the basis that whilst it was relying on Huntingdon Industrial Estate to be implemented, if alternative funding could arise it could be implemented on a stand-alone basis.
- 2.4 Since the Committee meeting Officers have received a further letter of representation sent on behalf of the Applicant. The letter queries whether it was sufficiently clear to Members that it was open for them to consider granting permission for this application - even though the application at Huntingdon's Estate was refused.

- 2.5 Officers consider that this matter was made clear to Members on the night, but that Members resolved not to support the recommendation to grant and gave reasons for doing so. However, given the representation received, and to avoid any doubt, Officers re-iterate their advice that it would be open for Members to approve the application at Fleet Street Hill even though Huntingdons Estate is to be refused.
- 2.6 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- The failure to provide a mixed and balanced community given the concentration of affordable housing within the proposed development and the overprovision of private sale within the linked application for Huntingdon Industrial Estate (PA/13/01638, PA/13/01644).
  - The suitability of the site for family housing given the security and environmental challenges within the area and noise and vibration from the nearby railway lines.
  - The commercial units particularly whether the units could be sustainable and viably occupied.

### **3.0 PROPOSED REASON FOR REFUSAL**

- 3.1 Officers have drafted the following refusal reasons to cover the issues raised.

1. The proposed development by virtue of the over-provision of affordable accommodation (particularly in the rented tenure) would fail to create a mixed and balanced community contrary to Strategic Objective 8 and policy SP02 of the Core Strategy 2010, policy DM3 of the Managing Development Document 2013, policy 3.9 of the London Plan 2011 and the National Planning Policy Framework which seeks to promote sustainable development through fostering social diversity and redressing social exclusion.

2. The proposed development, by virtue of its location between two railway lines, is very constrained. The access to site via the footbridge over the railway to Cheshire Street and the underpass from Allen Gardens are poor and make the site unsuitable for the provision of a large amount of family accommodation. The proposal is therefore contrary to the design objectives set within policy 7.1 of the London Plan 2011, policy SP10 and SP12 of the adopted Core Strategy and policies DM23 and DM24 of the Managing Development Document.

3. The provision of a large quantity commercial floorspace is inappropriate given the location of the site outside of a designated Town Centre. The provision of commercial floor space would not create a sustainable place and would be contrary to the objectives of Strategic Objective S06 and Strategic Policy SP10 of the Core Strategy 2010 and policy DM2(2) of the Managing Development Document 2013.

## Consideration

- 3.3 Officers consider that the assessment of the merits of this case were carefully balanced in the original committee report. The site is challenging in terms of its location and in its current condition detracts from the quality of the environment of the area. In creating a new mixed use development on the site, and improving connections the scheme could be seen as offering considerable planning benefits. These benefits must be carefully weighed against the concerns raised by Members.
- 3.4 Officers consider that providing a high proportion of rented affordable accommodation on this site could be seen as contrary to the objectives of policies to promote mixed and balanced communities. Officers consider that the first reason for refusal could be defended at appeal.
- 3.5 With regard to the second reason, in line with the assessment in the main committee report, Officers consider that the development could be seen as significantly improving connectivity by providing a high quality development which improves existing poorly defined routes within the area. However, to a degree the assessment of the quality of a place and its connection with neighbouring areas is subjective.
- 3.6 Officers note Members reference to concerns relating to noise and vibration. The findings of the submitted technical studies into these matters were reviewed by Environmental Health Officers who considered that noise and vibration impacts could be adequately mitigated through the use of conditions. The Council also appointed another independent specialist consultant to review the submitted studies, who agreed with this conclusion.
- 3.7 Officers consider including noise and vibration impacts in the reason for refusal could be difficult to defend at appeal given the lack of technical evidence to support our position. In this regard Members are reminded of the advice given by the Planning Inspectorate Guidance on Appeals which states ‘*Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council.*
- 3.5 Given this advice Officers have drafted the reason for refusal as above which does not take issue with the development in terms of the impact of noise and vibration.
- 3.6 The purpose of including the viability of the commercial units as a reason for refusal was based on a long term concern that the units would become vacant and reduce natural surveillance and blight the development. Officers consider that this reason could be defended at appeal.

## **4.0 IMPLICATIONS OF THE DECISIONS**

- 4.1. If Members resolve to refuse the Application the Council would proceed to issue the decision as there is no requirement to report the scheme to the Mayor of London. Following refusal the following options are open to the Applicant. These would include (though not be limited to):
- 4.2. The Applicant could submit a revised Application to try to overcome the reasons given.

- 4.3 The Applicant could lodge an appeal against the decision of the Council.
- 4.3. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122).
- 4.5 Whatever the outcome, your officers would seek to defend any appeal.

## **5.0 CONCLUSION**

- 5.1 All relevant policies and considerations have been taken into account. Whilst officers' remain satisfied that planning permission for the redevelopment of Fleet Street Hill should be **GRANTED**, should Members resolve to **REFUSE** planning permission members are directed to the reasons for refusal given above.

## **6.0 APPENDICES**

- 6.1 Appendix One - Committee Report to Members on 21<sup>st</sup> November 2013
- 6.2 Appendix Two – Update Report to Members on 21<sup>st</sup> November 2013

<b>Committee:</b> Strategic	<b>Date:</b> 21 <sup>st</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Nasser Farooq	<b>Ref No:</b> PA/13/01637
	<b>Ward:</b> Weavers Ward

**1. APPLICATION DETAILS**

**Location:** Land at Fleet Street Hill, London, E2

**Existing Use:** Vacant site

**Proposal:** Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.

The development includes the provision of 135 sqm of restaurant (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

**Drawing and documents:** 092\_P\_0001092\_P\_0002,092\_P\_0003, 092\_P\_1000 rev B, 092\_P\_1001 rev B, 092\_P\_1002 rev B, 092\_P\_1003 rev B, 092\_P\_1004 rev B, 092\_P\_1011 rev A, 092\_P\_4000 rev B, 092\_P\_4001 rev B, 092\_P\_4002rev A, 092\_P\_4003 rev B, 092\_P\_4004 rev A, 092\_P\_4005 rev B, 413.001 A, 413.002 A and 413.003

Preliminary Accommodation Schedule dated 23<sup>rd</sup> October 2013

Design and Access Statement dated October 2013

Community Involvement Report dated July 2013

Long-Term Commercial Success Strategy dated 09 July 2013

Assessment of economic viability dated July 2011 prepared by BNP Paribas Real Estate

Planning Statement dated July 2013

Environmental Statement – Non technical summary dated July 2013

ES Volume 1: Main report Part 1: Chapters 1.0 -9.0 dated July 2013

ES Volume 1: Main report Part 2: Chapters 10.0 -19.0 dated July 2013

ES Volume 2: Townscape, Heritage and Visual Impact

Assessment reports dated July 2013  
ES Volume 3 – Part 2 Transport Assessment dated July 2013 prepared by Motion  
ES Volume 4 – list of Appendices  
Appendix 2.1 Scoping Report for Huntingdon Industrial Estate and Fleet Street Hill 2013  
Appendix 2.2 Scoping Opinion of London Borough of Tower Hamlets 2013  
Appendix 2.4 Letter to H Peacock (LBTH) regarding Transport scoping and EIA  
Appendix 6.1 Site Waste Management Plan for Huntingdon Industrial Estate and Fleet Street Hill (EPAL 2013)  
Appendix 7.1 Open Space and Playspace Assessment (Quod 2013)  
Appendix 9.2 Fleet Street Hill Noise Assessment (Hoare Lea 2013)  
Appendix 10.1 Dust Risk Assessment (APPLE) for Huntingdon Industrial Estate and Fleet Street Hill (EPAL 2013)  
Appendix 10.2 IAQM Risk Assessment Procedure adopted for Assessment  
Appendix 10.3 Description of ADMS Roads 3.1.2 Air Quality Model (EPAL 2013)  
Appendix 11.2 Phase 1 Desk-Based Ground Conditions Assessment WYG Environmental (2011)  
Appendix 11.6 Unexploded Ordnance Assessment for Fleet Street Hill by EOD  
Appendix 11.8 Drainage Assessment for Fleet Street Hill (2013)  
Appendix 12.2 Desk-Based Archaeological Assessment for Fleet Street Hill (WYG Environment 2011)  
Appendix 13.2 Desk-based pedestrian level wind assessment for Fleet Street Hill (by RWDI Anemos 2013)  
Appendix 13.3 Wind Tunnel Test Report for previous Fleet Street Hill Scheme (by RWDI Anemos 2011)  
Appendix 14.2 Fleet Street Hill including:  
Appendix 14.2.A FSH: Transient Overshadowing Assessment  
Appendix 14.2.B FSH: Internal Daylight and Sunlight Assessment  
Appendix 14.2.C FSH: Overshadowing Assessment  
Appendix 14.2.D FSH: Daylight and Sunlight Results for previously submitted scheme.  
Appendix 15.1 HIE and FSH Ecology survey data: Species Lists and Photographs (2013)  
Es Volume 5 part 2 Energy and Sustainable Design Statement revision 1 dated May 2013 prepared by Hoare Lea  
Response to LBTH comments on Energy and Sustainability Statement prepared by Hoare Lea.  
Environmental Statement Addendum Regulations 22 dated October 2013

Supplementary Vibration Measurements prepared by  
Hoare Lea  
Date: 8th November 2013 Application Reference:  
PA/13/01637  
Fleet Street Hill Vibration Measurements methodology  
dated 8<sup>th</sup> November 2013

**Applicant:** UKI (Fleet Street) Limited  
**Ownership:** Transport for London property  
**Historic Building:** N/A  
**Conservation Area:** The site is located within the Brick Lane / Fournier Street conservation area.

## 2. EXECUTIVE SUMMARY

- 2.1. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.2. Officers consider the mixed use redevelopment of Fleet Street Hill will offer substantial benefits to the regeneration of the local area. The scheme is linked with the associated application to redevelopment Huntingdon's Industrial Estate. This application relies on an element of cross subsidy from the Huntingdon's Estate to make the scheme viable.
- 2.3. The innovative design of the scheme is considered to respond well to the constraints of this challenging site. The scheme maximises opportunities to introduce active frontages and natural surveillance. The scheme would create an attractive development around a central courtyard with distinctive architecture giving a strong sense of place. The scheme will significantly improve the linkages between Pedley Street, Cheshire Street and Brick Lane in accordance with policy.
- 2.4. The dwellings are well designed and all units have dual aspect with generous areas of private external amenity space. The potential impact of the railway on the occupiers of these dwellings, in terms of disturbance from noise and vibration, has been very carefully considered. Officers are satisfied that, providing the buildings are constructed with suitable insulation (which is secured by a series of rigorous conditions) the dwellings will offer an acceptable standard of accommodation for future occupiers.
- 2.5. The scheme proposes a mix of commercial and residential (both private and affordable) land-uses. The scheme proposes a high percentage of affordable housing, including larger family sized units. Officers are satisfied that the mix of uses is acceptable, and will contribute to policy objectives to create balanced and sustainable communities.
- 2.6. The scheme fully meets the S106 obligations specified in the adopted Planning Obligations SPD, which mitigates the impact of the development on local infrastructure. The scheme also makes a contribution towards the upgrading of the railway bridge from Cheshire Street to Fleet Street Hill which is necessary to ensure the development is properly integrated with its surroundings.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- a) A contribution of between **£54,435.95** towards employment, skills, training and enterprise.
- b) A contribution of between **£139,298.31** towards Community Facilities.
- c) A contribution of between **£3,525.00** towards Sustainable Transport.
- d) A contribution of **£383,441.03** towards Education.
- e) A contribution of **£416,228.17** towards Public Realm.
- f) A contribution of **£58,373.00** towards Health
- g) A contribution of **£250,000.00** towards Network Rail bridge improvements and other connectivity and security works in the vicinity
- h) A contribution of 2% of the total financial contributions would be secured towards monitoring.

#### Non-financial contributions

- i) 27 affordable housing units at Fleet Street Hill comprising:
    - 1 x 1 bedroom (intermediate)
    - 2 x 2 bedroom (intermediate)
    - 2 x 1 bedroom (affordable rent)
    - 8 x 2 bedroom (affordable rent)
    - 7 x 3 bedroom (target rent)
    - 6 x 4 bedroom (target rent)
    - 1 x 5 bedroom (target rent)
  - j) Car Free agreement
  - k) Commercial floorspace rent capped at £15 psf for five years
  - l) Council first option on D1 floorspace
  - m) Wheelchair adaptable units 1 x 3 bed and 2 x 4 bed
  - n) First refusal of commercial floorspace to any company that has been based at Huntingdon Industrial Estate for more than 10 years
  - o) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
  - p) Obligation to enter into S278 for highway improvement works following adoption of Fleet Street Hill
  - q) Clause requiring market units to be retained as wholly market.
  - r) 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 authority to recommend the following conditions and informatives in relation to the following matters:
  - 3.6. **Conditions**
    - 1) Three year time limit
    - 2) Compliance with approved plans



- 3) Samples of materials
- 4) Detailed design drawings
- 5) Details of acoustic wall
- 6) Full details of the Landscape/ Child play space
- 7) Full details of the biodiversity enhancement measures
- 8) Development to achieve secure by design standards
- 9) Full details of the brown roofs proposed
- 10) Submission of a Piling Method Statement
- 11) Submission of a Hydrogeological Risk Assessment
- 12) Full details of surface water draining and sustainable urban design methods
- 13) Submission of a Written Scheme of Archaeological Investigation
- 14) Contaminated Land Condition
- 15) Submission of a Parking Management Plan
- 16) Electrical Charging Points
- 17) Retention of car parking inc disabled spaces
- 18) Retention of cycle spaces
- 19) Retention of refuse spaces
- 20) Submission of a Travel Plan
- 21) Delivery and Service Management Plan
- 22) Construction management and logistics plan
- 23) Restriction on commercial uses
- 24) Compliance with Energy Statement
- 25) Code for sustainable homes level 4
- 26) Breeam Excellent for commercial uses
- 27) Noise 1: Ground Borne condition
- 28) Noise 2: Air Borne condition
- 29) Noise 3: Landscaping and Terrace condition
- 30) Noise 4: Details of any extraction systems
- 31) Noise 5: Hours of operation for any A3//D1 and D2 uses
- 32) Hours of construction
- 33) Removal of permitted development rights from A1 to A3 or from B1 to C3

### 3.7. **Informatives**

- 1) Subject to s106 agreement
- 2) CIL liable
- 3) Thames water informatives
- 4) English Heritage Archaeology Informative
- 5) Environmental Health informatives
- 6) Any necessary approvals form Network Rail

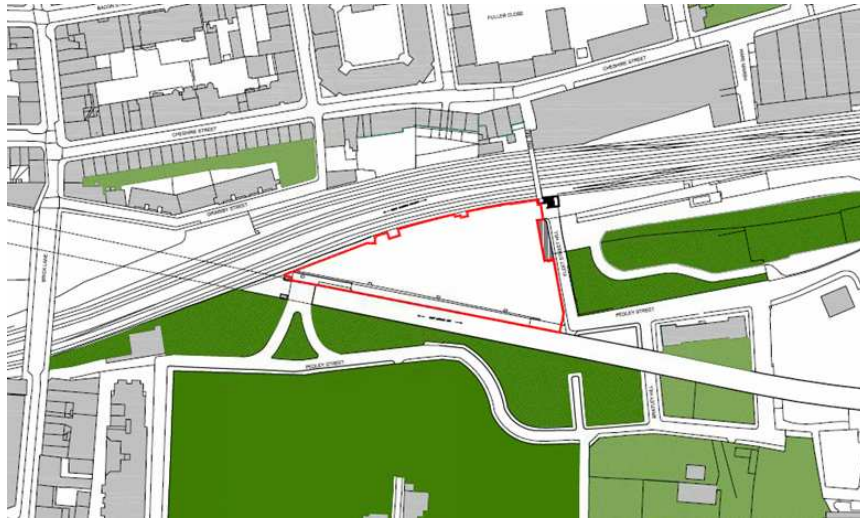
## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1. The proposal is for the redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed and 7 x 4 bed) in buildings of part one, two, three, four and eight storeys in height.
- 4.2. The development includes the provision of 135 sqm of retail (Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2), five car parking spaces plus other incidental works.

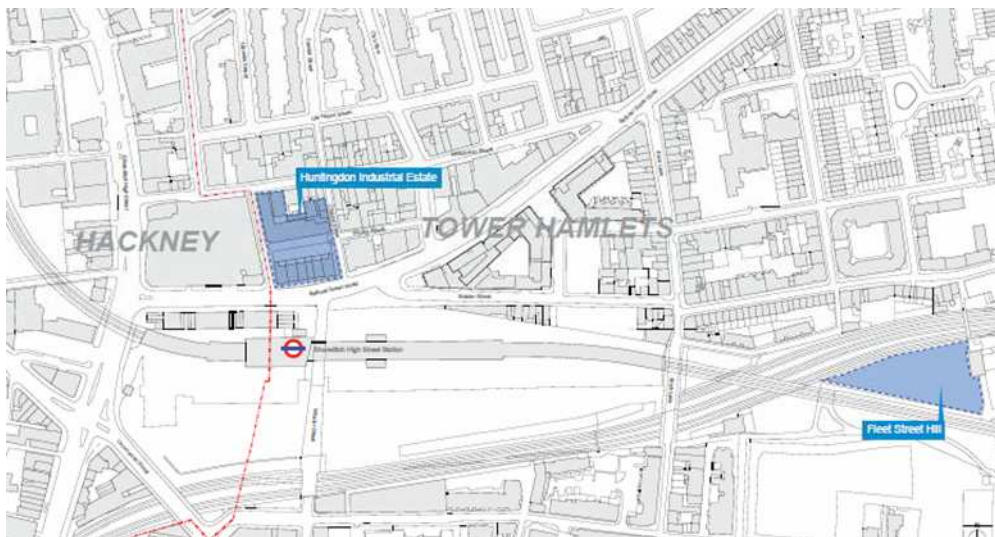
### **Site and Surroundings**

- 4.3. The application site is known as 'land at Fleet Street Hill'. It is a vacant parcel of land roughly triangular in shape and measures approximately 0.39ha. It was formally used for the construction of the East London Line Extension and historically contained a railway viaduct which led to then Bishopsgate Goods Yard.



- 4.4. The site is bounded by the East London Overground line to the south and the National Rail lines serving East Anglia to the north. To the east of the site is Fleet Street Hill. This is road can be accessed by vehicles, however it is not adopted Highway.
- 4.5. The site can be accessed via an under pass to the south west leading to Allen Gardens - which then connects the site to Brick Lane via a walkway past the Old Shoreditch Station. A Network Rail owned and managed pedestrian footbridge is located outside the application site to the north-east and connects the site to Cheshire Street. The site can also be accessed via Fleet Street Hill, which leads to Pedley Street.
- 4.6. The site is also located within the Brick Lane Conservation Area. None of railway structures on or abutting the site are listed.
- 4.7. The surrounding area consists of a variety of different uses. To the south of the railway viaduct lies Public Open Space at Allen Gardens, which also includes Spitalfields Farm and Thomas Buxton Junior and Infants School.
- 4.8. Pedley Street runs perpendicular from Fleet Street Hill to the east of the site and primarily comprises social housing, the nearest being Weavers House, a four storey, London stock brick building consisting of sixteen maisonettes.
- 4.9. Further along Pedley Street, planning permission has been granted under planning reference PA/12/02228 for the redevelopment of site (including land at Fakrauddin Street) to provide a car free development of 63 units (14 x 1 bed flats, 28 x 2 bed flats, 12 x 3 bed and 9 x 4 bed house) for 100% affordable housing within three blocks measuring between two and seven storeys including associated shared and private amenity space, the provision of allotments, disabled parking, cycle parking, child play area and community centre (273sqm).

- 4.10. The site has a public transport accessibility level (PTAL) of 3, with 1 being the lowest and 6 being highly accessible. A dedicated TfL cycle route also runs along a strip of land within the southern boundary of the site.
- 4.11. This application has been submitted concurrently with an application to redevelop Huntingdon Estate, located on the north side of Bethnal Green Road. The Fleet Street Hill site represents an off-site offer for the bulk of the affordable housing provision for Huntingdon Estate. The report on this related application appears elsewhere on this agenda.
- 4.12. The application sites location in relation to Huntingdon Industrial Estate is shown in the following map. The sites are roughly 500 metres apart along a route through Sclater Street, Cheshire Street and the earlier mentioned Network Rail bridge.



### **Relevant Planning History**

- 4.13. PA/11/00459- Full Planning Application was received on 1st March 2011 on the application site.
- 4.14. The application sought consent for the erection of buildings of part 1, 2, 3, 4 & 11 storeys in height comprising 43 dwellings (Use Class C3); a community centre (Use Class D1); the relocation of the existing pedestrian and cycle route together with hard and soft landscaping across the site, plus other works incidental to the application.
- 4.15. The application also proposed the affordable housing element of a planning application at the Huntingdon Industrial Estate (application reference PA/11/00460)
- 4.16. Both applications were withdrawn on 21st November 2011, following concerns raised by Council officers and a recommendation to refuse planning permission for the development. The key concerns of FSH at the time relating to placemaking and liveability.
- 4.17. In addition, concerns were highlighted over the quality of the amenity space provision; the separation distances between habitable facades; the lack of defensible space and the juxtaposition with the surrounding railway infrastructure.

- 4.18. The current applications seek to overcome these concerns and are a result of detailed pre-application discussions.

## 5. POLICY FRAMEWORK

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

- 5.2. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (March 2012) (NPPF)

- 5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) the Revised Early Minor Alterations to the London Plan published 11th October 2013**

- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young peoples play and informal recreation facilities
- 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 and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 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
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 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

- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

**5.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP03 Creating a green and blue grid
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

**5.5. Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- 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
- DM16 Office locations
- 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 historic environments  
DM28 World heritage sites  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

**5.6. Supplementary Planning Documents**

Planning Obligations SPD – LBTH – January 2012  
Town Centres Draft Supplementary Guidance (January 2013)  
Draft Sustainable Design and Construction SPG (July 2013)  
Shaping Neighbourhoods: Character and Context - draft (February 2013)  
Housing Supplementary Planning Guidance (November 2012)  
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)  
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)  
London View Management Framework SPG (March 2012)  
London World Heritage Sites - Guidance on Settings SPG (March 2012)  
SPG: Planning for Equality and Diversity in London (October 2007)  
SPG: Sustainable Design and Construction (May 2006)  
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

**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

**5.8. Other Material Considerations**

EH Guidance on Tall Buildings  
Seeing History in the View  
Conservation Principles and Practice

**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:

**Crossrail Limited**

6.3. Crossrail Limited do not wish to make any comments on this application as submitted.

6.4. *[Officer Comment: This is noted]*

**English Heritage**

6.5. English Heritage do not have any comments to make on this application.

6.6. *[Officer Comment: This is noted]*

### **English Heritage Archaeology (EHA)**

- 6.7. EHA have advised the proposed development may affect remains of archaeological importance. However, any further work is not required to be undertaken prior to determination of this planning application.
- 6.8. Should planning permission be granted a condition is requested by EHA to secure detailed investigations to ensure any remains are extensively investigated prior to the commencement of development.
- 6.9. *[Officer Comment: EHA have advised on the wording of the condition, which is recommended by officers]*

### **Environment Agency (EA)**

- 6.10. Whilst Environmental Agency have not raised objections to the scheme, they have requested conditions and informatives in relation to any piling. The purpose of these conditions and informatives are to ensure any piling does not disturb or contaminate aquifers.
- 6.11. Environmental Agency have advised that a Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.
- 6.12. *[Officer Comment: These comments have been taken into account and the relevant conditions and informatives are recommended on the consent]*

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

- 6.13. No comments received
- 6.14. *[Officer Comment: The application has been accompanied with tracking diagrams demonstrating how vehicles will be able to access the central courtyard in emergencies and given this matter will be further considered within the building control stage no further action is considered necessary]*

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

- 6.15. The proposed number of residential units generates an Health Contribution of £58,373.
- 6.16. *[Officer Comment: This is noted and the s106 is discussed in greater detail within the material planning section of the report]*

### **Transport for London**

- 6.17. Transport for London have advised that the level of cycle parking and car parking is consistent with the London Plan and have requested electric vehicle charging points (1 active and 1 passive) to be provided within the development.
- 6.18. Transport for London have also recommended a parking management plan to allocate the parking within the development.

- 6.19. Due to the unattractiveness of the pedestrian bridge over the railway, TfL expect improvements to be proposed. Due to its location, TfL also recommended a contribution of £15,000 for Legible London signing.
- 6.20. TfL is content a Construction Logistic Plan (CLP) and a Delivery and Servicing Plan (DSP) will be secured by conditions.
- 6.21. As this is a small site TfL do not require a travel plan, however, as this site is linked with the former Huntingdon Industrial Estate development, TfL recommends that once the travel plan for that site is agreed, the objectives and measures should be adopted for this site.
- 6.22. *[Officer Comment: These comments have been noted. The electric charging points, cycle parking, parking management plan, CLP, DSP and travel plan will be secured via the imposition of conditions. These matters along with the improvements to the pedestrian bridge are discussed further within the material planning section of the report. With regards to legible London, the applicant has agreed to a s106 contribution of £250,000.00 which includes signage and lighting improvements]*

**London Bus Services Ltd.**

- 6.23. No comments received.

**GLA**

- 6.24. No comments received within this application. Comments received on Huntingdon Industrial Estate confirm the GLA consider Fleet Street Hill to provide the affordable housing obligation of Huntingdon to be acceptable.

**TFL London Underground**

- 6.25. No comments received

**The Twentieth Century Society**

- 6.26. No comments received

**London Overground Infrastructure**

- 6.27. No comments received

**Network Rail Infrastructure Ltd.**

- 6.28. Network Rail that we have been working with London and Newcastle on the above planning application and support the planning application.

- 6.29. *[Officer Comment: This is noted]*

**The Victorian Society**

- 6.30. No comments received

**Thames Water Utilities Ltd.**

Waste Comments



- 6.31. Thames water advise that no impact piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Piling has the potential to impact on local underground sewerage utility infrastructure.
- 6.32. In addition, it is advised that where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.
- 6.33. 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.

#### Water Comments

- 6.34. Thames Water also recommended informatives advising of the Thames Water main crossing the site and also of the minimum water pressure that will be able to be provided at the site.
- 6.35. *[Officer Comment: The comments have been noted and all requested conditions and informatives are recommended on the planning permission.]*

#### **Conservation And Design Advisory Panel (CADAP)**

- 6.36. CADAP were consulted on the application at pre-application stage. CADAP members questioned quantum of ground floor commercial units and their long-term sustainability and suggested measures were put in place for the subsidy and management of these units.
- 6.37. CADAP members considered off-site improvements should also be secured to the railway arch to the east and railway undercroft to the south-west, for example lighting.
- 6.38. The overall reduction in density was welcomed. This has helped relieve the pinch point to the western end of the site and reduce the height of the tower element. The 'folly' walls are supported as an innovative way of achieving enclosure and acoustic protection.
- 6.39. Overall, CADAP strongly supported the Fleet Street Hill scheme as an inventive and thoughtful design for a heavily constrained site.
- 6.40. *[Officer Comment: The support of CADAP is noted. In order to ensure the commercial units are affordable and used, as part of the s106 the applicant has agreed to reduced rents, as discussed further within this report. Contributions have also been secured to the public realm improvements.]*

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

- 6.41. CLC note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Various requests for s106 financial contributions are sought.

- 6.42. *[Officer Comment: The various Section 106 financial contributions sought have been agreed with the applicant and are discussed within the main body of this report]*

#### **Parks & Open Spaces**

- 6.43. No comments received.

#### **Education Development Team**

- 6.44. No comments received.

- 6.45. *[Officer Comment: An education contribution which is in line with the child yields set within the planning obligations SPD have been agreed with the applicant]*

#### **Environmental Health - Contaminated Land**

- 6.46. Environmental Health Contaminated Land have reviewed the submitted information and consider there is a possibility for contaminated land to exist. A condition should be applied to ensure any contaminated land is appropriately dealt with.

- 6.47. *[Officer Comment: The suggested condition is recommended to this application]*

#### **Environmental Health - Air Quality**

- 6.48. No comments received.

- 6.49. *[Officer Comment: Conditions will be imposed to ensure the impact on air quality is appropriately mitigated during the construction of the development]*

#### **Environmental Health – Noise and Vibration**

- 6.50. Environmental Health have reviewed the Supplementary Vibration Measurements by Hoare Lea and a review of the planning conditions suggested by the case officer. Based on the conditions Environmental Health has no objection to the planning application.

- 6.51. *[Officer Comment: Detailed conditions have been agreed with the applicant, Environmental Health and an independent consultant to ensure the proposed development is suitably designed to protect the amenity of future residents]*

#### **Transportation & Highways**

- 6.52. The site is located in an area of moderate public transport accessibility (PTAL3). However, Highways regards this rating as an underestimate of the accessibility of the site given its relatively central location and proximity to Shoreditch High Street and Whitechapel stations.

- 6.53. Given the number of residential units proposed in the development, there is clear potential for demand for on-street parking to overwhelm local supply. Given this and the underestimate of public transport accessibility, the development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.

- 6.54. *[Officer Comment: The applicant has agreed to future residents of the development being prohibited from obtaining on-street car parking spaces subject to permit transfer scheme]*
- 6.55. The development proposals include 5 parking spaces, three of which meet the space requirements for Blue Badge holders. The Blue badge spaces are acceptable in principle, as is passive provision for a Car Club space. However, the applicant has not stated to whom the remaining two parking spaces will be allocated. This information is required to ensure that the development is in line with the maximum car parking standards set out in the MDD.
- 6.56. *[Officer Comment: These parking spaces will be allocated to the residents of the proposed development and will be management via a parking management plan which is to be conditioned]*
- 6.57. The proposed development should provide dedicated storage for a minimum for 49 cycles for residents of the development. The residential cycle parking is shown within unit 1a of the development and while this will offer, safe and secure storage, it appears that there are only 42 cycle spaces.
- 6.58. *[Officer Comment: The submitted plans show the provision of 49 cycle parking spaces which is in line with this policy]*
- 6.59. The application documents show storage for 16 cycles in a safe and secure store allocated to the non-residential uses and stands for a further 26 cycles located in areas across the site. Highways recommend that the cycle store is dedicated for staff cycle parking, while the remaining outdoor parking is primarily for visitors to the site.
- 6.60. *[Officer Comment: This is noted]*
- 6.61. The proposed servicing arrangements will require service and refuse vehicles to either reverse into or from the site. Following adoption of Fleet Street Hill this will take place on public highway. Following a consideration of the anticipated use of Pedley Street and Fleet Street Hill, Highways are willing to accept a servicing arrangement that uses Fleet Street Hill to turn goods vehicles. This is considered acceptable subject to a Delivery Service Plan and the applicant providing funding for road signage and other measures to instruct goods vehicle to reverse into rather than out of the site.
- 6.62. *[Officer Comment: The applicant has agreed to this condition and confirmed that vehicles will reverse into the site.]*

#### **Crime Prevention Officer (CPO)**

- 6.63. The CPO is supportive of any development that integrates the surrounding areas. This can be done by ensuring that natural surveillance is enhanced using clear lines of sight, cctv coverage and the proposed development maintains clear natural surveillance to all aspects of the development and surrounding areas.
- 6.64. The use of 106 payments to ensure that all surrounding areas have cctv, lighting and general upgrading is supported.
- 6.65. The railway bridge towards Cheshire St is particular run down and any upgrading of this is supported.

6.66. *[Officer Comment: The scheme will be conditioned to ensure compliance with secure by design standards, and section 106 contributions have been agreed with regards to rail improvement works to the Network Rail bridge and lighting]*

## 7. LOCAL REPRESENTATION

7.1. At pre-application stage the applicant undertook their own community consultation. This took place at St Hilda's East Community centre on three consecutive days in February 2013. Separate meetings were also held with groups/individuals that were unable to attend. The Community Involvement Report submitted with the application indicates that as a result of these meeting, additional works was undertaken to address specific concerns raised, including different view and overshadowing analysis. The application was also presented to Strategic Development Committee at pre-application stage on 6<sup>th</sup> March 2013.

7.2. A total of 375 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	17	Objecting:	0	Supporting:	17
No of petitions received:	0				

7.3. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.

7.4. – The proposed designs are interesting, creative and in keeping within the feel of the area.

7.5. – The proposals will contribute to the necessary regeneration of the area

7.6. – The proposal is an improvement on the existing site which blights the area and promotes anti-social behaviour

7.7. – Site is appropriate for residential use

7.8. *[Officer Comment: These comment have been noted and the principle of development and design matters are discussed further within this report]*

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- § Land Use
- § Urban Design
- § Heritage Assets
- § Transport, Connectivity and Accessibility
- § Amenity
- § Energy and Sustainability
- § Biodiversity
- § Environmental Considerations

- § Environmental Statement
- § Planning Contributions and Community Infrastructure Levy
- § Local Finance Considerations
- § Human Rights
- § Equalities

## **Land Use**

- 8.2. The proposed development seeks a mix of commercial and residential uses located around the perimeter of the site facing inwards towards an internal amenity area. The ground floor consists of the commercial units with four residential units, the upper floors contain the rest of the residential accommodation. This section discusses the principle of both uses.

### Commercial Uses

- 8.3. Policy SP01 of the adopted Core Strategy (CS) seeks to support the Boroughs Town Centres. Policy SP01(5) seeks to promote areas outside and at the edge of town centres, as places that support and assist in the creation of sustainable communities.
- 8.4. This is to be achieved by promoting mix use development at the edge of town centres and promoting areas outside of town centres for primarily residential uses as well as other supporting uses that are local in nature and scale.
- 8.5. As the site is not located within any designated Town Centre, policy DM2 of the Managing Development Document also applies. This policy seeks to ensure the existing level of local shop provision throughout the borough is maintained and complements the town centre network. Part 2 of this policy states development of local shops outside of town centres will only be supported where there is a demonstrable local need that cannot be met within an existing town centre; they are of an appropriate scale to their locality, they do not affect amenity or detract from the character of the area and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 8.6. The proposal seeks the provision of 135 sqm of restaurant use (within Use Class A3) and 671 sqm of flexible commercial and community space (Use Classes A1, B1a, D1 and D2). The restaurant use is to be in the form of a café which would provide a large frontage to the amenity area of the site. The purpose of this use is to animate and provide natural surveillance within the site and to serve the proposed residential and commercial uses.
- 8.7. The remaining floorspaces are to be interchangeable between a variety of different uses within 13 individual units which measure between 28 to 53sq metres in size. Whilst the units are individually labelled, the applicant is seeking to retain the option of merging some of the units should the need arise. The purpose of these units is to provide low cost affordable floorspace which would help to deliver a genuinely mixed use development. The applicant has agreed to cap the rent levels to 15psf for a five year period to ensure the commercial floorspace is affordable, this is proposed to be secured as an s106 obligation.
- 8.8. In accordance with policies SP01 of the CS and DM2 of the MDD, it is considered that the proposed commercial use will meet a local need created by the development, is of an appropriate size and scale within the development and will not undermine the nearby Brick Lane Town Centre.

- 8.9. As such, and in order to create a vibrant and attractive place to live, the proposed commercial uses can be supported in this instance. As there is considered to be an over-concentration of A3 uses within the nearby surrounding area, the applicant has restricted the A3 use to the one unit. This approach is also supported and a condition restricting change of uses to A3 will be secured as a condition.

#### Housing Provision

- 8.10. 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.
- 8.11. The regeneration of sites such as this within East London is a strategic target of the London Plan (2011) as outlined within policy 1.1 which 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”.
- 8.12. 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.
- 8.13. 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.
- 8.14. 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.
- 8.15. The site does not have an allocation in the MDD (2013); however it is located 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.
- 8.16. 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).

#### Density

- 8.17. Policies 3.4 of the LP (2011) and SP02 of the CS (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.18. 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 LP Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.19. The site has a moderate public transport accessibility level (PTAL) of 3. In terms of density characteristics, the site is considered to have an urban character. Table 3.2

of the LP sets out that where accessibility to public transport is moderate, densities in urban settings should be between 200-450 habitable rooms per hectare.

- 8.20. Officers have calculated the density to be 361hr/ha, which is well within the recommended guidelines.
- 8.21. The proposal is supported by national, regional and local planning policy, complying with Policy 3.4 the LP (2011) and policies SP02 and SP10 of the CS (2010).

### **Urban Design**

#### Policy Context:

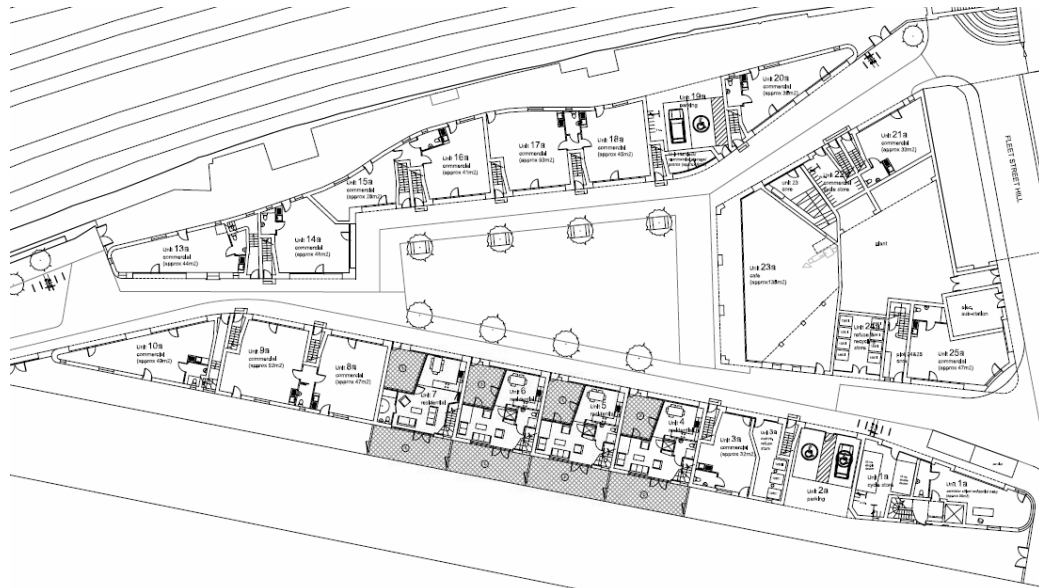
- 8.22. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.23. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the 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.
- 8.24. Policy SP10 of the CS and 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.

#### Proposal:

- 8.25. The proposal seeks the erection of three buildings on this roughly triangular site. Two would be extended along the northern and southern perimeters of the site and the third would be sited alongside the eastern boundary of the site, nearest to Fleet Street Hill.

#### Layout:

- 8.26. The following plan shows the proposed layout of the site. The majority of the ground floor would be in commercial usage, with some ancillary residential uses (such as a communal lobby, refuse/recycling facilities and cycle and vehicular parking).



Proposed ground floor plan

- 8.27. Four residential units are also to be located at ground floor level, with the remaining units having separate entrances along the northern and southern strips. Three of the four ground floor residential units are to be wheelchair accessible. The third building is proposed to have access via communal entrances.
- 8.28. The proposed layout enables the majority of properties to have their own individual entrances and private amenity space. The upper floors are designed to provide dual aspect units without resulting in direct overlooking to adjoining flats.
- 8.29. Overall, the quality of the layout is considered to be high and is considered to contribute to the sense of place-making that is proposed by the application.

#### Building Heights

- 8.30. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. The lowest heights are expected areas of outside town centres.
- 8.31. The existing site is vacant and enclosed by chain-link fencing. A path / cycle route runs along the southern boundary. The site is unattractive in appearance, and creates an unsafe environment for pedestrians and cyclists moving between Pedley Street and Allen Gardens or Cheshire Street.



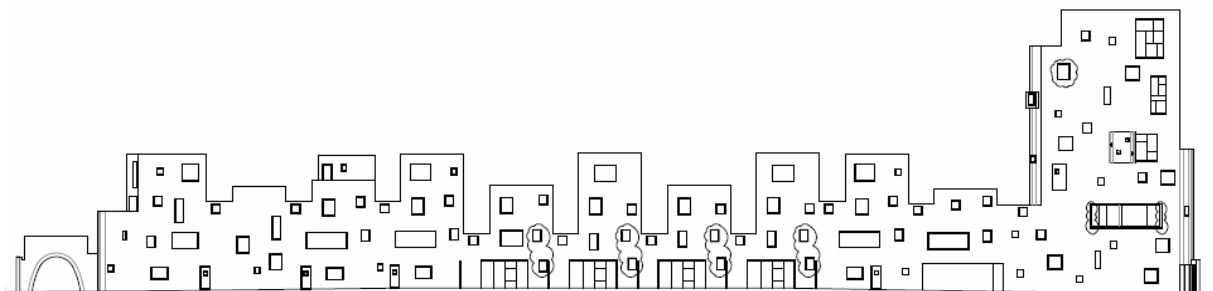


Photo showing existing site

- 8.32. The building heights of the proposed development vary up to 8 storeys in height. The majority of the height varies between three and four storeys as shown in the following plan.



- 8.33. The following elevation shows the south elevation of the southern block, outlining the variances in building heights.



Plan showing the south facing elevation of the residential building.

- 8.34. In terms of context, the rail infrastructure which bounds the site to the north and south helps to isolate the site and proposed development from a townscape context. The nearest building to the application site is Weavers House which is around four storey in height on Pedley Street. Similarly, the buildings approximately 40m north of the site on Cheshire Street are also four storeys in height.
- 8.35. In terms of responding to this context the proposed heights with the variations proposed are considered to respond well to the wider townscape. The eight storey element is proposed as a focal point to the site. Whilst this element is taller than immediate properties, it is consistent to consented schemes within the vicinity at the development approximately 100m east of the application site 'Land at Fakruddin Street and Pedley Street, London E1' which under planning reference PA/12/02228 consent was given 63 units within three blocks measuring between two and seven storeys. The taller element also plays an important role in wayfinding as it highlights the location of the site (and with it the routes through the site) in longer views from Allen Gardens.
- 8.36. The proposed buildings at this height would enable the majority of flats to be above the railway line to the south and have an additional benefit of providing natural surveillance to Allen Gardens. The existing and proposed computer generated images demonstrate this.



Existing and proposed views from Allen Gardens

- 8.37. Overall, it is considered that the proposed heights are consistent with the surrounding context and are considered acceptable in this instance.

#### Use of Materials

- 8.38. The submitted design and access statement outlines in a high level of detail of the materials to be used within the proposal. These are briefly outlined below.
- 8.39. The elevations are proposed to be clad in facing brick with a variation in the positioning and size of windows and balconies. At ground floor level arched recesses are proposed in the facades facing the public square and mews streets. These reflect the brick arches found within the surrounding area.
- 8.40. The proposed brick is a pale, rustic brick that would enhance the natural light within the courtyard. The windows would differ in size to would reflect the type of rooms they serve. This also gives variation to the appearance of the building facades. Some of the windows will be fairly larger to maximise the use of natural light.

- 8.41. The proposed non-residential frontages would be located within the recessed brick arches in a combination of painted timber and glazing with a stable door and stall riser.
- 8.42. The architects (Peter Barbour Associates) for the scheme have extensive experience in designing social housing in constrained urban locations. Examples of which are found within the borough at Donnybrook within Bow and Hannibal Gardens in Stepney. As part of the assessment of this application, officers have visited these sites and remain confident that subject to detailed conditions, the design is of high quality, responds well to the site constraints and is of an appropriately high standard.

### **Heritage Assets**

#### Policy Context:

- 8.43. Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should 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.”*
- 8.44. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at Part 2 of the policy that the Borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the Boroughs heritage assets, their setting and their significance.
- 8.45. Policy DM27 Part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.
- 8.46. The application site lies within the Brick Lane and Fournier Street Conservation Area, which is one of the largest conservation areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site is located at the north-east corner of the conservation area and to the north of Allen Gardens.

#### Impact on Heritage Assets:

- 8.47. The site is located within the Brick Lane/ Fournier Street Conservation Area. In its existing vacant condition the site clearly detracts from the quality of the conservation area.
- 8.48. The redevelopment of site, in particular given the quality of the design and the use of materials as outlined above, is considered to enhance the character and appearance of the Brick Lane/ Fournier Street Conservation Area.

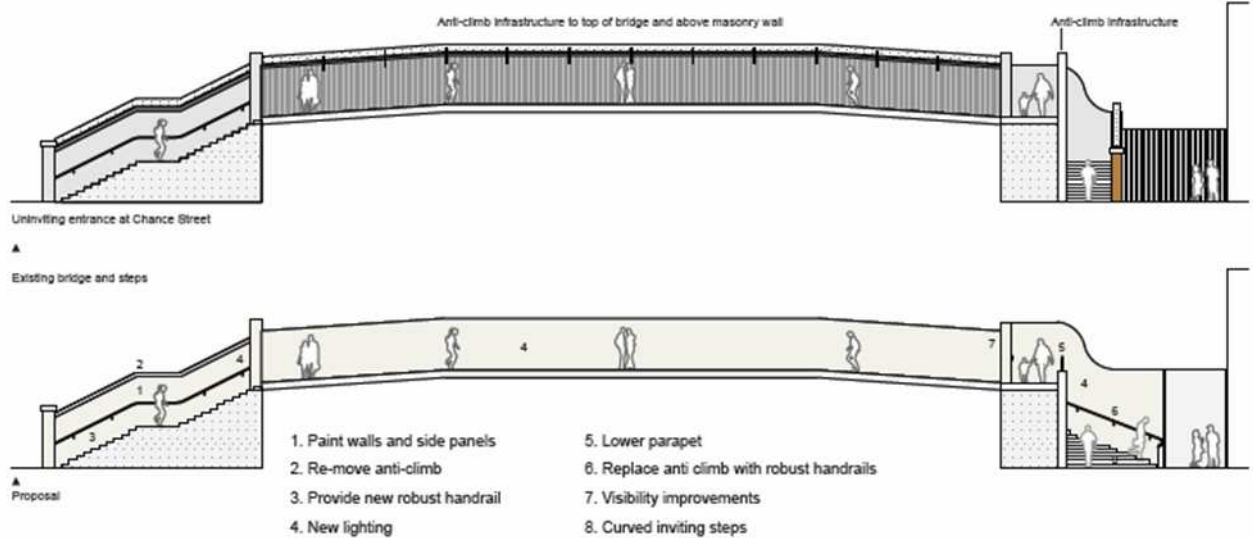
#### Bridge Improvements

- 8.49. To the north east of the site lies a pedestrian bridge, owned by Network Rail, the bridge provides access from Cheshire Street to Fleet Street Hill (and the Thomas Buxton School) across the railway line
- 8.50. This bridge is in a poor state of repair, has high walls and poor natural surveillance. This is considered to promote anti-social behaviour within the area. The following photograph shows the entrance of the bridge from Cheshire Street.



- 8.51. The applicant has agreed £250,000.00 contribution for public realm improvements in the vicinity of the site, including works to this bridge. The following works are proposed:
- Improved lighting and security to the underpass beneath the London Overground elevated track at the western end of the site
  - Improved lighting and security to the pedestrian route between Allen Gardens and Brick Lane
  - Improved lighting and materials to the footbridge crossing over the Network Rail line at the north east corner of the site
  - Improved lighting, way-finding and hard and soft landscaping within the western portion of Allen Gardens, including the creation of a new pedestrian link to Burton Street
- 8.52. The following image gives an indication of the alterations that could be made to the bridge (subject to agreement from Network Rail and the improvements works being brought forward). The works would include a re-configured entrance from Fleet Street Hill - which will enable greater natural surveillance.





- 8.53. These works are overall considered to be a major benefit to the area and are strongly supported by officers. The S106 agreement would secure funding to bring these works forward, and would require the developer to use 'all reasonable' endeavours to work with Network Rail to deliver the improvements.

#### Safety and Security

- 8.54. Policy 7.3 of the London Plan (2011) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.55. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.56. It is considered that the proposed mix of residential, commercial and community uses will improve the feeling of security by enabling activity at the site throughout the day and night, whilst the design of the building will provide good levels of natural surveillance to Allen Gardens.
- 8.57. The proposals have been reviewed by the LBTH Crime Prevention Officer, who advised that the development should include additional external lighting on the building, that there should not be recessed lobbies, that separate commercial entrances should be provided and that the pavement in the vicinity of the site should be improved. These will be secured via the imposition of conditions.

8.58. Taking into account the above, it is considered that the proposed development would reduce opportunities for criminal behaviour and contribute to a sense of security around the site and surrounding area, in accordance with Policy 7.3 of the London Plan (2011) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

## Housing

8.59. Paragraph 49 of the National Planning Policy Framework seeks to ensure Housing applications are considered in the context of the presumption in favour of sustainable development.

8.60. 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.

8.61. 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 LP.

8.62. A total of 34 residential units are proposed on this site, the breakdown of which is shown in the following table. Out of the 34 units, 7 are proposed to be market housing, 3 intermediate and 24 for affordable rented accommodation. Fourteen of the 24 rented units are to be family sized (between 3 and 5 bedrooms) and would be at social target rent levels.

	Market	H/Room	Intermediate	H/Room	Rented	H/Room	Total Units	Total H/Rooms
One Bed	4	8	1	2	2	4	7	14
Two Bed	2	7	2	8	8	29	12	44
Three Bed	1	5	0	0	7	35	8	40
Four Bed	0	0	0	0	6	36	6	36
Five Bed	0	0	0	0	1	7	1	7
Total	7	20	3	10	24	111	34	141

### Affordable Housing

8.63. As noted earlier, the scheme has been submitted in conjunction with a development at the Huntingdon Industrial Estate which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing obligation arising from both sites is delivered at Fleet Street Hill, with a correspondingly higher level of market housing at Huntingdon Industrial Estate.

8.64. At the National level, the NPPF seeks to ensure that a wide choice 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 or 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.

8.65. The London Plan 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.

- 8.66. 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 having regard to:
- a) Current and future requirements for affordable housing at local and regional levels
  - b) Affordable housing targets
  - c) The need to encourage rather than restrain development
  - d) The need to promote mixed and balanced communities
  - e) The size and type of affordable housing needed in particular locations
  - f) The specific circumstances of the site.
  - g) Recourses available to fund affordable housing, to maximise affordable housing output
  - h) the priority to be accorded to the provision of affordable family housing.
- 8.67. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.
- 8.68. Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:
- a) Secure a higher level of provision
  - b) Better address priority needs, especially for affordable family housing
  - c) Secure a more balanced community
  - d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.
- 8.69. The issue of affordable housing and off-site provision is similarly dealt within policy SP02 of the Core Strategy which sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).
- 8.70. Policy DM3 of the MDD requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:
- i. It is not practical to provide affordable housing on-site
  - ii. To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
  - iii. It can provide a minimum of 50% affordable housing overall
  - iv. It can provide a better outcome for all of the sites including a higher level of social rented family homes and
  - v. Future residents living on all sites use and benefit from the same level and quality of local services.

- 8.71. In light of the above policies when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances. If it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.

#### Proposed Affordable Housing

- 8.72. The applicant is seeking to provide Intermediate and Market housing on HIE and Intermediate, social target, affordable rent, and Market on FSH. Based on habitable rooms, the percentage affordable on HIE is 12.2% whilst at FSH is 86%. When combined this equates to an overall affordable housing percentage of 43.8%.

#### Quantum of affordable housing

- 8.73. MDD policy DM3 requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.
- 8.74. Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.75. A viability toolkit has been submitted with the scheme and this has been independently reviewed by Allsops. It has been concluded that the 43.8% affordable housing is more than what can viably be provided across the two sites.
- 8.76. As such, the level of affordable housing provided across the HIE and FSH sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability). The combined schemes are offering 43.8% affordable housing. The acceptability of FSH for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the HIE, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance, officers support the off-site provision of affordable housing in this instance is set out below.

#### Rent Levels

- 8.77. Within the Affordable Housing tenure, the application proposes affordable rented, social target rent and Intermediate housing.
- 8.78. Social target rented housing is defined as rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental



arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

- 8.79. Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.80. Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents. These can include shared equity products, other low cost homes for sale and intermediate rent but does not include affordable rented housing.

#### Actual Rent levels

- 8.81. The following are the agreed rent levels for the application:

Unit size	Rent Level	
1 bed	£207.12	Affordable 'POD' level
2 bed	£220.54	Affordable 'POD' level
3 bed	£147.70	Affordable 'POD' level
4 bed	£155.47	Social Target Rent
5 bed	£163.24	Social Target Rent

- 8.82. The Council's Housing team are supportive of the provision of affordable housing. Furthermore, the independent review of the applicant's viability toolkit revealed that this is the maximum level that can be provided, whilst ensuring the proposal is deliverable.
- 8.83. The proposed rented levels include affordable rent levels are in line with research POD undertook for the Council to ensure they are genuinely at affordable levels and social target rented levels for the family units (the Affordable POD Rents are inclusive of service charges, whereas the social target rents are not). The LBTH Housing team supports this approach, which is consistent with draft Affordable Housing SPD (engagement version 2013).

8.84.

#### Mixed and balanced communities

- 8.85. Concerns were raised in earlier schemes about the high proportion of rented accommodation and the lack of market housing failing to provide mixed and balanced communities. The main change within the proposal is the introduction of market accommodation and the overall reduction in family accommodation.
- 8.86. The proposed development on FSH represents a mix of tenures providing some private (14% by habitable room) shared ownership (7%) properties but a majority of social/affordable rented properties (79%). The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London.

- 8.87. As outlined within the land use section, a number of commercial units are also proposed within the development. These will further encourage a range of mix and balanced community.
- 8.88. In addition, careful consideration has been given to the design of the development (as outlined within the design section of the report). This has also involved site visits to existing housing developments designed by the architects Peter Barber (Donnybrook Court and Hannibal Gardens within LBTH and Tanner Street in Barking), who have demonstrated experience in designing high quality social housing. The following is an indicate CGI of a prospective view of the internal amenity area which demonstrates the indicative level of design consideration within the development.



CGI of the internal amenity area.

- 8.89. Overall, officers are satisfied that a wide range of measures have been adopted to ensure that despite the high proportion of rented accommodation the proposed development will result in a mixed and balanced community.
- 8.90. The applicant has also sought to engage with Registered Housing Providers at an early stage in the design process to ensure that the housing is designed in a manner that would be acceptable to housing providers and enable ease of management and maintenance.

#### Better addressing a priority housing need

- 8.91. The FSH scheme provides a high proportion of affordable family units for rent which are a priority for the Borough. Policy SP02 seeks to ensure that within the rented tenure 45% of housing would be suitable for families. At FSH, 58% of this site would be three, four and five bedroom properties which would all be provided at social target rent levels. Each of these units have their own private amenity space, some of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children.

- 8.92. The provision of ground level, private amenity space is not possible on the HIE site due to its restricted size. The majority of amenity space within that development [HIE] is provided within roof terraces, and whilst some child's play space could be provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of affordable units for rent. There is also a higher quantum of communal and public open space that can be provided on FSH when compared to the HIE site which is more suitable for non-family accommodation.
- 8.93. Overall it is considered to be a better solution to allow the affordable units for rent to be provided on the FSH as it can provide a better standard of family housing.
- 8.94. The proposed development at FSH is considered to be of a high quality design which would be located within an established residential area. It is just 500m from the HIE site and will therefore benefit from the same local infrastructure as that site. The FSH site also has the added advantage of having Allen Gardens immediately south of the site.

#### Conclusion.

- 8.95. On balance, it is considered in this instance that the provision of off-site affordable housing is acceptable. Whilst the schemes combined are unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing as tested by an independent consultant.
- 8.96. The benefits of the scheme, including a large number of family units within the rented tenure, the quality of amenity space and the overall benefit of the regeneration of two sites is considered to outweigh the inability of the scheme to provide 50% affordable housing.

#### **Housing Mix**

- 8.97. Should Members decide that the principle of providing the majority of the affordable housing arising from the HIE within the FSH development is acceptable, the members also need to determine whether the proposed dwelling mix is satisfactory.

#### Housing Type and Tenure Mix

- 8.98. Policy 3.11 of the London Plan requires 60/40 split of affordable housing in favour of rented accommodation. Policy SP02(4) of the adopted CS requires a 70/30 split in favour of rented accommodation given Tower Hamlets greater need for rented units. The proposed scheme delivers a tenure split by habitable rooms of 77% rented accommodation and 23% intermediate which is policy compliant.

#### Mix of units

- 8.99. The proposed scheme is considered to broadly comply with Policy SP02(5) of the adopted CS and policy DM3(7) of the MDD which requires schemes to deliver a mix of units. The first table shows the mix for FSH as a stand-alone application. The second table shows the combined mix of units.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0%	0	0%	0%	0	0%	0%	0	0%	0%
1 bed	7	21%	2	8%	30%	1	33%	25.00%	4	57%	50.00%
2 bed	12	35%	8	33%	25%	2	67%	50.00%	2	29%	30.00%
3 bed	8	24%	7	29%	30%	0	0%	25%	1	14%	20%
4 bed	6	18%	6	25%	15%	0	0%		0	0%	
5 bed	1	3%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>34</b>	<b>100%</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	<b>3</b>	<b>100%</b>	<b>100%</b>	<b>7</b>	<b>100%</b>	<b>100%</b>

Table showing FSH in isolation.

8.100. It is clear from the above table, within the rented accommodation there is an under-provision of one bedroom units 8% against a target of 30% and an overall over-provision of family size units 58% against a target of 45%. When taking into account the greater need for larger family sized units, this overprovision is considered acceptable.

8.101. The number of intermediate and private units (3 and 7 respectively) are considered too low for a percentage comparison against policy to be useful. Instead it is considered that this is better made when assessing the mix of units for both sites collectively as shown in the following table.

Unit size	Total units	Scheme %	Affordable Housing						Market Housing		
			rented			intermediate			private sale		
			scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	12	11%	0	0%	0%	0	0%	0%	12	16%	0%
1 bed	39	35%	2	8%	30%	6	50%	25.00%	31	41%	50.00%
2 bed	39	35%	8	33%	25%	5	42%	50.00%	26	34%	30.00%
3 bed	14	13%	7	29%	30%	1	8%	25%	6	8%	20%
4 bed	7	6%	6	25%	15%	0	0%		1	1%	
5 bed	1	1%	1	4%		0	0%		0	0%	
6 bed	0	0%	0	0%		0	0%		0	0%	
<b>TOTAL</b>	<b>112</b>	<b>100%</b>	<b>24</b>	<b>100%</b>	<b>100%</b>	<b>12</b>	<b>100%</b>	<b>100%</b>	<b>76</b>	<b>100%</b>	<b>100%</b>

Table showing FSH and HIE combined.

8.102. It is clear from the above table that within the intermediate and market units overall, there is a higher number of studio, one bedroom and two bedrooms than the Core Strategy target which is at the expense of family sized units. In terms of intermediate units only 8% are suitable for families and within the market just 9% are suitable for families across both sites.

8.103. Overall, the provision of family sized accommodation across both sites is 19% against the 30% target set within policy SP02 of the Core Strategy, however officers consider HIE to be unsuitable for a large number of family sized units and the provision of studios, one bedroom and two bedroom market units on HIE, allows an over provision of larger number of rented family size units to be sustained at FSH, which is considered acceptable.

- 8.104. Overall, it is considered that on balance the proposal would provide an acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Therefore, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (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.

#### **Standard of accommodation**

- 8.105. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.

#### Internal Space Standards

- 8.106. LP policy 3.5, policy DM4 of the MDD requires new development to make adequate provision of internal residential space.
- 8.107. The proposed development is designed to the London Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, all the affordable family sized units have been designed with separate kitchen areas.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.108. Policy 3.8 of the LP and Policy SP02 of the LBTH 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.
- 8.109. Within FSH, 3 units are proposed to be provided as wheelchair accessible and all units meet the Lifetime Homes Standard. These units 1 x 3 bed and 2 x 4 bed represent 12% of habitable rooms within the development. Policy DM4 allows for wheelchair units to be measured by habitable rooms when this provides a better outcome in terms of provision of larger units.
- 8.110. If planning permission is granted a condition would be attached to ensure that the wheelchair accessible units are delivered within the scheme.

#### Private and Communal Amenity Space

- 8.111. Policy DM4 of the MDD sets out standards for new housing developments with relation to private and communal amenity space. It seeks a minimum of 5 sq. m of private outdoor space for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the Housing Design Guide and policy requirements, in the form of balconies and gardens.
- 8.112. 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 34 units the minimum communal amenity space required would be 74sqm.

8.113. The proposal delivers approximately 74sqm of usable communal amenity space within a dedicated area. This meets policy requirements and is considered acceptable.

#### Child Play Space

8.114. Policy 3.6 of the LP, 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 10 sqm of useable child play space per child).

8.115. Using LBTH child yield calculations, the overall development is anticipated to accommodate 35 children and accordingly the development should provide a minimum of 359sq.m of play space.

8.116. The scheme proposes 359sqm of child playspace which meets the LP and Tower Hamlets requirements.

8.117. In addition, the proposed child playspace and communal amenity space are to be designed flexibly for a wide range of uses which is supported.

8.118. Overall, the provision of child playspace is considered acceptable in relation to policy DM4 of the In addition to the quantum, the London Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. The site is immediately to the north of Allen Gardens and as such, is well within the above walking distances.

#### Public Open Space

8.119. The Core Strategy has a Strategic Objective to create a green and blue grid of well connected, high quality green spaces and water spaces. The Core Strategy sets out the spatial policies for achieving this objective including protecting all existing open space and wherever possible creating new open spaces. The Core Strategy notes that to achieve the 1.2 hectare per 1000 population standards the Council would need to provide 99 hectares of new open space, which would be difficult to achieve given the physical constraints in Tower Hamlets. The 1.2 hectare standard is therefore embedded as a monitoring standard to help justify local need, and secure financial contributions towards the improvement of public open space.

8.120. In this instance, a contribution of £416,228.17 has been requested towards Public Realm and streetscene improvements. This is discussed further within the 'Planning Obligations' section of this report.

8.121. To meet the 1.2 hectare per 1,000 population monitoring standard, the scheme would need to include 124sq metres based on a likely population yield of 102 new residents.

8.122. The accompanying text to policy DM10 states that in instances where public open space cannot be provided on-site then a contribution will be sought towards open space to deliver or improve existing open spaces within the borough. In this instance, using the Planning Obligations SPD as a basis, the above mentioned contribution has been secured towards public open space.

- 8.123. In conclusion, the proposed development would make a significant contribution to deliver public realm improvements. As such, the proposal accords with policy SP04 of the CS and policy DM10 of the MDD.

#### Daylight/ Sunlight for future occupiers.

##### Daylight

- 8.124. Daylight for future residents is calculated by Average Daylight Factor (ADF). ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylit appearance.
- 8.125. BRE guidelines recommend the following values for dwellings. These are:  
2.0% - Kitchens  
1.5% - Living Rooms  
1.0% - Bedrooms
- 8.126. The applicant has submitted a daylight and sunlight assessment which confirms that all but one habitable room meet the required ADF values. The one room that fails is a bedroom and this achieves an ADF value of 0.9% against a recommended value of 1%. Overall, the level of daylight for future residents is considered to be acceptable.

##### Sunlight

- 8.127. The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.128. "Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary"
- 8.129. The applicants report confirms that, all the units facing south meet the required sunlight levels, which is in accordance with the guidance and acceptable.

##### Noise and Vibration

- 8.130. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.131. Policy 7.15 of the LP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.132. In terms of noise and vibration, there are a number of potential sources of noise and vibration, the main ones are listed below and discussed in more detail within this report::

- Ground borne noise and vibration as trains pass the site
  - Airborne noise to internal habitable rooms
  - Noise levels to central courtyard and amenity spaces
  - Noise arising from commercial uses at ground floor level to residential uses above
  - Noise arising from A3 uses, including hours of operation, number of patrons and any extraction systems.
- 8.133. Due to the sensitive nature of the site, an independent specialist consultant has been appointed to advise the Council and support the Environmental Health department in their technical review of these matters. The results of the review are discussed further within the report.
- 8.134. LBTH Environmental Health considers that the development falls within a Significant Observable Adverse Effect Level (SAOEL) as defined by the Noise Policy for England and that the development will experience high levels of noise and vibration from the adjacent railway.
- 8.135. The application site is bounded by two railway lines. To the north lies the main rail line in an out of Liverpool Street(which occasionally carries freight) and a raised section of the London Overground line is to the south.
- 8.136. The rail line to the north is located at ground floor level falling to around 1 metre below ground to the north-west of the site as it approaches Liverpool Street. According to the National Rail website,the last train between Mondays to Friday departs at 1 minute past midnight from Liverpool Street. The service then resumes at 5.45 am.
- 8.137. One minute past midnight is the same last train on Saturdays and Sundays.However, on Saturdays the departures begin 30minutes earlier at 5.15am and on Sundays begin at 7.30am. In all cases given the relative closeness of the site to Liverpool Station, the trains will pass eastbound within a couple of minutes of their departure.
- 8.138. The last trains coming westbound into Liverpool Street westbound are expected to arrive at 36 minutes past midnight Monday to Saturdays and 25 minutes past midnight on Sundays.
- 8.139. The earliest trains to arrive within the next cycle are expected into London Liverpool Street at 5.55 am on Mondays to Saturdays, and 8.18am on Sundays. Again, due to the proximity of the site to London Liverpool Street Station, the trains are expected to pass the site a couple of minutes before their arrival.
- 8.140. The railway line to the south, rises from 1.5 metres above ground floor level to 4.5 metres above ground floor level as it approaches the Shoreditch High Street Overground Station further west of the site.
- 8.141. This railway line serves the Highbury and Islington to New Cross, Crystal Palace, West Croydon and Clapham Junction Line, with a stop at Shoreditch High Street on the way.
- 8.142. The last train is expected at Shoreditch High Street at around 23 minutes past midnight and the earliest around 5:46 in the morning Mondays to Saturdays. The last train is expected at 21 minutes past midnight on Sundays, the earliest at 7:02.



- 8.143. As these trains pass the site, the noise is transmitted through the train tracks, into the ground where they cause vibrations to the surrounding area. The effects of ground-borne vibration if not addressed can include movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds.
- 8.144. The rumbling sounds caused by the vibrations are referred to as ground borne noise. Given the impact of both is caused by the vibrations traveling underground and into the building via the building foundations, it is at the foundations where new developments can be designed to ensure the impact of groundborne noise and vibration is taken into account and properly mitigated against.
- 8.145. As the trains pass, noise can also travel by air, this is known as airborne noise. This also includes noise from passing cars and other noise sources.

#### Groundborne Noise and Vibration

- 8.146. In order to address the Groundborne noise and vibration, a noise and vibration report has been submitted with the application, which is accompanied by supplementary vibration measurements, which were carried out at the request of the Council's Environmental Health Officer. The vibration levels were originally measured using 'estimated Vibration Dose Values (eVDV)'. Following comments from Environmental Health, the applicant undertook additional testing which involved actual Vibration Dose Values (VDV).

Land Use / Time Period	Low probability of adverse comment VDV (m/s <sup>1.75</sup> )	Adverse comment possible VDV (m/s <sup>1.75</sup> )	Adverse comment probable VDV (m/s <sup>1.75</sup> )
Residential Buildings 16-hour day	0.2 to 0.4	0.4 to 0.8	0.8 to 1.6
Residential Buildings 8-hour night	0.1 to 0.2	0.2 to 0.4	0.4 to 0.8

Table showing criteria for Assessing the Effects of Vibration on Human Response (VDV)

- 8.147. All VDV values recorded on site fall within the recommended 'Low probability of adverse comment'.
- 8.148. The Council's Environmental Health officer also requested PPV (Peak Particle Velocity) testing. This looks at the levels of vibration above which building structures could be damaged. The testing revealed that in one location at Fleet Street Hill the required level of PPV 1.0mm/s was exceeded.
- 8.149. In terms of noise, this is measured in decibels (dB), the higher the dB the greater the noise. The equipment measuring dB provides data which can be used to outline things such as the average noise over a period of time, or the average noise over 90% of the time (excluding the unusual events). It can also outline what is the maximum noise level encountered during the monitoring. The maximum refers to the worst case scenario and is referred to as L<sub>max</sub>. As the human ear picks up sound differently, the data is passed through a set of 'correction terms' to make the data more relevant. This is referred to as 'A' weighting and is represented by an 'A' ie L<sub>A</sub>max. The higher the figure, the greater the noise as a train passes through the site.
- 8.150. In order to address the ground borne noise, you have to restrict the vibrations that are occurring to the building foundations. So naturally by reducing noise to a suitable level, you are also addressing Groundborne Vibrations.

- 8.151. In terms of LASmax, the LASmax figure set by Crossrail in relation to its impact on residential properties is LASmax 40dB. Tower Hamlets, based on local experience has set a more stringent target of noise not to exceed LASmax of 35dB.
- 8.152. The testing revealed that based on the measured vibration levels of the existing ground it is predicted that ground-borne noise levels at the application could be as high as 43dB LASmax. This is higher than the target set for vibrations arising from the Crossrail Tunnel and also the Councils Rail Noise policy standard.
- 8.153. However, as these measurements have taken place on the existing ground they have a degree of uncertainty, due to the condition of the concrete on site, the depth of the concrete, how close the concrete is to the rail track above and below ground etc. These are all subject to change when foundations are to be built. The applicant has suggested further vibration levels should be undertaken when the foundations and /or pilecaps are in place to provide more reliable results.
- 8.154. This more precise measurement of the level of vibration entering the structure can then be used to determine what mitigation is necessary. The applicant has also agreed to the Councils target of 35dB LASmax, the VDV values of between 0.2 to 0.4 during a 16-hour day and 0.1 to 0.2 during an 8-hour night. The applicant has also agreed to ensure the PPV remains less than 1mm/s.
- 8.155. Given the sensitivities of the site, the applicant has agreed to a stringent set of conditions which are outlined below.
- 8.156. Firstly, in accordance with a detailed methodology which has already been agreed with the Council, the applicant will be required to undergo further noise testing once the foundations have been put in place. The results of the findings along with any mitigation required to achieve the above standards are required to be submitted to and approved by the local planning authority.
- 8.157. The development is only allowed to proceed in accordance with the details approved by the Council in order to achieve the standards mentioned above. The final part of the condition will require the results of post completion testing to be submitted to and approved by the local planning authority prior to first occupation of the development.
- 8.158. It is also noted that in the event these standards are not met or complaints arise, the Councils Environmental Health department have the powers under the Environmental Protection Act 1990 to prevent occupation of the building.
- 8.159. As such, subject to condition, it is considered that groundborne noise and vibration will be suitably addressed within the development.

#### Airborne noise

- 8.160. Airborne noise is more concerned with noise within internal rooms. The applicant in discussions with colleagues from the Environmental Health Department has agreed to the following standards. This would ensure during the night 'Good' standards during the day 'Reasonable-Good' are achieved. The standards are reflective of WHO and BS8233 documents.

Living Rooms	35dB LAeq
Bedrooms	30dB LAeq
Bedrooms	45dB LAmax

- 8.161. In order to ensure this is the case, an additional condition will be required ensuring this standard is met.

Noise levels to central courtyard and terraces

- 8.162. The BS8233 suggests it is desirable that the steady noise level for external spaces does not exceed 50 LAeq,T dB and 55 LAeq,T dB should be regarded as the upper limits. The proposed development will create two buildings on either side of the courtyard and a barrier to the north west of the site to ensure noise levels in the Courtyard are in the range of 40-45 dBLAeq. The applicant has outlined that these will be lower than currently experienced at Allen Gardens to the south.
- 8.163. The terraces are proposed with solid screening to ensure a range of 41 to 51 LAeq (day time) and 36-45 LAeq (night-time) is achieved. These are lower than the upper limits suggested by the WHO and are considered acceptable.

Noise arising from commercial uses at ground floor level to residential uses above.

- 8.164. This is a matter that would largely be dependent on construction which is required by Building Control. The mitigation proposal against Airborne noise is conditioned to meet 60dB DnTw between the commercial use and the residential uses.
- 8.165. Lastly, noise from the operations of the commercial uses in particular the A3 use will be controlled via the imposition of conditions as no end user has been identified at this stage.
- 8.166. With regards to the A3 use, an internal location has been identified for the extraction system which is considered acceptable visually. As the final details will be dependent on the end user, further details of all extraction to the A3 use will be conditioned.
- 8.167. Taking into account the above, and the imposition of robust conditions, it is considered that the proposed development would adequately protect future residential occupants from unacceptable levels of noise and vibration, and as such, preserve the residential amenity for future occupiers. The proposal is therefore in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) which require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

Air Quality

- 8.168. Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.169. The Air Quality assessment (chapter 12 of the Environmental Statement) suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as erecting solid site boundaries, using water as a suppressant, enclosing stockpiles, switching off engines, minimising movements and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to

be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.

- 8.170. It is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction & Environmental Management Plan.
- 8.171. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

### **Amenity**

- 8.172. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

### **Daylight, Sunlight and Overshadowing**

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

### **Daylight**

- 8.174. For calculating daylight to neighbouring properties, the primary assessment is the vertical sky component (VSC) method. The 2011 BRE guidance emphasises the VSC method as the primary method of assessment. The applicant has assessed the impact on adjoining residents in relation to VSC and also daylight distribution.
- 8.175. With regards to VSC, BRE Guidelines advise that a loss of vertical sky of more than 20% becomes noticeable to residents and can potentially be considered as an adverse impact from the development.

### **Sunlight**

- 8.176. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.177. The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

### **Neighbouring Properties**

- 8.178. As part of the ES daylight and sunlight chapter prepared for the previously submitted proposals for the Fleet Street Hill site, an analysis was undertaken of the impact from the proposed scheme on the daylight and sunlight levels of surrounding properties.
- 8.179. The previous scheme for the FSH site was larger in scale than the current scheme and revealed no adverse impacts to properties to the north at Cheshire Street and Weaver House, Pedley Street
- 8.180. Given that the previous scheme had no noticeable impacts to the daylight and sunlight levels of relevant surrounding properties, the current scheme will also have no noticeable impacts to relevant surrounding properties. It is therefore not considered necessary for the current scheme to be assessed in respect of daylight & sunlight impacts to surrounding properties.
- 8.181. As such, the impacts from the current FSH Development proposals on surrounding properties are considered to be negligible.

#### Overshadowing

- 8.182. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight during 21 March".
- 8.183. The report demonstrates that the majority of the amenity areas within the development would receive at least 2 hours of sunshine during 21st March. As such, the proposal is acceptable in accordance with the above BRE guidance.

#### Privacy

- 8.184. The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings, with many windows at oblique angles, thus positioned to avoid direct overlooking.
- 8.185. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved in accordance with policy SP10 of the CS and Policy DM25 of the MDD (2013). These policies seek to protect residential amenity.

#### Visual amenity / sense of enclosure

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

#### Landscaping and Biodiversity

- 8.188. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, 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.

8.189. Given the existing site is devoid of any landscaping and has a negligible biodiversity value, the proposed development which would include 665sqm of brown roofs is considered to substantially impact on the existing site.

- Full details of the biodiversity enhancement measures
- Full details of the sedum/ brown roofs proposed

8.190. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS (2010).

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

#### Car Parking

8.191. Policy SP09(4) of the Council’s adopted Core Strategy (2010) and Policy DM22(2) of the Council’s adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as ‘permit free’.

8.192. The proposal includes the provision of five car parking spaces on-site (one car club space, onegeneral need spaces and three disabled spaces). This level of parking is considered acceptable as the application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 3. Accordingly, given the PTAL rating, it is recommended that a condition be included to secure the development as ‘permit free’. It is noted that a large number of family sized units are proposed within the development and that they will be eligible to transfer any existing permits. Notwithstanding the comments of the Highways officer, it is considered that any additional parking can be accommodated along Fleet Street Hill and Pedley Street, without adversely impacting on the local highway network.

#### Accessible Car Parking

8.193. Of the four car-parking spaces proposed, three are to be designated for disabled users. This is considered acceptable and should cater for most of the demand generated by the four wheel chair accessible units.

8.194. Given the spatial constraints of the site, officers acknowledge that the provision of any additional on-site accessible car parking space would not be feasible. It is noted that any disabled residents would be able to apply for on-street parking permits, even if the development were to be secured as ‘permit free’.

#### Cycle Parking

8.195. Policy DM22(4) of the Council’s adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council’s minimum standards for cycle parking as set out in Appendix 2 of the document. Specifically, the relevant minimum cycle parking requirements for the uses proposed in the current application are provided at Table 1 below.

8.196. Table 1: Adopted Cycle Parking Standards

Use	Minimum Cycle Parking (minimum 2 spaces)
A1 retail	1 space per 125 sqm

A3 restaurant/café	1 space per 20 seats for staff 1 space per 20 seats for visitors
B1a offices	1 space per 120 sqm
C3 residential	1 space per 1 or 2 bed unit 2 spaces per 3+ bed unit
D1 community use	1 per 10 staff 1 per 5 staff for visitors

8.197. Taking into account the above minimum standards, the proposed development would be required 49 cycle parking spaces for the residential units. The commercial uses are to be flexible so it is difficult to work out the exact usage. However, the applicant has provided a further 42 cycle spaces.

8.198. The overall, provision is supported by LBTH Transportation & Highways and will be conditioned to ensure it's retention.

#### Servicing

8.199. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.

8.200. The proposal includes commercial uses at ground floor level which will require goods deliveries and servicing.

8.201. The proposals have been assessed by LBTH Transportation & Highways, who consider the servicing is likely to be acceptable from Fleet Street Hill, subject to vehicles reversing onto the site. This has been agreed by the applicant and will be secured by condition.

8.202. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements for the non-residential uses is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

#### Refuse and Recyclables Storage

8.203. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.

8.204. The proposed development includes a designated refuse stores around the site, the retention of which will be conditioned.

8.205. As such, subject to condition requiring the provision and retention of refuse facilities, it is considered that the proposed refuse and recyclables storage facilities are acceptable, in accordance with Policy 5.17 of the London Plan (2011), Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013).

### Mayoral CIL

- 8.206. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £46,020 for this development, when taking into account the likely social housing relief.
- 8.207. Overall, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

### Adoption of Fleet Street Hill and Pedley Street

- 8.208. Fleet Street Hill and Pedley historically were adopted Highway, following the application sites use to facilitate the works on the London Overground upgrade, the public rights of way were removed. Therefore, in order to provide access to the site, Fleet Street Hill and Pedley Street will be required to be adopted as a local highway. The Councils Highways department have agreed to adopt the road, although this will be resolved in a separate process.

### **Energy and Sustainability**

- 8.209. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.210. The London Plan sets out the Mayor of London's energy hierarchy which is to:
- § Use Less Energy (Be Lean);
  - § Supply Energy Efficiently (Be Clean); and
  - § Use Renewable Energy (Be Green).
- 8.211. The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). Policy DM29 requires a 35% CO<sub>2</sub> reduction between 2011 to 2013, and a 50% CO<sub>2</sub> reduction between 2013 to 2016. The Councils Sustainability Team have confirmed that the 50% reduction will be sought on applications received after 1<sup>st</sup> October 2013. Given, this application has been submitted before 1<sup>st</sup> October the 35% reduction is applicable.
- 8.212. Policy SO3 of the CS 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. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.213. Policy DM29 of the MDD 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 non-residential schemes to achieve a BREEAM Excellent rating.

- 8.214. Lastly, policies 5.5 and 5.6 of the LP and DM29(2) of the MDD promote the use of decentralised energy within development proposals through the use of Combined Heat and Power (CHP) systems.
- 8.215. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and CO2 emissions by 18%. A site wide CHP to deliver an additional 22% reduction in CO2 emissions at the 'Be Clean' stage of the energy hierarchy.
- 8.216. The total anticipated CO2 savings from the developments are 36%, through a combination of energy efficiency measures and a CHP system. There are no renewable energy technologies proposed for the site and this is accepted as the policy target of 35% has been achieved.

#### Sustainability:

- 8.217. 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 developments to achieve a minimum BREEAM Excellent rating, and a code for sustainable homes Level 4. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

#### **Environmental Considerations**

##### Contaminated Land:

- 8.218. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.219. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

#### **Environmental Impact Assessment**

- 8.220. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.221. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received

from consultation bodies or duly made by any person about the environmental effects of the development.

8.222. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. Following that exercise, LUC confirmed their view that following a Regulation 22 request the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

8.223. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Planning Contributions and Community Infrastructure Levy**

8.224. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- § 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.

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

8.226. 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.

8.227. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

8.228. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.229. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.230. Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £576,926.25. This has been applied as follows through the SPD.

8.231. In addition, an extra contribution of £250,000.00 has been agreed with the applicant in order to carry out improvements to the pedestrian bridge and connectivity around the site. This bridge is currently in poor condition with poor natural surveillance and for that reason officers strongly support the works to the bridge which are considered necessary for the development to proceed. This figure also includes the following:

- Improved lighting and security to the underpass beneath the London Overground elevated track at the western end of the site
- Improved lighting and security to the pedestrian route between Allen Gardens and Brick Lane
- Improved lighting and materials to the footbridge crossing over the Network Rail line at the north east corner of the site
- Improved lighting, way-finding and hard and soft landscaping within the western portion of Allen Gardens, including the creation of a new pedestrian link to Burton Street.

8.232. The total contribution sought including the two per cent monitoring fee is £863,660.77.

8.233. The requested financial heads of terms have been broken down as follows:

#### Financial Contributions

- a) A contribution of between **£54,435.95** towards employment, skills, training and enterprise.
- b) A contribution of between **£139,298.31** towards Community Facilities.
- c) A contribution of between **£3,525.00** towards Sustainable Transport.
- d) A contribution of **£383,441.03** towards Education.
- e) A contribution of **£416,228.17** towards Public Realm.
- f) A contribution of **£58,373.00** towards Health
- g) A contribution of **£250,000.00** towards Network Rail bridge improvements and other connectivity and security works in the vicinity
- h) A contribution of 2% of the total financial contributions would be secured towards monitoring.

Total Financial Contribution: **£863,660.77**

To add to the non-financial contributions listed below:

#### Non-financial Contributions

- i) 43.8% Affordable housing (based on combined habitable rooms between the Fleet Street Hill site and with associated application at Huntingdon Industrial Estate) with appropriate triggers consisting of a minimum of 27 affordable housing units at Fleet Street Hill measured in habitable rooms comprising of:
  - 1 x 1 bedroom (intermediate)
  - 2 x 2 bedroom (intermediate)
  - 2 x 1 bedroom (affordable rent)
  - 8 x 2 bedroom (affordable rent)
  - 7 x 3 bedroom (target rent)

- 6 x 4 bedroom (target rent)
- 1 x 5 bedroom (target rent)
- j) Car Free agreement
- k) Commercial floorspace rent capped at £15 psf for five years
- l) Council first option on D1 floorspace
- m) Wheelchair adaptable units 1 x 3 bed and 2 x 4 bed
- n) First refusal of commercial floorspace to any company that has been based at Huntingdon Industrial Estate for more than 10 years
- o) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- p) Obligation to enter into S278 for highway improvement works following adoption of Fleet Street Hill
- q) Clause requiring market units to be retained as wholly market.

8.234. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

8.235. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

8.236. 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.

8.237. 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.

8.238. 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.

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

8.240. 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.

8.241. The likely CIL payment associated with this development would be in the region £46,020.00

### **Human Rights**

8.242. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

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

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

8.244. 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.

8.245. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.

8.246. 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.

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

8.248. 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.

8.249. 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 obligations to be entered into.

### **Equalities**

8.250. 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.

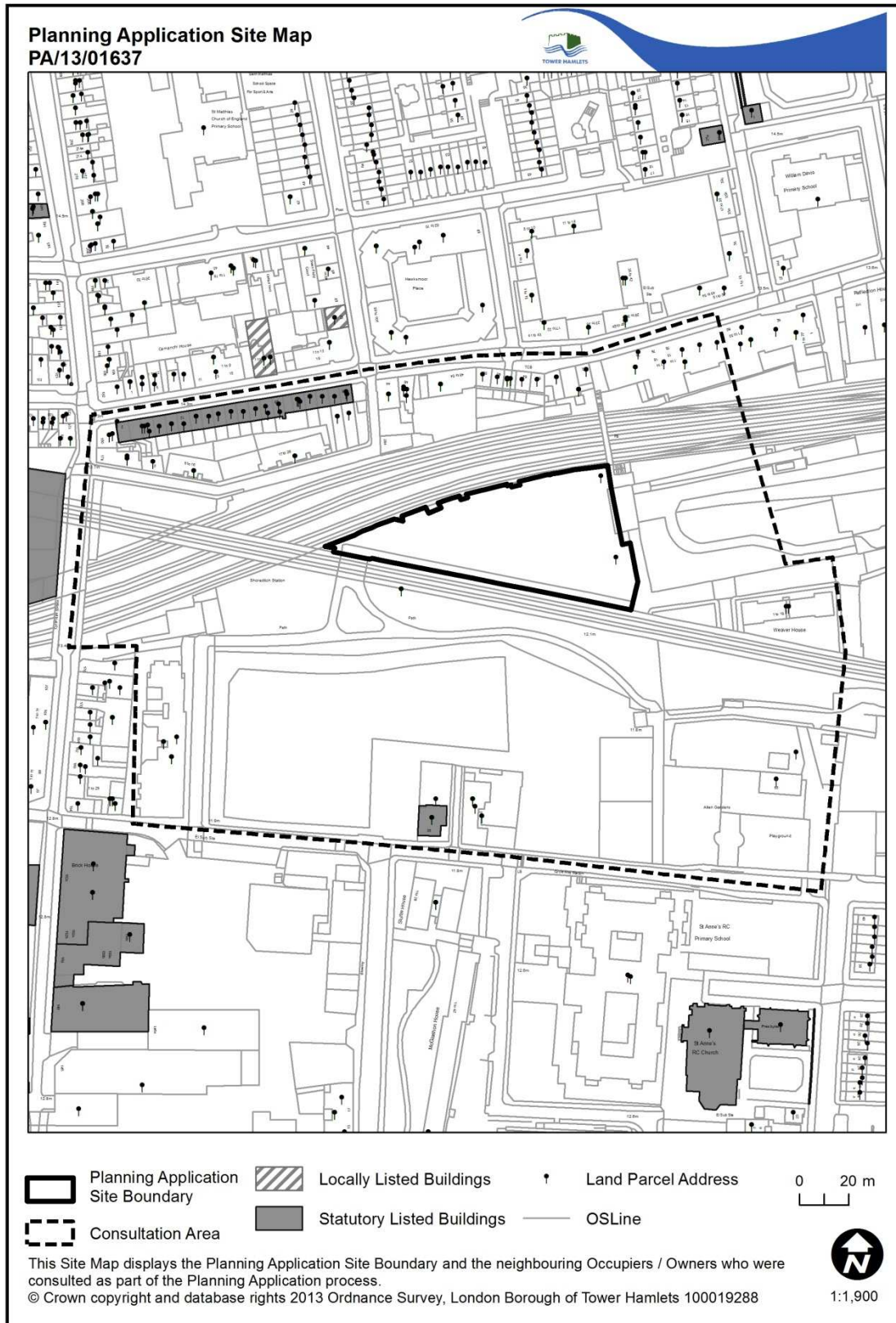
8.251. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.252. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **9. CONCLUSION**

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

# Appendix 1: Application site map



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<b>Agenda Item number:</b>	6.3
<b>Reference number:</b>	PA/13/01637
<b>Location:</b>	Land at Fleet Street Hill
<b>Proposal:</b>	Redevelopment of the site to provide 34 residential dwellings of mixed tenure (7x 1 bed, 12 x 2 bed, 8 x 3 bed, 6 x 4 bed and 1 x 5 bed) in buildings of part one, two, three, four and eight storeys.

## 1.0 CLARIFICATIONS AND CORRECTIONS

1.1 Paragraphs 3.3 and 8.336 of the report incorrectly state the s106 allocations. Whilst the total contribution is correct £863,660.77 this amount is to be allocated in the following heads of terms:

- a) A contribution of between £14,756.30 towards employment, skills, training and enterprise.
- b) A contribution of between £56,569.95 towards Community Facilities.
- c) A contribution of between £1,530 towards Sustainable Transport.
- d) A contribution of £335,519.72 towards Education.
- e) A contribution of £129,977.28 towards Public Realm.
- f) A contribution of £58,373.00 towards Health
- g) A contribution of £250,000.00 towards Network Rail bridge and public realm improvements
- h) 2% Monitoring fee £16,934.52

Total: £863,660.77

- 1.2 The proposed s106 contribution is fully SPD compliant and the Network Rail and public realm contribution of £250,000.00 is in excess of the SPD requirements.
- 1.3 Paragraph 4.1 refers to 7x4bed, however should read be 6x4bed and 1x5bed
- 1.4 The table within paragraph 8.81 states the 3 bed are at POD Level, it should state they are target rent levels
- 1.5 Paragraph 8.193 refers to the 4 wheelchair units, however, should read 3 (which match the 3 wheelchair parking spaces)
- 1.4 As advised in paragraph 8.208 of the Committee Report, public rights of way in the vicinity of the application site were previously removed to facilitate works associated with the London Overground works. Rights of access between the application site and the part of Pedley Street which is adopted highway do not presently exist. Whilst proactive engagement between the applicant, Highways, Network Rail and Transport for London is on-going and is likely to satisfactorily resolve the outstanding issues, it is considered prudent to impose the following condition to deal with the current situation.

*No development shall take place until such time as a scheme to confirm access rights to and from the site has been submitted to and approved in writing by the local planning authority. The development shall not be carried*

*out unless in accordance with the access rights specified in the approved scheme.*

*Reason: To ensure that the occupiers of the site have access rights to and from the site, linked to the local highway network.*

## **2.0 ADDITIONAL REPRESENTATIONS RECEIVED**

2.1 Since the publication of the committee report additional representations have been received.

- 12 letters of support have also been raised

2.2 The issues raised in the letters have been addressed within the committee report.

## **3.0 RECOMMENDATION**

3.1 Officers' recommendation remains as outlined in the main report.

# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 January 2014.	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<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.

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**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 5.

#### **5. RECOMMENDATION**

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

# Agenda Item 6.1

<b>.Committee:</b> Strategic Development	<b>Date:</b>	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application and Listed Building Consent Application for Decision
<b>Case Officer:</b> Adam Williams	<b>Ref No:</b> PA/13/01276 and PA/13/01277
	<b>Ward:</b> St Katherine's and Wapping

## 1. APPLICATION DETAILS

**Location:** Former News International Site, 1 Virginia Street, London, E98 1XY

**Existing Use:** Vacant newspaper print works and offices with associated car park

**Proposal:** Planning Application:  
A hybrid application (part outline/part detailed) comprising:  
(1) Outline submission for demolition of all buildings and structures on the site with the exception of the Pennington Street Warehouse and Times House and comprehensive mixed use development comprising a maximum of 221,924 sq m (GEA) (excluding basement) of floorspace for the following uses:

- residential (C3);
- business uses including office and flexible workspace (B1);
- retail, financial and professional services, food and drink uses (A1, A2, A3, A4 & A5);
- community and cultural uses (D1);
- a secondary school (D1);
- assembly and leisure uses (D2);
- energy centre, storage, car and cycle parking; and
- formation of new pedestrian and vehicular access and means of access and circulation within the site together with new private and public open space.

(2) Detailed submission for 82,596 sq m GEA of floorspace (excluding basement) in five buildings - the Pennington Street Warehouse, Times House and Building Plots A, B and C comprising residential (C3), office and flexible workspaces (B1), community and leisure uses (D1/D2), retail and food and drink uses (A1, A2, A3, A4, A5) together with car and cycle parking, associated landscaping and new public realm".

Further explanation (not forming part of the formal

description of the development set out above):

Further details submitted with the application explain that the Proposed Development could deliver up to 1,800 new homes of which 529 new homes are included in the Detailed Component, in new buildings A (8 to 20 storeys), B (8 storeys) and C (4 to 25 storeys)

This application is accompanied by an Environmental Statement.

Listed Building Consent Application:

Works to the Grade II Listed Pennington Street Warehouse both internally and externally comprising:

- The creation of three new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide new circulation cores to the building and pedestrian access routes leading through to the wider development;
- The creation of nine new openings to the Pennington Street elevation, within the existing un-bonded brick arches, to provide new air intake to the vaults and glazing to the upper level;
- Repairs and modifications to the existing roof structure including new glazed elements;
- Removal of later internal additions to the building;
- Formation of eight new voids between the vaults and the main floor level for light and air;
- Forming four new openings in the vaults for access, light and air;
- Repair and restoration works;
- Alterations to the modern gable end to the West of the building; and
- Fitting out of the building to allow for flexible retail (Use Class A1, A2, A3, A4 and A5), commercial (Use Class B) and community and leisure uses (Use Class D1 and D2) within.

**Drawing and documents:** Parameter Plans

412-MP-PL-L00-1001 (Rev 01);  
412-MP-PL-L00-1002 (Rev 02);  
412-MP-PL-L00-1003 (Rev 02);  
412-MP-PL-L00-1004 (Rev 02);  
412-MP-PL-L00-1005 (Rev 02);  
412-MP-PL-L00-1006 (Rev 02);  
412-MP-PL-L00-1007 (Rev 02);  
412-MP-PL-L00-1008 (Rev 02);  
412-MP-PL-L00-1009 (Rev 02);  
412-MP-PL-L00-1010 (Rev 02);  
412-MP-PL-L00-1011 (Rev 02);  
412-MP-PL-L00-1012 (Rev 02);  
412-MP-PL-L00-1013 (Rev 02);  
412-MP-PL-L00-1014 (Rev 02);

412-MP-PL-L00-1015 (Rev 01);

Sections

412-MP-PL-SEC-1001 (Rev 00);

Access Plan

412-MP-PL-L00-1102 (Rev 02);

Site Plans

412-SW-PL-L00-1001 (Rev 01);

412-SW-PL-L03-1001 (Rev 01);

412-SW-PL-L07-1001 (Rev 02);

412-SW-PL-L11-1001 (Rev 02);

412-SW-PL-RFL-1001 (Rev 02);

412-SW-PL-LB1-1000 (Rev 02);

412-SW-PL-LB2-1000 (Rev 01);

412-SW-PL-SEC-1002 (Rev 02);

412-SW-PL-SEC-1003 (Rev 02);

412-SW-PL-SEC-1004 (Rev 02);

412-SW-PL-SEC-1005 (Rev 02);

412-SW-PL-SEC-1006 (Rev 01);

412-SW-PL-SEC-1007 (Rev 02);

Landscape and Public Realm

412-MP-LP-PL-L00-1000 (Rev 01);

412-LP-PL-LZZ-1000 (Rev 01);

412-LP-PL-LZZ-1001 (Rev 01);

412-LP-PL-SEC-1000 (Rev PL 00);

412-LP-PL-SEC-1001 (Rev 01);

412-LP-PL-SEC-1002 (Rev PL 00);

412-LP-PL-SEC-1003 (Rev PL 00);

Times House

412-TH-PL-LZZ-1001 (Rev 02);

412-TH-PL-LZZ-1002 (Rev 02);

412-TH-PL-LZZ-1003 (Rev 02);

412-TH-PL-LZZ-1004 (Rev 02);

412-TH-PL-RFL-1001 (Rev 01);

412-TH-PL-SEC-1001 (Rev 01);

412-TH-PL-ELE-1001 (Rev 01);

412-TH-PL-ELE-1002 (Rev 01);

412-TH-PL-XLZZ-1001 (Rev 00);

412-TH-PL-XLZZ-1002 (Rev 00);

412-TH-PL-XLZZ-1003 (Rev 00);

412-TH-PL-XLZZ-1004 (Rev 00);

412-TH-PL-XSEC-1001 (Rev 00);

412-TH-PL-XELE-1001 (Rev 00);

412-TH-PL-XELE-1002 (Rev 00);

Building A

412-A-PL-L00-1001 (Rev 01);

412-A-PL-LZZ-1001 (Rev 01);

412-A-PL-LZZ-1002 (Rev 01);

412-A-PL-LZZ-1003 (Rev 01);

412-A-PL-LZZ-1004 (Rev 01);

412-A-PL-LZZ-1005 (Rev 01);  
412-A-PL-LZZ-1006 (Rev 01);  
412-A-PL-LZZ-1007 (Rev 01);  
412-A-PL-LZZ-1008 (Rev 01);  
412-A-PL-LZZ-1009 (Rev 01);  
412-A-PL-LZZ-1010 (Rev 01);  
412-A-PL-SEC-1001 (Rev 01);  
412-A-PL-ELE-1001 (Rev 01);  
412-A-PL-ELE-1002 (Rev 01);  
412-A-20-ELE-1003 (Rev 01);

Building B

412-B-PL-L00-1001 (Rev 01);  
412-B-PL-LZZ-1001 (Rev 01);  
412-B-PL-LZZ-1002 (Rev 01);  
412-B-PL-LZZ-1003 (Rev 01);  
412-B-PL-LZZ-1004 (Rev 01);  
412-B-PL-ELE-1001 (Rev 01);  
412-B-PL-ELE-1002 (Rev 01);  
412-B-PL-ELE-1003 (Rev 01);

Building C1

412-C1-PL-L00-1001 (Rev 01);  
412-C1-PL-L01-1002 (Rev 02);  
412-C1-PL-LZZ-1001 (Rev 02);  
412-C1-PL-LZZ-1002 (Rev 01);  
412-C1-PL-LZZ-1003 (Rev 01);  
412-C1-PL-LZZ-1004 (Rev 01);  
412-C1-PL-RFL-1001 (Rev 00);  
412-C1-PL-SEC-1001 (Rev 01);  
412-C1-PL-SEC-1002 (Rev 01);  
412-C1-PL-SEC-1003 (Rev 01);  
412-C1-PL-ELE-1001 (Rev 01);  
412-C1-PL-ELE-1002 (Rev 02);  
412-C1-PL-ELE-1003 (Rev 01);  
412-C1-PL-ELE-1004 (Rev 01);

Building C2C3

412-C2C3-PL-L00-1001 (Rev 01);  
412-C2C3-PL-L01-1002 (Rev 01);  
412-C2C3-PL-LZZ-1001 (Rev 01);  
412-C2C3-PL-LZZ-1002 (Rev 01);  
412-C2C3-PL-LZZ-1003 (Rev 01);  
412-C2C3-PL-LZZ-1004 (Rev 01);  
412-C2C3-PL-LZZ-1005 (Rev 00);  
412-C2C3-PL-LZZ-1006 (Rev 00);  
412-C2C3-PL-LZZ-1007 (Rev 00);  
412-C2C3-PL-RFL-1000 (Rev 00);  
412-C2C3-PL-SEC-1001 (Rev 01);  
412-C2C3-PL-SEC-1002 (Rev 01);  
412-C2C3-PL-SEC-1003 (Rev 01);  
412-C2C3-PL-ELE-1001 (Rev 02);  
412-C2C3-PL-ELE-1002 (Rev 02);  
412-C2C3-PL-ELE-1003 (Rev 02);  
412-C2C3-PL-ELE-1004 (Rev 02);



Pennington Street Warehouse

PSW-GA01 (Rev PL01);  
PSW-L01 (Rev PL01);  
PSW-L02 (Rev PL01);  
PSW-L03 (Rev PL01);  
PSW-L04 (Rev PL00);  
PSW-L05 (Rev PL00);  
PSW-L06 (Rev PL00);  
PSW-L07 (Rev PL00);  
PSW-L08 (Rev PL00);  
PSW-L09 (Rev PL00);  
PSW-L10 (Rev PL00);  
PSW-L11 (Rev PL00);  
PSW-L12 (Rev PL00);  
PSW-L13 (Rev PL01);  
PSW-L14 (Rev PL01);  
PSW-GASU01 (Rev PL00);  
PSW-SU01 (PL00);  
PSW-SU02 (PL00);  
PSW-SU03 (PL00);  
PSW-SU04 (PL00);  
PSW-SU05 (PL00);  
PSW-SU06 (PL00);  
PSW-SU07 (PL00);  
PSW-SU08 (PL00);  
PSW-SU09 (PL00);  
PSW-SU10 (PL00);  
PSW-SU11 (PL00);  
PSW-SU12 (PL00);  
PSW-SU13 (PL00);  
PSW-SU14 (PL00);  
PSW-SU15 (PL00);  
PSW-D01 (PL00);  
PSW-D02 (PL00);  
PSW-D03 (PL00);  
PSW-D04 (PL00);  
PSW-D05 (PL00);  
PSW-D06 (PL00);  
PSW-D07 (PL00);  
PSW-D08 (PL00);  
PSW-D09 (PL00);  
PSW-D10 (PL00);

News International Building

319818-PB-LvR (Rev A);  
319818-PB-Lv7 (Rev A);  
319818-PB-Lv6 (Rev A);  
319818-PB-Lv5 (Rev A);  
319818-PB-Lv4B (Rev A);  
319818-PB-Lv4A (Rev A);  
319818-PB-Lv4 (Rev A);  
319818-PB-Lv3 (Rev A);  
319818-PB-Lv2 (Rev A);  
319818-PB-Lv1 (Rev A);

Plans with Unit Numbers

412-A-PL-LZZ-1201 (Rev 01);  
412-A-PL-LZZ-1202 (Rev 00);  
412-A-PL-LZZ-1203 (Rev 01);  
412-A-PL-LZZ-1204 (Rev 00);  
412-A-PL-LZZ-1205 (Rev 00);  
412-A-PL-LZZ-1206 (Rev 00);  
412-A-PL-LZZ-1207 (Rev 00);  
412-A-PL-LZZ-1208 (Rev 00);  
412-A-PL-LZZ-1209 (Rev 00);  
412-A-PL-LZZ-1210 (Rev 00);  
412-B-PL-LZZ-1201 (Rev 00);  
412-B-PL-LZZ-1202 (Rev 00);  
412-B-PL-LZZ-1203 (Rev 00);  
412-B-PL-LZZ-1204 (Rev 00);  
412-C1-PL-L00-1201 (Rev 01);  
412-C1-PL-L01-1202 (Rev 01);  
412-C1-PL-LZZ-1201 (Rev 01);  
412-C1-PL-LZZ-1002 (Rev 01);  
412-C1-PL-LZZ-1203 (Rev 01);  
412-C1-20-LZZ-1204 (Rev 01);  
412-C2C3-PL-L00-1201 (Rev 00);  
412-C2C3-PL-L01-1202 (Rev 01);  
412-C2C3-PL-LZZ-1201 (Rev 01);  
412-C2C3-PL-LZZ-1202 (Rev 01);  
412-C2C3-PL-LZZ-1203 (Rev 00);  
412-C2C3-PL-LZZ-1204 (Rev 00);  
412-C2C3-PL-LZZ-1205 (Rev 00);  
412-C2C3-PL-LZZ-1206 (Rev 00);  
412-C2C3-PL-LZZ-1207 (Rev 00);

Documents

Application Cover Letter, prepared by CBRE, dated May 2013;  
Revisions to Proposed Development Cover Letter, prepared by CBRE, dated November 2012;  
Revised Development Specification, prepared by CBRE, dated November 2013;  
Revised Design Guidelines, prepared by Patel Taylor, dated November 2013;  
Design & Access Statement Detailed Design, prepared by Patel Taylor, dated May 2013;  
Design & Access Statement Outline Masterplan, prepared by Patel Taylor, dated May 2013;  
Revised Design & Access Statement Addendum, prepared by Patel Taylor, dated November 2013;  
Pennington Street Warehouse Heritage Statement, prepared by Alan Baxter Associates, dated May 2013;  
Revised Addendum Heritage Statement, prepared by Alan Baxter Associates, dated November 2013;  
EIA Aviation Scoping Report, prepared by Donald Butler Associates, dated May 2013;  
Environmental Statement Non-technical Summary, prepared by URS, dated May 2013;

Environmental Statement Vol I, Main Chapters, prepared by URS, dated May 2013;  
Revised Environmental Statement Vol II, Townscape, Conservation & Visual Assessment, prepared by URS, dated November 2013;  
Environmental Statement Vol III, Technical Appendices, prepared by URS, dated May 2013;  
Revised Addendum, Environmental Statement: Non-technical Summary prepared by URS, dated November 2013;  
Revised Addendum, Environmental Statement Vol I, Main Chapters prepared by URS, dated November 2013;  
Revised Addendum, Environmental Statement Vol III, Technical Appendices, prepared by URS, dated November 2013.  
Transport Statement Vol I, Main Chapters, prepared by WSP, dated May 2013;  
Transport Statement Vol II, Appendices A-M, prepared by WSP, dated May 2013;  
Revised Addendum Transport Statement, prepared by WSP, dated November 2013;  
Revised Energy Statement, prepared by Richard Hodkinson Consultancy, dated November 2013;  
Revised Sustainability Statement, prepared by Richard Hodkinson Consultancy, dated November 2013;  
Revised Affordable Housing Statement, prepared by QUOD, dated November 2013;  
Planning Statement, prepared by CBRE, dated May 2013;  
Utilities Infrastructure Report, prepared by Crofton, dated May 2013;  
Cultural & Placemaking Strategy, prepared by Future City, dated May 2013;  
Community Engagement Strategy, prepared by Soundings, dated May 2013;  
Revised Addendum Community Engagement Statement, prepared by Soundings, dated November 2013;  
Town Centre Use Assessment, prepared by CBRE, dated May 2013;  
Revised Addendum Town Centre Use Assessment, prepared by CBRE, dated November 2013;  
Regeneration Statement, prepared by QUOD, dated May 2013;  
Demolition Method Statement, Environmental Management Plan & Waste Management Plan, prepared by St George Central London, dated November 2013;  
Construction Method Statement, Environmental Management Statement & Waste Management Plan (Blocks A, B & Times House), prepared by St George Central London, dated November 2013.  
Response to Review of the ES for London Dock, prepared by URS, dated 30 August 2013;

Port of London Authority Response letter from WSP, dated 15 August 2013;  
 Response to Additional Information Requested by TfL and LBTH Following Meeting on 30 July 2013, prepared by WPS, dated 12 September 2013;  
 Response to LBTH Post-submission Letter dated 21 August, prepared by WSP, dated 12 September 2013;  
 Letter from Michael Wizenberg of FDS Consult, dated 3 October 2013;  
 Letter from Donald Sinclair of Richard Hodgkinson Consultancy, dated 19 September 2013;  
 Letter David Treacy of JSA Consulting Engineers, dated 20 August 2013;  
 Letter from Anthony Dinsdale of JSA Consulting Engineers, dated 8 October 2013;  
 London Borough of Tower Hamlets Noise Comments letter from Michael Price of URS, dated 18 September 2013;  
 Response to Clarification and Regulation 22 Request on the London Dock EIA, prepared by URS, dated 15 October 2013;  
 London Dock EIA – Construction Noise and Vibration Summary, prepared by URS, dated 24 October 2013;  
 London Dock EIA – Construction Noise and Vibration Summary, dated 5 December 2013;  
 Proposed Pedestrian Crossing Facility Stage 1 Road Safety Audit, prepared by Acorns Projects Limited, dated 25 October 2013;  
 Designers Response for Stage 1 Safety Audit for The Highway, prepared by WSP, dated 29 October 2013;  
 Response to Final Review of the ES for London Dock, prepared by URS, dated 11 November 2013;  
 Further Information on Impulsive Noise Events, prepared by URS, dated 11 November 2013;  
 Stage 1 Road Safety Audit – Proposed Access Ramps, prepared by Acorns Projects Limited, dated 6 November 2013;  
 Archaeological Review of Deposit Modelling, prepared by MOLA, dated 18 December 2013;  
 Archaeological Deposit Model, prepared by Mills Whipp Projects, dated December 2013;  
 Historic Environment Assessment Update, prepared by MOLA, dated 28 November 2013;  
 Archaeological Assessment Clarification, prepared by MOLA, dated 28 November 2013;  
 Environmental Statement (ES) Clarifications, prepared by URS, dated 29 October 2013;  
 Amenity Space Figures email from Nick Grant of CBRE, dated 10 December 2013

**Applicant:** St George Central London Limited

**Ownership:** St George Central London Limited  
 London Borough of Tower Hamlets

<b>Historic Building:</b>	Pennington Street Warehouse – Grade II Tobacco Dock – Grade I
<b>Conservation Area:</b>	N/A

## 2. EXECUTIVE SUMMARY

- 2.1. The Local Planning Authority has considered the particular circumstances of these applications against the Development Plan and other material planning considerations as set out in this report and recommends the approval of planning permission and listed building consent for the reasons set out in the 'Material Planning Considerations' section of this report.
- 2.2. These applications seek planning permission (part in detail, part in outline) and listed building consent for the redevelopment of the Former News International Site (now known as London Dock), including the vacant Times House offices to the north of the main site. The scheme would deliver up to 1,800 new homes, including 30% affordable housing by habitable room, together with up to 20,816sqm of flexible non-residential floorspace (Use Class A1-A5/B1/D1/D2), a new secondary school, 2.2 hectares of public open space and a full site basement to accommodate car parking, cycle parking, servicing, waste storage and ancillary residential facilities.
- 2.3. In land use terms, officers consider that the proposed mix of uses, including a strategic quantum of housing, together with a mix of retail, entertainment, office, community and leisure uses and a new secondary school, generally accords with adopted policy and the Council's aspirations for the site as set out in the London Dock site allocation in the adopted Managing Development Document (2013).
- 2.4. With regard to the delivery of new homes, the scheme would provide up to 1,800 new homes, with 521 units included in the detailed element of the scheme and up to 1,271 units in outline. Officers consider the overall mix, tenure split and residential density to be policy compliant on balance. The proposals would deliver 30% affordable housing across the whole scheme, with 1 and 2 bed rented units provided at POD level affordable rents and 3 and 4 bed family units provided at social target rents. Intermediate tenure housing would be provided as a new shared equity product called 'First Time Buyer', whereby the purchaser buys a percentage of a property and the developer gifts the remaining equity to the Council, on which no additional rent would be payable by the purchaser.
- 2.5. The proposed affordable housing strategy is strongly supported by officers as it would provide new homes at levels that are truly affordable to local residents. In addition, the viability of the scheme has been independently assessed and it has been demonstrated that the scheme maximises the delivery of affordable housing. The proposal therefore maximises the delivery of housing, including affordable housing, which is supported by officers.
- 2.6. The scheme includes the demolition of the existing, monolithic Former News International print works and offices and erection of 8 new buildings (not including the school) ranging between 4 and 25 storeys in height, together with the conversion and extension of the 6 storey plus lower ground floor vacant Times House office building to affordable housing. Officers and the GLA consider that the design approach and architectural vernacular of the buildings in the detailed component is of a high quality.

In terms of scale and height, the proposed buildings, including a 25 storey tower, would be significantly taller than most surrounding buildings. Members will need to be satisfied that the overall regenerative benefits of the scheme, including the delivery of a new secondary school, outweigh any harm in terms of the local townscape.

- 2.7. The proposed development will be visible both in a number of protected London View Management Framework (LVMF) views and in a number of local views. English Heritage note that the proposed tower would be visible in the open rectangle of sky space formed by Tower Bridge's two towers and its horizontal deck and upper walkway in LVMF view 25A.1 from City Hall. The proposed tower as originally submitted was 33 storeys in height and English Heritage considered that this building would cause 'substantial harm' to the setting of Tower Bridge.
- 2.8. The applicant subsequently responded by reducing the height of the tower to 25 storeys and English Heritage confirm that this reduction significantly mitigates the visual harm to the setting of Tower Bridge. However, English Heritage advise that the revised proposal would still result in some harm to the setting of Tower Bridge and Members will need to weigh this harm against the public benefits of the scheme when determining the application. Careful consideration must also be given to the impacts on local heritage assets, including the setting of the Grade I listed Tobacco Dock, whilst lies immediately to the east of the application site.
- 2.9. The proposals include the restoration, refurbishment and alteration of the Grade II listed Pennington Street Warehouse, including the formation of new openings in the blind arches on the north elevation, alterations to the roof structure and the formation of new internal lightwells. Both English Heritage and the Borough Conservation Officer consider that these works have been sensitively designed and would protect the special historic and architectural interest of this listed building.
- 2.10. The proposals also include the provision of a significant amount of new public open space, including three new public squares and new pedestrian routes, and will markedly improve permeability through the site and surrounding area, which is supported in line with the Council's aspirations for the site as set out in the site allocation for London Dock. Policy compliant levels of children's play space will also be provided.
- 2.11. In terms of amenity impacts, the proposed development will result in a material reduction to daylight and sunlight levels received at a large number of surrounding residential properties, most notably those to the north of the site. These impacts have been assessed by officers and the Council's appointed daylight and sunlight consultant and are considered to be, on balance, acceptable in this instance. The daylight levels with the development have also been assessed and it has been found that a large number of habitable rooms on the lower floors of the proposed buildings would fail to meet the minimum daylight criteria for new homes. Members will therefore need to be satisfied that the overall level of amenity afforded to both neighbouring residents and future residential occupants within the site is acceptable, with regard to the wider benefits of the scheme.
- 2.12. The transport modelling for the scheme has shown that the parts of the road network in the vicinity of the site, with specific regard to sections of The Highway, are currently at/over capacity in terms of vehicular traffic. As such, TfL are seeking mitigation in the form of a financial contribution towards expanded storage capacity at the junction of The Highway and Wapping Lane. In addition, TfL are also seeking financial contributions towards local bus service enhancements and cycle hire provision in order to mitigate the impacts of the development on the local transport

network. Officers consider that these contributions are necessary to mitigate the impacts of the development and should be secured if planning permission were to be granted.

- 2.13. The proposed development would provide 900 residential and 90 commercial car parking spaces, which exceeds the Council's adopted maximum car parking levels as set out in the adopted Managing Development Document (2013). The applicant contends that the proposed car parking levels are the minimum required in order for the scheme to be financially viable. Members will therefore need to be satisfied that the overall regenerative benefits of the scheme, including maximised housing delivery with 30% affordable housing, the delivery of a new secondary school and a significant amount of new public open space, outweigh the harm caused by an over-provision of car parking in this instance.

### **3. RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Affordable Housing

1. 30% affordable housing by habitable room (70:30 split) comprising 125 x family sized (3+ bed) rented units at social target rents, 149 x 1 and 2 bed units at affordable rents (at POD rents) and 212 x intermediate housing units delivered through use of a "First Time Buyer" (FTB) product.

#### Education

2. Provision of land (at nil consideration) to facilitate the provision of a secondary school (or a payment of **£4,190,016** in lieu of educational provision if the option to take a lease of the school site is not triggered within a specified period)

#### Employment and Enterprise

3. A contribution of **£665,052** towards Employment, Skills, Training & Enterprise
4. Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
5. Apprenticeships during construction and end user phase

#### Idea Stores, Libraries, Community and Leisure Facilities

6. A contribution of **£439,362** towards Idea Stores, Libraries and Archives
7. A contribution of **£100,000** towards Off Site Community Facilities
8. A contribution of **£760,610** towards Leisure Facilities along with a further obligation to provide Leisure Facilities through community access to the Sports Hall within the School (or a further payment of **£877,700** if this does not come forward).

#### Health Facilities

9. On site provision of a primary health facility (shell and core with 3 year peppercorn) or a contribution of **£1,298,536** in lieu of on-site provision if the option or on site delivery is not taken up.

#### Sustainable Transport, Public Transport and Highway Infrastructure

10. A contribution of **£52,305** towards Sustainable Transport
11. Provision of a pedestrian crossing across The Highway or pedestrian crossing improvements as part of a future Dock Street junction improvement – with contributions capped at **£200,000**.
12. A contribution of **£541,000** towards Bus Service Enhancements
13. A contribution of **£110,000** towards Provision of Cycle Hire Docking Facilities
14. A contribution of **£210,000** towards Highway & Traffic Impact Mitigation (junction improvements).
15. Car Free Agreement
16. Allowing the public to pass and repass within the site with controlled/timed public access allowed through/within Pennington Street Warehouse
17. Public access to the site to and from the canal towpath

Public Realm and Public Open Space

18. A contribution of **£1,310,786** towards Public Open Space
19. A contribution of **£428,550** towards Streetscene and Built Environment
20. Provision and Retention of Child Play Space

Other Related Heads of Terms

21. Programme of phased restoration of listed warehouse and meanwhile uses
22. TV and radio reception and rectification
23. St Georges and their Contractors to enter into LBTH Code of Construction Practice and Considerate Contractors Scheme
24. A contribution of **2%** of the total financial contributions would be secured towards monitoring (calculated on the basis that all in lieu payments are triggered) **£233,678**.

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 authority to impose the following conditions and informatives (or add or remove conditions acting within normal delegated authority) in relation to the planning permission on the following matters:-

3.6. **Conditions**

Compliance Conditions	
1.	Three year time limit
2/3/4.	Time limit for final submission of reserved matters
5.	Compliance with approved plans and documents
6.	Maximum and Minimum Levels Floorspace
7.	Maximum level of car-parking provision on-site
8	Minimum Levels of Cycle Parking
9.	Maximum crane height of 150m AOD
10.	Hours of Building Works (8.00am to 6.00pm Monday to Friday. 8.00am to 1.00pm Saturdays. No working on Sundays or Bank Holidays)
11.	All Homes to be Completed to Lifetime Homes Standards
12.	10% All Homes Wheelchair Accessible
13.	All Lifts to be Provided Prior to Occupation
14.	No Provision of A5 Uses within Blocks B or D. Maximum A5



	Floorspace of 150sqm
15.	Schedule 2 Part 2 PD Rights Removed (No fences or Gates).
Submission of Details Prior to Commencement / Prior to Commencement Relevant Part of the Development	
16.	Phasing Plan (including Affordable Housing Delivery Strategy and Phasing of Listed Building Works)
17.	Construction Management Plan
18.	Demolition Management Plan
19.	Contaminated Land Surveys and Remediation Strategy
20.	Submission Piling Method Statement (To Satisfy Environment Agency and Thames Water)
21.	Scheme of Archaeological Investigation
22.	Ecological Survey and Mitigation
23.	Survey for Black Redstart Prior to Demolition
24.	Air Quality Mitigation
25.	Daylight / Sunlight Impact Mitigation
26.	Microclimate Assessment and Mitigation
27.	Surface Water Drainage
28.	External Materials inc Sample Panels etc
29.	Landscape Management Plan
30.	Details of Bio-diverse Roofs
31.	Details of Code for Sustainable Homes / BEEAM Assessments
32.	Details of Energy Strategy
33.	Details of Secure by Design Measures
34.	Water Supply Infrastructure Study
35.	Construction Programme and Methodology in relation to safeguarding operations at London City Airport.
36.	Details of sound insulation between commercial and residential areas
37.	Control of Plant Noise Levels
38.	Car-Parking Management Strategy in relation to Affordable Housing
Submission of Details Prior to Occupation	
39.	Waste Management Plan
40.	Contamination Remediation
41.	Archaeology Watching Brief
42.	Details of Cycle Parking and Car-Parking for Each Building
43.	Details of Wheelchair Housing for Each Building
44.	Details of Shopfronts
45.	Details Hours of Opening Each Commercial Unit
46.	Details of External Lighting Design
47.	Details Extraction and Ventilation Equipment for Commercial Uses
48.	School Delivery and Service Management Plan
49.	School Travel Plan
50.	School Access Plan (To specify permitted pedestrian access points for school and detail measures to discourage obstruction of footway along the Highway)

51.	Other Uses Travel Plan
52.	Delivery and Service Management Plan

**3.7. Informatives**

1.	Subject to S106 agreement
2.	Subject to S278 agreement
3.	CIL liability

3.8. That the Committee resolve to GRANT listed building consent subject to:

3.9. Any direction by The London Mayor.

3.10. That the Corporate Director Development & Renewal is delegated authority to impose the following conditions and informatives (or add or remove conditions acting within normal delegated authority) in relation to the planning permission on the following matters:-

**3.11. Conditions**

Compliance	
1.	Three year time limit
2.	Materials / Works of Making Good to Match Existing
3.	Security and Protection of Features
Prior to Commencement Relevant Part	
4.	Samples of new materials and replacement features
5.	Method Statement for Demolition Works to Ensure Structural Stability
6.	Details of Mezzanine Floors
7.	Signage Strategy
8.	Partitioning Strategy
9.	Detailed Design of Lanterns, Voids, Partition Screens, External Access, Internal Access, windows, staircases, rainwater goods
10.	Details retention an re-sue of historic features (to include the roof trusses)
11.	Details of brickwork cleaning and any repointing

**3.12 Informatives.**

None

**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

4.1. The application is a hybrid planning application, with part of the scheme submitted in detail and part submitted in outline, for the redevelopment of the former News International site, including the vacant Times House office building which is located immediately to the north of the main site. The proposals include the demolition of the former News International print works and office building and the erection of 8 new

buildings ranging between 4 and 25 storeys in height, which would provide up to 1,800 residential units (Use Class C3), including 30% affordable housing by habitable room, together with up to 20,816sqm of flexible non-residential floorspace, to include:

- A1 retail
- A2 financial and professional services
- A3 restaurant and café
- A4 drinking establishment
- A5 hot food takeaway
- B1 offices and flexible workspace
- D1 community facilities
- D2 assembly and leisure

- 4.2. The scheme also includes a new secondary school within the outline component, to be located at the northern end of the site at the junction of The Highway and Virginia Street, which is to provide six forms of entry plus a sixth form for up to 1,200 pupils.
- 4.3. It is also proposed to restore, refurbish and alter the Grade II listed Pennington Street Warehouse to provide 11,808sqm GEA of flexible non-residential floorspace. Openings will also be formed in the warehouse to provide new access to the building and wider development site. The 6 storey former Times House office building is also to be converted to residential use, which is proposed to deliver 70 affordable rented and social target rented units early in the construction programme. A site-wide Combined Heat and Power (CHP) Energy Centre is proposed to be located on the lower ground floor of Times House, with the development as a whole achieving a 50% reduction in CO2 emissions against Building Regulations 2010 baseline.
- 4.4. The proposals include the provision of 2.2ha of public open space across the site, including three new public squares, a new east/west 'Quayside' and 'Promenade' walkways that would extend the length of the site and three soft landscaped 'Market Gardens' located between the main 'U' shaped blocks. The scheme would also provide new access from Vaughan Way, The Highway and Pennington Street (via three new public access routes through the Pennington Street Warehouse), together with a new access point at the south-east corner of the site adjacent the Wapping Wood Canal and Tobacco Dock.
- 4.5. The development scheme includes a full-site basement to accommodate on-site car parking, cycle parking, refuse and recyclables storage, servicing, plant and ancillary residential floorspace. A total of 900 residential and 90 commercial car parking spaces, including 10% disabled parking, would be provided on-site. In addition, 2,129 residential, 89 business and 120 retail cycle parking spaces would be provided.

#### Application Structure

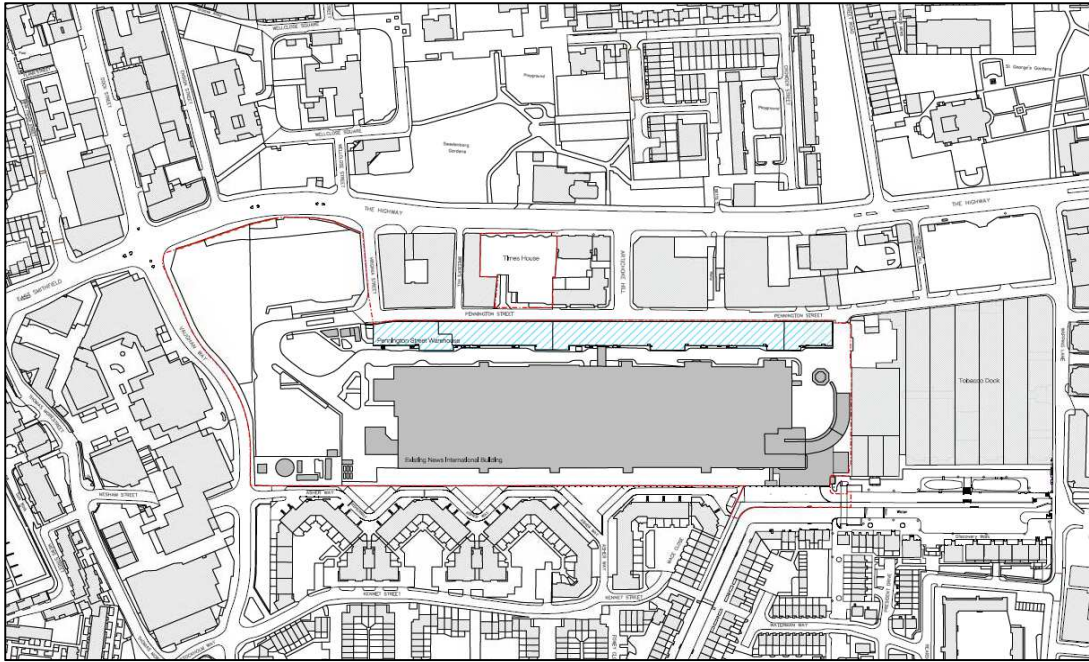
- 4.6. The application is a hybrid application for planning permission, with part of the scheme included in detail, for which full planning permission is sought with the remaining elements submitted in outline, for which outline planning permission is sought.
- 4.7. The detailed elements of the scheme are predominantly located towards the western end of the site and includes Blocks A, B and C, Times House and the Pennington Street Warehouse, together with public open space in the form of the Arrival Square, the Gauging Square, the western-most Market Garden and the western-most extent of the Quayside and Promenade pedestrian routes.

- 4.8. The outline elements of the scheme include Plots D, E, F, G, H and J, together with two further Market Gardens located between the 'U' shaped blocks, the Market Square and the central and eastern-most extents of the Quayside and Promenade pedestrian routes.
- 4.9. The applicant has submitted parameter plans and other information to prescribe key aspects of the outline element of development. These include the quantum of floorspace and heights, widths and lengths of buildings to create 'building envelopes', limits of deviation for building entrances and vehicular access and design guidelines that prescribe the design approach for the outline elements of the scheme.
- 4.10. If planning permission were to be granted, full details of the outline elements would be submitted for approval as Reserved Matters.

### **Site and Surroundings**

- 4.11. The application site is the former News International print works and office complex, including the Times House office block. This site is located in the western part of the Borough in the St Katharine's and Wapping Ward. The main site covers an area of 5.85 hectares and is bounded by the public highway at Pennington Street and The Highway to the north, by the Grade I listed Tobacco Dock buildings to the east, by the Quay 430 gated residential development and canal to the south and by the public highway at Vaughan Way to the west. The main site includes the Grade II listed Pennington Street Warehouse, which is a two storey brick built former warehouse with vaulted basement that is over 300 metres in length and bounds the northern edge of the main site.
- 4.12. The Times House building lies immediately to the north of the main site and covers an area of 0.25 hectares and is bounded by the public highway at The Highway to the north, by the four storey block of flats at Pennington Court and the five to eight storey block of flats at 2 Artichoke Hill to the east, by the public highway at Pennington Street to the south and by the adjoining six storey converted Victorian warehouse known as Breezers Court to the west.

### **Figure 1: Site Location Plan**



- 4.13. The surrounding area is home to a mix of uses, with the Thomas More Square development to the west of the site, comprising large floorplate office buildings and a range of commercial uses, including local shops, cafés, bars, a supermarket and a health club. The areas to the south and east of the site are predominantly residential in character, including apartment blocks and terraces dating from the late Twentieth Century, together with buildings dating from the Victorian period, which include a number of converted warehouses that inform the character of Wapping.
- 4.14. The former print works building on the site is a large, monolithic structure that rises to up to 33-40m AOD in height (roughly equivalent to 11-13 residential storeys). The scale of the surrounding built form is predominantly low rise with a limited number of exceptions, including the Quay 430 residential development to the south of the site, which includes blocks ranging from 3 to 10 storeys in height, whilst the main office building within Thomas More Square rises to approximately 16 storeys in height.

#### Site Designations

- 4.15. The application site is included within the “Site Allocations” section of the Council’s adopted Managing Development Document (2013), which allocates the site, known as ‘London Dock’, for “a comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publicly accessible open space and other compatible uses including employment floorspace”. The allocation also provides ‘key design principles’ and “implementation considerations” that should guide the development. These are:-

#### Design Principals

- Development should be informed by the existing character, scale, height, massing and urban grain of the surrounding built environment;
- Development should protect and enhance heritage assets on the site including the Grade 1 listed Tobacco Dock
- The Green Grid should be integrated within the site along Vaughan Way, The Highway and adjacent to the site.

- Walking and cycling connections should be improved to, from and created within the site and should align with the existing urban grain to support permeability and access to Thomas More Neighbourhood Centre, St Katharines Dock and Tobacco Dock
- Public realm should be improved at active edges, specifically along the Highway and Vaughan Way.

#### Implementation Considerations

- A new secondary school takes first priority overall other non-transport infrastructure requirements, including affordable housing, to ensure that it is economically viable and that the school is provided in a sustainable location;
  - To enable safe access to the secondary school, development would need to provide improved pedestrian and cycle routes;
  - Development should accord with flood mitigation and adaptation measures and must examine the potential for a district heating facility.
- 4.16. The site lies within the City Fringe Opportunity Area as designated in the London Plan (2013). The site also lies within the City Fringe Activity Area, as designated in the Council's adopted Managing Development Document (2013).
- 4.17. Whilst the site itself is not located within a designated conservation area, there are five conservation areas within the wider surrounding area. Specifically, the site lies to the east of the Tower of London Conservation Area, to the south of the Wilton's Music Hall Conservation Area, to the south-west of the St George in the East Conservation Area, to the west of the Wapping Wall Conservation Area and to the north of the Wapping Pierhead Conservation Area. The site would be visible from other conservation areas further afield.
- 4.18. The site falls to the West of the Tower of London, which is designated as a World Heritage Site.
- 4.19. The north-west corner of the site lies within an Archaeological Priority Area, as designated in the Council's adopted the Managing Development Document (2013).
- 4.20. The site lies within the Tower Hamlets Clear Zone.
- 4.21. Public transport accessibility varies across the site, with the Public Transport Accessibility Level (PTAL) ranging from 1b (poor) along the southern boundary of the site, to 4 (good) at the north-western corner of the site.
- 4.22. The A1203 The Highway and East Smithfield, located immediate to the north and north-west of the site respectively, forms part of the Transport for London Road Network (TLRN) and are also known as 'Red Routes' for which Transport for London is the relevant Highway Authority.
- 4.23. The southern edge and south-east corner of the site lies within Flood Risk Zones 2 and 3.
- 4.24. The English Heritage Listing Entry for the Grade II Listed Pennington Street Warehouse is as follows:

*Name: PENNINGTON STREET WAREHOUSES (INCLUDING FORMER CANTEEN AND VAULTS BELOW)*

List Entry Number: 1065825

Location

PENNINGTON STREET WAREHOUSES (INCLUDING FORMER CANTEEN AND VAULTS BELOW), THOMAS MORE STREET E1

County: Greater London Authority

District: Tower Hamlets

District Type: London Borough

National Park: N/A

Grade: II

Date first listed: 27-Sep-1973

Details:

TQ 3480 THOMAS MORE STREET E1

LONDON DOCKS

22/769 Pennington Street Warehouses

(including former canteen and vaults below)

GV II

Circa 1804. Ground floor only complete. Stock brick. Wooden queen post roof with unusual construction at ends. Springings and keyed arches for intended vault (not built) to connect at 1st floor with above warehouses Nos 2 to 5. At the western end, block of 4 storeys, 2 bays. Windows with segmental heads and glazing bars, top floors have blanks. Parapet and stone string course at 1st floor. Double recessed centre door.

Listing NGR: TQ3451380631

- 4.25. The English Heritage Listing Entry for the Grade I Listed Tobacco Dock is as follows:

Name: A WAREHOUSE (SKIN FLOOR) INCLUDING VAULTS EXTENDING UNDER WAPPING LANE

List Entry Number: 1065827

Location

A WAREHOUSE (SKIN FLOOR) INCLUDING VAULTS EXTENDING UNDER WAPPING LANE, PENNINGTON STREET E1

County: Greater London Authority

District: Tower Hamlets

District Type: London Borough

National Park: N/A

Grade: I

Date first listed: 29-Dec-1950

Date of most recent amendment: 01-Jul-1983

Details:

THOMAS MOORE STREET E1

1.

4431

London Docks

29.12.50

TQ 3480 22/771 GV Warehouse 'A' (Skin Floor including vaults

The address shall be amended to read:-

PENNINGTON STREET E1

*London Docks 'A' Warehouse (Skin Floor) including vaults extending under Wapping Lane*

*Upgrade to I and amend description to read as follows:-*

*The Skin Floor, part of the former New Tobacco Warehouse is a unique, remarkable single storey building of exceptional size, built between 1811 and 1813, architect Daniel Alexander, surveyor to the London Dock Company. It is about 250 ft x 350 ft long, the space within the lofty stock brick walls (effectively the dockyard wall) has no intermediate walls at all and the roof is supported, at the widest possible span, an cast iron cross section columns with branch like V-shaped raking struts, quite the most notable feature of the design and a fascinating evolutionary stage in the earliest use of cast iron construction in London warehouses. Rakes queen post trusses, combined with king post bracing in 2 tiers with top clerestory, have a clear span of 54 ft and the supporting columns are at 18 ft centres, the V-shaped raking struts bearing the intermediate trusses. The module of 18 ft is that of the fine brickwork vaults beneath the building. The Skin Floor is one of the earliest surviving examples in southern England of the use of cast iron in building. See report by Malcolm Tucker, GLIAS. Industrial archaeological interest.*

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THOMAS MORE STREET E1

1.

4431 LONDON DOCKS

Warehouse A

(Skin Floor) including vaults

TQ 3480 22/771 29.12.50

II GV

2.

*Circa 1804. Attributed to Rennie. 1 storey. Trussed roof of 4 wide spans with sloping queen posts and continuous lantern supported on cast iron posts and framework of interesting design. Externally of stock brick, now with corrugated iron cladding above. No windows in facade.*

*The listed buildings and walls etc of The London Docks form a group.*

*Listing NGR: TQ3470080589*

### **Relevant Planning History**

- 4.26. WP/94/00017: On 22 December 1994 planning permission was granted for the erection of three 6 storey office buildings and one 15 storey building, with associated parking, landscaping, vehicle and pedestrian access.
- 4.27. PA/94/01063: On 22 November 1994 planning permission was granted for redevelopment by the erection of three 6 storey buildings each with roof level plant rooms, one with access point to pedestrian bridge linking to News International premises and one 15 storey building comprising office (B1), shop (A1), cafe and wine bar (A3) uses, with roof level plant rooms, all with associated underground car park serving News International publishing works; formation of new vehicular and pedestrian accesses and relocation of security building in conjunction with realignment of Virginia Street; alteration to Vaughan Way to form taxi "drop off"; and landscaping of site.
- 4.28. WP/96/00175/L: On 13 December 1996, planning permission was granted for the erection of pedestrian bridge between 3rd floor of 2 Pennington Street and 3rd floor north side of News International printing plant.



- 4.29. PA/02/01555: On October 2002 an application for planning permission was submitted for the erection of two buildings up to 10 and 27 storeys to create 115,388 sqm gross floor space for use within B1 (office), A1 (shop), A3 (cafe and restaurant) and D2 (leisure), together with new access & servicing arrangements, car parking for 650 cars, lorry marshalling area & landscaping works.
- 4.30. At a meeting of the Strategic Development Committee on 18 January 2007 Members resolved to approve the application. The associated S106 for the scheme was never completed and the applicant for the scheme was no longer pursuing the project. The scheme was therefore 'finally disposed of' on 16<sup>th</sup> December 2008.
- 4.31. PA/09/00056: On 16 March 2009 the Council issued a screening opinion confirming that Environmental Impact Assessment would not be required in respect of an application for alterations to exterior of building, creation of modified vehicular routes, new pedestrian linkages and associated landscaping scheme; partial change of use to retail, museum and restaurant/café uses; addition of upper floors to two storey elements; alterations and partial demolition of Rum Warehouse.
- 4.32. PA/09/00548: On 7 January 2010 planning permission was granted for the remodelling of the existing print works building and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space (A1-A3) and museum (D1); external alterations to the main print works building to include a landscaped roof terrace and works of alteration to the Rum Warehouse. Creation of and revised vehicular and pedestrian access routes into and through the site; landscaping to provide publicly accessible space; car parking, access and servicing provisions.
- 4.33. PA/09/00549: On 7 January 2010 listed building consent was granted for works of alteration to the Grade II listed building, both internally and externally to include the continued use of the building as offices, plant and amenity areas ancillary to the main print works building; introduction of a new Class A use and Class D1 (museum) use at the eastern end of the building. Landscaping and other works of making good both internally and externally.
- 4.34. PA/12/02017: On 24 August 2012 the Council issued a split decision in relation to an application for advertisement consent for the proposed display of two static illuminated advertisement hoarding boards, with Sign 1 measuring 12.5m x 3.35m (width x height) fronting The Highway, and Sign 2 measuring 6.4m x 3.5m at the junction of The Highway and Vaughan Way. Advertisement Consent was granted for Sign 1 but was refused for Sign 2 on grounds of highway safety, following an objection from Transport for London, who is the relevant highway authority for The Highway, which forms part of the Transport for London Road Network (TLRN).
- 4.35. PA/12/03163: On 6 July 2013 the Council issued a Scoping Opinion as to the information to be contained within an Environmental Impact Assessment in support of an application for a residential led mixed use scheme (which formed the basis of the current submissions).
- 4.36. PA/13/00651: On 9 May 2013 advertisement consent was granted for the erection of one back lit advertisement hoarding board, which is currently pending determination.

## **5. POLICY FRAMEWORK**

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

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

National Planning Policy Framework (March 2012) (NPPF)

Technical Guidance to the National Planning Policy Framework (March 2012) (TG)

### **5.3. Spatial Development Strategy for Greater London - Revised Early Minor Alterations to the London Plan October 2013 (LP)**

2.10 Central Activities Zone (Strategic Priorities)

2.11 Central Activities Zone (Strategic Functions)

2.13 Opportunity Areas and Intensification Areas

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

3.16 Protection and Enhancement of Social Infrastructure

3.17 Health and Social Care Facilities

3.18 Education Facilities

4.1 Developing London’s Economy

4.2 Offices

4.3 Mixed Use Development and Offices

4.4 Managing Industrial Land and Premises

4.6 Support for an Enhancement of Arts, Culture, Sport and Entertainment Provision

4.7 Retail and Town Centre Development

4.8 Supporting a Successful and Diverse Retail Sector

4.9 Small Shops

4.12 Improving Opportunities for All

5.1 Climate Change Mitigation

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.4 Retrofitting

5.5 Decentralised Energy Networks

5.6 Decentralised Energy in Development Proposals

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
- 6.2 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
- 6.5 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
- 6.14 Freight
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 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
- 7.18 Protecting Local Open Space and Addressing Local Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodlands
- 7.30 London's Canals and Other Rivers and Waterspaces
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SO1 Delivering Tower Hamlets' Regional Role
- SO3 Achieving Wider Sustainability
- SO5 Refocusing on our Town Centres
- SO6 Refocusing on our Town Centres
- SO7 Urban Living for Everyone
- SO8 Urban Living for Everyone
- SO9 Urban Living for Everyone
- SO10 Creating Healthy and Liveable Neighbourhoods
- SO11 Creating Healthy and Liveable Neighbourhoods
- SO12 Creating a Green and Blue Grid
- SO13 Creating a Green and Blue Grid
- SO14 Dealing with Waste
- SO15 Delivering Successful Employment Hubs
- SO16 Delivering Successful Employment Hubs

SO17 Improving Education and Skills  
SO19 Making Connected Places  
SO20 Creating Attractive and Safe Streets and Spaces  
SO21 Creating Attractive and Safe Streets and Spaces  
SO22 Creating Distinct and Durable Places  
SO23 Creating Distinct and Durable Places  
SO24 Working Towards a Zero-carbon Borough  
SO25 Delivering Placemaking  
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  
LAP 3&4 Wapping

5.5. **Managing Development Document (adopted April 2013) (MDD)**

DM1 Development within the Town Centre Hierarchy  
DM2 Protecting Local Shops  
DM3 Delivering Homes  
DM4 Housing Standards and Amenity Space  
DM8 Community Infrastructure  
DM9 Improving Air Quality  
DM10 Delivering Open Space  
DM11 Living Buildings and Biodiversity  
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 Public Realm  
DM24 Place-sensitive Design  
DM25 Amenity  
DM26 Building Heights  
DM27 Heritage and the Historic Environment  
DM28 World Heritage Sites  
DM29 Achieving a Zero-carbon Borough and Addressing Climate Change  
DM30 Contaminated Land  
Site Allocation 4 - London Dock

5.6. **Other Relevant Documents**

London Borough of Tower Hamlets

Planning Obligations Supplementary Planning Document (2012)  
Designing Out Crime Supplementary Planning Guidance (2002)  
Air Quality Action Plan (2003)

Clear Zone Plan 2010-2025 (2010)  
Tower Hamlets Tenancy Strategy (2013)  
Tower Hamlets Community Plan (2011)  
Draft Affordable Housing Supplementary Planning Document (Engagement Version May 2013)  
Tower Hamlets Employment Strategy, Draft (2011)  
Tower Hamlets Enterprise Strategy, Draft (2011)

Mayor of London

Housing Supplementary Planning Guidance (2012)  
London View Management Framework Supplementary Planning Guidance (2012)  
London's World Heritage Sites – Guidance on Settings Supplementary Planning Guidance (2012)  
Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (2012)  
District Heating Manual for London (2013)  
Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance (2010)  
Sustainable Design and Construction Supplementary Planning Guidance (2006)  
Draft Sustainable Design and Construction Supplementary Planning Guidance (2013)

English Heritage

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment (2008)  
The Setting of Heritage Assets (2011)  
Draft Statement of Outstanding Universal Value, Tower of London (2012)

Other

London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)  
Building Bulletin 98: Briefing Framework for Secondary School Projects, Department for Education and Skills (2004)

**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:

**Internal Consultees**

**LBTH Parks & Open Spaces**

- 6.3. No comments have been received.

**LBTH Biodiversity Officer**

- 6.4. The application site contains no habitats of significant biodiversity value. A combination of the bat roost potential survey and the bat activity surveys indicates that no bats are roosting on the site. Black redstarts might nest on the site, but the proposed living roofs and nest boxes will ensure that habitat for black redstarts is improved by the development.

- 6.5. If the measures set out in paragraphs 13.94 to 13.98 of the Environmental Statement are implemented, there will be an overall enhancement of biodiversity, which should be secured by condition. In addition, a condition should be included to require demolition of existing buildings to take place outside the black redstart nesting season (March to August inclusive) if possible. If demolition takes place during the nesting season, black redstart surveys, using the methodology recommended on the blackredstarts.org website, should be undertaken immediately before demolition to ensure no black redstarts are nesting on the site.
- 6.6. *Officer Comments: If planning permission were to be granted it is recommended that the above conditions should be included.*

#### **LBTH Crime Prevention Officer**

- 6.7. This is a very large and iconic development. All buildings should be designed so that they prevent any anonymity. They should face towards each other and towards the main through areas. There should be monitored CCTV. No hidden areas or large recesses. Suitable and secure lighting. Access control where SBD would require it. All areas should be well defined and not be ambiguous. Ensure that all footpaths and vehicle access is minimised so that there are a small number of well used and wide routes. These routes should be interconnecting so that they are then well used. I would respectfully request that this proposal is required to achieve full SBD certification as a condition of build. This is due to its size, history and to reduce impact to local residents and businesses
- 6.8. *Officer Comments: If planning permission were to be granted it is recommended that a condition should be included to require the development to achieve full Secured by Design (SBD) certification.*

#### **LBTH Waste Management**

- 6.9. There are no objections to the proposals. The waste storage arrangements and access seem adequate on plans.
- 6.10. *Officer Comments: Noted.*

#### **LBTH Communities, Localities & Culture**

- 6.11. Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.
- 6.12. The comments and requests for S.106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development.
- A total contribution of **£439,362** is required towards Idea Stores, Libraries and Archives.
  - A total contribution of **£1,638,310** is required towards Leisure Facilities.
  - A total contribution of **£1,310,786** is required towards Public Open Space.
  - A total contribution of **£52,305** is required towards Smarter Travel.

- A total contribution of **£412,050** is required towards public realm improvements.

6.13. *Officer Comments. Noted. These contributions would be secured through the S106, which is discussed further in the 'Material Planning Considerations' Section of this report.*

#### **LBTH Head of Market Services**

6.14. No comments have been received.

#### **LBTH Education Social Care & Wellbeing Directorate**

6.15. The ESCW Directorate has engaged with the developer on its proposals as they relate to the school development arising from the confirmed site allocation. The site allocation aims to secure a 6FE secondary school with 6th form (approx 1,200 students in total). This will be an important scheme to meet the needs of the rising local population for school places and support the local community.

6.16. The compact site area (0.5ha) identified for the school is smaller than the Council had sought as a site allocation (1.5ha) and is considerably under the BB98 standard for restricted sites. The restricted site is based on a precedent design elsewhere in London.

6.17. Following the initial application, the applicant's proposals have been reviewed. An alternative accommodation layout was considered to ensure that the confined site could provide internal accommodation to meet BB98 standards in accordance with DM18. The proposed design for the school will provide external recreation space at roof level and other levels in order to maximise the available space for the students.

6.18. The LBTH review has shown that the internal accommodation can be provided to meet BB98 standards, but the site is able to meet only 40% of the external area requirement for a school of this size. The proposal includes using all available external levels for recreation and PE space, including roof level.

6.19. The engagement with the applicant at the outline stage has preserved options for detailed design stage on the ramped access to ensure that the LA will be able to achieve the best use of the available space for the school in detailed design. This is included in the revised scheme details submitted.

6.20. Both the safety of students arriving and leaving the school and the impact of the number of students in this location on the surrounding streets will be taken into account in designing the access to and from the school and is included in the Design Guidance. It is anticipated that the school will serve its local community but some students may travel greater distances. The school will provide cycle parking on site and the road safety improvements, including the proposed pedestrian crossing to the The Highway will ensure safe routes for students with separation from the vehicle access. When the school opens, the roll will build up over time so the impact of 1,200 students will not be immediate.

6.21. It is proposed that the Council will have the option to take a long lease of the site for the school within a period of 10 years of a grant of planning permission. The Council will be responsible for obtaining the detailed planning approval for the school and for procuring the construction of the school building. This will be included in the S.106 Agreement.

- 6.22. The school proposed for this site will be an innovative design for Tower Hamlets in view of the confined site area. This is regarded as acceptable with the provision that can be made for recreation space on the site and access to other facilities for PE off-site.
- 6.23. Officer Comments: *Noted. The assessment of the outline school proposals is provided in the 'Material Planning Considerations' section of this report.*

### **LBTH Environmental Health (Health & Safety)**

#### Construction Phase:

- 6.24. The development should comply with the Construction (Design and Management) Regulations 2007, specifically in order to secure the incorporation of safety matters in the development from the start, including the production of a "Health and Safety File" for the client and future users(s). The Health & Safety File constitutes a record of the health and safety information for the projects client or end user and the responsibility for its preparation and up keep rests with the Planning Supervisor; ideally the process should be an on-going one not left until the construction is completed.

#### Once built:

- 6.25. Whilst the responsibility for the enforcement of the CDM Regulations rests with the Health & Safety Executive throughout the construction phase, The London Borough of Tower Hamlets will become the health & safety enforcing authority upon handover. There is therefore a need to be aware of the requirements of CDM and especially how the design will affect the end-user(s) of the development to fulfil their duties under the above Act and specifically legislation such as the Workplace Health Safety and Welfare Regulations 1992
- 6.26. Officer Comments: *Noted.*

### **LBTH Environmental Health (Air Quality)**

#### *Comments on May 2013 scheme and ES as originally submitted:*

- 6.27. The following is required:
- The car parking emissions to be modelled
  - The playground in the school itself to be modelled as a receptor point
  - The levels in the opening year of the first phase in 2015

#### *Comments on November 2013 revised scheme and updated ES:*

- 6.28. All air quality issues have now been resolved.
- 6.29. Officer Comments: *Noted. The Air Quality Assessment is discussed in detail in the 'Material Planning Considerations' section of this report.*

### **LBTH Environmental Health (Contaminated Land)**

- 6.30. EH records highlight that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. I understand ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine



associated risks. Any planning permission should therefore be subject to a condition to require the submission for approval of scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

- 6.31. *Officer Comments: If planning permission were to be granted it is recommended that the above land contamination condition should be included.*

#### **LBTH Environmental Health (Micro-climate)**

- 6.32. No comments have been received.
- 6.33. *Officer Comments: The Council has appointed independent consultants Land Use Consultants and Cascade Consulting to assess the Wind Microclimate impacts arising from the development as set out in the Environmental Statement Volume I (May 2013) and Environmental Statement Volume I Revised Addendum (November 2013). The results of this assessment are discussed in the 'Material Planning Considerations' section of this report.*

#### **LBTH Environmental Health (Noise & Vibration)**

- 6.34. Whilst Environmental Health believes that parts of the development will fall within a SOAEL (Significant Observable Adverse Effect Level) as defined by the NPPL (Noise Planning Policy for England), the applicant has demonstrated with several clarifications on the noise matters that these issues will be mitigated to the satisfaction of the environmental health department and meet the requirements of BS8233 "good" design standard, as such our department no longer has a reason to object to the application presented.
- 6.35. The developments duration is longer than most within the Borough, mainly due to its size and because of this some residential and commercial properties will be adversely affected by noise, vibration and dust over a longer than normal period during demolition and construction phases. The developer has reassured EH that the Council's policies on construction and development will be followed and the contractor will enter into a S.61 Agreement under the Control of Pollution Act 1974 with the local authority to control any adverse effects.
- 6.36. Some noise and vibration issues, including also some planning considerations have been raised by the Smokehouse recording studios that they are likely to be adversely affected and will be potentially unable to operate with a major development, with significant lorry movements taking place over a considerable period of time.
- 6.37. EH has met with the owners in consultation with our town planning officers and the developer to try and address some of these issues, and to determine what methods of mitigation could reasonably be provided by the developer to alleviate any noise, vibration or dust issues that may occur.
- 6.38. The Council's own code of construction practice, details the measures that are reasonable for a developer to achieve and it follows Government Guidance issued through British Standard 5228-1:2009, as the required standard of good practice. Undoubtedly, other measures may have to be adopted which go beyond the required standards detailed in our own policies and code of practice, including controlled delivery times, stacking of lorries outside of The Highway, Pennington Street and Virginia Street with radio control, quiet periods and localised screening.

- 6.39. Any other control measures would have to be agreed with the developer, but we are of the considered opinion that whilst the Smokehouse Studios will sometimes be adversely affected, as will other sensitive receptors, these issues in our experience are normally resolvable with good communication and planning with all parties concerned.
- 6.40. *Officer Comments: The Environmental Health Officer Comments are noted. Officers recommend that a condition is imposed requiring the submission of a detailed Code of Construction Management. This would ensure that the LPA can require the provision of appropriate mitigation. These issues are considered in more detail in the 'Material Planning Considerations' section of this report.*

#### **LBTH Environmental Health (Smell/Pollution)**

- 6.41. No comments have been received.

#### **LBTH Environmental Health (Health & Housing)**

- 6.42. Premises must comply with relevant statutory requirements including the Housing Act 2004 and comply with relevant Building Regulations.
- 6.43. *Officer Comments: Noted.*

#### **LBTH Emergency Planning Officer**

- 6.44. No comments have been received.

#### **LBTH Parking Services**

- 6.45. No comments have been received.

#### **LBTH Landscape Section**

- 6.46. No comments have been received.

#### **LBTH Parks & Open Spaces**

- 6.47. No comments have been received.

#### **LBTH Street Environment Section**

- 6.48. No comments have been received.

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

##### Modelling

- 6.49. TfL has led on the validation of the modelling of the impacts on the highway network, which fall largely on a TfL- maintained road and its signalised junctions. WSP supplied traffic generation figures although sufficient saturation (queuing) data was not collected. These problems were found after the model was submitted for scrutiny. TfL subsequently assisted the applicant help to make the model work. TfL now consider that the modelling is complete and the flows correct. However, LBTH Highways do not fully accept the applicant's assertion when they state in the TA Addendum that both [of their] traffic modelling exercises have concluded there is no

material adverse impact due to the development (para 2.3.1) based on the Vissim modelling assessment. It should be noted that while Vissim models shows that there will be a small increase in journey time on the section of The Highway overall; Transyt modelling assessment at junctions in the vicinity of the site has indicated that those junctions are already operating at/over its capacity.

- 6.50. With additional trips from the development the traffic situation is likely to get worse. Importantly, while the overall journey time reliability is not forecast to significantly deteriorate, the fact that TfL's explanation of modelling results indicates a high level of localised congestion in the vicinity merely reinforces the need to restrain car based trips for this development. The site is adjacent to a highly congested network (with road safety implications for vulnerable road users) and reducing the parking ratio will bring it in line with the Council's broader environmental and road safety aims. Some highway improvements in the vicinity are necessary and may help (as discussed in the 'Modelling' section) but they will not necessarily neutralise the situation completely unless parking provision levels reduce.

#### Servicing

- 6.51. The proposed basement servicing arrangement for the main site and on-street servicing for Times House is considered acceptable, subject to the inclusion of a condition to secure a detailed Delivery & Servicing Plan (incorporating a Waste Management Plan). The applicants have already indicated that there will be an internal management team who will manage the waste at this site on a daily basis, which is necessary and welcomed.

#### Pedestrian Access/Safety & Site Permeability

- 6.52. For the school, Highways support the Council's School Travel Plan Advisor's and TfL's views that no main accesses (particularly those for exit) should front or be close to The Highway. They also advise that the main pedestrian access to the school should not be located next to the ramp, which will be used by many vehicles each day. The current proposals are perhaps ambiguous and could lead to footway obstruction and increase of risk of pupils crossing the road beyond the proposed signal controlled pedestrian crossing on The Highway. A suitably worded planning condition could control this.
- 6.53. A Stage 1 Safety Audit has been undertaken on the provision of an at-grade Pelican Crossing Facility for pedestrians across The Highway, between Virginia Street and the Dock Street/Vaughan Way traffic signal junction. This was requested by LBTH to help address the added need for a safe crossing provided by the additional footfall generated by the development (and especially its new school which will take pupils from north and south of The Highway). LBTH Highways support the design and funding of a staggered crossing.
- 6.54. A Stage 1 Safety Audit has also been undertaken on the proposals for a ramp access. Best practice is to provide a 'reservoir of space for a vehicle to wait off the highway. Concern arises that a potential structural element in the dual ramp option could impact upon the inter-visibility as vehicles approach Virginia Street, whereby there could be a potential increased risk of vehicular conflicts occurring, particularly if one vehicle intends to turn right towards Pennington Street and the other intends to turn left in Virginia Street. The following recommendation by the Audit is supported and should be borne in mind when detailed designs are drawn up: because "vehicles approach Virginia Street from either ramp, an appropriate and suitable inter-visibility

area/zone between the two should be provided, to ensure that the potential hazard is removed from the overall scheme proposals”.

#### Car Parking

- 6.55. Highways do not support a 0.5 ratio of residential parking spaces to units. Although this on average approximates to the maximum standard, the highway network is already congested as per existing situation (with close to/at 100% degree of saturation). Consequently, in an ideal situation, no further traffic generation should be added as the network could become highly unstable and congested even with a small addition to traffic without any mitigation. LBTH Highways suggest that either the applicant agrees to a further reduction which anticipates PTAL improvements and reductions in car ownership/modal share by car (to a maximum ratio 0.39) or the applicant agrees to review and adjustment on levels as the development proceeds.
- 6.56. The proposed large number (90 including 9 disabled spaces) of commercial-use spaces has not been justified. Our Local Plan states that for A1 retail use, there shall be no car parking unless a TA can demonstrate that walking, cycling and home delivery cannot cater for demand. This argument has not been put forward. There is a zero parking standard too for A2 and A3-A5. For offices (B1), the standard is 1 space per 600-1000 sqm outside the CAZ else. Ultimately, reserved matters should require no more than the maximum standard per land use (as only maximum floorspace per use is proposed at this stage) and there should be justification along with reference to TA findings to support this, as typically LBTH's office/commercial/employment developments and I would be concerned that the proposed level could encourage car-based commuting.
- 6.57. LBTH Highways note that the applicant now accedes to the provision of eight car club spaces, which is welcomed provided the spaces are on-site.

#### Cycle Parking

- 6.58. 2,338 secure cycle parking spaces will be provided, which should be conditioned as a minimum. Highways recommend that 50% of on-site spaces should be at level and accessible without mechanical or lifting means. All visitor cycle parking should be of a Sheffield-type design. Cycle parking must have level access and its access should not be primarily a shared arrangement with vehicles. The route to and from cycle storage should be convenient and easy to use (eg door-opening minimised). Adequate shower and locker provision should be secured as a reserved matter, according to London standards.

#### Highways Improvements and Conditions

- 6.59. A S.278 Agreement will be required to relocate access points and make good damage from construction. A standard-worded detailed informative should be applied to any planning permission. It is recommended that this should be linked to the phasing of the development. A S.106 is being drawn up to fund improvements to the public realm. Conditions are required for a Construction Management Plan, the retention and maintenance of cycle parking for the life of the development, provision of electric vehicle charging points (EVCP's) (20% active and 20% passive for residential, 20% and 10% passive for commercial) and the provision of a Travel Plan (and appointment of a TP co-ordinator should be conditioned). This is in addition to a Delivery & Servicing Plan and Parking Management Plan.

#### **LBTH School Travel Advisor**

- 6.60. No comments have been received.
- 6.61. *Officer Comments: Whilst no written comments have been received, LBTH Transportation & Highways confirm that they have met with the LBTH School Travel Advisor on three occasions during the course of the application and that their views are represented in the written response from LBTH Transportation & Highways.*

### **External Consultees**

#### **Port of London Authority**

- 6.62. The PLA has no in principle objection to the proposed development. The applicant has explained in their transport assessment that consideration has been given to the potential use of the River Thames as a potential route for construction material and waste and that some consideration may be given by the appointed main contractors towards possible use of the River Thames and associated concrete batching/aggregates wharves. It is recommended that a condition attached to any grant of planning permission, requiring the production and approval of a report which seeks to maximise the use of the River where practicable. The construction of the development should be carried out in accordance with the approved report.
- 6.63. Steps should be taken by the applicant to encourage more use of this sustainable method of transport. This could be through the provision of timetables to residents and workers or providing tickets for a river trip so that residents and workers might be encouraged to try this alternative form of transport. Whilst frequency and capacity may be low compared to other modes of transport, river transport does have its advantages. Additionally, the focus of the report is on the provision of a new pier at Wapping, although the PLA would encourage travel from the existing Tower Pier.
- 6.64. *Officer Comments: Noted. It is recommended that a condition be included to secure a Construction Environmental Management Plan, which shall include a feasibility study on the use of River Thames and associated concrete batching/aggregates wharves during the demolition and construction phases.*

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

- 6.65. This application falls outside the notified area for its application scale. There is no requirement for you to consult us in our capacity as a Statutory Consultee.
- 6.66. *Officer Comments: Noted.*

#### **National Air Traffic Services**

- 6.67. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.
- 6.68. *Officer Comments: Noted.*

#### **Design Council**

- 6.69. No comments have been received.

## English Heritage

### Application for Planning Permission (Hybrid)

- 6.70. *English Heritage provided the following comments on the scheme as originally submitted in their letter dated 16 August 2013:*
- 6.71. The tallest element of the proposals rises to 34 storeys (122.3m AOD). It will be clearly visible as a large mass of new development to the right of the North Tower of Tower Bridge in LVMF View 25A.1. Thus the currently mostly open rectangle of sky space formed by Tower Bridge's two towers and its horizontal deck and upper walkway will be partially obscured. In our view, the retention of this sky space contributes significantly to the iconic silhouette of the famous bridge and that infilling this space with new development would have a detrimental visual impact on this silhouette, and therefore on the setting of the Grade I listed building. The impact of this intrusion into the setting when viewed at dusk or at night is not demonstrated in the Design and Access Statement or the Environmental Assessment (View 8) as accessible on the Tower Hamlets website but it can be anticipated to be even greater.
- 6.72. The proposed new tall building will rise significantly higher than the existing Thomas More Centre in LVMF Views 11B.1 and 11B.2. In this regard, the proposed tall building will be visible in the backdrop of or adjacent to the Tower of London. Whilst we acknowledge that these are not the most significant views of the Tower, we believe that the proposals will further exacerbate the harm caused by the existing Thomas More Centre building, acknowledged by the applicant's themselves to be "a bulky mass" (paragraph 3.6.5 Design and Access Statement) thereby forming an overly dominant backdrop to the World Heritage Site, reducing its visual prominence and harming its setting.
- 6.73. The Grade II listed Ivory House is a key building illustrating the former industrial history of the St Katharine's Dock and therefore a key element justifying conservation area designation. The position of the building at the junction of the basins and the inclusion of the clock tower are key components of its significance. The fact that there is open sky behind and around the clock tower enables easy appreciation of the architectural composition. The introduction of a significant and highly visible structure, appearing to be in close proximity in the immediate background results in visual competition and a reduction in the ability to appreciate the listed building, thereby causing harm to its significance.
- 6.74. St Paul's School and St Paul's Mission are both Grade II listed and currently close the view north from Fletcher Street. The two buildings can be seen together in this view with the spire of the school peeking above the roofline of the Mission. The introduction of a significant building, rising abruptly behind the Mission and another lower building blocking views of the spire and appearing immediately behind one of the stacks, harms the ability to appreciate the architectural composition of the Mission building and removes the visual link between it and the school in this view. The impact of the new building on the setting of the listed Mission in other views along Wellclose Square and how that impact changes by day and night is not provided so the full extent of potential harm cannot be assessed.
- 6.75. The setting of the grade I listed Tobacco Dock will be affected by both C1 and the proposed relationship with Block J of the master-plan, which is only submitted in outline. The long low parallel ranges and simple palette of materials are key characteristics of the listed building and whilst its setting has been compromised to

some extent by buildings rising above the roof line (View 35) the proposed development will still have a major impact. The ability to appreciate the silhouette of the majority of the roof of the easternmost range against an open sky will be lost with the introduction of development rising above, although again without information on the detailed design in different conditions, merely a wire- line illustration, objectively assessing the extent of impact is difficult.

- 6.76. Since there would be harm to the settings of internationally significant heritage assets and this is simply not justified by apparent public benefits, the proposals fail to accord with the law and national policy set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. The proposals are contrary to the local planning policy established by the London Plan, LVMF and Tower Hamlets Core Strategy and do not reflect English Heritage Guidance. We therefore recommend that the only proper decision that can be taken within the decision-making framework is to refuse this application in its current form. Accordingly we object to the proposals.
- 6.77. *Following the submission of amendments to the scheme on 19 November 2013, which include a reduction in the height of the tower from 33 to 25 storeys, English Heritage provided the following further comments in their letter dated 29 November 2013:*
- 6.78. English Heritage welcomes the amendments and considers them to be a significant improvement compared to the previous proposals. In summary, we welcome the reduction in height of the proposed tall building and believe that this reduction significantly mitigates the visual harm to the setting of Tower Bridge in the key LVMF view from City Hall. We believe the reduction in harm to Tower Bridge's setting means that a request to the Secretary of State to call in the applications (should they be consented) is no longer warranted.
- 6.79. We do, however, continue to believe that even a reduced height tower causes some harm to the setting of Tower Bridge and urge your Council to weigh this harm against the public benefits of the scheme as set out in NPPF paragraph 134.
- 6.80. *Officer Comments: The impacts of the development on LVMF and local views and on the setting of designated heritage assets, weighed against the public benefits of the scheme, is discussed further in the 'Material Planning Considerations' section of this report.*

#### Application for Listed Building Consent

- 6.81. *English Heritage provided the following comments on the scheme as originally submitted in their letter dated 31 July 2013:*
- 6.82. The proposals at Area 1 are for the removal of the existing post-war roof and gable and replacing them with a contemporary flat roof structure that bridges the gap between the Pennington Street warehouse and the proposed new Building B. At Area 5 a new first floor glazed, flat-roofed pavilion is proposed to replace the existing roof lanterns.
- 6.83. In our view, the contemporary interventions at both ends of the listed building significantly harm the architectural integrity of the warehouse and fail to respond to the simple, functional design of the building, which is at the heart of its significance. They reduce the legibility of the historic building and the ability to appreciate and understand its former use as a dockside warehouse. Whilst we acknowledge that the

areas proposed for change do not retain historic fabric *per se* (following reinstatement post war) we consider the continuation of the simple roof form and gable ends to be important to the overall integrity of the listed building, preserving its recognisable form and significance as a former dockside warehouse. In that context, we believe the current proposals at Areas 1 and 5 causes harm to the significance of the Grade II listed building, and this harm is not necessary for the building to be successfully re-used.

- 6.84. We acknowledge that the wider regeneration scheme will provide a range of public benefits to the area, including, potentially, the heritage benefit of bringing the Grade II listed warehouse into a long term sustainable use. However, we have seen no evidence that these benefits could only be achieved by the currently proposed interventions to the listed building at Areas 1 and 5.
- 6.85. *Following the submission of amendments to the scheme on 19 November 2013, which include the retention of the pitched roof to Area 1 and the reinstatement of the pre-existing hipped roof to Area 5, English Heritage provided the following further comments in their letter dated 29 November 2013:*
- 6.86. I am pleased to confirm that the amended proposals address the concerns we set out in our advice letter dated 8 August, 2013. In that regard, we are content for your authority to decide this application as you see fit.
- 6.87. **Officer Comments:** *Noted. The assessment of the proposed works to the listed building is provided in the 'Material Planning Considerations' section of this report.*

#### **English Heritage Archaeology (Greater London Archaeology Advisory Service)**

- 6.88. The ES does not accurately or objectively convey the scale of environmental impact with respect to cultural heritage. The NPPF guidance refers to LPAs requiring the results of field evaluation results to inform on archaeological significance. I confirm that the level of investigation so far undertaken cannot be described as a field evaluation of sufficient scope to "describe the significance of any heritage assets affected" (para 128). The submitted information would need significant enhancement in order to ascertain with confidence whether the actual effects would be significant or not, and what might constitute an appropriate mitigation strategy.
- 6.89. I therefore recommend that the LPA does not determine this application without further information from the developer. Although GLAAS often advises archaeological planning conditions in Tower Hamlets, this is on smaller schemes and with better understanding of the likely remains to be present and their significance.
- 6.90. *Officer Comments: Much work has been undertaken following receipt of this formal comment, along with detailed engagement with the Council's independent environmental impact assessment assessors and their archaeological specialist (who has been in direct communication with the developer's archaeological consultant (MOLA). Following this more detailed work and engagement officers are satisfied that the ES has properly conveyed the scale of environmental impact in respect of the cultural heritage and are of the view that the archaeological resource can be properly dealt with post determination, through the use of robust planning conditions. The archaeological implications of the development are assessed in the 'Material Planning Considerations' section of this report.*

#### **Environment Agency**



- 6.91. The submitted flood risk assessment (FRA) London Dock Flood Risk Assessment dated May 2013 ref 47064102, MARP001 and additional information submitted by JSA Consulting Engineers (letters ref 4589/9a/MCH/AD/SD108535 dated 8/10/2013 and PA/13/01276 dated 20/08/2013) satisfactorily outline the surface water management scheme for the site allowing us to remove our objection to the proposal.
- 6.92. We request that the following planning conditions are placed on any planning permission granted. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
- Land contamination scheme
  - Land contamination verification report
  - Land contamination remediation strategy
  - Restrictions on surface water drainage
  - Penetrative piling and foundation designs to be approved
- 6.93. *Officer Comments: Noted. If planning permission is granted it is recommended that the above conditions should be included. The assessment of flood risk and land contamination is provided in the 'Material Planning Considerations' section of this report.*

#### **Greater London Authority**

- 6.94. In summary, the GLA made the following comments in their Stage 1 response:

##### Mix of Uses:

- 6.95. A high density residential led mixed use development on the London Dock site at the City Fringe location is acceptable in strategic terms, in accordance with London Plan Policy 2.13.

##### Residential Use

- 6.96. The provision of residential accommodation is supported by London Plan Policy 3.3, which seeks to increase London's housing supply.

##### Employment Use

- 6.97. Given the site does not fall within a designated Strategic Industrial Land (SIL) and the proposal is a as a genuine mixed use scheme that will generate approximately 1,500 jobs once completed, the loss of B1 employment floorspace does not cause concerns at the strategic level.

##### Retail Use

- 6.98. The inclusion of retail uses on the London Dock site is acceptable.

##### Social Infrastructure

- 6.99. The inclusion of 6,441 flexible community/health/cultural uses accords with London Plan Policy 3.16.

##### Education Provision

- 6.100. The provision for a secondary school is strongly supported strategically. Notwithstanding this, the GLA would like and a commitment from the Council as to the timing and funding of the delivery of the school and when the site will be made available to the Council to deliver educational facilities.

#### Housing Choice

- 6.101. The mix for the market tenure is broadly acceptable given the site's central location and the justification given by the applicant. The mix for affordable tenure, including a high proportion of affordable family homes, is supported. The absence of intermediate tenure family homes is on balance accepted.

#### Affordable Housing

- 6.102. The scheme would deliver 15% affordable housing. The applicant will need to submit a viability appraisal to support the affordable housing offer and demonstrate that the maximum reasonable amount of affordable housing is being delivered.

#### Tenure

- 6.103. The proposed tenure split of 70:30 is not strategically compliant with London Plan Policy 3.11, although it is considered acceptable on balance. In accepting a 70:30 split, before the scheme is referred back to the Mayor at Stage 2, the applicant is requested to apply a policy compliant tenure split to the scheme's viability assessment to indicate whether there would be a difference of affordable quantum.
- 6.104. Sensitivity testing of the scheme's viability should be carried out to demonstrate to what extent the total affordable quantum would be increased if the scheme were to deliver only affordable rented units.

#### Residential Quality

- 6.105. The current internal layout and design of Times House results in poor residential quality with a high proportion of single aspect north facing units, which should be minimised. Some internal rooms appear small and inefficiently laid-out. The conversion of the building should be capable of delivering a higher residential quality. The number of single aspect north-facing units in Block B needs to be addressed.
- 6.106. For the outline element the applicant should provide further information such as design codes setting out the maximum proportion of single aspect units, floor to ceiling heights, number of units per landing and individual entrance to ground floor units so as to meet the Mayor's design standards.

#### Density

- 6.107. The proposed residential density of between 913 and 921hr/ha is in line with Table 3.2 and Policy 3.4 of the London Plan, which sets a density range of 300 – 1,100hr/ha in this instance.

#### Children's Play Space

- 6.108. Whilst the provision of children's play space is supported, further information is needed from the applicant in relation to these spaces, their designation and main function.

### Urban Design

- 6.109. The new strategic east-west route linking St Katherines Docks to Shadwell Basin and the refurbishment of the warehouse are strongly supported.
- 6.110. The architectural quality of the scheme will be high and notwithstanding comments regarding residential quality, the general design is strongly supported.
- 6.111. However, the following design aspects need to be addressed:
- The provision of direct entrances to ground floor residential units.
  - Concerns around the boundary treatment of the Water Gardens and blank gables undermining the quality of the Promenade.
  - The southern building line of Block A should be pulled back in line with the 'U' to ensure the route is legible from the surrounding area, including Vaughan Way.
  - The commercial units at Plots A and J have publically accessible spaces on all sides – confirmation is needed that all ground floor public edges of these buildings will be taken up by good quality active frontages.
  - Further information is needed regarding Plot J and its impact on the adjacent Grade I listed Tobacco Dock.

### Massing and Strategic Views

- 6.112. The overall height, mass and bulk of the scheme is acceptable. The taller element of the scheme falls within strategic LVMF viewpoints 5A.2, 6A, 11B.1, 11B.2, 15B.1 and 25A.1. The submitted visual impact assessment demonstrates that whilst the tower is visible, its impact does not present any significant concerns in relation to strategic views as it is either distinctly in the distant background of the view or is not particularly prominent and the proposal would not have a detrimental impact on the Tower of London World Heritage Site or its outstanding universal value.

### Inclusive Access

- 6.113. The proposed achievement of Lifetime Homes standards is supported and should be secured by condition.
- 6.114. Further information is needed on the wheelchair accessible units, including their location and internal layout. Clarity is also needed on how inclusive assess has been considered within the Promenade. Consideration should also be given to providing public toilets and the demand for a 'Shopmobility' scheme prior to Stage 2.

### Climate Change Mitigation

- 6.115. The proposed 42% reduction in CO2 emissions exceeds the London Plan requirement.
- 6.116. Confirmation is needed that the heat network will supply space heating for all dwellings and non-domestic building uses. The CHP operation should be optimised to provide a proportion of the space heating local as well as the domestic hot water. The development should be designed to allow for future connection to a district heating network should one become available.

### Transport – Access Strategy

6.117. The vehicular and servicing access points are acceptable, subject to detailed design and safety audits. TfL seeks assurances the pedestrian access routes will be available on a 24 hour basis. TfL has concerns around the proximity of the school pedestrian access point and the refuse/servicing ramp to the basement.

#### Transport Impact

6.118. The level of residential car trips has been underestimated and should be remodelled using Census 2011 data.

6.119. The development will result in a significant increase in demand for local bus services – a financial contribution of £1.1 million should be provided to add 1 bus to the schedule. A contribution of £20,000 is also sought to upgrade the two bus stops on Vaughan Way.

6.120. The proposed layout of the proposed pedestrian crossing on The Highway does not meet DfT standards and raises visibility concerns for vehicles turning right out of Wellclose Street and should be revised.

6.121. A pupil entrance for the school may be more appropriately located near the Vaughan Way frontage, enabling pupils to disperse into the Arrival Square.

6.122. The TRANSYT models contain errors that should be addressed and further micro-modelling, such as VISSIM, should be undertaken.

6.123. A contribution of £200,000 is requested towards a TfL scheme for improvements to the junction of The Highway/Dock Street/Vaughan Way.

6.124. A contribution of £1.5 million is requested towards TfL's congestion relief project at Shadwell DLR station to mitigate the impacts of the development.

#### Car Parking

6.125. The level of residential car parking (0.6 ratio) should be reduced to meet London Plan Policy 6.13. The 90 commercial car parking spaces are in line with London Plan standards. Active and passive electric vehicle charging points should be provided in line with London Plan Policy 6.13. The development should be secured as 'permit free'.

#### Walking and Cycling

6.126. The proposed provision of 2,338 cycle parking space is in line with London Plan policy 6.9. However, there are concerns over the location of cycle parking at basement level and it is unattractive and will conflict with vehicle movements and should be reviewed to ensure that cycle parking facilities can be safely and conveniently accessed by cyclists. Cycle permeability through the site should be improved and additional cycle routes should be designated through the site.

6.127. A contribution of £185,000 is sought for the installation of a new 24 cycle docking station in this area.

#### Conclusion

6.128. The application broadly complies with the London Plan, although there are some outstanding issues that need to be resolved.

- 6.129. *Following the submission of the revised scheme in November 2013, together with associated supporting documentation, the GLA provided the following updated response in their letter dated 12 December 2013:*
- 6.130. Subject to reviewing the conclusions of the independent viability assessment, the applicant has addressed the matters raised in the Stage 1 report dated 30 July 2013.
- 6.131. Officer Comments: *Noted. The matters raised in the GLA Stage 1 report are discussed in detail in the 'Material Planning Considerations' section of this report. In the run up to finalising this report and the various S.106 Heads of Terms, there has also been significant dialogue with the GLA and TfL around the proposed affordable housing offer and the scale of financial-related planning obligations being directed to public transport infrastructure at the expense of more localised mitigation requirements. For example, the amended affordable housing offer (moving from 15% - 30% on site provision) has been discussed with the GLA as well as the requested Shadwell DLR contribution and there has been some engagement around the applicants scheme viability model which has been verified by the Council's independent scheme viability advisor.*

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

- 6.132. We are unable to confirm from the plans that fire access to the site is still available and the developers should confirm this has not changed.
- 6.133. The site has been fitted with private fire hydrants as the distance from the public supply is excessive. The developer should confirm that these will still be in use.
- 6.134. Additional fire routes may impact on heritage areas. It is recommended that any necessary fire routes on the site should take into account the outcomes of any heritage survey and the developers should work with English Heritage and the LBTH conservation officer to minimise any impact.
- 6.135. The Authority strongly recommends that sprinklers are considered to this development.
- 6.136. Officer Comments: *The applicant has responded to these comments in a letter from FDS Consult, dated 3 October 2013, in which it is confirmed that fire vehicle access will be provided from the public highway and via the Quayside. In addition, it is confirmed that the fire appliance routes will be fully coordinated with the structural engineers to ensure that the structure will be adequately sized to support a London Fire Pump Appliance. The response also includes a plan showing the locations of the fire hydrants and confirms that sprinklers will be provided in any building that contains a floor that is over 30m in height in accordance with Approved Document B.*
- 6.137. *The LFEPA has provided further comments in their letter dated 13 December 2013, in which they confirm that the water supplies and pump appliance access to the buildings appear generally adequate, although this is dependent on any rising main inlet being visible from the appliance and the location of fire service entry and access to any likely fire-fighting shafts.*
- 6.138. *Such matters would be formalised post-application and officers therefore consider that the proposed scheme is acceptable in fire and emergency planning terms.*

#### **Historic Royal Palaces**

- 6.139. We note that the proposed tower element of the scheme (Block C1) has been reduced in height from 33 to 25 storeys and would no longer be visible from within the Tower of London (as illustrated in the Design & Access accurate visual representations views 15, 16 and 17) or from adjacent to the World Heritage Site (WHS) looking eastwards (View 18) and would only be marginally visible in the open sky-space within the bascules of Tower Bridge (views 08 and 09). Historic Royal Palaces therefore has no further objection to the revised scheme with regard to its potential impact on the wider setting of the Tower of London WHS.
- 6.140. *Officer Comments: Noted. An assessment of the scheme's impacts on heritage assets, including the Tower of London World Heritage Site, is provided in the 'Material Planning Considerations' section of this report*

### **Natural England**

- 6.141. No objections. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats.
- 6.142. With regard to domestic species, the Natural England protected species standing advice should be used to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.
- 6.143. 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 from the applicant, if it is minded to grant permission for this application.
- 6.144. *Officer Comments: Noted. An assessment of the biodiversity enhancement measures that are proposed within the scheme is provided in the 'Biodiversity' section of this report.*

### **Tower Hamlets Health**

- 6.145. Using the Healthy Urban Development Unit (HUDU) model it has been calculated that the proposed development would require a total capital contribution of £2,399,657 to be secured towards health.
- 6.146. *Officer Comments: Noted. The health contribution is discussed further in the 'Material Planning Considerations' section of this report.*

### **Sport England**

- 6.147. Sport England does not wish to comment on this particular application.
- 6.148. *Officer Comments: Noted.*

### **Thames Water Utilities**

- 6.149. No objections subject to the inclusion of the following conditions:

- No development shall take place until impact studies of the existing water supply infrastructure have been submitted and approved in consultation with Thames Water.
- No impact piling shall take place until a piling method statement has been submitted and approved in consultation with Thames Water.

6.150. *Officer Comments: If planning permission were to be granted it is recommended that the above conditions should be included.*

#### **London City Airport**

6.151. London City Airport has no safeguarding objection to the proposed developments. In the event that craneage or construction equipment is required at a higher elevation than that of the proposed development, then their use must be subject to separate consultation with the airport. The developer must provide to LCY a construction programme and methodology before work commences on-site to be approved by the airport with regard to safeguarding.

6.152. *Officer Comments: Noted.*

#### **British Broadcasting Corporation - Reception Advice**

6.153. The BBC would ask that the developer undertakes a suitable survey, by a professional body, to identify the potential impact of the new building on the reception of television and radio serviced by the general public.

6.154. The BBC would then ask that a S.106 obligation is placed on the developer to fund, in full, the rectification of any adverse effects on the ability of viewers and listeners to receive radio and television services, which have been caused by the erection of the new building.

6.155. *Officer Comments: A TV and radio reception monitoring and rectification obligation is to be included in the S106.*

#### **London Borough of Southwark**

6.156. No comments have been received.

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

6.157. The Royal Borough has formally considered the matter and raises no objections.

6.158. *Officer Comments: Noted.*

#### **City of London Corporation**

6.159. No comments have been received.

#### **Transport for London**

##### Modelling

6.160. The modelling shows The Highway runs with little or no spare capacity, with tidal flow into town in AM peak and out of town in the PM peak. Similar capacity results are

achieved with and without the crossing. The Corridor VISSIM model shows a negligible change in journey time into town with and without the new crossing plus development flows. However, there is an increase in the outbound journey time which goes up by 2.5 seconds per vehicle without the crossing and 18 seconds per vehicle with the crossing. These average journey times are measured between the western entry of the Limehouse Link tunnel and the entry to the Tower Hill Gyratory from East Smithfield.

- 6.161. To maintain the existing level of service on the TLRN and minimise impact of the development, the local highway authority needs to be made aware that the green time on the Dock Street and Vaughan Way approach may be capped to prioritise the maintain TLRN route. The modelling assumed trip generation was agreed with TfL Planning and Tower Hamlets. Additional mitigation would be to reduce car parking provision.
- 6.162. The overall benefits of the development in the Wapping area need to be considered against any highway impacts on The Highway as highlighted above as a result of any additional trips on the network. To manage any additional demand on the highway as a result of the development, it is advisable the developer makes a S.106 and S.278 agreement to fund potential mitigation measures to improve traffic flow on a number of key sites on the highway.

#### Quantum

- 6.163. Although there is change of housing mix from the original proposal with an increase of more affordable housing, it is noted that the application is still seeking a consent of 1800 residential units overall. Therefore TfL consider the change of proposal would have little material difference in terms of trip generation and mode share from the original proposals. Therefore the basis of assessment and result from the original proposal would still stand.

#### Public Transport

- 6.164. The proposed development would result in a significant increase in demand for local bus services. TfL therefore seek a contribution of £890,000 to add one additional bus into the schedule for either the D3 or 100 routes.

#### Car Parking

- 6.165. With the latest revisions 990 parking spaces are still proposed, this includes 900 spaces for residential and 90 spaces for commercial uses. It is still exceeding the London Borough of Tower Hamlets maximum; therefore further reduction should be encouraged. Furthermore, TfL cannot agree with the applicant's view stated in paragraph 2.3.1 that the proposed development would have little impact to traffic on The Highway based from the Vissim modelling assessment. It should be noted that while Vissim models shows there will be a small increase in journey time on the section of The Highway overall, Transyt modelling assessment at junctions in the vicinity of the site has indicated that those junctions are already operating at/over its capacity and mitigation is sought by TfL. This also reinforces TfL's view that the proposed level of parking is not justified.
- 6.166. However, the provision of eight car club spaces is welcomed by TfL.

#### Cycling



6.167. The proposed quantum of cycle parking spaces is in line with Policy 6.9 of the London Plan and is welcomed. TfL however have concerns about the location of the cycle parking area and its access route through the basement, which would be difficult, unattractive and may conflict with vehicle movements and should be reviewed. The provision of shower and changing facilities is supported. In order to improve cycle permeability through the area, additional cycle routes should be designate through the site.

#### Proposed Crossing on The Highway

6.168. TfL considers that the provision of an additional signal controlled pedestrian crossing on The Highway is principally accepted; however its full acceptance and delivery would be subject to detailed design, modelling, further Safety Audit and completion of S.278 Agreement between the developer and TfL.

#### School Access – Plot E

6.169. TfL remain seriously concerned about the proposed provision of access points fronting/close to The Highway, as this would lead to footway obstruction and increase of risk of pupils crossing the road beyond the proposed signal controlled pedestrian crossing on The Highway. Therefore TfL requests no regular access to be used by pupils of the school should be provided fronting The Highway. A suitably worded planning condition could control this.

#### Delivery & Servicing Plan

6.170. A delivery & servicing plan shall be secured by condition/planning obligation for each of the respective phase/element for the proposal and be submitted for approval prior to occupation. TfL welcomes that all servicing will take place at basement and final detailed design should be approved prior to construction commencing to ensure safety of all users, including cyclists & pedestrians within the basement and near the entrance adjoining the public highway.

#### Contribution

6.171. TfL considers that the proposed development would require transport mitigation for highway, bus capacity and stop upgrade, DLR Shadwell Station capacity upgrade and cycle hire expansion and relocation, as per previous discussion, the details of contribution and amount sought stands as follows:

- Junction Vaughan Way/ Dock Street / The Highway - agree a new crossing on The Highway in principle; the developer shall be responsible for whole cost of the new crossing by entering in a s278 agreement with TfL; however if this falls through for any reason or proves to be practically infeasible, they will be required instead to pay £200K (index linked) towards the Dock Street junction improvement.
- Bus service enhancement - £890K
- Upgrading to bus shelters to Vaughan Way - £10k
- Cycle hire provision - £90k toward expansion of docking station, £110K toward relocation of docking stations affected by the development.
- Shadwell DLR station enhancements - £500k
- Highway and traffic impact mitigation - £210K) NB. Indicative cost of scheme (i.e. expanding Right turn storage capacity at Wapping Lane jct) is approx. £250K, so TfL would need finance the £40K shortfall elsewhere.

- 6.172. Officer Comments: *The above matters are discussed in the 'Material Planning Considerations' section of this report. As raised above, there has been detailed discussion between your officers and TfL around the scale of public transport contributions. Financial contributions directed towards bus improvements have been reduced to take account of bus trips generated by the proposed school. Your officers have been formally advised by GLA officers that TfL have received funding through the Comprehensive Spending Review to help deliver enhanced bus usage in connection with new state funded schools. Similarly, in view of viability constraints and the general desire to balance strategic and local mitigation requirements, your officers have determined that the request raised by TfL in relation to enhancements to Shadwell DLR and the upgrading of the Vaughan Way bus shelters should be re-directed towards mitigating the health service related impacts.*

### **London Bus Services**

- 6.173. No comments have been received.
- 6.174. Officer Comments: *Transport for London have advised that the views of London Bus Services have been incorporated into the responses from TfL and the Mayor of London's Stage 1 letter.*

### **London Underground**

- 6.175. London Underground Infrastructure protection has no comment to make on this planning application.
- 6.176. Officer Comments: *Noted.*

### **Docklands Light Railway**

- 6.177. Shadwell station is within walking distance of the development, approximately 470 metres away. DLRL has undertaken capacity analyses of all stations, including Shadwell station. Based on the trip generation figures presented in the TA, passenger trips generated by the Former News International development will push Shadwell station to capacity and prevent passenger flows from moving safely through the station.
- 6.178. DLRL have worked up a scheme to improve station capacity at Shadwell, which would include the provision of escalators, increased lift capacity, and additional platform capacity, to move passengers efficiently through the station. The total scheme cost will not be requested from the developer. Rather, DLRL request a one-off contribution of £1.5 million from the Former News International development to go towards station capacity enhancements, in particular to improve vertical circulation through the station.
- 6.179. In order to promote sustainable travel choices by both employees and residents and facilitate efficient journeys, DLRL requests that the applicant be obliged to install real-time departure screens in the building lobby areas. These screens would permanently show the departures from Shadwell station.
- 6.180. Officer Comments: *As raised above, TfL sought contribution for Shadwell DLR Station capacity improvement works - reduced from £1.5 million to £500,000, which would have gone towards replacing the existing, slow hydraulic lift with a new electric lift. However, in view of viability constraints, your officers have been required to*

*prioritise S.106 planning obligation requests and have recommend that the £500,000 be redirected towards health related mitigation requirements. It is likely that the proposed development will generate around £7.4 million in London Mayoral CIL payments which will be directed Crossrail. These issues are further in the 'Material Planning Conservations' section of this report.*

### **London Overground Infrastructure**

6.181. No comments have been received.

### **Ancient Monuments Society**

6.182. No comments have been received.

### **Council for British Archaeology**

6.183. There may be archaeological remains which will need to be investigated. A boundary wall with blank arcading facing onto the Quayside is clearly not ancient but needs to be considered.

6.184. The retention and conversion of the Pennington Street Warehouse is welcomed even through it will create a barrier along the northern edge of the site.

6.185. The Committee had major concerns around the detailed component of the scheme, particularly in relation to the need for and desirability of the tower block and its detailed architectural design. There were also concerns regarding Times House and its impact on the Listed Warehouses and on the street-scene of The Highway.

6.186. The Committee was concerned with the outline component given there are listed buildings on the site and that the Grade II\* listed Tobacco Wharf lies immediately to the east. The Committee welcomed the linkages being planning but felt that this approach could be extended to a wider area.

6.187. *Officer Comments: Noted. These matters are discussed further in the 'Material Planning Considerations' section of this report.*

### **Garden History Society**

6.188. No comments have been received.

### **Georgian Group**

6.189. No comments have been received.

### **The Society for the Protection of Ancient Buildings**

6.190. No comments have been received.

### **The Twentieth Century Society**

6.191. No comments have been received.

### **The Victorian Society**

- 6.192. It is clear from the visualisations submitted with the application that a 25 storey tower would still stand isolated as a building on this scale from many key viewpoints. The tower would be extremely prominent, overshadowing this primarily low-to-medium rise area and would fundamentally alter its character.
- 6.193. Most significantly, the proposed development would have a negative impact on the setting of Tower Bridge. From one of the most popular viewpoints of the iconic Grade I listed structure, the plaza adjacent to City Hall, the new building would be prominent between the bridge's towers; currently, the bridge frames a clear 'sky window' from this standpoint. The one building adjacent to the site which does approach the proposed height of the new development is on Vaughan Way to the west of the site. However, this building does not appear in the Tower Bridge sightlines upon which the new tower would impact most severely.
- 6.194. Further to the harm caused by this development, the Society also has serious concerns about the precedent it would establish. Where this one building would have a negative impact on the setting of Tower Bridge, the effect of a growing conurbation of tower blocks would be much greater.
- 6.195. We urge that this application be refused, to preserve the setting of one of London's major landmarks, and to maintain the nature of this historic area.
- 6.196. *Officer Comments: The impacts of the development on the setting of heritage assets, including the Grade I listed Tower Bridge, is discussed further in the 'Material Planning Considerations' section of this report.*

**Tower Hill Improvement Trust**

- 6.197. No comments have been received.

**Stephen & Matilda Tenants Co-operative**

- 6.198. No comments have been received.

**South Quay Residents Association**

- 6.199. No comments have been received.

**Friends of St Katharine Docks**

- 6.200. No comments have been received.

**St Katharines by the Tower**

- 6.201. No comments have been received.

**Tower Bridge Wharf Residents Association**

- 6.202. No comments have been received.

**HM Tower of London**

- 6.203. No comments have been received.

**Network Wapping**

- 6.204. Construction and end-use employment should be advertised locally and at the training facilities closest to the site.
- 6.205. Concern regarding the height of the tower and other buildings across the site.
- 6.206. Query whether there is an opportunity for a cinema/library/cultural facility/Idea Store/LBTH One-stop Shop within the development? Public use of school facilities in the evening and on weekends is suggested in conjunction with cultural provision.
- 6.207. Health care provision is a concern and it is recognised that there are opportunities for on-site and off-site healthcare provision.
- 6.208. Concern over the lack of family sized (3+ bed) units.
- 6.209. Some regret has been expressed regarding the removal of facades with perceived architectural quality at Times House.
- 6.210. The area of land allocated to the school is much smaller than proposed at the Examination into the MD DPD. The school is poorly integrated (and any associated community use) into the Gauging Square is noted. Block B has detrimental impact on setting of school.
- 6.211. It is regretted that the lower levels of the school, including courtyard/play space suffer poor daylight provision.
- 6.212. Concern was expressed at the ventilation outlets for the basement car park/plant adjacent to Quay 430.
- 6.213. It was suggested that a greater provision of natural landscape is provided, with regard to micro-climate benefits and providing a 'green grid'.
- 6.214. The potential for business development and employment opportunities within the development is keenly anticipated.
- 6.215. New connections through the site and access through the warehouse are appreciated.
- 6.216. It is anticipated a new neighbourhood centre demonstrating economic and cultural dynamism will be provided within the site, which would be greatly appreciated.
- 6.217. *Officer Comments: Noted. The applicant subsequently submitted amendments to the scheme, with the height of the tower being reduced from 33 to 25 storeys and the proportion of family sized homes and affordable housing being increased. It should be noted that the S106 would include an obligation to require 20% the workforce/services at construction and end-use phases to be locally sourced along with apprentice opportunities during the construction and end user phases. The assessment of the uses, scheme and landscape design and amenity impacts is provided in the 'Material Planning Considerations' section of this report. Additional comments made by Network Wapping on the revised plans are included in the list of issues as above.*

## **National Grid**

6.218. National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

6.219. Officer Comments: Noted.

### **EDF Energy Networks Ltd**

6.220. No comments have been received.

## **7. LOCAL REPRESENTATION**

7.1. A total of 2,965 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are given below:

No of individual responses	44	Objecting:	41	Supporting:	3
No of petitions received:	0				

7.2. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file. Members may wish to note that following receipt of amended drawings (especially the reduction in the height of the tower and proposed amendments to the Times House conversion and other more minor alterations and amendments) your officers have re-consulted those local residents and local organisations that had previously made representations on the application as initially submitted.

### **Objection:**

#### ***Land Use***

- The school facilities should be made open to the public (e.g. libraries and sports facilities).
- Additional childcare facilities (e.g. nurseries and primary school places) should be provided.
- The secondary school should be located on another site.
- There is a risk that the development will fail to attract enough visitors to support the commercial/retail spaces.
- The amount of employment floorspace should be increased.
- Concern is raised over the small size of the school site to accommodate 1,200 pupils.

#### ***Housing***

- The residential density would be far higher than surrounding developments.
- The number of housing units should be reduced.
- The amount of social rented and affordable homes should be increased.
- There is a lack of family sized market housing in the first phase.

### ***Design & Conservation***

- The height of the proposed 33 storey tower is out of keeping with its surroundings.
- The height, mass and scale of the buildings is out of keeping with surrounding buildings.
- The facing materials and outer appearance of buildings are unlike anything in Wapping.
- A tall 'marker building' is not needed for way-finding locally.
- The 33 storey tower is too close to Quay 430.
- The tower will spoil eastwards views from St Katherines Dock.
- The tower will impact on views of the Tower of London and Tower Bridge.
- The scale of the development does not reflect the suburban character of Wapping.
- The proposed architecture and modern design is out of keeping with the Wapping area.
- Post-demolition, the site areas of the later phases of the development should be temporarily landscaped/greened.
- There should be more variation in the design and layout of the Market Gardens.
- It is unclear what type of provision for children's play areas will be.
- More than 50% of the site should be public open space.
- More green space should be provided.
- The renderings of the buildings seem very generic and not in keeping with the dock heritage of the site.
- The proposed water features are dangerous given their shallowness and lack of physical barriers.
- The water feature in the Gauging Square will see little use due to the climate and safety issues (slipping).
- The public spaces lack flexibility and informality.
- The proposed pedestrian routes do little to provide connections to the north and south except via the existing road network.
- The developer should confirm when the full new east/west pedestrian routes will become available – should not be in 15 years.
- The proposals will create a residential community that feels 'gated' as the development turns its back to everything on its southern side.
- The development would result in the enclosure of Vaughan Way.
- The development should show some of the remaining historic dock wall in the Gauging Square.

### ***Amenity***

- The mechanical ventilation for the basement car park will result in noise disturbance and increased air pollution to neighbouring residents in Quay 430.
- The proposed buildings will overshadow adjacent sites.
- The development will result in a loss of privacy to neighbouring residents.
- The development will result in a loss of daylight and sunlight to neighbouring residential properties.
- The submitted Daylight & Sunlight Assessment is incomplete - it is missing parts of Quay 430 and does not take into account the complex layout of units.
- The demolition and construction works will cause disturbance to neighbouring residents.
- No construction works should take place on Saturdays.
- St George should repave Pennington Street and remove the speed bumps to lessen traffic noise impacts during construction.
- The school servicing entrance will result in noise disturbance to residents in Telford's Yard.

- The new openings in the warehouse should be closed at night to stop people spilling out on the Pennington Street and causing noise disturbance to neighbours.
- Real-time noise and vibration monitoring should be carried out during demolition and construction phases to protect local residents.
- The development will channel traffic noise from the highway to properties in Quay 430.
- The proposed additional storey to Times House will result in a loss of privacy, loss of light and overshadowing to east facing penthouses in Telford's Yard.
- The construction access should be moved away from Southern boundary of the site.

### ***Highways***

- Vehicle access to the site from Vaughan Way will exacerbate existing traffic problems on this street and poses a safety risk.
- The development will cause major congestion on the roads.
- Local public transport will not be able to cope with the development.
- The Highway will be dangerous for pupils.
- Additional bus services should be provided.
- An additional pedestrian crossing on The Highway would slow traffic down.
- Underground car parking spaces should be limited or removed.
- LBTH maximum car parking standards should be observed.
- The removal of the 'Boris Bikes' would be a great loss to the area.
- Further work is needed on the junctions with The Highway at Vaughan Way and Wapping Lane (in terms of increased capacity and pedestrian facilities).
- The school's location will impact on traffic at rush hour (drop-offs/pick-ups).
- The proposed 1,870 construction vehicle journeys per week will have a minor impact on local traffic.
- A bridge option should be considered for the crossing on The Highway.
- The development will exacerbate the existing lack of on-street parking.

### ***Environmental Impacts***

- There are no detailed plans to mitigate the noise, dust and air pollution resulting from the demolition and construction works.
- The Construction Management Plan should be made publically available for comment pre-determination.
- The potential structural impacts on neighbouring buildings from the demolition and construction works should be taken into account.
- The proposed 1,200 car parking spaces will increase air pollution.
- The proposed 1,200 HGVs entering and exiting the site per week would add to air pollution and noise and vibration disturbance.
- The proposed buildings are likely to generate wind at ground level that is uncomfortable for pedestrians.
- There has been no detailed assessment of wind impact on surrounding residential buildings.
- LBTH Opinion on the EIA Scoping Document has not been fully complied with.
- The proposed 15 year build period, with associated disturbance to neighbours, is excessive and should be reduced.
- The buildings will result in light pollution to neighbouring residents at night.

### ***Biodiversity***

- Existing nesting bird nesting grounds on the site should be protected during and after the development.
- The impacts of the removal of existing trees must be carefully assessed.



- The existing trees between Asher Way and Vaughan Way should be retained.

#### **Health**

- Healthcare facilities should be provided within the scheme.
- The development would impact on existing local primary care providers, who are already overstretched.
- Concern over potential health impacts for children by locating the school next to The Highway (air quality).

#### **Human Rights**

- The noise, vibration and other demolition and construction impacts of the development would result in the loss and closure of the Smokehouse Studio on Pennington Street, which the objector states provides their sole source of income and ability to service their fiscal responsibilities to support their family.

7.3. Officer Comments: *The above is discussed further in the ‘Material Planning Considerations’ section of this report.*

#### **Other**

- Concern that the site could become a terrorist target in the future.
- Can neighbouring residents get a Council Tax discount during the build period to compensate for the disruption?
- The development may cause possible loss of TV and mobile signals.
- The long build programme will impact on surrounding property prices.
- The development will increase property prices and make the area unaffordable.
- It is unclear how the development will affect the electricity, water and gas connections of existing residents.
- The development will put significant pressure on local services and infrastructure.
- All facing flats should be provided with double-glazing and air conditioning.
- 24 hour public access through the site should be secured.
- The Community Engagement Strategy is misleading and not fully representative of local concerns.
- This application should not solely be subject to S106 negotiation – CIL should be applied to the further planning applications [reserved matters] given the 15 year development period.
- The developers should hold more public meetings to engage with the local community, which should be attended by all 9 affected Ward Councillors.
- The developer should compensate residents for the likely increase in building and car cleaning due to dust from the demolition and construction works.

7.4. Officer Comment: *The above issues are discussed generally in the ‘Material Planning Considerations’ section of this report.*

#### **Support:**

##### **Land Use**

- The development will provide a critical mass of people to sustain local facilities in Wapping.
- The new shops and public realm facilities are supported.

##### **Design**

- The redevelopment will allow public spaces and walkways to join up Wapping as a community.

- Support the large square and Market Gardens, together with the use of water features.
- The overall layout of the development looks convincing and full of interest.

### ***Heritage***

- Support the retention and re-use of Pennington Street Warehouse.

### ***Highways***

- Support public transport improvements and The Highway crossing.
- Adequate on-site car parking should be provided to prevent illegal and obstructive parking elsewhere in the area.
- The re-paving of Pennington Street is supported and should be expanded to include side streets.
- Concerned that one lane of The Highway would be dedicated to a cycle lane.

### ***Other***

- The developer's community engagement and transparent consultation process is supported.

7.5. *Officer Comment: The above matters are discussed in the 'Material Planning Considerations' section of this report.*

7.6. In addition to the statutory consultation carried out for this application, the applicant hosted several public exhibitions on the development proposals within the Pennington Street Warehouse. Public exhibitions on the originally submitted scheme were held in June and July 2013, whilst further public exhibitions on the revised (current) scheme were held in November 2013. Attendees were invited by the applicant to submit feedback forms and copies of these have been provided to the Council. Your officers also chaired a Community Forum (which was managed by officers rather than the applicant in accordance with standard Community Forum protocols) which took place on the 4<sup>th</sup> July 2013.

7.7. The public exhibitions for the scheme as originally submitted generated a total of 19 feedback forms, of which 9 objected to the proposals, 9 supported the proposals and 1 neither objected nor supported the proposals.

7.8. The public exhibitions for the revised (current) scheme generated a total of 7 feedback forms, of which 6 supported the proposals and 4 neither objected nor supported the proposals.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Urban Design
- Heritage Assets
- Amenity
- Energy and Sustainability
- Transport, Connectivity and Accessibility
- Environmental Considerations (Air Quality, Microclimate, Contaminated Land, Flood Risk and Biodiversity)
- Environmental Statement

- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

## **Land Use**

### **Policy Context**

- 8.2. The application site is included in the site allocations of the Council's adopted Managing Development Document (2013), which designates the site for a comprehensive mixed-use development to provide a strategic housing development, a secondary school, publically accessible open space and other compatible uses including employment floorspace. The supporting text to the site allocation states that the provision of a new secondary school site takes first priority over all other non-transport infrastructure requirements, including affordable housing, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the Borough.

### ***Loss of Employment Floorspace***

#### **Policy Context**

- 8.3. Policy SP06(3b) of the Council's adopted Core Strategy (2010) supports the provision of a range and mix of employment uses and spaces in the Borough, including retaining, promoting and encouraging flexible workspace in town centre, edge-of-town centre and main street locations.
- 8.4. It should be noted that Policy DM15(1) of the Council's adopted Managing Development Document (2013), which seeks to resist the loss of viable employment floorspace, is not applicable in this instance as the application site is included within the Site Allocations section of the managing Development Document. The Council recognises that the nature of uses allocated for the site requires a change from the existing uses, in order to deliver their component strategic infrastructure uses. Therefore, the normal tests for proposals resulting in a loss of employment floorspace do not apply.

#### **Loss of Employment Floorspace Resulting from the Development**

- 8.5. The site presently comprises 121,685sqm of office (Use Class B1) and general industrial (Use Class B2) floorspace within three buildings, specifically the former News International print works and office building, which is a monolithic structure that occupies the majority of the central and eastern section of the site, together the Grade II listed Pennington Street Warehouse and the vacant Times House office block.
- 8.6. The scheme would provide up to 20,816sqm (GEA) of flexible non-residential uses, of which between 5,204sqm and 10,408sqm would be provided as offices and flexible workspace (Use Class B1). As such, the proposal will involve the loss of approximately 110,000sqm of employment floorspace. Paragraph 15.4 of the supporting text to Policy DM15 of the Managing Development Document (2013) recognises that where a site is allocated for new uses, marketing of the site for its existing use is not required.

- 8.7. Given that the site is allocated for strategic housing led mixed-use redevelopment, and given that between 5,204sqm and 10,408sqm of B1 employment floorspace would be re-provided within the scheme with an overall maximum employment yield of 1,525 employees including all other uses, it is considered the proposed loss of existing employment floorspace at the site is acceptable in this instance

### ***Proposed Mix of Uses***

#### *Policy Context*

- 8.8. Policy 2.13(B) of the London Plan (2013) seeks to ensure that development within the City Fringe Opportunity Area optimises residential and non-residential output and densities, provides necessary social and other infrastructure to sustain growth and where appropriate, contains a mix of uses.
- 8.9. Policy SP01(2) of the Council's adopted Core Strategy (2010) seeks to ensure that evening and night-time economy uses are not over-concentrated in areas where they will have a detrimental impact on local people, are of a balanced provision to cater for varied need and are complimentary to existing uses and activities.
- 8.10. Policy SP01(5) of the Council's adopted Core Strategy (2010) promotes mixed use development at the edge of town centres to support the role of town centres.
- 8.11. Policy DM1(2) of the Council's adopted Managing Development Document (2013) supports a mix of uses within the Tower Hamlets Activity Area
- 8.12. Policy SP06(3) of the Council's adopted Core Strategy (2010) supports the provision of a range and mix of employment uses within the Borough, promotes flexible workspace in edge-of-town centre location and encourages the provision of units (of approximately 250sqm or less) suitable for small and medium enterprises.
- 8.13. Policy DM15(3) of the Council's adopted Managing Development Document (2013) seeks to ensure that development of new employment floorspace provides a range of flexible units, including units of less than 250sqm and 100sqm, to meet the needs of Small and Medium Enterprises (SME).
- 8.14. Policy DM1(4) of the Council's adopted Managing Development Document (2013) directs A3/A4/A5 uses (restaurant and café/ drinking establishment/ hot food takeaway, respectively) to the Central Activities Zone, Tower Hamlets Activities Areas and designated town centres, provided they do not result in an over-concentration of such uses.
- 8.15. Policy DM1(5) of the Council's adopted Managing Development Document (2013) states that the proximity to an existing or proposed school will be taken into consideration in proposals for A5 hot food takeaway use.
- 8.16. Policy DM2(2) of the Managing Development Document (2013) states that development of local shops outside of town centres will only be supported where:
- (a). There is a demonstrable local need that cannot be met within an existing town centre;
  - (b). They are of an appropriate scale to their locality;
  - (c). They do not affect amenity or detract from the character of the area; and
  - (d). They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.

- 8.17. Policy DM8(4) of the Managing Development Document (2013) seeks to ensure that new community facilities are located either within or at the edge of town centres.

Proposed Mix of Uses

- 8.18. The proposed development includes total of 20,816sqm Gross External Area (GEA) of non-residential floorspace, comprising a flexible mix of A1, A2, A3, A4, A5, B1, D1 and D2 uses. Of this overall amount of non-residential floorspace, 15,451sqm GEA is included in the detailed component of the scheme, located on part of the ground floor of Buildings A and C, throughout the ground and first floors of Building B and throughout the ground floor and basement of the Grade II listed Pennington Street Warehouse.
- 8.19. A further 5,365sqm GEA of flexible non-residential uses is provided in the outline component of the scheme, to be located on part of the ground floor of Plots D, F, G and H and throughout the ground floor of Plot J, which is located at the eastern end of the site, adjacent to Tobacco Dock. Details of the proposed flexible mix of non-residential uses are provided at Table 1 below.

**Table 1: Proposed Mix of Uses by Floorspace**

<b>Land Use</b>	<b>Minimum Floorspace (GEA)</b>	<b>Maximum Floorspace (GEA)</b>
Retail & Leisure (Use Class A1/A2/A3/A4/A5)	10,408	14,571
Offices & Flexible Workspace (Use Class B1)	5,204	10,408
Residential (Use Class C3)	N/A	189,007
Secondary School (Use Class D1)	N/A	12,101
Other Non-residential Institutions (Use Class D1)	1,041	6,245
Assembly & Leisure (Use Class D2)	1,041	6,245

- 8.20. The application lies within the City Fringe Activity Area, which adopted policy identifies as an appropriate location for mixed use development, including leisure uses, provided the development does not result in an over-concentration such uses and is of an appropriate scale within the context of its surroundings.
- 8.21. The application site is not located within a designated Town Centre, although the site lies 40 metres to the north-east of the Thomas More Neighbourhood Centre, 320 metres to the south of the Watney Market District Centre and 330 metres to the north-west of the Wapping Lane Neighbourhood Centre.
- 8.22. Adopted policy also seeks to direct new retail uses to designated town centres and stipulates that the provision of new shops outside of designated town centres will only be supported where there is a demonstrable need for the shops, where they are of an appropriate scale to their locality, where they would preserve the amenity and the character of the area and where they would not result in a concentration of uses that would undermine nearby town centres.

- 8.23. The applicant has provided further detail on the breakdown of the retail and leisure uses (A1/A2/A3/A4/A5) within the submitted Town Centre Use Assessment (May 2013) and Town Centre Use Assessment Addendum (November 2013). This document confirms that of the retail and leisure floorspace to be provided, up to 550sqm will comprise an A1 convenience store, up to 1,311sqm will comprise other A1 convenience floorspace, up to 2,186sqm will comprise A1 comparison floorspace and up to 1,748sqm will comprise A1 service floorspace.
- 8.24. The proposed development is located adjacent to, although outside of the Thomas More Neighbourhood Centre. It is noted that the supporting text to Policy DM2 at paragraph 2.3 of the Managing Development Document (2013) indicates that new A1 shops outside of town centres should each have a gross internal area of no greater than 100sqm, so as not to undermine nearby town centres.
- 8.25. Whilst the proposal includes provision of a single A1 convenience store of 550sqm, officers would highlight that the proposal is not for a new retail development but rather for a strategic residential-led mixed use scheme that will provide a combined residential and employment yield of approximately 5,000 people, together with up to 1,200 pupils within the secondary school. As such, it is considered that the proposed development is of sufficient size to generate a critical mass in terms of population to create and sustain localised demand for A1 retail provision, including an A1 top-up convenience store. The applicant has also provided information in the Town Centre Use Assessment Addendum (November 2013) showing that the anchor stores in nearby town centres are trading well over the company averages and thus any impacts on the viability of these town centres would be negligible. As such, it is considered that the proposed retail provision is acceptable in this instance.
- 8.26. Of the overall maximum of 14,571sqm for A1-A5 uses, the applicant has capped the level of A3/A4 uses at 10,200sqm GEA for A3/A4 uses. Whilst this is a significant provision of A3/A4, the applicant argues that these uses will animate the public spaces within the development, such as through the use of outdoor seating, which will create a 'route of prosperity' that draws people through the site towards Tobacco Dock. Officers acknowledge that new A3/A4 uses will contribute towards place-making and will provide local amenities for both residents and employees, together with those living and working in the wider area. As such, it is considered that the A3/A4 uses are acceptable.
- 8.27. During the course of the application, officers raised concerns that the proposed flexible approach to non-residential uses could result in A5 hot food takeaways being located in close proximity to the proposed school. This would be contrary to aim of Policy DM1(5) of the adopted Managing Development Document (2013), which seeks to tackle obesity in young people by ensuring the premises selling 'energy-dense' fast food are not located near schools.
- 8.28. The applicant has responded to these concerns in Section 5.0 of the Town Centre Use Assessment Addendum (November 2013), confirming that that the total A5 hot food takeaway floorspace within the scheme will be capped at 150sqm GEA. In addition, the applicant considers that the inclusion of fast food retailers would reduce the commercial appeal and value of the new homes and other floorspace within the development and that in other St George developments A5 premises include 'Me Love Sushi', such as at Imperial Wharf. Officers consider the proposed limited A5 provision is acceptable subject to the inclusion of a condition to require no A5 use within Blocks B and D, which are located immediately adjacent to the school site.

- 8.29. The proposed development includes the provision of between 5,204sqm and 10,408sqm of B1 offices and flexible workspace, which is supported in line with Policy SP06(3) of the Council's adopted Core Strategy (2010) and Policy DM15(3) of the Council's adopted Managing Development Document (2013). These policies support the provision of a range and mix of employment uses within the Borough, promote flexible workspace in edge-of-town centre location and encourage the provision of units suitable for small and medium enterprises. In addition, the provision of B1 employment floorspace within the scheme accords with the Council's requirements for the site as set out in the London Dock site allocation in the Managing Development Document (2013).
- 8.30. The development also includes the provision of between 1,041sqm and 6,245sqm of community (Use Class D1) floorspace and between 1,041sqm and 6,245sqm of assembly and leisure (Use Class D2) floorspace, which is considered to be acceptable in terms of the scale of the uses in relation to the proposed strategic housing development and its surroundings and in terms of its proximity to the existing Thomas More Neighbourhood Centre, in accordance with Policies DM1(2) and DM8(4) of the Council's adopted Managing Development Document (2013). Some of this space could be taken up as an on-site health facility if on site provision is favoured by health providers.

### ***Secondary School***

#### ***Policy Context***

- 8.31. The London Dock site allocation in the Council's adopted Managing Development Document (2013) requires any redevelopment proposals for the site to include provision for a secondary school. The supporting text of the site allocation states that a new secondary school takes priority over all other non-transport infrastructure requirements including affordable housing, in relation to the redevelopment of the site, to ensure that it is economically viable and that the new school is provided in a sustainable location to help meet education needs arising across the Borough.
- 8.32. Policy 3.18 of the London Plan (2013) supports the provision of new secondary schools, which should be given positive consideration and should only be refused where there are demonstrable negative local impacts which substantially outweigh the desirability of establishing a new school and which cannot be addressed through the appropriate use of planning conditions or obligations. This policy also encourages development proposals which maximise the extended or multiple use of educational facilities for community or recreational use.
- 8.33. Policy SP07(2) of the Council's adopted Core Strategy (2010) seeks to increase provision of secondary education facilities to meet an increasing population, with the most suitable sites for new schools identified in the Sites and Placemaking DPD (now incorporated into the MDD).
- 8.34. Policy SP07(3) of the Core Strategy (2010) seeks to ensure that school facilities are located in order to maximise accessibility for pedestrians, cyclists and public transport users and to ensure they promote inclusive access for all. Secondary schools should be located in highly accessible locations, to be integrated into the secondary and main movement routes as they generate trips from a wider catchment area.
- 8.35. Policy DM18(1d) of the Council's adopted Managing Development Document (2013) supports the development of schools where a site has been identified for this use or

a need for this use has been demonstrated, where the design and layout take into account the relevant guidance.

Proposed Secondary School

- 8.36. The proposals include provision for a new secondary school within the outline component of the scheme, identified as Plot E on plan. The proposed school would be located at the north-west end of the site, at the junction of The Highway and Virginia Street, situated immediately to the north of Building B (which forms part of the detailed component) and immediately to the east of Plot D (which forms part of the outline component). The proposed school site covers an area of 0.55ha and the parameters for the school provide for a full site basement and a maximum height for the school building(s) of between 18.0m and 30.5m AOD.
- 8.37. The design guidelines for the secondary school site, revised in November 2013, specify a maximum GEA for the building of 12,101sqm and specify that the secondary school will provide six forms of entry plus a sixth form and will accommodate up to 1,200 pupils.
- 8.38. The applicant has provided an indicative layout for the school site at Section 4.0 of the submitted Design & Access Statement Addendum, which identifies how the proposed parameters could accommodate a school building with reference to the internal and external area standards for secondary schools as set out in the government's Briefing Framework for Secondary School Projects (Building Bulletin 98).
- 8.39. The LBTH Education Social Care & Wellbeing Directorate (ESCW) have commissioned Pollard Thomas Edwards Architects (PTEA) to undertake a full review of the proposed school site, including a site specific secondary school design study, so as to ascertain whether a new secondary school could be delivered and operated on the site, meeting both the Government's standards as set out in BB98 and addressing the Borough's identified need for additional secondary school places.
- 8.40. The LBTH review has shown that the internal accommodation can be provided to meet BB98 standards, but the site is able to meet only 40% of the external area requirement for a school of this size. The proposal includes using all available external levels for recreation and PE space, including roof level. Following this work your officers are satisfied that a satisfactory school proposal will be able to be delivered within the identified parameters but clearly, would need to be subject to reserved matters approval at a future date.
- 8.41. The engagement with the applicant at the outline stage has preserved options for detailed design stage on the basis of either a single or shared basement ramp option to ensure that the school provider would be able to achieve the best use of the available space for the school in detailed design. This is included in the revised scheme details submitted.
- 8.42. The LBTH ESCW Directorate has advised that the safety of students arriving and leaving the school and the impact of the number of students in this location on the surrounding streets will be taken into account in designing the access to and from the school and is included in the Design Guidance. It is anticipated that the school will serve its local community but some students may travel greater distances.
- 8.43. The school will provide cycle parking on site and the road safety improvements, including the proposed pedestrian crossing to The Highway or enhancements to the



Dock Street/Vaughan Way/The Highway junction, will ensure safe routes for students with separation from the vehicle access. When the school opens, the roll will build up over time so the full impact of 1,200 students will not be immediate.

- 8.44. It is proposed that the Council will have the option to take a long lease of the site for the school within a period of 10 years following the grant of planning permission. The Council will be responsible for obtaining the detailed planning approval for the school and for procuring the construction of the school building. This will be included in the S.106 Agreement along with a sunset clause (index-linked) to provide an education contribution in accordance with the Planning Obligations SPD if a school is not delivered within the time frame for whatever reason.
- 8.45. The school proposed for this site would require will be an innovative design approach when the reserved matters come forward. However, officers are satisfied that the indicative design proposed demonstrates that a secondary school can successfully be accommodated on the site.

## **Housing**

### *Policy Context*

- 8.46. At a National level the NPPF (2012) seeks the delivery of a wide choice of high quality homes, to widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.47. Policy 3.3 of the London Plan (2013) seeks to ensure the identified housing need in London is met through the provision of new homes, requiring Boroughs to exceed their housing targets.
- 8.48. Policy SP02(1) of the Council's adopted Core Strategy seeks the delivery of 43,275 new homes over the plan period (equating to 2,885 new homes per year) in line with the housing targets set out in the London Plan. Appendix 2 of the Core Strategy (2010) reviews the delivery programme for new houses investment and weeks to provide within the plan period (2010 to 2025) a new housing allocation of 1,470 within Wapping although at this time the London Dock site (former News International site) was not identified for residential led mixed use redevelopment (now promoted through the Managing Development Document).
- 8.49. The London Dock site allocation in the Council's adopted Managing Development Document (2013) designates that application site for a comprehensive mixed-use development required to provide a strategic housing development, a secondary school, publically accessible open space and other compatible uses including employment uses.

### ***Housing Delivery***

- 8.50. The proposed development would deliver up to 1,800 new homes on the site, with 529 homes being included in the detailed component of the scheme and up to 1,271 homes included in the outline component. The proposed development would be constructed in multiple phases over a 15 year period. An indicative demolition and construction programme is provided at Section A5 of the ES Volume 1 Revised Addendum (November 2013), details of which are set out in Table 2 below. This outlines how the phases of the development may come forward.

**Table 2: Revised Demolition and Construction Programme**

Phase	Area/Block	Commencement Date (month)	Completion Date (month)
Demolition	Print Works	1	14
	Phase 1 Area	4	9
	Phase 3 Area	62	66
	Phase 4 Area	90	95
	Phase 5 & 6 Area	120	124
Phase 1	Block A	2	36
	Block B	6	31
	Block C	27	81
	Times House	2	23
	PSW Area 1	66	78
Phase 2	Block D	2	92
	Plot E (indicative)	11	44
Phase 3	Block F	62	109
	PSW Area 2	95	108
Phase 4	Block G	95	139
	PSW Area 3	125	137
Phase 5	Block H	125	169
	PSW Area 4	155	167
Phase 6	Block J	155	178
	PSW Area 5	165	176

- 8.51. The proposed strategic quantum of housing and phased delivery of new homes across the site will make a significant contribution towards the Borough's housing target and is supported in line with Policy 3.3 of the London Plan (2013), Policy SP02(1) of the Council's adopted Core Strategy (2010) and the London Dock site allocation in the Council's adopted Managing Development Document (2013). There has been some concerns raised around the 15 year construction period and whether the construction phasing could be condensed. The phasing of a development of this scale is dependent upon a range of complex variables linked to the rate of sale of residential apartments, fluctuations in the residential property market and the practicalities of developing such a large and complex site whilst maintaining health and safety conditions for construction workers and for those living and working nearby. It would not be reasonable for the local planning authority to impose a more immediate phasing programme under these complex circumstances.

### ***Residential Density***

#### *Policy Context*

- 8.52. Policy 3.4 of the London Plan (2013) seeks to optimise housing output for different types of location within the relevant density range shown in Table 3.2 (in the London Plan) taking into account local context and character, the design principles and public transport capacity.

#### *Proposed Residential Density*

- 8.53. For vertically mixed use schemes, whereby buildings include a mix of residential and non-residential uses on different floors of buildings, the residential density of the development can be calculated using the 'Greenwich Method', in which the non-residential floorspace is deducted from the net site area in proportion with the percentage of proposed non-residential floorspace within the scheme. In this instance, by deducting the proposed non-residential proportion of floorspace (8.96%) from the overall site area of 6.1ha, it can be seen that the adjusted site area for the purposes of calculating residential density is 5.55ha.
- 8.54. The proposed development will deliver up to 1,800 new homes, with 529 homes included in the detailed component of the application and a further 1,271 homes included in outline. The applicant has provided an indicative schedule of residential accommodation in Section A6 of the submitted Environmental Statement, Volume 1, Revised Addendum, November 2013, which is included in this report at Table 3 below.

**Table 3: Accommodation Schedule for the Whole Development**

Homes	Market	Intermediate	Rented	Total
Manhattan	194	16	0	210
1 bedroom	329	163	81	573
2 bedroom	601	33	68	702
3 bedroom	178	0	83	261
4 bedroom	12	0	42	54
<b>Total</b>	<b>1,314</b>	<b>212</b>	<b>274</b>	<b>1,800</b>

- 8.55. As such, it is anticipated that the proposed development would deliver up to a total of 5,091 habitable rooms on a site of 5.55 ha. Using the Greenwich Method, it has been calculated that the proposed residential density would be 917 hr/h and 324 units/ha, with an average of 2.8 habitable rooms per unit.
- 8.56. Officers consider that the application site lies within a 'Central' location for the purposes of a residential density assessment, due its proximity to the City of London and due to the scale, height and form of surrounding buildings. It is noted that the Public Transport Accessibility Level (PTAL) ranges between 1b (poor) and 4 (good) across the site, with the PTAL being lowest at the southern edge of the site, which is largely due to the limited access/permeability through the site at present. The proposed residential blocks would be located on those parts of the site with a PTAL range of 2-4.
- 8.57. As the proposed development includes the formation of new access points, including at the south-west, south-east and north-east corners of the site, the walking distance to the nearest public transport "Point of Interest" from within the site will be reduced. As such, it is anticipated that the PTAL across the site will improve, particularly along the southern boundary.
- 8.58. Taking into account the site's 'Central' setting, the existing PTAL and anticipated improvements to PTAL as a result of the development, officers consider that the proposed residential density of 917hr/ha and 324 units/ha lies within the target density ranges set out in the Sustainable Residential Quality Density Matrix at Table 3.2 of the London Plan (2013), which provides a target density range of 300-1,100hr/ha in this instance.
- 8.59. Notwithstanding that the density sits within an acceptable range, it remains important to take into account the wider impacts of the development, including the scale, height, mass and form of buildings and their impact on the surrounding townscape

and street scenes, together with impacts on the amenity of neighbouring residents and future residential occupants within the site in terms of daylighting and sunlighting conditions, outlook and privacy. These matters are discussed in detail in the later sections of this report and officers consider that, on balance, the proposed residential density is acceptable in this instance.

## ***Affordable Housing***

### *Policy Context*

- 8.60. Policy 3.11 of the London Plan (2013) seeks to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the 20-25 year term of the London Plan.
- 8.61. Policy SO8 of the Council's adopted Core Strategy (2010) seeks to ensure that housing contributes to the creation of socially balanced and inclusive communities by offering housing choice reflecting the Council's priorities for affordable and family homes. Policy SP02(3) Core Strategy (2010) sets a strategic target for affordable homes of 50% until 2025 and requires 35% - 50% affordable homes on sites providing 10 new residential units on more, subject to viability.
- 8.62. Policy DM3(2) of the Council's adopted Managing Development Document (2013) seeks to ensure that affordable housing is built to the same standards and shares the same level of amenities as private housing. Policy DM3(3) of the Managing Development Document (2013) seeks to ensure that development maximises the delivery of affordable housing on-site.

### *Proposed Affordable Housing Provision*

- 8.63. The proposed development (as amended and following negotiations and an assessment of scheme viability) would provide 30% affordable housing by habitable room and 27% by unit across the whole scheme, comprising a total of 212 intermediate units and 274 affordable/social rented units (assuming the delivery of 1800 units overall). Of the 529 units within the detailed element of the scheme, 34 intermediate and 70 affordable/social rented units are to be provided, which equates to 21% by habitable room and 20% by unit as a proportion of the detailed element.
- 8.64. It should be noted that the affordable housing offer as originally submitted would have provided 15% affordable housing by habitable room. Following the independent assessment of the applicant's viability appraisal by the Council's appointed viability consultants (Deloitte) together with detailed and involved negotiations between officers and the applicant, the affordable housing offer was increased to 30% by habitable room.
- 8.65. Deloitte has confirmed that the revised viability appraisal shows that the development would not achieve the developer's required level of profit at today's costs and sales values. As such, the current affordable housing offer has been made on the assumption that the scheme viability will improve over the 15 year construction period and therefore takes into account growth in sales values. Deloitte and officers can confirm that the current proposals represent the maximum level of housing and affordable housing that can be achieved by the scheme. As the viability model includes growth over the 15 year build period, there is no case to include a viability re-appraisal as and when later phases are consented in detail and delivered. The offer made by the applicant in the hope that private residential sales values will increase into the future.

- 8.66. The application proposes a 70:30 split between rented units and an intermediate housing product.
- 8.67. The family sized rented units (3+ bed) are to be provided at Social Target Rent levels, which is supported in line with the housing needs in the Borough.
- 8.68. The 1 and 2 bed rented units are to be Affordable Rent units provided at POD levels for the E1 post code. The rents for these unit, including service charges, would therefore not exceed:
- 1 bed £207.12
  - 2 bed £220.54
- 8.69. With regard to the provision of intermediate tenure affordable housing, the applicant is proposing the use of a new form of intermediate product known as 'First Time Buyer' (FTB) in place of shared ownership units. Like shared ownership units, FTB is a low cost shared equity product, where the new build home is purchased at a discount price, without the need for public subsidy. It is noted that the applicant, St George Central London Limited, has built schemes that include FTB homes elsewhere in London, including within the London Borough of Ealing, although this is the first time that FTB has been proposed within the London Borough of Tower Hamlets.
- 8.70. Under FTB arrangements, an eligible purchaser buys a percentage of the property available with no interest or rent charged on the unsold remaining equity. It should be noted that prospective purchasers would be subject to the same eligibility criteria as used for shared ownership homes. FTB units therefore represent a more affordable housing product for prospective purchasers than shared ownership units, where a rent is also charged above the mortgage repayments. It should be noted that FTB units would be liable for service charges.
- 8.71. A further difference between the FTB and shared ownership products is that the applicant is proposing to covenant the unsold equity in the FTB units to the Council. The retained equity is released when a purchaser staircases up in order to purchase 100% of the equity (at the discretion of the Council) enabling the Council to gain a capital receipt to reinvest in other affordable housing initiatives or programmes.
- 8.72. In addition, as the FTB units are not managed by a registered provider, there is no need for the units to be located in separate cores from the market units. As such, the FTB units can therefore be pepper-potted throughout the market blocks and cores, as is proposed in this scheme, which is supported in line with the Council's overarching objective of creating mixed and balanced communities. Those residents who might find FTB an attractive option are limited through average income levels (within income levels increasing across the various unit sizes/types) with priority given to Tower Hamlets residents in the first instance.
- 8.73. Taking into account the above, officers consider that the provision of 30% affordable housing with family rented accommodation provided at social target rent levels and the non-family rented accommodation at affordable rent (POD) to be a good offer and one that is rarely achieved across London – especially when a site allocation also seeks the delivery of educational infrastructure. Officers are satisfied that the applicant has demonstrated that it is the maximum level of affordable housing provision that the scheme could viably deliver whilst meeting a substantial planning obligation requirement (including S106 obligations and the London Mayoral CIL). The

proposal therefore accords with Policy 3.11 of the London Plan (2013), Policy SP02(3) of the Council's adopted Core Strategy (2010) and Policy DM3(2) of the Council's adopted Managing Development Document (2013).

### ***Housing Mix***

#### **Policy Context**

- 8.74. Policy 3.8 of the London Plan (2013) seeks to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors.
- 8.75. Policy SP02(5) of the Council's adopted Core Strategy (2010) requires a mix of housing sizes on all sites providing new housing, with an overall target of 30% of all new housing to be of a suitable size for families (3+ bed), including 45% of new social rented homes to be for families.
- 8.76. Policy DM3(7) of the Council's adopted Managing Development Document (2013) seeks to ensure that development provides a balance of housing types, including family homes.

#### **Proposed Housing Mix**

- 8.77. The proposed development would deliver up to 1,800 new homes, with 529 units included in the detailed component of the scheme and up to 1,271 units included within the outline component. The proposed housing mix across the whole scheme is provided in Table 4 below.

**Table 4: Proposed Housing Mix (detailed and outline components)**

<b>Tenure</b>	<b>Home Type</b>	<b>Proposed Mix</b>	<b>Policy Target</b>
Market	Manhattan	5-15%	50%
	1 bed	20-25%	
	2 bed	45-55%	
	3 bed	15-20%	
	4 bed		
Intermediate (FTB)	Manhattan	8%	25%
	1 bed	77%	
	2 bed	15-16%	
	3 bed	0%	
	4 bed	0%	
Affordable/Social Rented	Manhattan	0%	30%
	1 bed	30%	
	2 bed	25%	
	3 bed	30%	
	4 bed	15%	

- 8.78. With regard to the market tenure mix, the applicant has proposed a mix range on the basis that the majority of units within the scheme are in the outline component and a mix range will allow the development to adapt to changing market conditions and demand over time. The range also provides the Council with a degree of certainty that the market units will be delivered broadly in line with the Council's policy targets, although it is noted that the range does allow for a possible under-provision of 1 bed

and 3 bed units and an over-provision of 2 bed units. However, given the particularly long timescales involved in the construction of the development (15 years) on balance, officers consider the proposed market tenure mix is acceptable.

- 8.79. In terms of the intermediate tenure mix, the proposed scheme would represent a significant departure from policy targets, with provision of 84% 1 bed and 16% 2 bed units and no 3 bed units. The applicant has advised officers that an over-provision of 1 bed intermediate (FTB) units would provide a cost benefit that would be used to cross-subsidise the delivery of social/affordable rented units (provided at POD levels for the 1 and 2 beds and social target levels for the 3+ beds). This was included within the viability toolkit and the conclusion to the viability discussions was predicated on this approach. Officers consider this approach to be acceptable.
- 8.80. In terms of the affordable/social rented tenure mix, the proposed scheme would exactly accord with the Council's target mix, which is supported.
- 8.81. Taking into account the above and on balance, it is considered that the proposed development would provide a suitable balance of housing types, including family homes, in accordance with Policy 3.8 of the London Plan (2013), Policy SP02(5) of the Council's adopted Core Strategy (2010) and Policy DM3(7) of the Council's adopted Managing Development Document (2013).

### ***Tenure Split***

#### *Policy Context*

- 8.82. Policy 3.11(A) of the London Plan (2013) seeks a tenure split for affordable homes from new development of 60% social rented and 40% to be intermediate rented or sale.
- 8.83. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) require an overall strategic tenure split for affordable homes from new development of 70% social rented and 30% intermediate.

#### *Proposed Tenure Split*

- 8.84. For the detailed component of the scheme, which includes 529 affordable homes, the proposed tenure split is 80:20 (affordable/social rented to intermediate), which is weighed in favour of affordable/social rented units due to the inclusion of Times House in the detailed component, which currently comprises the bulk of the affordable/social rented units in the scheme. The tenure split for the outline component of the scheme is 67:33.
- 8.85. However, across the whole development the tenure split is 70:30, which accords with Council policy. As such, whilst there is disparity in the tenure splits between the detailed and outline components, on balance, it is considered that the overall split between rented and intermediate tenures is acceptable, in accordance with the requirements of Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013).

### ***Layout and Internal Space Standards***

#### *Policy Context*

- 8.86. Policy 3.5 of the London Plan (2013) seeks to ensure that new residential developments accord with the minimum space standards set out in Table 3.3 (in the London Plan) and take into account of factors relating to 'arrival' at the building and the 'home as a place of retreat', have adequately sized rooms and convenient and efficient room layouts, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives.
- 8.87. Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, to accord with the minimum space standards in the London Plan (2013).

#### *Proposed Design and Layout of Residential Units*

- 8.88. The submitted plans demonstrate that the residential units within the detailed component (Buildings A, B, C and Times House) meet the relevant space and design standards set out in the Mayor of London's Housing SPG (2012) and the London Plan (2013). All of the proposed affordable family homes (3+ bed) within the converted Times House building include a separate kitchen and living/dining room and a separate bathroom and WC, which is supported.
- 8.89. Officers consider that the proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residential occupants. The proposal therefore accords with Policy DM4(1) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2012).

#### ***Wheelchair Housing and Lifetime Homes Standards***

- 8.90. Policy 3.8 of the London Plan (2013) seeks to ensure that all new housing is built to 'Lifetime Homes' standards and that 10% of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.91. Policy SP02(6c) of the Council's adopted Core Strategy (2010) requires new developments to comply with accessibility standards, including 'Lifetime Homes' requirements.
- 8.92. The applicant has provided an indicative schedule accommodation for the residential blocks within the detailed component at Section 14.0 of the Revised Design and Access Statement Addendum, November 2013, which identifies each wheelchair adaptable unit and confirms that at least 10% of all units with a given block are to be wheelchair adaptable.
- 8.93. If planning permission were to be granted it is recommended that conditions are included to require the detailed design of the units to meet with the Council's 'Lifetime Homes' and wheelchair accessibility standards.

#### ***Amenity Space***

#### *Policy Context*

- 8.94. Policy SP02(6d) of the Council's adopted Core Strategy (2010) requires adequate provision of housing amenity space for new homes, including private amenity space in every development.



- 8.95. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires the provision of a minimum of 5 sqm of private outdoor space for 1-2 person dwellings, with an additional 1 sqm provided for each additional occupant, whilst specifying that balconies and private external spaces should have a minimum width of 1500mm. In addition, the provision of communal amenity space is required for developments with 10 or more residential units, with 50 sqm provided for the first 10 units, plus a further 1 sqm per additional unit thereafter.

#### Private and Communal Amenity Space Provision

- 8.96. From the submitted plans it can be seen that all 529 units within the detailed component of the scheme include provision of private amenity space in the form of balconies, terraces or winter gardens that exceed the Council's minimum standards. Specifically, the detailed component includes provision of 9,486sqm of private amenity space against a minimum target of 3,117sqm, as required by Policy DM4(2) of the Council's adopted Managing Development Document (2013).
- 8.97. The proposals also include provision of communal amenity spaces in the form of a Water Garden at the centre of Block C, a terrace located immediately to the south of the tower (Building C1) and two courtyards at ground and podium level within Times House. In total, the detailed component includes provision of 1,689sqm of communal amenity space, against a minimum target of 569sqm.
- 8.98. Taking into account the above, it is considered that the proposals include adequate provision of private and communal amenity space, in accordance with Policy SP02(6d) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

#### Urban Design

##### Policy Context

- 8.99. Policy 7.4 of the London Plan (2013) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 8.100. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.101. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.102. The London Dock site allocation in the adopted Managing Development Document (2013) sets the following design principles for the site, which seek to ensure that development: respects and is informed by the existing character, scale, height,

massing and fine urban grain of the surrounding built environment, specifically to the north, south and east; protects and enhances heritage assets on the site and in the surrounding areas; integrates the Greed Grid route within the site, and; improves the public realm at active edges, specifically along The Highway and Vaughan Way.

- 8.103. The Council's priorities and principles for the Wapping area as set out in LAP 3 & 4 in the adopted Core Strategy (2010) state that development should be informed by the scale and character of historic warehouse buildings, whilst providing responsive, modern building typologies, and that the redevelopment of the former News International Site should retain a permeable street network through the site and both north/south and east/west, and

### ***Existing Site***

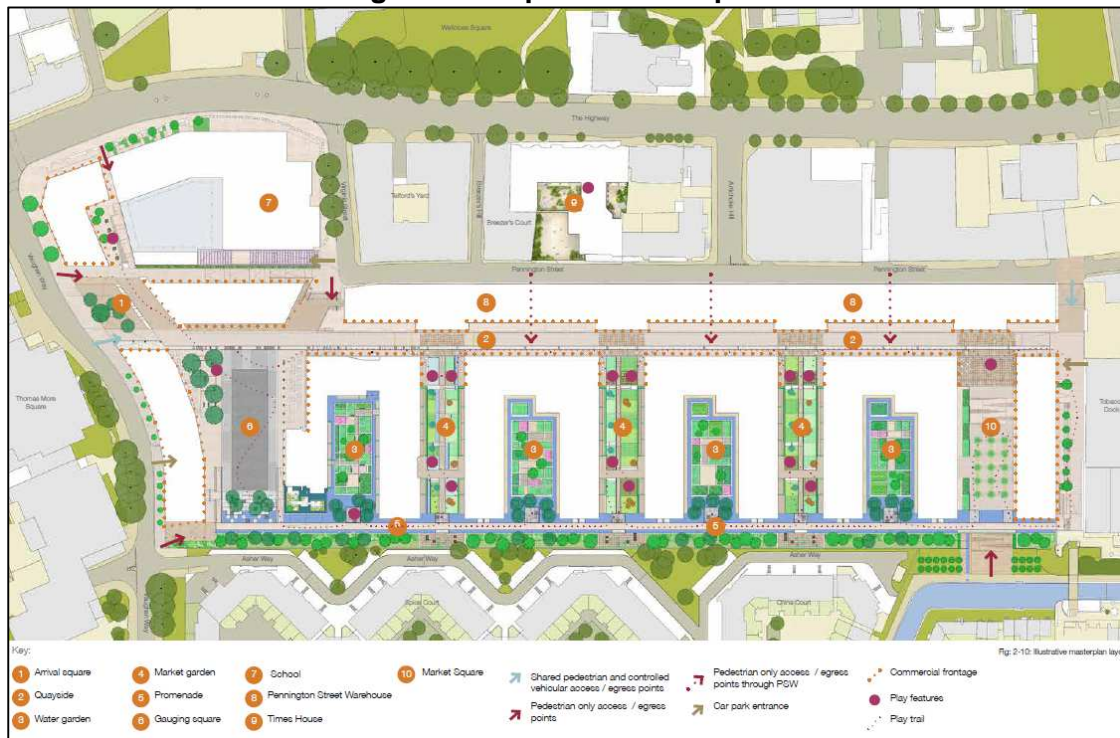
- 8.104. The main site is a long 'L' shaped plot that covers 5.85 hectares and is bounded by The Highway and Pennington Street to the north, by the Grade I listed Tobacco Dock to the west, by the Quay 430 gated residential development to the south and by Vaughan Way to the west. The application site also includes the six storey Times House office building, which is located immediately to the north of the main site, situated between Pennington Street and The Highway.
- 8.105. The majority of the central and eastern section of the site is occupied by the former News International offices and print works, which is a monolithic, rectilinear building that was constructed during the 1970/80s that faced in red brick and beige and brown cladding with sections of tinted glazing. The building is approximately 280m long, 70m wide and ranges between 35m and 41m in height (AOD). The Grade II listed Pennington Street Warehouse spans the northern boundary of the site along Pennington Street, which is two storeys in height, 320 metres long and 20 metres wide. The western side of the site was historically used as an open-air car park in association with the print works and offices and remains undeveloped. The existing buildings print works do little to enhance the character of the immediate locality and are harmful to the setting of neighbouring heritage assets.

### ***Proposed Masterplan***

- 8.106. The masterplan for the site includes 9 new buildings, with four 'U' shaped blocks laterally aligned along the centre of the site, two linear blocks at the eastern end western end of the site, a corner block at the junction of Vaughan Way and The Highway together with a school and a further linear located immediately to the west of and aligned with, the listed Pennington Street Warehouse, which is to be retained.
- 8.107. The scheme includes the creation of three new public squares, with hard and soft landscaped Market Gardens providing north/south pedestrian routes between the 'U' shaped blocks. At the centre of the 'U' shaped blocks, landscaped Water Gardens are provided as community amenity spaces for residents. The scheme also includes the creation of two new east/west pedestrian routes that span the length of the site, with the Quayside located between the 'U' shaped blocks and the Pennington Street Warehouse and the Promenade located along the southern edge of the site. New access to the site is provided from Vaughan Way, The Highway, Virginia Street, Pennington Street and the canal footpath at the south-east corner of the site.
- 8.108. In terms of the overall approach to site layout, it is noted that over half of the site by area (3.2ha) comprises open space, of which 2.2ha is provided as publically accessible open space, which is strongly supported. Officers also consider that the provision of new public squares, together the east/west and north/south landscaped

pedestrian routes and the formation of new access to the site, accords with Council's objectives set out in the London Dock site allocation in the adopted Managing Development Document (2013). These objectives seek to ensure that any redevelopment proposals for the site provide new connections will improve the permeability of the site and within Wapping.

**Figure 2: Proposed Masterplan**



### ***Building Height, Mass, Scale and Townscape***

#### ***Policy Context***

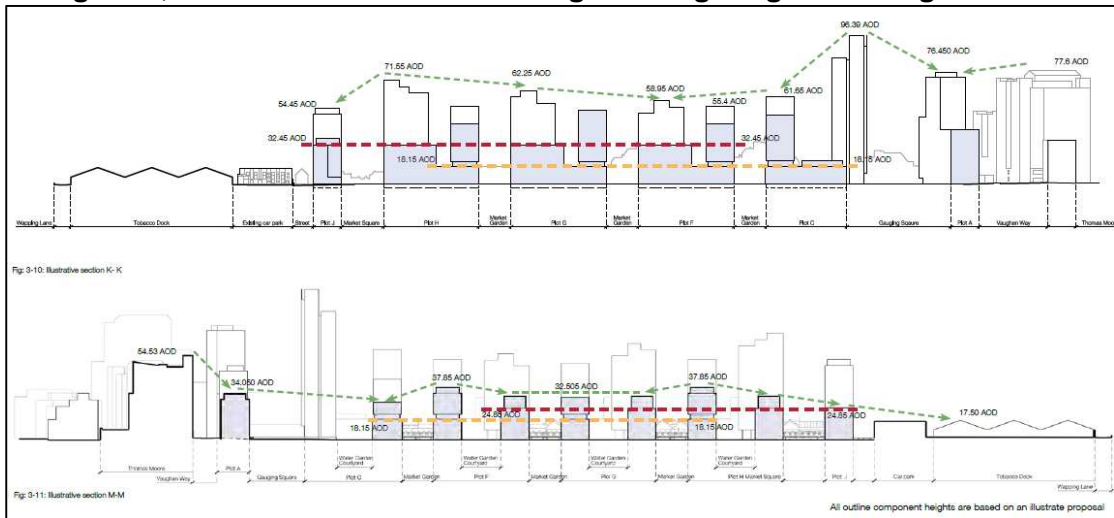
- 8.109. Policy 7.7 of the London Plan (2013) sets out criteria for tall and large buildings, including appropriate locations such as the CAZ, opportunity areas and areas of intensification and seeks to ensure that buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; has appropriate ground floor uses, and; makes a significant contribution to local regeneration.
- 8.110. Policy DM26 of the Council's adopted Managing Development Document (2013) requires proposals for tall buildings to be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings and achieve high architectural quality and innovation in the design of the building; within the Tower Hamlets Activity Area, requiring development to demonstrate how it responds to the difference in scale of buildings between the CAZ and the surrounding residential areas; not adversely impact on heritage assets or views; and not result in any adverse environmental impacts.
- 8.111. The Council's design principles for the London Dock site, as set out in the London Dock site allocation in the Council's adopted Managing Development Document (2013), state that development should respect and be informed by the existing

character, scale, height, massing and fine urban grain of the surrounding built environment, specifically to the north, south and east.

### Proposed Building Heights

- 8.112. The application site presently includes the former News International print works and office building, which is a monolithic, rectilinear structure that occupies most of the site and rises to up to 33-40m AOD (approximately 11-13 residential storeys) in height, together with the Grade II listed Pennington Street Warehouse, which is two storeys in height and the Times House office building, which is 6 storeys in height plus a lower ground floor.
- 8.113. With regard to the proposed building heights, the detailed component of the scheme includes three new buildings, with Block A located along the western edge of the site, which ranges between 8 and 20 storey in height. Block B, which encloses the north side of the Gauging Square, is 8 storeys in height. Block C is the first of the main 'U' shaped blocks and encloses the east side of the Gauging Square and comprises two distinct elements, with the western section of the block (referred to as Block C1 on plan) comprising a 25 storey tower, whilst the northern and eastern sections of the block (referred to as Block C2/C3 on plan) ranges between 4 and 16 storeys in height, with the height of the eastern section stepping down from 16 to 7 storeys in height at the southern end of the block.
- 8.114. The outline component of the scheme includes three further 'U' shaped blocks located to the east of Block B, with these buildings being identified on the parameter plans as Plot F, Plot G and Plot H moving eastwards across the site. Plots F, G and H are tallest at their north-east corners and fall in height towards the south, with the maximum height of the blocks set as 62.5m, 68.5m and 74.5m AOD respectively. A further outline block is proposed at the eastern end of the site, between Plot H and the Grade I listed Tobacco Dock, which is identified as Plot J and is rectangular in plan form and comprises four vertical elements of differing heights, which each have maximum heights ranging between 27.5m and 59.0m AOD.
- 8.115. Two further outline blocks are proposed at the north-west corner of the site fronting Vaughan Way, The Highway and Virginia Street, which are identified as Plot D and Plot E on the parameter plans. Plot D is tallest at its north-west corner and falls in height to the south, with a maximum height of 51.0m AOD (or approximately 17 residential storeys), whilst Plot E is the secondary school, which has a maximum height of 28.8m AOD, including Multi-Use Games Areas (MUGA) at roof level.
- 8.116. The 'U' shaped blocks have been designed to step down from north to south to take into account any potential impacts on local views from the residential areas to the south that typically range from 4 to 10 storeys. The existing News International building is monolithic and imposing and has a poor relationship to the local context, particularly to the south. The proposed blocks with their 'U' shaped footprint and set back upper storeys would create more openness, break the monotonous building envelope of the existing condition and create a better relationship with the residential blocks to the south.
- 8.117. To the east, adjacent to Tobacco Dock, the block is divided into four separate identifiable blocks and only one section of the block rises to 19 storeys. The remaining three blocks form a low to medium rise podium that defines the new entrance from the tow path from south and forms an edge to the Market Square.

**Figure 3; Illustrative Sections Showing Building Heights Through the Site**

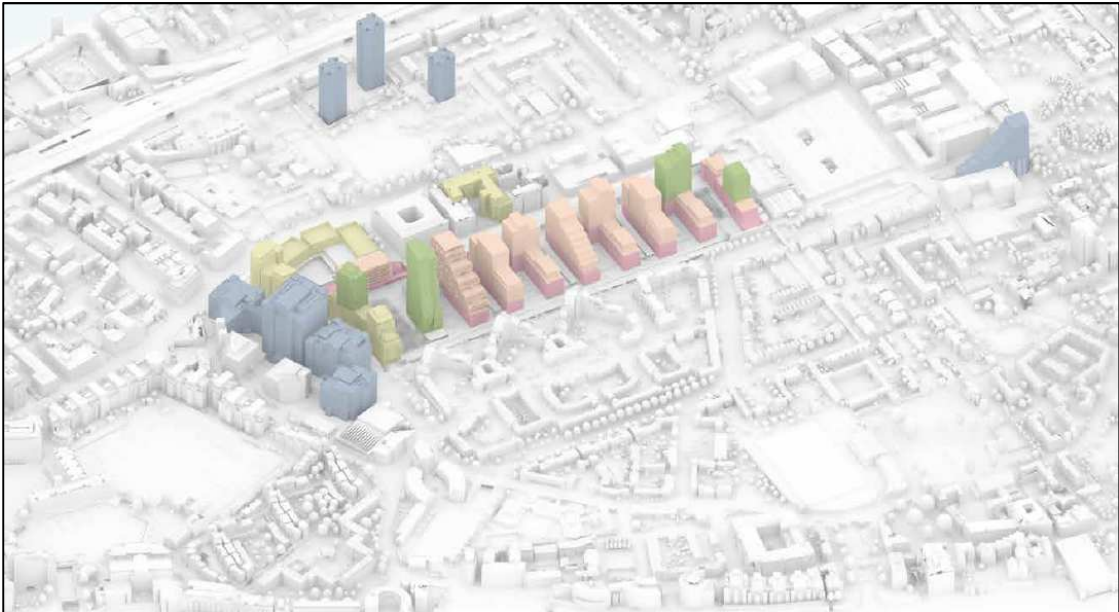


- 8.118. The site is located within the LBTH City Fringe Activity Area, which Policy DM26 of the adopted Managing Development Document (2013) identifies as a suitable location for tall buildings, provided such buildings respond to the difference in scale of buildings between the CAZ and the surrounding residential areas.
- 8.119. The prevailing scale of buildings in the immediate locality is predominately lower rise than the maximum heights proposed by the development. However, there are examples of taller buildings including 21 Wapping Lane (at 19 storeys, 69.8m AOD) and the Thomas More Square commercial development, which includes a tower rising to 77m AOD. Officers note that with the exception of the proposed 25 storey tower (Building C1), all other buildings will be lower in height than Thomas More Square.
- 8.120. Officers consider that there a number of reasons why buildings of the scale proposed can be accepted on the site. Firstly, officers note that the considerable size of the application site provides the opportunity to ensure that larger buildings are given adequate setting, with areas of lower rise development to give relief to the overall scale of development. The location of each taller element has been carefully selected to act as markers. Officers consider that the massing of the scheme has been carefully handled, with the U blocks exhibiting a strong shoulder height which provides the framing for street-level views.
- 8.121. The tallest elements of the scheme are located to the western end of the site close to Thomas More Square and Vaughan Way, reflecting the edge of the Central Activities Zone and to enable a better integration with the existing Thomas More Square building. The tower has been carefully located so as better integrate with the Thomas More Square building when seen from LVMF views 11B.1 and 11B.2 from London Bridge.
- 8.122. During the course of the application the profile of the tall building has been further narrowed and the height of the tower has been reduced from 33 to 25 storeys. This has further reduced the visual impact of the tall building from long distant views. The



use of glazing as external envelope of the tall tower further will also reduce the perceived bulk in local views.

**Figure 4: Proposed Bulk, Scale and Massing Illustration**



- 8.123. In the Inspector's Report following the Examination in Public of the MD DPD, it was stated at paragraph 83 that "a larger number of new dwellings/percentage of new housing than originally envisaged, possibly at a higher density and perhaps in taller than average buildings for the locality may well have to be permitted to achieve a deliverable scheme".
- 8.124. Given the significant size of the application site, it considered that the development would be read as a new townscape/place-making intervention within the locality, which together with its 'City Fringe' location at the north-western edge of Wapping adjacent to The Highway, provides justification for buildings of a scale and height greater than that of buildings typical of Wapping.
- 8.125. On the basis of the significant regenerative benefits of the scheme, including but not limited to the provision of a new secondary school and delivery of 30% affordable housing, officers consider that on balance, the scale, height and mass of the proposed building is acceptable in this instance. A scheme of more limited intensity and scale would not have been able to deliver the regenerative benefits currently envisaged.

***Detailed Component – Detailed Design & Elevational Treatment***

- 8.126. The detailed component of the scheme comprises Blocks A, B, C and Times House, together with public open space within the Arrival Square and the Gauging Square. Block A lines the curved western boundary of the site along Vaughan Way and is 87m long, 18m wide and ranges between 8 and 20 storeys in height. Block A comprises five distinct elements of varying heights, with each element being 10, 20, 8, 13 and 8 storeys in height from north to south. The design detail, facing materials and articulation of each element is varied, with the block reading as a series of adjoining buildings. Block A would be principally faced in precast concrete cladding, including patterned coloured metal cladding, with projecting balconies with either

metal or glazed balustrades. The scale of the buildings generally corresponds to that of the Thomas More Square buildings on the opposite (west) side of Vaughan Way.

- 8.127. Block B would bound the eastern side of the Arrival Square and the northern side of the Gauging Square and is proposed at 8 storeys in height and comprises a fully glazed trapezoidal base at ground and first floor with a rectangular block sitting atop the base. The building would include a double-height fully glazed frontage at ground and first floor levels, with the building principally being faced in coloured metal cladding. The upper floors of the building would include part-recessed terraces, which would project out from the building in a 'zig-zag' angular fashion, which would correspond to the angular arrangement of the fenestration, with the arrangement on each floor off-set from those above and below.
- 8.128. Block C would bound the eastern site of the Gauging Square includes two distinct elements, with the western section of the block (Building C1) comprising a 25 storey tower and the eastern section of the block (Building C2/C3) forming a 'U' shaped block that ranges between 4 and 15 storeys in height. Building C1 would comprise two elements, with the west section and elevation of the building being fully glazed with an angular profile, giving the tower a crystalline appearance when viewed from the west. Conversely, the east section and elevation of building comprises a stepped rectilinear tower that would be faced in pre-cast concrete with recessed fenestration providing a strong vertical emphasis.
- 8.129. Building C2 steps down in height from north to south and includes a four storey base faced in brick with protecting balconies. The upper floors would be separated by precast concrete bands and includes recessed balconies with either metal or glazed balustrades and bay windows. These two distinct elements of the building would be separated by a fully glazed 4<sup>th</sup> floor, which would provide a visual break between the architectural treatments.

**Figure 5: CGI of Detailed Component (north-west view towards Blocks A & C)**



- 8.130. The detailed component includes significant alterations to the Times House building. It is proposed to strip back the building to shell and core and remove a large section of the southern part of the building, opening up the internal courtyard and providing improved daylight and sunlight penetration into the centre of the block. It is also proposed to erect an additional set-back storey, increasing the height of the building from 6 to 7 storeys plus lower ground floor. It is also proposed to entirely re-clad the building.
- 8.131. On the north elevation, fronting The Highway, the proposed building incorporates an articulated frontage with shopfront glazing and a brick façade punctuated by rectangular glazing set within deep reveals behind metal balustrades. The 5<sup>th</sup> and 6<sup>th</sup> floors of the building would be set back from The Highway to provide terrace space and faced in precast concrete and glazing. The courtyard elevations would be faced in white render and include projecting balconies with metal balustrades and glazed winter gardens. The south elevation of the building, fronting Pennington Street, would be brick faced, whilst the return facing the courtyard is to be clad in coloured metal cladding.

**Figure 6: Proposed Times House viewed from Pennington Street**

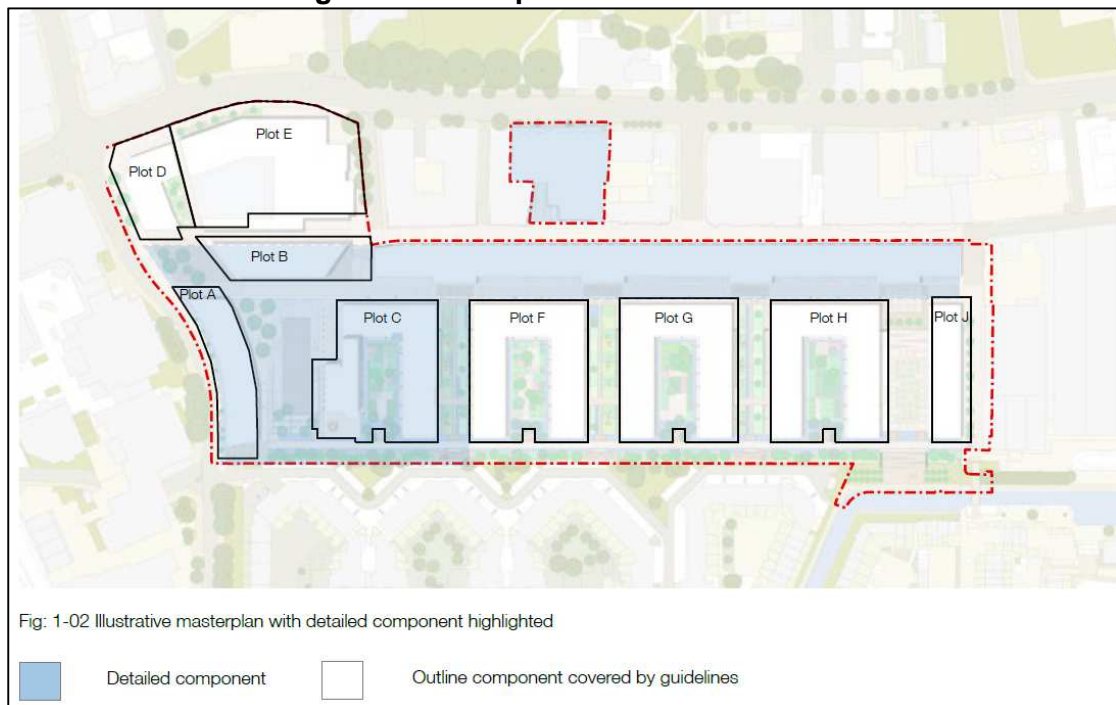




- 8.132. The Highway/Vaughan Way comprises of variety of building types characterised by various materials and building types. The proposal has a strategy to organise blocks within the master plan according to their immediate local context. The blocks to the west has a consistent palette of material with a mix of reconstituted stone, metal and glass. The blocks along Quayside parallel to the listed warehouse has a podium section with brickwork and the sections above podium level of reconstituted stone, metal and glazing. This is to establish a clear relationship at the ground level to the warehouse context whilst maintaining lightness and variety on the floors above. Closer to Tobacco Dock, the low rise block reflects the warehouse typology with the use of brick work and the higher sections of the blocks uses a palette comprising of reconstituted stone, metal and glass.
- 8.133. Officers consider that the design approach and architectural vernacular of the buildings in the detailed component is of a high quality. The variations in elevational treatment, materials and appearance of the buildings provide visual interest and will help to define each of the spaces around these buildings. In addition, the ground floors of Buildings A and B and the north and west elevation of Building C2/C3 would include shop-fronts serving a range of retail and commercial spaces that will provide active frontages and will help to animate the spaces around the building. Officers also consider the proposed palate of facing materials to be acceptable, subject to a condition being included to secure samples and full details of these materials.
- 8.134. It is noted that the Mayor of London in his Stage 1 letter identified a lack of residential entrances at ground floor level as an area of concern. The applicant has sought to address this concern amending the scheme to include direct entrances to the units at the southern end of Building C2/C3 via the Promenade, which is supported. It is noted that the provision of direct entrances from the Market Gardens would be highly problematic due to the level changes along these routes.

## Outline Component – Parameters and Design Guidelines

Figure 7: Masterplan and Plot Location



### Plot D

8.135. Plot D is located to the north-west of the site, on the corner of the Highway and Vaughan Way, and is characterised by:

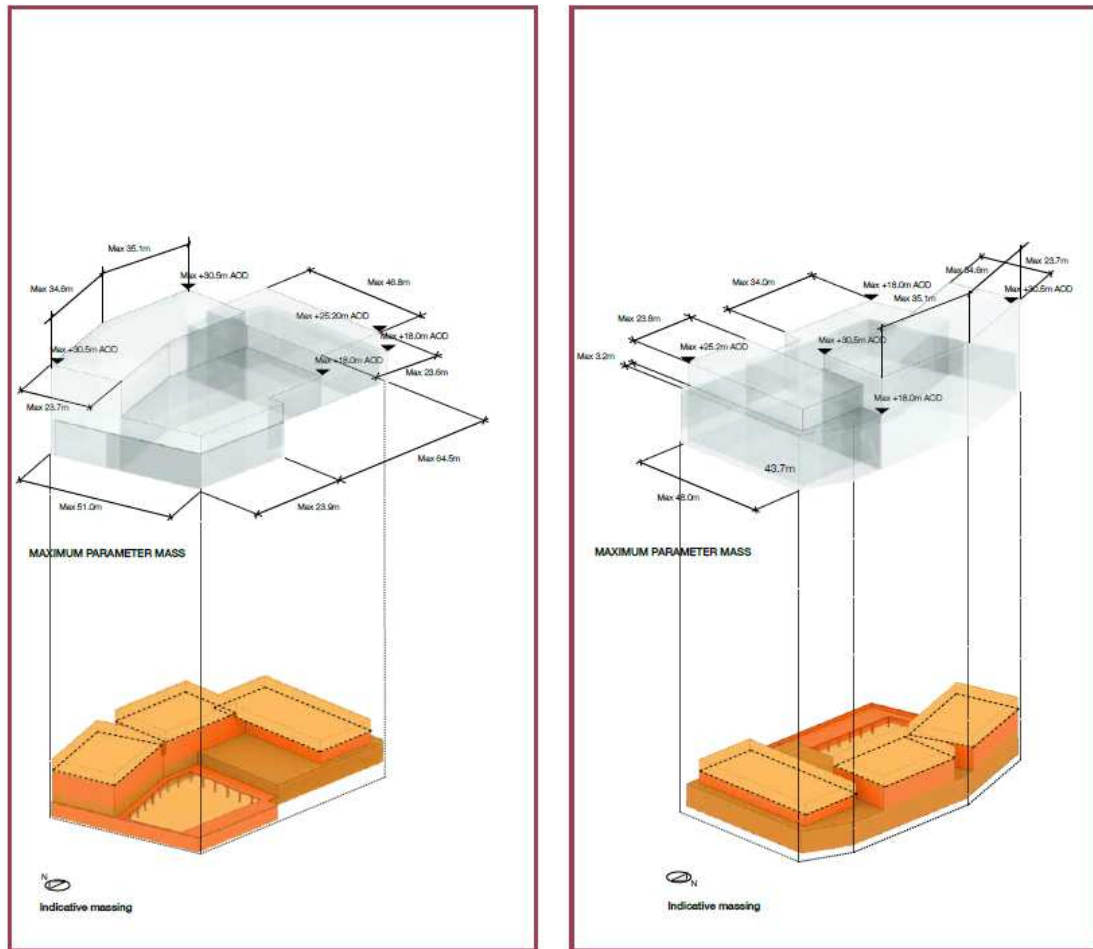
- An enclosed courtyard;
- 4.5m wide public route from Highway through the plot;
- Located adjacent to plot E;
- Located on a key corner on the Highway;
- Historic wall acts as a buffer from the Highway to the north.

8.136. This outline plot is primarily residential in use with other permitted uses at ground floor (A1-A5, B1, D1 and D2). It has a plot area of 1855sqm with max GEA of 10,695sqm. The built form has a clear base, middle and top sections and a colonnade that runs to the south that provides a clear east/west link between Vaughan Way and Pennington Street between Plot E (the school) to the north and Block B to the south.

8.137. Though the building form appears as one continuous block in the plan form, the design guidelines ensure that it's broken down into four separate blocks articulated by a variation on façade and articulation of building heights. In terms of its architecture treatment and materiality, it follows the approach taken in Plot A of the detail component.

### Plot E

Figure 8: Parameters for Plot E



8.138. Plot E is located to the north of the site fronting the Highway and Virginia Street. To the west lies Plot D and to the south lies Block B. Plot E is characterised by:

- Built edges defining the Highway and Virginia Street;
- Courtyard/play space to the south;
- A well-defined base with upper floors.

8.139. The plot would accommodate a school for 1,200 students with six forms of entry plus a sixth form and has a site area of 5.5 ha and maximum GEA of 12,101sqm including a basement. The historic wall line acts as a buffer from the heavily trafficked Highway and a few opening are proposed to make it accessible form the north. The material palette comprises of brickwork, reconstituted stone, stone and aluminium doors and windows.

8.140. The parameters include provisions for a either a joint basement ramp with the main site or separate basement ramp for Plot E. This flexible approach has been carefully considered and is illustrated in the drawings. This ensures that Plot E and the basement ramp that serves main development site could be delivered in different phases with little interference on each other.

8.141. The design intent and proposed guidelines draws heavily from the Chelsea Academy School, which is located in a similar dense urban location. The proposed palette of materials, scale and bulk attempts to follow a similar approach to Chelsea Academy and is considered acceptable in principle in urban design terms.

**Figure 9: Chelsea Academy**



Plot F

8.142. Plot F is the first plot to the east of the outline component of the application. It is located immediately to the east of Block C and to the south of the Quayside and Grade II listed Pennington Street Warehouse. The plot is characterised by:

- A 'U' shaped block with the two arms edging the market gardens on either side of the plot;
- Frontage to the Quayside and Pennington Street Warehouse;
- Frontage to the Promenade to the south;
- Enclosed communal space (water gardens) at the centre of the plot.

8.143. Plot F has a plot area of 4,620sqm with a max GEA of 33,687sqm. The principle use in the plot is residential with other permitted uses on the ground floor including flexible A1-A5, B1, D1 and D2. The 'U' shaped block is organised with main frontages along the Quayside and the two arms perpendicular to the Pennington Street Warehouse.

8.144. The 'U' shaped block is structured with a base, middle and a top section. The base comprises of a 'U' shaped section rising to 34m AOD to the north east corner and varying in height between the 20.5m AOD and 27m AOD to the west and to the east. The middle sections sit about the base with varying skyline by articulating the building height ranging from 45m AOD to 55m AOD. Over this sits the articulated top section that breaks the skyline and creates variation in roof profile. The top sections are set back from the base and middle section of the block. Vertical slots are introduced between the various sections of the blocks to allow daylight into the courtyard and further break the massing of the blocks. A minimum width of 6-11m and a maximum of 9-14m is proposed as vertical slots. The tall section of the block would rise to between 53.5m and 62.5m.



8.145. Plot F is based on the detail component of Block A, B, and C1 and the palette of materials comprises of brickwork, metal, reconstituted stone, stone and glass.

#### Plot G

8.146. Plot G is the second plot to the east of the outline component of the application. It is located immediately to the east of Plot F, to the west of Plot H and is bounded by the Quayside and Pennington Street Warehouse to the north and the Promenade to the south. This plot is characterised by:

- A 'U' shaped block with the two arms edging the market gardens on either side of the plot;
- Frontage to the Quayside and Pennington Street Warehouse;
- Frontage to the Promenade to the south;
- Enclosed communal space (water gardens) at the centre of the plot.

8.147. Plot G has a plot area of 4,680sqm with a max GEA of 33,503 sqm. The principle use in the plot is residential with other permitted uses on the ground floor including flexible A1-A5, B1, D1 and D2.

8.148. Similar to Plot F, the 'U' shaped block is organised with main frontages along the Quayside and the two arms running perpendicular to the Pennington Street Warehouse with a base, middle and a top section. Similar to Plot G, the base comprises of a 'U' shaped section rising to 34m AOD to the north east corner and varying in height between the 20.5m AOD and 27 m AOD to the west and to the east.

8.149. However, unlike Plot F, the middle section comprises of a stepped cluster on the western arms of the U-block and a tall building component on the eastern arm at the north east corner. The stepped cluster to the west rises from a minimum height of 29m to 53.5m to a maximum height of 31m to 56.5m south to north. The taller element on the north eastern corner would rise to between 59.5m and 68.5m AOD.

8.150. Over this sits the articulated top section that breaks the skyline and creates variation in roof profile. The top sections are set back from the base and middle section of the block. Vertical slots are introduced between the various sections of the blocks to allow daylight into the courtyard and further break the massing of the blocks. A minimum of 6m-11m and a max of 9-14m is proposed as vertical slots.

8.151. Plot F is based on the detailed component of Blocks A, C1 and C2/C3 and the palette of materials comprises of brickwork, reconstituted stone, stone and glass.

#### Plot H

8.152. Plot H is the third plot to the east of the outline component of the application. It's located to the east of Plot G, to the west of Plot J and is bounded by the Quayside and Pennington Street Warehouse to the north and the Promenade to the south. This plot is characterised by:

- A 'U' shaped block with the two arms edging the market garden to the west and the Market Square to the east;
- Frontage to the Quayside and Pennington Street Warehouse;
- Frontage to the Promenade to the south;
- Enclosed communal space (water gardens) at the centre of the plot.

- 8.153. Plot H has a plot area of 4,600sqm with a max GEA of 36,914sqm. The principle use in the plot is residential with other permitted uses on the ground floor including flexible A1-A5, B1, D1 and D2. Similar to Plot G, the 'U' shaped block is organised with main frontages along the Quayside and the two arms running perpendicular to the Pennington Street Warehouse with a base, middle and a top section. Similar to Plot G the base comprises of a 'U' shaped section rising to 34m AOD to the north east corner and varying in height between the 20.5m AOD and 27 m AOD to the west and to the east.
- 8.154. However, unlike Plot G, the middle section comprises of three blocks adjacent to each other of varying height on the western arm of the U-block and a tall building component on the eastern arm at the north east corner. The three blocks range in height from a minimum of 38.5m AOD to the south and 45m AOD to the north and a middle section rising to 55.5m AOD. And they range in height from a maximum of 40.5m AOD, to 48.5m AOD and the middle section rising to 59m AOD. The taller element on the north eastern corner would rise to between 66m and 74.5m AOD.
- 8.155. Over this sits the articulated top section that breaks the skyline and creates variation in roof profile. The top sections are set back from the base and middle section of the block. Vertical slots are introduced between the various sections of the blocks to allow daylight into the courtyard and further break the massing of the blocks. A minimum of 6m-11m and a max of 9-14m is proposed as vertical slots.
- 8.156. Plot F is based on the detail component of plots A, B and C1 and the palette of materials comprises of brickwork, metal reconstituted stone, stone and glass.

#### Plot J

- 8.157. Plot J is the fourth plot to the east of the outline component of the application. It's located to the east of Plot H, to the south of Pennington Street Warehouse and to the west of the Grade I listed Tobacco Dock. This plot is characterised by:
- Frontage to a public square to the west;
  - Frontage to the Quayside and the Pennington Street Warehouse to the north;
  - Frontage to the public Promenade to the south.
- 8.158. Plot J has a plot area of 1,560sqm with a max GEA of 12,427sqm. The principle use in the plot is residential with other permitted uses on the ground floor including flexible A1-A5, B1, D1 and D2.
- 8.159. Unlike other plots in the outline component of the application, Plot J is rectangular oriented north/south. The plot is divided into four sections of varying heights to create a varying roof scape. Similar to other plots, Plot J has a base, middle and a top section. The base component is two storeys and continuous along the length of the block. The middle sections various in height from a minimum of 27.5mAOD and a maximum of 59m AOD. Over this sits the articulated top section that breaks the skyline and creates variation in roof profile. The top sections are set back from the base and middle section of the block. An 11m vertical slot is introduced between the sections of the blocks to break the length of the block and create variation in built form and roofscape.
- 8.160. Plot J is based on the detail component of Plot A and the palette of materials comprises of brickwork, reconstituted stone, stone and glass.

**Figure 10: Existing Northwards View from Canal**



**Figure 11: Proposed Northwards View from Canal Showing Plot J**



### ***Heritage and Impacts on Local and Strategic Views***

#### ***Policy Context***

- 8.161. Policy 7.11 of the London Plan (2013) designates a list of strategic views that have been identified as containing significant landmarks, buildings or urban landscapes that help to define London at a strategic level. The policy seeks to protect vistas towards strategically important landmarks by designating landmark viewing corridors and wider setting consultation areas and seeks to identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a World Heritage Site's authenticity, integrity, significance and Outstanding Universal Value. Designated views are to be managed through the Mayor's LVMF Supplementary Planning Guidance.
- 8.162. Policy 7.12(A) of the London Plan (2013) states that new development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements. It should also preserve or enhance viewers' ability to recognise and to appreciate strategically important landmarks in these views and where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated viewing places.
- 8.163. Policy 7.12(B) of the London Plan (2013) states that development in the foreground and middle ground of a designated view should not be overly intrusive, unsightly or prominent to the detriment of the view. Development proposals in the background of a view should give context to landmarks and not harm the composition of the view as a whole. Where a silhouette of a World Heritage Site is identified by the Mayor as prominent in a Townscape or River Prospect and well preserved within its setting with clear sky behind it, it should not be altered by new development appearing in its background. Assessment of the impact of development in the foreground, middle



ground or background of the view or the setting of a landmark should take into account the effects of distance and atmospheric or seasonal changes.

View 01 – Greenwich Park (LVMF 5A.2)

- 8.164. LVMF 5A.2 is a London Panorama looking north-west from Greenwich Park towards St Paul's Cathedral and includes Greenwich Park and Greenwich Town Centre in the foreground of the view, whilst the middle ground is the flat plane of the river valley. St Paul's Cathedral, Tower Bridge and The Monument to the Great Fire are visible in the panorama. The Mayor of London's LVMF SPG (2012) identifies the relationship between Tower Bridge, the Monument to the Great Fire and St Paul's Cathedral as an important element of this view seeks to ensure that new development preserves or enhances the setting of these landmarks and the relationship between them.
- 8.165. Within this view the proposed 25 storey tower would sit low in the foreground of 30 St Mary Axe (commonly known as 'The Gherkin') and would be read as part of the existing cluster of tall buildings within the City of London, whilst the lower rise buildings within the proposed development would sit below the horizon and would blend in to surrounding urban landscape. As such, officers consider that the proposed development would not appear as unduly prominent in this view, nor would it have a significant adverse impact on the viewer's ability to distinguish the key landmarks and their interrelationships in the view.

View 02 – Blackheath Point (LVMF 6A)

- 8.166. LVMF 6A is a London Panorama from looking north-west from Blackheath Point and includes a Protected Vista of St Paul's Cathedral. The longer distance view includes a number of tall buildings in isolation on the skyline, with Tower Bridge visible between St Paul's Cathedral and the City cluster of tall buildings, including 30 St Mary Axe. The dome of St Paul's Cathedral is silhouetted against the sky in this view, enabling clear recognition and appreciation of the landmark.
- 8.167. The London Dock development lies outside of the Landmark Viewing Corridor of the Protected Vista of St Paul's Cathedral and the proposed 25 storey tower would sit low down to the right of Heron Tower, whilst the lower rise buildings within the development would sit below the horizon and would blend in to surrounding urban landscape and/or be obscured by existing buildings in the foreground. Given the limited scale of the building's protrusion into the skyline together with its proximity to the existing cluster, the proposals result in a negligible visual impact in this view.
- 8.168. It should be noted that the viewpoints for LVMF 5A.2 and 6A are located within the Royal Borough of Greenwich, who were consulted on the application and have raised no objections. In addition, in his Stage 1 report the Mayor of London states that the scheme as originally submitted would have a minimal impact on views to St Pauls in the longer distance views from Greenwich Park (LVMF 5A.2 and 6A).

Views 04 and 05 – Eastwards from London Bridge (LVMF 11B.1 and 11B.2)

- 8.169. LVMF 11B.1 and 11B.2 are river prospects looking east from the centre and southern end of London Bridge respectively, directed towards the Tower of London World Heritage Site and Tower Bridge. The LVMF SPG (2012) identifies Tower Bridge as the focus of the views, dominant over the Tower of London, whilst noting that HMS Belfast adds considerable interest to the views.

8.170. In LVMF 11B.1 and 11B.2 the proposed 25 storey tower would to a limited extent protrude into the skyline immediately behind and to the right of the Thomas More Square building. However, given the limited protrusion and that the building would be located significantly to the left of Tower Bridge in these views, it is considered that the impact of the tower would be minor. In his Stage 1 report the Mayor of London states that the proposed 33 storey tower (as originally submitted) and existing skyline context would ensure that Tower Bridge remained the dominant structure in LVMF views 11B.1 and 11B.2 and raised no objection.

View 09 – City Hall – Queen’s Walk (LVMF 25A.1)

8.171. LVMF 25A.1 is a panoramic view looking north from The Queen’s Walk to the Tower of London World Heritage Site, with the view point located on a stretch of the south bank of the Thames close to the two public open spaces either side of City Hall. The focal point of this view is the Tower of London, although the panorama includes other buildings and landmarks of interest, including the Grade I listed Tower Bridge.

**Figure 12: LVMF 25A.1 with Proposed Development (25 Storey Tower)**



8.172. English Heritage objected to the proposed 33 storey tower (as originally submitted) on the following grounds:

8.173. *“[The tower] will be clearly visible as a large mass of new development to the right of the North Tower of Tower Bridge in LVMF View 25A.1. Thus the currently mostly open rectangle of sky space formed by Tower Bridge’s two towers and its horizontal deck and upper walkway will be partially obscured. In our view, the retention of this sky space contributes significantly to the iconic silhouette of the famous bridge, and that infilling this space with new development would have a detrimental visual impact on this silhouette, and therefore on the setting of the Grade I listed building.”*

8.174. The proposals were subsequently reviewed at a meeting of the English Heritage London Advisory Committee (LAC) on 3 October 2013. Following the LAC meeting a further response from English Heritage was received in which it was confirmed that English Heritage considered that the proposals would cause ‘substantial harm’ to the setting of the Grade I listed Tower Bridge.

- 8.175. The proposed scheme was subsequently amended by the applicant, with the height of the tower being reduced from 33 to 25 storeys. The revised views assessment is provided in the Revised Environmental Statement Volume II (November 2013).
- 8.176. It can be seen that the proposed 25 storey tower would still be visible in the sky space formed by the towers, deck and upper walkways. Part of the proposed tower would be obscured by the Tower Hotel building and the reduced height of the tower has lessened its prominence in this view.
- 8.177. English Heritage have reviewed the amended scheme and supporting documentation and advise that they welcome the reduction in height of the proposed tall building and believe that this reduction significantly mitigates the visual harm to the setting of Tower Bridge in the key LVMF view from City Hall. English Heritage believe the reduction in harm to Tower Bridge's setting means that a request to the Secretary of State to call in the applications (should they be consented) is no longer warranted. English Heritage go on to state that they believe that even a reduced height tower causes some harm to the setting of Tower Bridge and advise that the Council will need to weigh this harm against the public benefits of the scheme. It should also be noted that the Victorian Society consider that the proposed 25 storey tower would have a negative impact on the setting of Tower Bridge and object to the application.
- 8.178. It should also be noted that the view point for LVMF 25A.1 is located on a walkway that includes other LVMF view points and that these views will often be kinetic in nature, with the landmarks being viewed whilst walking. The applicant has provided further evidence in the Revised ES Volume II (November 2013) that demonstrates that the proposed tower would be obscured from view in viewing locations immediately to the east and west of LVMF 25A.1 and that the impacts on the setting of Tower Bridge would thus be transitory to some degree.
- 8.179. Officers consider that whilst the proposed 25 storey tower would result in some harm to the setting of Tower Bridge, the significant regenerative benefits of the scheme, including the formation of a new City Fringe residential and employment generation destination with an appropriate mix of uses, the reuse of Pennington Street Warehouse, the provision of a new secondary school, the delivery of 30% affordable housing including social target rented family sized units and the provision of new public open space and pedestrian links outweighs this harm.
- 8.180. It should be noted that the Mayor of London stated in his Stage 1 report that that the view illustrated from the Queens Walk at HMS Belfast shows that in the context of the Tower Hotel and the Canary Wharf cluster beyond the two would not negatively impact on the ability to recognise and appreciate the Tower of London or Tower Bridge.

*Tower of London UNESCO World Heritage Site*

- 8.181. The application site lies approximately 600 metres to the east of the Tower of London UNESCO World Heritage site. The Mayor of London's London World Heritage Sites - Guidance on Settings Supplementary Planning Guidance (2012) states that the wider setting of the Tower has to some extent been eroded and that some tall new buildings have to a degree had an adverse effect on the Property's visual integrity.
- 8.182. The 33 storey tower as originally submitted was visible in a number of local views within and around the Tower of London World Heritage Site. Historic Royal Palaces

(HRP) objected to the proposed tower on the grounds that it would have an adverse impact of views from within and around the Tower of London. HRP also advised that UNESCO is concerned about the detrimental visual impact on the setting of the World Heritage Site of the ever-increasing number of tall buildings around it that intrude into its skyspace and that there is a very real risk that the Tower of London WHS could be placed on the list of endangered World Heritage Sites if such development continues.

- 8.183. The scheme was subsequently amended, with the height of the tower being reduced to 25 storeys. As a result the tower would no longer be visible in View 15 (east on existing the Jewel House), View 16 (east from Tower Green towards Officers' quarters) and View 17 (east from Tower Green with Queen's house behind). In View 18 (east over the Tower of London) the top of the proposed 25 storey tower would slightly protrude into the skyline behind the Tower Bridge House office building, although officers consider that the impact is negligible.
- 8.184. Whilst the proposed 25 storey tower would be visible in LVMF View 25A.1, it is considered that the impact of the building is on the setting of Tower Bridge within the view panorama and not on the setting or outstanding universal value of the Tower of London World Heritage Site itself.
- 8.185. HRP were consulted on the amended proposals and have confirmed that they have no further objection to the revised scheme with regard to its potential impact on the wider setting of the Tower of London World Heritage Site.

#### Local Views and the Setting of Listed Buildings and Conservation Areas

- 8.186. View 11 in the Revised ES Volume II (November 2013) is looking north-eastwards from Tower Bridge. The proposed tower, part of Block A and the tops of the 'U' shaped block would be visible in the skyline to the right of Thomas More Square, although this view is dominated by the Tower Hotel and the height and scale of the buildings would provide a degree of transition between the hotel and lower rise buildings along the river frontage. As such, it is considered that the impact will be minor.
- 8.187. View 12 is looking north from the Bermondsey Conservation Area (Design Museum). The upper levels of the tower, Block A and the 'U' shaped blocks will be visible above the 1980's riverside residential block. The view includes Thomas More Square and a number of contemporary buildings with glazed facades and it is considered that the impacts will be minor.
- 8.188. View 13 is looking north-west from the King's Stairs and the upper floors of the tower and Blocks A and J will be visible in the skyline. However, this view includes the existing/consented tall building cluster in the City and it is considered that the proposed development would not cause any significant harm in this view.
- 8.189. View 14 is looking north from Rotherhithe and the upper floors of the tower and Plot J will to a limited extent protrude into the skyline behind the Grade II listed Gun Wharf converted Victorian warehouse. It is noted that the consented tall buildings at 21 Wapping Lane and 122 Leadenhall will be visually more dominant in the skyline than the proposed development and officers consider that the proposals would not adversely affect the setting of the listed Gun Wharf.
- 8.190. View 21 is looking south from Fletcher Street within the Wilton's Music Hall Conservation Area. The upper floors of the tower and Block A would be visible over

the rear roofline of the Grade II listed St Paul's School and Mission. English Heritage raised concerns that the scheme as originally submitted scheme (with 33 storey tower), with the proposed buildings (Block A and C1) harming the setting of these listed buildings, notably the spire. The reduced height tower, which has a slender profile in this view, reduces this impact and the LBTH conservation officer considers that the spire is not a prominent feature within this view and that the overall effects of the setting of the listed building and wider Wilton's Music Hall Conservation Area are limited and are considered to be on balance, acceptable.

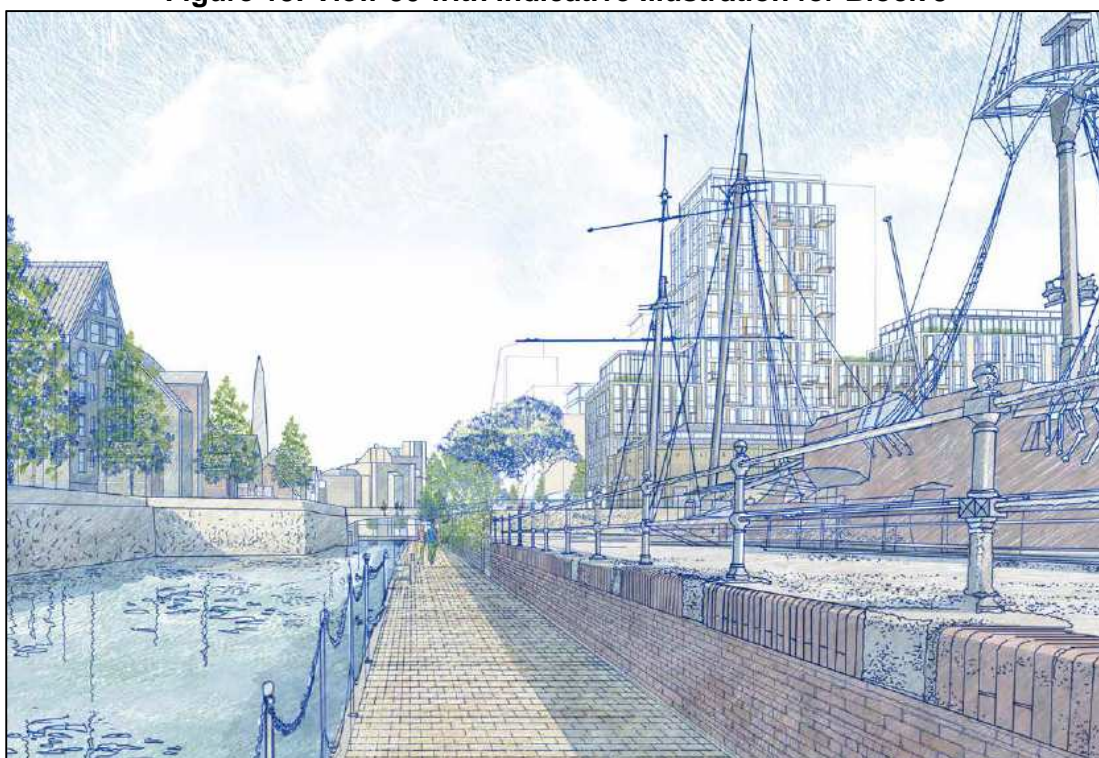
- 8.191. View 22 is looking south from Ensign Street in the Wilton's Music Hall Conservation Area. Whilst this view includes a number Grade II listed bollards on the west side of the carriageway on Ensign Street, there are no listed buildings within this view. Block D and the upper floors of Block A will be visible at the southern end of Ensign Street, providing a degree of enclosure to what is currently a relatively unobstructed skyline. Officers do not agree with the applicant's assertion that the proposal will have a beneficial effect in this view, but rather consider that the proposals will have a minor adverse impact on the streetscene and setting of the Wilton's Music Hall Conservation Area. These impacts must be balanced against the benefits of the scheme and officers consider them to be acceptable on this basis.
- 8.192. View 23 is looking eastwards from St Katherine Docks and includes the significant Tower Hotel to the right, the Commodity Quay office block to the left and the Grade II listed Ivory House former warehouse element in the view. The dock is located within the Tower of London Conservation Area. The negotiated reduction in height of the tower to 25 storeys has significantly reduced the impact of the proposed development on the setting of the warehouse, with the clock tower remaining the prominent feature within the skyline in this view. The LBTH conservation officer considers that the revised proposals adequately address the concerns raised by English Heritage and that the revised tower would not adversely affect a person's ability to appreciate the features of architectural interest of this listed building in this view.
- 8.193. View 24 is looking eastwards from the centre of St Katherine Docks, with the dock wall being Grade II listed and the viewpoint being located within the Tower of London Conservation Area. This view is composed primarily of late 20th Century flats and the western façade of the unattractive Thomas More building. The proposed 25 storey tower will appear to the right of the Thomas More building. Officers refute the applicant's claim in the ES that the impact would be moderate, beneficial, although consider the impact to be neutral overall
- 8.194. View 25 is looking north-east from the footway on Stockholm Way. The view contains mixed twentieth century developments rising above and to the left of the historic brick wall. The proposed 25 storey tower is in the centre of the view and other elements of the development are visible to the left and right. Officers consider that the impact will be minor adverse.
- 8.195. View 27 is looking north from Wapping Pier Head, within the Wapping Pier Head Conservation Area. The skyline beyond the wall is at present relatively clear. The series of towers of the proposed development will be visible, rising above the brick wall which terminates the open space. Officers consider that the development will have a minor adverse impact on the setting of the conservation area in this view.
- 8.196. View 30 is looking west from the footway on Wapping Lane towards the application site with the Grade I listed Tobacco featuring prominently in the foreground and middle ground along the right (north) side of this view. The existing Former News



International print works and office building is visible in the background of this view above the roofline of the western end of Tobacco Dock. English Heritage objected to the scheme as originally submitted (with 33 storey tower) on the grounds that the development would impact on the silhouette of the western roofline of Tobacco Dock and that the introduction of development rising above the listed building resultant loss of skyline would have a major impact on the setting of the building. The proposed adjacent building to Tobacco Dock is Plot J, which is included in the outline element of the scheme, which is represented by a wire line in this view, located immediately behind Tobacco Dock. The proposed 25 storey tower will also be visible below the left side of Plot J.

- 8.197. In response to requests from officers and the GLA, the applicant has provided indicative illustrations of how a building on Plot J might appear in this view, which is provided within the Design and Access Statement Revised Addendum (November 2013). Officers note that the reduced height of the proposed tower would also lessen the impacts on the setting of Tobacco Dock in this view. However, whilst the proposed building would be of much higher architectural quality than the existing, monolithic print works building, the visual juxtaposition between the significant height and scale of Plot J and the low rise 2 storey Tobacco Dock would harm the setting of the Grade I listed building. Members will therefore need to be satisfied that the overall benefits of the scheme outweigh the harm caused to the setting of this listed building. Officers believe this to be the case for the reasons outlined above.

**Figure 13: View 30 with Indicative Illustration for Block J**



- 8.198. View 31 is looking south-west from within the St George in the East churchyard gardens. The Grade I listed St George in the East Church is the prominent feature in this view and the view point is located within the St George in the East Conservation Area. The existing open skyline to the south (left) of the church would be significantly reduced by the consented hotel building at 136-140 Pennington Street (ref PA/11/01278). Proposed outline Plots H and J would be visible in the skyline between the church and the consented hotel. The LBTH conservation officer

considers that the proposed development will have a minor adverse impact on the silhouette of the Grade I listed St George in the East, which will need to be balanced against the wider benefits of the scheme.

- 8.199. View 32 is looking south from the footway on Wellclose Street towards the vacant western section of the application site. Proposed Blocks A and C would feature prominently in the skyline in this view, extending above the height of the existing Telford's Yard building, with the proposed 25 storey tower being the prominent feature in this view. However, given that this section of the site is presently undeveloped and given the urban nature of the area, it is considered that the proposed development would not have any significant adverse impacts on local townscape in this view.
- 8.200. View 33 is looking south from within Swedenborg Gardens, with the grassland comprising the foreground and the Times House and Telford's Yard buildings featuring prominently in the middle ground. The upper storeys of the proposed blocks will be visible in the skyline above the existing buildings, which officers consider will have a minor adverse impact on the townscape rhythm and roof-scape of the existing built form, although this impact is not considered to be unacceptable and will not directly affect the setting of any designated heritage assets in this view.
- 8.201. View 36 is looking south-west from a point to the west of the St George Swimming Pool. The existing former News International print works and office building can be seen in the central background of this view, with the roofline of the Grade I listed Tobacco Dock visible in the middle ground on the left side of this view. The proposed development would appear very prominent in this view, due to the scale and height of buildings in relation to the surrounding built form. Whilst the uninterrupted skyline behind the roofs of Tobacco Dock would be largely preserved, officers consider that the sharp transition in the scale and height of building would have a moderate adverse impact on local townscape and the setting of the Grade I listed Tobacco Dock in this view. Officers consider that the benefits of the scheme outweigh the harm caused.
- 8.202. Views 37, 38, 39 and 40 are taken at various points along Pennington Street, with the Grade I listed Tobacco Dock and Grade II listed Pennington Street Warehouse comprising the main built features and heritage assets within these existing views. The proposed development will be visible above Tobacco Dock and the warehouse in these views, although it is noted that the general scale and height of these buildings is uncharacteristically low for a site in Central London. Officers consider that the proposals would have a moderate adverse impact on the setting of these listed building, although again, officers believe that the benefits of the scheme outweigh the harm caused.
- 8.203. All other views within the Revised ES Volume II (November 2013) have been reviewed and are considered to be acceptable in terms of the impacts on heritage assets, local townscape and the street scene.

### ***Public Open Space***

#### ***Policy Context***

- 8.204. Policy SP04(1) of the Council's adopted Core Strategy (2010) seeks to maximise opportunities for new publically accessible open space, of a range of sizes and promotes publically accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles, ages and needs. This policy also seeks the creation of

new green corridors and the enhancement of existing ones to connect publically accessible open spaces to main destination points, such as town centres, schools and other publically accessible open spaces.

- 8.205. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that development provides spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds, including the use of high-quality landscape design.
- 8.206. Policy DM10(1) of the Council's adopted Managing Development Document (2013) requires development to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy.

*Proposed Public Open Space Provision*

- 8.207. The proposed development will provide a significant amount of new publically accessible open space across the site, totalling an area of 22,242sqm (2.2 hectares), of which 11,707sqm is included within the detailed component of the scheme.
- 8.208. The proposed development includes provision of a series over interconnected public open spaces, including three squares (the Arrival Square, Gauging Square and Market Square), three landscaped corridors between the main 'U' shaped blocks (the Market Gardens), the east/west walkway located between the Pennington Street Warehouse and 'U' shaped blocks (the Quayside) and the east/west walkway along the southern edge of the site, spanning the full length of the site (the Promenade). These open space elements will significantly contribute to the place-making vision of the London Dock site allocation and will provide inclusive access to the site and permeability with neighbouring sites.
- 8.209. Indicative materials, features, street furniture and planting to be used in the public spaces is provided in the Section 2.0 of the Design and Access Statement Detailed Design (May 2013) and Section 7.0 of the Design and Access Statement Outline Masterplan (May 2013). The proposed paving materials include differing types of stone paving, large, dark stone slabs, mosaic, 'cascade' stone blocks of sets at varying levels and self-binding gravel. Officers consider that the proposed paving design and materials is of a high quality, durable and in keeping with the architectural vernacular of the wider scheme.
- 8.210. The public open spaces will also include a range of street furniture and features, including seating, cycle stands and bins, using common materials such as steel or timber, together with playable landscape features, street, façade and feature lighting, and water features. The proposed street furniture and features within the public spaces is supported as it will encourage people to dwell within the spaces, which will provide activity throughout the day and will improve the feeling of safety and security though natural surveillance.
- 8.211. The public realm proposals include tree planting within the Arrival Square and Gauging Square at the western end of the site, at the southern edge of the site along the Promenade, within the Market Gardens between the 'U' shaped blocks and within the Market Square at the eastern end of the site. Soft landscaping and planting is also proposed within the Market Gardens, along the southern boundary of the site and within the market square. The proposed scheme of tree planting and soft landscaping along publically accessible routes is strongly supported in line with the Council's objective of the delivery of an improved network of open spaces and green



corridors as set out in Policy DM10(1) of the Council's adopted Managing Development Document (2013).

- 8.212. If planning permission is granted it is recommended that a condition be included to require the submission for approval of a landscaping strategy for the detailed component, including details and samples of paving materials, specification and location of street furniture, lighting and features, together with details of soft landscaping, tree planting and maintenance.
- 8.213. It should be noted that the S.106 Agreement would include an obligation to secure 24 hour public access through the site.
- 8.214. Officers consider that the proposed approach to provision of public open-space will result in the delivery of quality new spaces that will be attractive and of benefit to the wider community.

### ***Safety and Security***

#### ***Policy Context***

- 8.215. Policy 7.3 of the London Plan (2013) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.216. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.

#### ***Secured by Design***

- 8.217. The applicant has engaged with the LBTH Crime Prevention Officer during the course of the application, who raised some concerns over the new accesses through the Pennington Street Warehouse as they advise that anti-social behaviour could occur if these spaces were not heavily used or managed effectively. It should be noted that rights of access would be secured through the S.106 should planning permission be granted. However, it is recommended that a condition also be included to require the submission of approval of the management arrangements for the Pennington Street Warehouse access, including the hours of operation, public access boundaries and the detailed design of these elements.
- 8.218. The LBTH Crime Prevention Officer raises no objection to the proposals and advises that suitable CCTV, lighting and access control is provided. In addition, the LBTH Crime Prevention Officer advises that any planning permission be subject to a condition to require the development to meet full Secured by Design certification, which is supported.

8.219. Subject to condition, it is considered that the proposed development would reduce the opportunities for criminal behaviour and improve safety and security without compromising good design and inclusive environments, in accordance with Policy 7.3 of the London Plan (2013) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

### ***Children's Play Space***

#### *Policy Context*

8.220. Policy 3.6 of the London Plan (2013) seeks to ensure that development proposals that include housing include adequate provision of play and informal recreation space, based on the expected child population generated by the scheme and an assessment of future needs.

8.221. Policy SP02(6) of the Council's adopted Core Strategy (2010) requires sites that are providing family homes to provide adequate space for play for children.

8.222. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires developments to incorporate children's play space based on the London Borough of Tower Hamlets child yields and the Mayor of London's Shaping Neighbourhoods – Play and Informal Recreation SPG (2012), which specifies the provision of 10sqm of play space for each child.

#### *Proposed On-site Children's Play Space Provision*

8.223. Based on the information within the indicative schedule of residential accommodation at Table 6-20 within the ES Vol. I Revised Addendum, November 2013, together with the Council's local child yield assumptions set out at Figure 2.6 of the Tower Hamlets Planning for Population Change and Growth Capacity Assessment (2009), it has been calculated that the child yield (0-15 years old) of the detailed component would be 135 children, whilst the child yield for the whole development would be 457 children. A detailed breakdown of the child play space minimum requirements for the development by child age group is provided at Table 5 below.

**Table 5: Child Play Space Requirements**

<b>Development Phase</b>	<b>Requirement for 0-3 years</b>	<b>Requirement for 4-10 years</b>	<b>Requirement for 11-15 years</b>	<b>Total</b>
Detailed Component	557sqm	545sqm	244sqm	<b>1,346sqm</b>
Entire Development	1,855sqm	1,843sqm	870sqm	<b>4,568sqm</b>

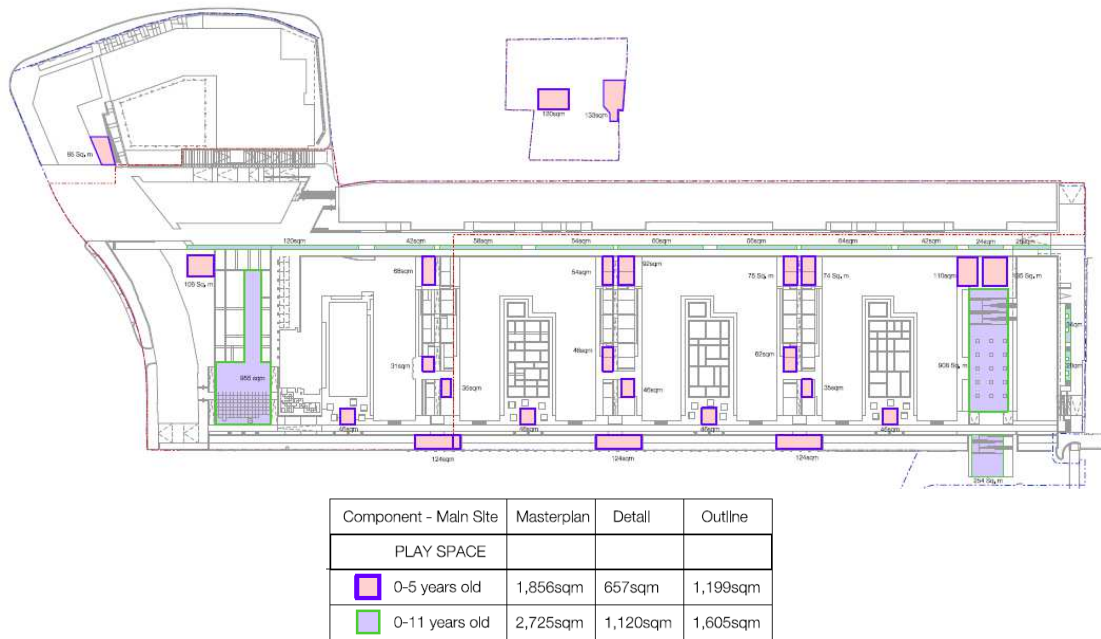
8.224. The proposed development provides a total of 4,581sqm of children's play space in the form of Local Areas for Play (LAP) and Local Equipped Areas for Play (LEAP), which are distributed throughout the development and are linked by an interconnected Play Trail. Of this play space, 1,777sqm is included in the detailed component of the scheme. As such, it can be seen that the proposed development exceeds the Council's minimum requirements for provision of children's play space in quantitative terms.

8.225. The Mayor of London's Play and Informal Recreation SPG (2012) seeks to ensure that all children and young people have access to places for play within reasonable and safe walking distance of new residential developments. For children under 5

years old play spaces should be provided within 100m of their homes, whilst for 5-11 year olds play spaces should be within 400m of their homes and for 12+ year old should be within 800m.

8.226. The proposal includes a number of localised play spaces in close proximity to each residential block for 0-5 year olds, together with larger play spaces within the Market Square and Gauging Square, located at the west and east ends of the site respectively, together with Play Trail that runs the length of the Quayside, for older children. The proposed location of play spaces throughout the site is shown in Figure 13 below.

**Figure 13: Location of Children’s Play Spaces**



8.227. Given that the residential conversion of Times House will take place in the first phase of the development programme and thus could be delivered prior to the completion of the new-build elements of the detailed component, including play spaces within the main site, separate play spaces are to be provided within Times House. These spaces will provide up to 253sqm of play space exclusively for children residing within Times House and would be located within the two courtyards at ground floor level.

8.228. Some indicative information on the possible design, form and features of play spaces is provided in Section 8.0 of the submitted Revised Design & Access Statement Addendum, November 2013. These include the use of water features within the Gauging Square, the use of playful street furniture and sculpture and the use of climbable hard/soft landscaping features with level changes.

8.229. Whilst features such as water jets would not be usable for play during the winter months, it is noted that these are only proposed in part of the Gauging Square. Notwithstanding the use of water jets, given the overall provision of children’s play space throughout the site, officers consider the play space proposals to be acceptable subject to full details of the design, materials and features to be used in the play spaces being secured by condition. The retention of these facilities or planned alterations to them will be covered through the S.106 Agreement.

## ***Pennington Street Warehouse – Application for Listed Building Consent***

### ***Policy Context***

- 8.230. Government guidance set out in Section 12 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with this weight being proportional to the importance of the assets.
- 8.231. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to ensure that development protects and enhances listed buildings and their settings.
- 8.232. Policy DM27 of the Council's adopted Managing Development Document (2013) states that applications for the alteration, extension or change of use of a heritage assets will only be approved where it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; it is appropriate in terms of design and materials; it enhances or better reveals the significance of the asset or its setting, and; provides opportunities to mitigate climate change.

### ***Alterations to the Grade II Listed Pennington Street Warehouse***

- 8.233. The proposals include the restoration and refurbishment of the Grade II listed Pennington Street Warehouse, together with a number of internal and external alterations to the building. These works are in association with the proposed conversion of the building to provide a mix of non-residential uses and to improve permeability through the London Dock site by providing new access from Pennington Street via newly formed openings on the north elevation of the building and remodelled entrances on the south elevation.
- 8.234. The building was purpose built as a warehouse to serve London Dock and is thought to date from around 1804. The building is two storeys in height and incorporates a modern pitched roof, with a flat concrete flat roof at the eastern end of the building, and is approximately 320 metres in length and includes a vaulted undercroft along its length. The former warehouse spans almost the entire length of the application site's northern boundary on Pennington Street. The English Heritage listing description for the warehouse is provided in Section 4 of this report.
- 8.235. The Pennington Street Warehouse is both a historically and visually significant building within the locality, being one of the few remnants of the original London Dock. English Heritage consider that the aesthetic value of the warehouse lies primarily in its utilitarian simplicity, reinforced by a restricted palette of the traditional, simple materials often found in other examples of warehouses across the country. The repetitive blind arches, windows and door openings along its more than 300 metre long elevations provide the building with a strong sense of architectural sophistication that belies the its utilitarian use.
- 8.236. The building is currently vacant and in a poor state of repair and officers note that the building has been subject to a number of alterations over the years, most notably during the 1980's when the building was being converted into offices as part of the News International development. These alterations included the replacement of the entire roof, together with the installation of internal partition walls, mezzanines and a significant amount of mechanical plant, which served the wider News International print works and offices.

- 8.237. The warehouse is subdivided into 5 distinct areas along its length, with Area 1 located at the western end of the building and Area 5 located at the eastern end. The existing, modern pitched roofs to Areas 1, 2, 3 and 4 will be retained and recovered, with new lanterns being introduced in Areas 2, 3 and 4, which would be flanked by ridge lights. The modern concrete roof to Area 5 would be removed and a hipped roof reinstated, together with the installation of timber tresses to match the surviving originals. Any damaged brickwork is also to be repaired and repointed in lime mortar, whilst some areas are to be reconstructed as necessary to match existing.
- 8.238. On the north elevation it is proposed to open up of all of the large blind arches on the north façade, with three of the openings (located in Areas 2, 3 and 4) being fitted with powder coated steel doors to provide new access through the building. Seven of the other new openings on the north façade will be glazed and covered in a powder coated steel mesh to provide light and ventilation to the basement level.
- 8.239. On the south elevation it is proposed to remove all of the existing eternal steps and replace them with five new sets of steps, ramps and decks made of steel, concrete and timber in order to provide both stepped and step-free access from the Quayside to each of the five areas of the building.
- 8.240. At the western end of the warehouse (Area 1) it is proposed to remove the existing modern brick western gable wall and erect a new wall 1 metre further west. The new wall will incorporate a significant section of glazing that will enable passers-by to view both the vaults and ground floor levels within the former warehouse. The new wall will also support a new canopy that extends from Building B to the west of the warehouse, which will frame the entrance into the London Dock site from Pennington Street and will provide a visual and physical link between this historic building and the wider contemporary development.
- 8.241. Internally, it is proposed to create new lightwells to the basement through the main floor in order to provide natural light and ventilation to the vaulted lower levels of the building. Areas 1 and 5 would include one lightwell each, whilst Areas 2, 3 and 4 will include two lightwells each. It should be noted that the creation of the lightwells will involve the loss of 20 out of the 200 piers of the basement vaulting. It is also proposed provide three new circulation cores, with lifts and stairs, which are to be located at the western end of Area 1 and in the middle of Areas 2, 3 and 4.
- 8.242. It should be noted that the proposals as originally submitted in May 2013 included more substantial alterations to Areas 1 and 5 of the warehouse; specifically, it was proposed to replace the roof at Area 1 with a modern flat roof that bridged over the gap between the Pennington Street warehouse and the proposed new Building B. At Area 5 it was originally proposed to erect a new first floor glazed flat-roofed pavilion.
- 8.243. Both English Heritage and the LBTH conservation officer objected to these contemporary interventions at both ends of the listed building on the grounds that they would significantly harm the architectural integrity of the warehouse and fail to respond to the simple, functional design of the building, which is at the heart of its significance. Following discussions between the applicant, English Heritage and LBTH officers, the scheme was amended to retain the pitched roof at Area 1 and remove the bridge element between the warehouse and Building B, and to reinstate the pre-existing hipped roof at Area 5. This approach is supported by both English Heritage and the LBTH conservation officer.
- 8.244. Furthermore, officers are supportive of the wider programme of works to the warehouse, including the opening of the blind arches on the north elevation to

provide new access and glazing, which although involving the loss of some historic fabric, will activate the building's frontage on Pennington Street and provide much needed permeability enhancements to the wider London Dock site, which is a requirement set out the site allocation for London Dock in the adopted Managing Development Document (2013).

- 8.245. In addition, whilst the introduction of new circulation cores and lightwells would result in the loss of some of the original piers of the basement vaulting, officers acknowledge that the provision of new access and natural light and ventilation to the basement is necessary in order to enable this space to be used for commercial activities and is therefore needed as a regenerative catalyst in this instance. Furthermore, it is considered that the circulation cores and lightwells have been designed so as to minimise the loss of historic fabric and would preserve the historic and architectural integrity of the building.
- 8.246. If listed building consent is granted it is recommended that conditions be included to secure full details, samples and methods for the proposed works, and to ensure that the proposed works of making good match existing in terms of materials and finished appearance.
- 8.247. Subject to these conditions, it is considered that the proposed restoration, refurbishment and alterations to the Grade II listed Pennington Street Warehouse have been sensitively designed and would protect the special historic and architectural interest of this listed building. The proposals therefore accord with the requirements of Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

### **Archaeological Impacts**

#### *Policy Context*

- 8.248. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains and Archaeological Priority Areas.
- 8.249. Policy DM27(4) of the Council's adopted Managing Development Document (2013) states that developments located within or adjacent to Archaeological Priority Areas will be required to be supported by an Archaeological Evaluation Report and that any nationally important remains will be required to be preserved permanently in site, subject to consultation with English Heritage.

#### *Archaeological Impacts*

- 8.250. The northern section of the application site, including Plot D, Plot E and Times House, lies within an Archaeological Priority Area as designated in the Council's adopted Managing Development Document (2013). The applicant has provided an Archaeology Assessment at Section 12 of the ES Volume 1 (May 2013) and Section A12 of the ES Volume 1 Revised Addendum (November 2013).
- 8.251. During the course of the application the scheme was revised, with the key changes in respect of archaeology being the deepening of the basement below Blocks C and F in order to accommodate all servicing for the main site at basement level, together with the relocation of basement access ramps.

- 8.252. English Heritage (Greater London Archaeological Advisory Service) was further consulted on the amended proposal – especially the deepening of the proposed basement, which was considered necessary to facilitate the removal of surface level servicing. GLAAS submitted a further letter (dated 17<sup>th</sup> December 2013) raising concerns that they believe that insufficient information has been received in respect of the impact of the deepened basement to properly assess the impact of amendment on the archaeological resource. Whilst they appreciated that the ES had been amended, they are of the view that little evidence had been submitted to support the conclusions.
- 8.253. The concern revolved around the methodology adopted to reach the ES conclusions (which were based around use of borehole data). English Heritage requested the re-work of existing data to present a 3 dimensional map and is not satisfied that archaeological investigation (post determination) provides adequate mitigation. They have commented that the ES does not accurately or objectively convey the scale of environmental impact with respect of the cultural heritage. The English Heritage letter therefore advised that the local planning authority should not determine the application without further information from the developer. Whilst the letter advised that GLAAS normally advises the imposition of conditions to deal with the archaeological issues, this tends to be in relation to smaller schemes.
- 8.253 Following receipt of this letter, your officers have been in communication with the applicant's archaeological consultant – MoLA - with a view to provide further information in an attempt to satisfy English Heritage (provision of a comprehensive deposit model) that mitigations and protection of the archaeological resource is adequately protected. Officers have also sought advice from the Council's independent archaeological adviser (who works for the Council's EIA Consultant) to provide further independent advice on the robustness of the ES process in relation to archaeological issues and proposed mitigation.
- 8.254 Since the submission of English Heritage's letter, the applicant has provided an updated HEA and deposit model to provide supplementary information to corroborate the findings of the ES. The Council's archaeological adviser is satisfied that the ES and submitted supporting material are now sufficient to afford decision-makers an appropriate understanding of the likely significance of impacts of the proposed development. If Members are minded to grant planning permission, this should be subject to conditions that will secure the following:
- a comprehensive mitigation strategy, to be agreed by the LPA, EH/GLAAS and the developer, and delivered in accordance with a Written Scheme of Investigation;
  - assurance that phased geo-archaeological investigation and where required, evaluation to influence design iterations and piling plans;
  - appropriate reporting of unexpected discoveries; and
  - publication of the results, appropriate to the significance of the assets recorded.
- 8.255 Prior to consideration by Members, this further work (completed and commented upon when finalising this report) will be forwarded to English Heritage to satisfy them that archaeological issues could be reasonably controlled and dealt with through the imposition of planning conditions (post determination). The Council's advisor recognises that there are inherent limitations with the use of limited borehole data but accepts that a greater degree of uncertainty should reasonably be expected with sites such as London Dock. Discussions on this issue will continue in the run up to

Strategic Development Committee and further information in respect of this issue will be included in a future update report.

## **Energy Efficiency and Sustainability**

### *Policy Context*

8.256 At a National level, the National Planning Policy Framework (2012) 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 (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

8.257 The London Plan (2013) sets out the Mayor's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

8.258 Policy DM29 of the Council's adopted Managing Development Document (2013) includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy 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 development to achieve a minimum Code for Sustainable Homes Level 4 rating and non-residential to achieve BREEAM Excellent where feasible.

### *Energy Efficiency Measures*

8.259 The submitted Energy Statement (November 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 incorporate a single energy centre Combined Heat and Power (CHP) system (Be Clean) on the lower ground floor of Times House to serve the site and reduce CO2 emissions by 47%. The CHP sizing is anticipated to be 895kWth.

8.260 On site renewable energy technologies are proposed through the integration (Be Green) of air source heat pumps to provide cooling to the market sale residential units and reduce CO2 emissions by ~ 3%.

8.261 The current proposals for CO2 emission reductions are 50% against Building Regulations 2010 baseline and would result in an annual savings of 1,469 tonnes/CO2/yr. This is supported by the LBTH Sustainable Development Team and if planning permission is granted it is recommended that a condition be included to require CO2 emission reductions of 50% in accordance with the approved energy strategy.

### *Sustainability*



- 8.262 In terms of sustainability, the London Borough of Tower Hamlets 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 (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).
- 8.263 The submitted Sustainability Statement (November 2013) includes a Code pre-assessment which demonstrates how the development is currently designed to achieve a Code 4 rating with a score of 68.43. This is supported and if planning permission is granted, officers recommend that a condition be included to require the development to achieve Code 4, with the final certificate being submitted to the Council within 3 months of occupation.
- 8.264 The submitted Sustainability Statement (November 2013) also contains BREEAM pre-assessments for the new build and refurbished non-residential elements of the scheme. The new build BREEAM is proposed to achieve a 'Very Good' rating. The proposed new non-residential elements are anticipated to be ~500m<sup>2</sup> units. Due to the size of the units a BREEAM 'Very Good' rating is considered acceptable in this specific instance. If planning permission is granted it is recommended that a condition be included to ensure the achievement of minimum BREEAM 'Very Good' rating for the new build commercial units, with certificates being submitted to the Council within 3 months of occupation
- 8.265 The Grade II listed warehouse conversion is proposed to be split into a number of small units. The submitted Sustainability Statement (page 19) identifies a number of constraints to the refurbishment of the site which limits the BREEAM rating achievable. The BREEAM pre-assessment for the warehouse shows that the mandatory requirements for achieving a BREEAM 'Very Good' rating have been met, although it is noted that the applicant is only targeting a 'Good' rating.
- 8.266 Whilst officers accept that a BREEAM 'Excellent' rating is not achievable on the site, officers would seek to ensure that a BREEAM 'Very Good' rating is achieved as a minimum. As such, if planning permission is granted it is recommended that a condition be included to ensure the achievement of minimum BREEAM 'Very Good' rating for refurbished warehouse, unless otherwise agreed in writing with the Local Planning Authority, with the certificates being submitted to the Council within 3 months of occupation.

### **Amenity**

#### **Policy Context**

- 8.267 Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Specifically, development should not result in an unacceptable loss of privacy or outlook, should not result in a material deterioration of the daylighting and sunlighting conditions of surrounding development, should ensure adequate levels of daylight and sunlight for new residential developments, and should not result in unacceptable levels of noise, vibration, artificial light or pollution.

#### ***Daylight and Sunlight***

- 8.268 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times its former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 8.269 The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). British Standard 8206 recommends the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.270 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.271 The applicant has provided a Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution Assessment at Section 15 of the ES Volume I (May 2013) and Section A15 of the ES Volume I Revised Addendum (November 2013). The Council has appointed GVA Schatunowski Brooks (GVA) to carry out an independent assessment of this section of the ES. The key findings of their assessment are provided below.

*Daylight and Sunlight Representations Relating to Quay 430*

- 8.272 A resident from Quay 430 has provided the Council with a letter from Delva Patman Redler (DPR) dated 13 September 2013, in which DPR question the accuracy and reliability of the reported result for Quay 430 as the applicant's assessment is based on an assumption of the internal layout and configuration of flats and rooms within Quay 430. In addition, a letter of representation has been received from a resident within Quay 430, in which objection is raised to the originally submitted daylight and sunlight assessment, stating that some windows and rooms within Quay 430 had been omitted from the assessment and that the use of some of the rooms had not been correctly reported.
- 8.273 On 24 September 2013, after the letter from DPR was received, officers undertook a site visit to Quay 430, which was also attended by the applicant's daylight and sunlight consultant (GIA) and Quay 430's appointed daylight and sunlight consultant. Access to a number of flats within Quay 430 was provided and accurate room measurements were taken. The typical layout and configuration of flats and location of windows was also confirmed. Officers noted during the site visit that the typical room sizes and depths that had been assumed by the applicant's consultant in the original daylight and sunlight assessment had been overestimated in a number of cases. As such, the actual impacts on NSL for these rooms would be less than originally modelled.

8.274 The applicant has advised information and measurements taken during the site visit have been used in the preparation of the updated daylight and sunlight assessment in the ES Revised Addendum (November 2013). A detailed assessment of the updated daylight and sunlight assessment is provided below. Officers are satisfied that the issues pertaining to the accuracy of the modelling for properties within Quay 430 have now been adequately addressed.

Impacts on Neighbouring Residential Properties

8.275 The daylight and sunlight effects on all windows within following neighbouring residential buildings would fully meet BRE guidelines for VSC, NSL, APSH and Winter APSH and the effects on these properties are therefore considered to be negligible.

- 17 Dock Street
- Liberty House, 26 Ensign Street
- 50 The Highway
- The Old Rose Public House, 128 The Highways
- 1-8 Wellington Terrace
- 1-10 Waterman Way
- 81-88 Waterman Way
- 79-80 Waterman Way
- 67-78 Waterman Way
- 1-13 Mace Close
- 124-132 Kennet Street and 1-4 Fowey Close
- 94-112 Kennet Street
- 70-92 Kennet Street
- 46-68 Kennet Street
- 22-24 Kennet Street
- 2-20 Kennet Street
- 1-20 Stockholm Way
- 1-96 Thomas More Street
- Cormorant House, Thomas More Street
- Sandpiper Court, Thomas More Street
- Harlequin Court
- Star Place, Thomas More Street

Telford's Yard, 6-8 The Highway

8.276 In terms of daylight, of a total of 303 windows, 111 windows (36.6% of total) exceed the BRE guidelines for VSC, of which 20 windows would be subject to reductions of over 40%, 73 windows would be subject to reductions of between 30-39.9% and 18 windows would be subject to reductions of between 20-29.9%. Of a total of 188 rooms, 17 rooms (9.0% of total) would exceed BRE guidelines for NSL, of which 11 rooms would be subject to reductions of more than 40%, 2 rooms would be subject to reductions of between 30-39.9% and 4 rooms would be subject to reductions of between 20-29.9%. It is noted that 7 rooms would see gains in NSL as a result of the development.

8.277 In terms of sunlight, of the 183 windows facing within 90 degrees of due south, 34 windows (18.6% of total) would exceed BRE guidelines for APSH, of which 17 windows be subject to reductions of over 40%, 9 windows would be subject to

reductions of between 30-39.9% and 8 windows would be subject to reductions of between 20-29.9%. Of these windows, 34 would be subject to reductions in Winter APSH of over 40%.

- 8.278 The Council's appointed daylight and sunlight consultant (GVA) notes that the revisions to the scheme submitted in November 2013, which include a reduction in the height and massing of the proposed tower from 33 to 25 storeys, would result in a marginal improvement to the impacts on Telford's Yard.
- 8.279 The south and west facing flats currently enjoy very good level of daylight and sunlight as they face on to large parts of open land with no buildings on them. GVA therefore consider it reasonable for the south and west facing rooms to experience a higher percentage loss of light than set out in the BRE guidelines. Whilst there will be a significant and noticeable loss of daylight to rooms, given that the majority of the residual VSC values will be in the mid to high teens, and given the urban nature of the site, GVA consider the residual daylight levels would not be unreasonable and officers are satisfied that the residents will continue to enjoy a reasonable level of amenity.

1-36 Breezers Court, 20 The Highway

- 8.280 In terms of daylight, of a total of 127 windows, 34 windows (26.8% of total) would exceed BRE guidelines for VSC, of which 30 windows would be subject to reductions of between 30-39.9% and 4 windows would be subject to reductions of between 20-29.9%. It is noted that 22 windows (17.3% of total) would see gains VSC as a result of the development. Of a total of 85 rooms, 11 rooms (12.9% of total) would exceed BRE guidelines for NSL, of which 2 rooms would be subject to reductions of over 40%, 2 rooms would be subject to reductions of between 30-39.9% and 7 rooms would be subject to reductions of between 20-29.9%. It is noted that 9 rooms (10.6% of total) would see gains in NSL as a result of the development.
- 8.281 In terms of sunlight, of the 122 windows facing within 90 degrees of due south, 49 windows (40.2% of total) would exceed BRE guidelines for APSH, of which 2 windows would be subject to reductions of more than 40%, 10 windows would be subject to reductions of between 30-39.9% and 37 windows would be subject to reductions of between 20-29.9%. Of these, 50 windows would be subject to Winter APSH reductions of over 40%. It is noted that 4 windows (3.3% of total) would see gains in APSH and Winter APSH as a result of the development.
- 8.282 GVA note that a significant number of residents in the building will experience noticeable losses of daylight and sunlight and consider the overall impact to be described as 'moderate adverse'. Breezers Court is located immediately to the north of Plot F, which is submitted in outline. The daylight and sunlight assessment has been carried out using the maximum parameters for the outline blocks and where significant impacts are identified, the ES proposes mitigation through the detailed design and massing of the buildings at reserved matters stage, in order to minimise the impacts on neighbouring properties. On balance, given the urban nature of the site and proposed mitigation, together with the fact that there is a daylight and sunlight gain to some windows/rooms, officers consider that the effects are not so significant so as to warrant refusal of planning permission.

Pennington Court, 40 The Highway

- 8.283 In terms of daylight, all 28 windows would meet BRE guidelines for VSC. Of a total of 28 rooms, 2 rooms (7.1% of total) would exceed BRE guidelines for NSL, both of

which would be subject to minor reductions of between 20-29.9%, although 3 rooms (10.7% of total) would see gains in NSL as a result of the development. As such, on balance, it is considered that the effects on daylight are acceptable.

- 8.284 In terms of sunlight, all 25 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

#### 2-4 Artichoke Hill

- 8.285 In terms of daylight, of a total of 169 windows, 96 windows (56.8% of total) would exceed BRE guideless for VSC, of which 34 windows (20.1% of total) would be subject to reductions of over 40%, 49 windows (29.0% of total) would be subject to reduction of between 30-39.9% and 13 windows (7.7% of total) would be subject to reductions of between 20-29.9%. It is noted that 1 window would see an improvement in VSC as a result of the development. Of a total of 106 rooms, 7 rooms (6.6% of total) would exceed BRE guidelines for NSL, with all 7 rooms being subject to reductions of between 20-29.9%. It is noted that 40 rooms (37.7% of total) would see gains in NSL as a result of the development.
- 8.286 In terms of sunlight, of the 118 windows facing within 90 degrees of due south, 73 windows (61.9% of total) would exceed BRE guidelines for APSH, of which 20 windows would be subject to reductions of more than 40%, 14 windows would be subject to reductions of between 30-39.9% and 39 windows would be subject to reductions of between 20-29.9%. Of these, 72 windows would be subject to Winter APSH reductions of over 40% and 1 window would be subject to reductions of between 30-39.9%.
- 8.287 The south and east facing flats within 2-4 Artichoke hill includes balconies that result in a 'canopy effect', which limits the amount of daylight and sunlight received at the adjacent habitable rooms. BRE guidance advocates testing both with and without balcony scenarios in such instances.
- 8.288 When assessed without balconies, it can be seen that there would be no VSC reductions of over 40%, with 76 windows subject to reductions of between 30-39.9% and 20 windows subject to reductions of between 20-29.9%. In addition, there would be no APSH reductions of more than 40%, although Winter APSH reductions would remain largely unchanged. GVA consider that impacts would be 'major adverse' in real terms, although this is reduced to 'moderate adverse' when taking into account the 'canopy effect'. It is also noted that mitigation would be provided at reserved matters through the detailed design and massing of the outline blocks. On balance, officers do not consider the impacts to be so significant so as to warrant a refusal of planning permission.

#### 67-78 Waterman Way

- 8.289 In terms of daylight, of a total of 45 windows, 2 windows (4.4% of total) would exceed BRE guidelines for VSC, with these 2 windows being subject to reductions of 20-29.9%. All 37 rooms would meet BRE guidelines for NSL, with 14 rooms (37.8% of total) seeing gains in NSL as a result of the development.
- 8.290 In terms of sunlight, the one window facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

8.291 GVA advise that the occupants of these dwellings will not experience any material impact on their amenity. As such, officers consider that the effects on these properties are acceptable.

54-66 Waterman Way

8.292 In terms of daylight, all 57 windows would meet BRE guidelines for VSC. Of a total of 47 rooms, 1 room would exceed BRE guidelines for NSL, which would be subject to reductions of over 40%, whilst 1 room would see gains in NSL as a result of the development. Whilst the NSL reduction to one room would be significant, given the VSC values for all windows are BRE compliant it is considered that residents will continue to enjoy a reasonable level of amenity and the daylighting effects are therefore acceptable.

8.293 In terms of sunlight, all 2 windows would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

1-70 China Court, Asher Way (Quay 430)

8.294 In terms of daylight, of a total of 135 windows, 37 windows (27.4% of total) would exceed BRE guidelines for VSC, of which 1 window would be subject to reductions of over 40%, 8 windows would be subject to reductions of between 30-39.9% and 28 windows would be subject to reductions of between 20-29.9%. Of a total of 97 rooms, 21 rooms (21.6% of total) would exceed BRE guidelines for NSL, of which 8 rooms would be subject to reductions of over 40%, 2 rooms would be subject to reductions of between 30-39.9% and 11 rooms would be subject to reductions of between 20-29.9%. It is noted that 5 rooms (5.2% of total) would see improvements in NSL as a result of the development.

8.295 In terms of sunlight, all 64 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

8.296 GVA note that whilst there are clear breaches of the BRE guidelines, they consider the impacts on China Court are within reasonable margins and no one single dwelling would experience a significant impact on amenity. It is also noted that the proposed development would result in VSC and NSL gains to some windows/rooms within the building. As such, officers consider that the impacts are not so significant so as to warrant a reason for refusal in this instance.

1-76 Leeward Court, Asher Way (Quay 430)

8.297 It should be noted that the name of the block is misspelled as 'Leawood Court' in Sections 15 and A15 of the ES and ES Addendum.

8.298 In terms of daylight, of a total of 118 windows, 20 windows (16.9% of total) would exceed BRE guidelines for VSC, of which 3 windows would be subject to reductions of over 40% and 17 windows would be subject to reductions of between 20-29.9%. Of a total of 94 rooms, 14 rooms (14.9% of total) would exceed BRE guidelines for NSL, of which 4 rooms would be subject to reductions of over 40%, 2 rooms would be subject to reductions of between 30-39.9% and 8 rooms would be subject to reductions of between 20-29.9%.

- 8.299 In terms of sunlight, all 25 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.
- 8.300 GVA note that the worst affected windows in Leeward Court (i.e. those subject to VSC reductions of over 40%) are located below projections or set back within glazed walkways. This results in a 'canopy effect' that limits the amount of daylight received at these and the impacts on these windows is partly down to the design of Leeward Court itself. Whilst it is acknowledged that there will be a number of windows that fail to meet BRE guidelines, given that the most severe of these impacts are compounded due to the design of Leeward Court and in view of the urban situation, on balance, officers consider that the overall impacts on daylight and sunlight are not unreasonable or unacceptable in this instance.

1-24 Cape Yard (Quay 430)

- 8.301 In terms of daylight, of a total of 100 windows, 2 windows (2.0% of total) would exceed BRE guidelines, which would be subject to reductions of 20-29.9%. Of a total of 70 rooms, just 1 room would exceed BRE guidelines for NSL with a minor reduction of between 20-29.9%. GVA and officers consider that these losses are within reasonable margins and are on the whole acceptable.
- 8.302 In terms of sunlight, all 35 windows facing within 90 degrees of due south of meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

1-53 Spice Court, Asher Way (Quay 430)

- 8.303 In terms of daylight, of a total of 78 windows, 33 windows (42.3% of total) would exceed BRE guidelines, with 4 windows subject to reductions of over 40%, 11 windows subject to reductions of between 30-39.9% and 18 windows subject to reductions of between 20-29.9%.
- 8.304 Of a total of 59 rooms, 17 rooms (28.8% of total) would exceed BRE guidelines for NSL, with 5 rooms subject to reductions of over 40%, 4 rooms subject to reductions of between 30-39.9% and 8 rooms subject to reductions of between 20-29.9%.
- 8.305 In terms of sunlight, all 13 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.
- 8.306 GVA note that the worst effected windows within Spice Court are those that face north-west. These windows presently have an outlook over the cleared part of the application site and therefore have a relatively high baseline VSC value and hence the loss of light when expressed as a percentage is greater. GVA advise that the residual VSC values for the vast majority of these windows are in the high teens and low 20's and although these values are below BRE guidelines, the absolute values are reasonable given the nature, location and general scale of this part of the Borough. As such, GVA and officers consider that the impact on Spice Court is within reasonable margins and are thus not unacceptable.

1-24 Tamarind Yard (Quay 430)

- 8.307 In terms of daylight, of a total of 101 windows, 15 windows (14.9% of total) would exceed BRE guidelines for VSC, of which 3 windows would be subject to reductions

of over 40%, 8 windows would be subject to reductions of between 30-39.9% and 4 windows would be subject to reductions of between 20-29.9%. Of a total of 71 rooms, only 1 room would exceed BRE guidelines for NSL, which would be subject to a minor reduction of between 20-29.9%.

- 8.308 In terms of sunlight, all 33 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.
- 8.309 GVA note that three VSC losses would be classified as 'major adverse' and relate to windows serving three bedrooms at ground floor level. However, given that these bedrooms are each served by two separate windows, although the internal lighting conditions would not be good, taken as a whole, GVA and officers do not consider that the overall impacts on Tamarind Yard are unreasonable or unacceptable in this context and as such, should not warrant a reason for refusal in this instance.

1-39 Tradewinds Court (Quay 430)

- 8.310 In terms of daylight, of a total of 56 windows, 32 windows (57.1% of total) would exceed BRE guidelines, of which 1 window would be subject to reductions of over 40%, 9 windows would be subject to reductions of between 30-39.9% and 22 windows would be subject to reductions of between 20-29.9%. Of a total of 39 rooms, 15 rooms (38.5% of total) would exceed BRE guidelines for NSL, of which 7 rooms would be subject to reductions of over 40%, 3 rooms would be subject to reductions of between 30-39.9% and 4 rooms would be subject to reductions of between 20-29.9%.
- 8.311 In terms of sunlight, all 12 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.
- 8.312 Tradewinds Court lies immediately to the south of the cleared section of the application site. GVA note that a number of windows and rooms will be subject to losses of light in excess of BRE guidelines; however, GVA advise that some of the larger losses are distorted due to the cleared nature of the site (and thus high baseline VSC levels) and that a number of these windows and rooms are located behind glazed walkways and are thus partially set back and enclosed. As the residual VSC values will remain above the mid to high teens, GVA consider that the availability of daylight on an absolute scale will not be unreasonable given the nature and pattern of development in this part of the Borough. As such, officers consider that the impacts on Tradewinds Court are not unreasonable or unacceptable in this instance.

1-20 Bridgeport (Quay 430)

- 8.313 In terms of daylight, of a total of 9 windows, 2 windows (22.2% of total) would exceed BRE guidelines for VSC with minor reductions of between 20-29.9%. All 6 rooms would meet BRE guidelines for NSL. Given that the VSC failures are only marginally above BRE guidelines and that the NSL levels are BRE compliant, it is considered that the effects on daylight are not unreasonable in this instance.
- 8.314 In terms of sunlight, all 6 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.



Hermitage Waterside, 45-87 Thomas More Street

- 8.315 In terms of daylight, of a total of 26 windows, 2 windows (7.7% of total) would exceed BRE guidelines for VSC, of which 1 window would be subject to reductions of between 30-39.9% and 1 window would be subject to reductions of between 20-29.9%. All 14 rooms would meet BRE guidelines for NSL, with 1 room also seeing a gain in NSL as a result of the development. Given the limited number and scale of VSC failures and that the NSL levels would comply with BRE Guidelines, it is considered that the effects on daylight are not unreasonable in this instance.
- 8.316 In terms of sunlight, the 1 window facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

Nightingale House, 1-96 Thomas More Street

- 8.317 In terms of daylight, of a total of 76 windows, 3 windows (3.9% of total) would exceed BRE guidelines, of which 2 windows would be subject to reductions of over 40% and 1 window would be subject to reductions of between 20-29.9%. All 72 rooms would meet BRE guidelines for NSL. Whilst it is noted that two windows would be subject to reductions of VSC of over 40%, given the limited number of affected windows and that the NSL levels for all rooms are BRE compliant, it is considered that the effects on daylight are not unacceptable in this instance.
- 8.318 In terms of sunlight, the 8 windows facing within 90 degrees of due south would meet BRE guidelines for APSH and Winter APSH. The effects on sunlight are therefore considered to be acceptable.

Daylighting Conditions within the Development

- 8.319 The submitted ES and ES Revised Addendum provide a daylight assessment for the dwellings and habitable rooms within the proposed development. Overall, 77% of habitable rooms within the detailed element of the scheme would meet or exceed the target minimum ADF values. However, it is noted that the daylighting conditions within a large number of habitable rooms on the lower floors of the buildings, particularly within Block A, Block C and Times House, would be poor.
- 8.320 Within Block A it can be seen that there would be a significant number of habitable rooms from ground to 7<sup>th</sup> floor level that fail to achieve the target minimum ADF values, with a number of living/kitchen/dining rooms having an ADF of between 0.2% and 0.4%, which is well below the minimum target of between 1.5% (living/dining rooms) and 2% (kitchens).
- 8.321 Within Block B it can be seen that the majority of habitable rooms meet or exceed the minimum ADF criteria and whilst there are a handful of shortfalls, these are not significantly below the minimum criteria. On balance, officers consider that the overall daylighting conditions within Block B are not unreasonable and that future residents would enjoy satisfactory levels of amenity in terms of natural light.
- 8.322 Within Block C it can be seen that there would be a significant number of habitable rooms, particularly within Building C2/C3 at ground to 4<sup>th</sup> floor level, that would fail the target minimum ADF values. As with Block A, a number of these failures will be well below the minimum criteria, with ADF values for a number of living/kitchen/dining rooms on the ground first floors in Building C2/C3 being below 1.0%.

- 8.323 With regard to Times House, it should be noted that the design of the block has been revised during the course of the application, which has included removing part of the southern extent of the existing building to allow more light in to the central courtyard. Whilst this has resulted in an improvement to the daylighting conditions to habitable rooms within the building, there are still a number of rooms that fall below the minimum ADF criteria between the ground and 4<sup>th</sup> floor.
- 8.324 The daylight assessment also provides indicative VSC values for the façades of the blocks within the outline element of the Scheme (Plots D to J), based on the maximum parameters. GVA advise that the VSC modelling does not take into account the 'canopy effect' of balconies and projections and if the design and layout of the buildings is to be similar to Blocks A, B and C, then it is probable that the outline blocks would achieve a similar failure rate in terms of daylight.
- 8.325 Overall, GVA advise that the quality of natural daylight for a considerable number of habitable rooms within Block A, Block C and Times House would be below the minimum design standard and this would result in a poor level of amenity in this regard for the future residential occupants within those units. As such, Members would need to be satisfied that the overall quality and regenerative benefits of the scheme outweighs the amenity shortcomings of a number of units on the lower floors in terms of daylight. Your officers believe that daylight and sunlight shortfalls are outweighed by the benefits of the scheme overall. Members are reminded that the BRE Guidelines are advisory and need to be interpreted on a case by case basis and clearly, the degree of harm needs to be assessed in relation to the context within which that judgement is being made. The extent of failures, as found in this situation and in such a challenging urban context, is relatively common place and there are many situations in Tower Hamlets where similar situations prevail.

#### Overshadowing

- 8.326 The BRE guidelines for transient overshadowing advise that at least half of a garden or amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. If as a result of new development an existing garden or amenity space does not meet this criteria and the area which can receive two hours of sun on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. It should be noted that BRE guidelines for overshadowing only applies to the shadow cast over designated amenity areas such as gardens and areas for sitting out, but is not applied to areas of public realm such as the footpath or pavement areas.
- 8.327 Section 15 of the ES and Section A15 of the ES Revised Addendum include a transient overshadowing analysis undertaken for the Spring Equinox and Summer and Winter Solstices. This analysis has been independently assessed by the Council's appointed daylight and sunlight consultant, GVA, who confirm that the analysis demonstrates that the extent of transient overshadowing over neighbouring designated amenity spaces will not result in any significant increase in overshadowing and meets the BRE guidelines.

#### Light Pollution and Solar Glare

- 8.328 The submitted ES includes a preliminary analysis of light pollution resulting from the proposed development. The analysis has been modelled using a number of assumptions as full details of the lighting within the scheme, including internal light fittings and external security and background lights, have not been finalised. Notwithstanding the preliminary nature of the analysis, on the basis of the

assumptions made, GVA advise that there would not appear to be any adverse impacts in respect of light pollution.

- 8.329 With regard to solar glare, GVA confirm that the assessment within the ES demonstrates that the proposed development would not result in any significant adverse solar glare impacts from the 7 connected viewpoints.

### ***Noise and Vibration***

- 8.330 Section 11 of the NPPF (2012) provides guidance for assessing the effect of noise. The document states that planning decisions should avoid noise giving rise to adverse effects on health and quality of life; mitigate and reduce effects arising from noise through conditions; recognise that development will often create some noise, and; protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.331 Policy 7.15 of the London Plan (2013), Policies SP03(2) and SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse effects and separate noise sensitive development from major noise sources. In addition, the ES provides details of the noise mitigation measures for the proposed development.
- 8.332 The applicant has provided a Noise and Vibration Assessment at Section 9 of the ES Volume I (May 2013) and Section 9 of the ES Volume I Revised Addendum (November 2013) which provides an assessment of the likely significant effects of the development on neighbouring properties in terms of the predicted noise and vibration levels from demolition and construction works; noise and vibration from the building services plan during operation, and; any increases in noise due to road traffic attributed to the development.
- 8.333 The Council's appointed EIA consultants, Land Use Consultants (LUC), have reviewed the ES and consider that the baseline noise measurements have been appropriately carried out, that the cumulative effects are adequately assessed and that suitable mitigation measures are described for both construction and operational noise.
- 8.334 It is noted that the road traffic noise levels due to demolition, construction and refurbishment has been assessed in the ES and is shown as having a 'negligible' effect in all areas other than on a section of Vaughan Way between Nesham Street and The Highway which is shown as having a 'minor adverse' effect between time-slices 5 and 8 due to construction traffic.
- 8.335 LBTH Environmental Health note that the developments duration is longer than most within the borough, mainly due to its size and scale and extended programme. Consequently, Environmental Health acknowledge that some residential and commercial properties will be adversely affected by noise, vibration and dust over a longer than normal period during demolition and construction phases. The developer has advised that Council policies on construction and development will be followed and the contractor will enter into a S.61 Agreement under the Control of Pollution Act 1974 with the local authority to control any adverse effects.
- 8.336 It is noted that a letter of objection has been received from the Smokehouse recording studios on Pennington Street, which is located on the north side of Pennington Street opposite the proposed construction site entrance. One of the

grounds of objection is that the noise and vibration impacts and general disturbance during the demolition and construction works, including through construction vehicle movements adjacent to the studio would prevent the business from being able to operate. The operators of the Smokehouse Studio consider that the construction access should be moved so that traffic does not have to use Pennington Street and pass the studios, particularly given the cobbled nature of the street. The Smokehouse Studio (at the time of completing this report) has not provided further detailed comments following re-consultation on the Construction/ Demolition Management Strategies. However, they have indicated they may do so. If further comments are received they will be reported to Members by way of an update report.

- 8.337 The Council's own Code of Construction Practice (CoCP) details the measures that are reasonable for a developer to achieve and it follows Government guidance issued through British Standard 5228-1:2009, as the required standard of good practice. The impact on sensitive receptors (including the Smokehouse Studios) has been considered through Environmental Impact Assessment, which has included a suitable technical noise and vibration assessment. The Smokehouse has not made any detailed comments on the findings of this assessment. LBTH Environmental Health acknowledge that measures may have to be adopted which go beyond the required standards detailed in the Council's policies and CoCP, To mitigate impacts on this property, Environmental Heath Officers have suggested that this could include controlled delivery times, stacking of lorries outside of the Highway, Pennington Street and Virginia Street with radio control, quiet periods and localised screening.
- 8.338 Comments have also been received from residents of Quay 430 (the blocks to the South of site) about construction/demolition impacts. Concerns have been raised about the routing of construction traffic along the southern boundary and the potential impacts that this will cause in terms of noise and vibration. A concern has also been raised around the potential for subsidence and land slip (there is a change in levels between the sites).
- 8.339 The submitted Construction/Demolition Management Plans give an indication of the likely levels of construction traffic. During the demolition it is estimated there will be 65 vehicle movements per day (7 an hour); during construction (estimate relates to the part of the application submitted in detail) there will be 100 vehicle movements per day (10 an hour). Demolition traffic would be routed from The Highway, down Artichoke Hill and into the site through the existing entrance adjacent to Tobacco Dock. Traffic would be circulated around the space occupied by the existing print works, would exit the site by the same entrance and return to the Highway via Wapping Lane. Construction traffic would also access the site via Artichoke Hill and enter/exit the site via the entrance adjacent to Tobacco Dock, with traffic being routed around the space occupied by the print works building. Slightly different arrangements for Times House would apply.
- 8.340 The submitted Construction/Demolition Method Statements suggest the types of measures that will be employed to reduce the impact of noise. This includes a restriction on the hours of building works (08.00 to 18.00 Monday to Friday, 08.00 – 13.00 Saturday, no working on Sunday or Bank Holidays), the use of use of suitably maintained and appropriately silenced plant and equipment, the use of enclosures and barriers to screen plant where appropriate and ensuring that stone crushing plant is located centrally in site away from residential properties.
- 8.341 The strategies also state that real time monitoring of dust and noise levels will be carried out, and records of this kept. Monitoring points will be sited around the boundaries of the site.

8.342 Planning Officers consider that a suitably robust Construction Management Strategy/Demolition Management Plan would ensure impacts are mitigated to a level that is acceptable in planning terms. This approach would be proportionate response to the concerns that have been raised.

8.343 In terms of the noise levels within the proposed development, LBTH Environmental Health note that parts of the site are considered to fall within the Significant Observed Adverse Effect Level (SOAEL) of the Noise Policy Statement for England. Based on the information provided, LBTH Environmental Health have no in principle objection to a proposed residential development at this location. However, if the site is to be used for residential purposes, a high degree of noise insulation will be required to meet the “good” standard of BS2333, including a high degree of sound insulation between residential and commercial areas.

8.344 LBTH Environmental Health have subsequently advised that the applicant has demonstrated with several clarifications on the noise matters that these issues will be satisfactorily mitigated and meet the requirements of BS8233 “good” design standard, which is as follows:

- Living Rooms 30dB LAeq
- Bedrooms 30dB LAeq
- Bedrooms 45dB LMax (for individual noise events at night)

8.345 LBTH Environmental Health confirm that they have no objection to the application as presented. If planning permission is granted it is recommended that conditions be included to require the residential units to meet the BS8233 “good” design standard and to require the submission of full details of the sound insulation measures to be used between the commercial and residential areas. It is also recommended that a condition be included to require noise emitted by all mechanical plant during the operational phase of the development to comply with the Council’s noise standard of LA90 – 10dB.

8.346 It is noted that a number of letters of objection have been received from residents within Quay 430 on the grounds that the proposed plant, including but not limited to the basement car park ventilation system, would result in noise disturbance to neighbouring residents. It is therefore recommended that a condition be included to require all mechanical plant during the operational phase of the development to comply with the Council’s noise standard of LA90 – 10dB. This will require the noise emitted by all plant to be at least 10dB below the lowest background noise level (LA90) when measured at the nearest sensitive receptor (i.e. residential façade or window).

#### ***Sense of Enclosure, Outlook and Privacy***

8.347 As stated in the supporting text to Policy DM25 of the adopted Managing Development Document (2013), a separation distance of approximately 18 metres between windows of habitable rooms is normally considered adequate to reduce inter-visibility to an acceptable level.

8.348 In terms of the impacts on neighbouring residential properties, it is noted that a number of letters of objection have been received from neighbouring residents on the grounds that the proposed buildings would result in overlooking and a loss of privacy to their homes.

- 8.349 To the north of the site, it is noted that the separation distance between the north elevations Blocks C, F, G, H and J and the south elevation of the buildings on the opposite side of Pennington Street, including the residential blocks at Telford's Yard, 2 Artichoke Hill and Breezers Court would be 40m. As such, the privacy of residents within these buildings would be preserved to a reasonable degree.
- 8.350 It is noted that the proposed 'U' shaped blocks are tallest at their northern end and step down in height towards the south. Whilst the maximum height of these blocks range from 53m to 66m (maximum parameters), given the 40m separation between these buildings and neighbouring properties to the north, together with the design of the blocks, which would incorporate vertical gaps between the taller elements on the north elevation, it is considered that the proposals will not result in an unacceptable sense of enclosure to neighbouring residents to the north.
- 8.351 On the south side of the site, it is noted that the minimum separation distance between the south elevation of Block A and the north-west elevation of Tradewinds Court within Quay 430 would be 19m. The minimum separation distance between the south elevations of Blocks C, F, G and H and north elevations of Tradewinds Court, Spice Court, Leeward Court and China Court within Quay 430 would be 21m. In addition, the minimum separation distance between the south elevations (maximum parameters) of Blocks H and J and houses at 67-78 Waterman Way would be 44m. As such, given the urban location and context of the site and its surroundings, it is considered that the proposed buildings, windows and amenity spaces have been located so as not to result in any significant overlooking or loss of privacy or outlook to neighbouring residents within Quay 430 and on Waterman Way.
- 8.352 In terms of any sense of enclosure, it is noted that the existing News International building is located immediately to the north of Spice Court, Leeward Court and China Court. The existing building provides a continuous southern frontage that is approximately 35m in height. Whilst it is acknowledged that the height of the southern extent of proposed Blocks C2/C3, F and H range between 35-40m, which is taller than the existing building, it is considered that any impacts in terms of increased sense of enclosure would be mitigated by gaps between the proposed buildings and within the 'U' shaped blocks, which would break up the massing of the blocks.
- 8.353 Whilst the proposed 25 storey tower would rise significantly above the height of the existing News International building, given the relatively slender width of the block (22m) which would face side-on to Quay 430, it is considered that the proposed tower would not result in an unacceptable or overbearing sense of enclosure to neighbouring residents.
- 8.354 The separation distance between the east elevation of the school block at Plot E (maximum parameters) and the west elevation of Telford's Yard ranges between 13m and 15m. In terms of any overlooking impacts, the detailed design of the block, including the location of windows, would be brought forward at reserved matters and a key consideration during any subsequent assessment will be ensuring that the privacy of residents of Telford's Yard is protected. Given the limited height of Plot E and the intended use of this part of the site, it is considered that the proposals should not result in an unacceptable degree of enclosure west facing windows in Telford's Yard.
- 8.355 It is noted that a letter of objection has been received on the ground that the proposed additional storey at Times House will result in a loss of privacy to east

facing penthouses in Telford's Yard. However, it should be noted that there are no west facing windows within the additional storey at Times House and that the separation distances between the proposed north and south roof terraces and the east elevation of Telford's Yard is 18m. As such, it is considered that the Times House proposals will preserve the privacy of residents in Telford's Yard to a reasonable degree. In addition, it is considered that the east facing windows in Times House would not significantly impact on the privacy of residents at 2 Artichoke Hill as the windows are set at a 90 degree angle to each other and are not directly facing.

- 8.356 Given the urban location and context of the site and its surroundings, together with the separation distances between the proposed buildings and neighbouring windows and amenity spaces, it is considered that the proposed development would not result in any significant overlooking or loss of privacy or outlook to neighbouring residents, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

## **Highways**

### ***Transport Modelling***

#### ***Policy Context***

- 8.357 Policy 6.3 of the London Plan (2013) seeks to ensure that development does not adversely affect the safety of the transport network, with development proposals ensuring that impacts on transport capacity and the transport network are fully assessed, including the submission of a Transport Assessment for major proposals.
- 8.358 Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20 of the Council's adopted Managing Development Document (2013) require development to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network, including the submission of a Transport Assessment for major development proposals.

#### ***Transport Modelling for the Proposed Development***

- 8.359 Since the submission of the application, detailed discussions on highways and transport issues have been on-going between the applicant, TfL and LBTH. Additional information and further assessment work has been undertaken to encompass the following: VISSIM modelling of the highway corridor adjacent to the development, Stage 1 Safety Audit of the Proposed Pedestrian Crossing and Stage 1 Safety Audit of the Ramp Access Arrangements.
- 8.360 TfL has led on the validation of the modelling of the impacts on the Highway network, which fall largely on a TfL-maintained road and its signalised junctions. The applicant supplied traffic generation figures, although insufficient saturation (queuing) data was collected, which was identified after the model was submitted for scrutiny. TfL subsequently worked together with the applicant to ensure that the model was fit for purpose.
- 8.361 TfL has advised that they consider the modelling to be complete and the flows correct. However, TfL and LBTH Transportation & Highways do not fully accept the applicant's assertion in the Transport Statement Addendum (November 2013) that traffic modelling exercises have concluded there is no material adverse impact due to the development (para 2.3.1) based on the VISSIM modelling assessment. It should

be noted that while VISSIM models show there will be a small increase in journey time on the section of The Highway overall, the TRANSYT modelling assessment at junctions in the vicinity of the site has indicated that those junctions are already operating at/over their capacity.

- 8.362 With additional trips generated by the development, the traffic situation is likely to get worse. Importantly, whilst the overall journey time reliability is not forecast to significantly deteriorate, the fact that TfL's assessment of modelling results indicates a high level of localised congestion in the vicinity reinforces the need to restrain car based trips for this development. The site is adjacent to a highly congested network (with road safety implications for vulnerable road users) and reducing the parking ratio will bring it in line with the Council's broader environmental and road safety aims. This is partly the reason why on site car parking levels were reduced from those initially proposed.
- 8.363 TfL have subsequently advised that traffic mitigation measures will be required to mitigate against identified local congestion on the highway and have requested a sum of £210,000 in order to expand the right hand turn storage capacity at the junction of The Highway and Wapping Lane. This contribution towards increased junction capacity would be captured through the S.106 Agreement. Furthermore, LBTH Transportation & Highways have advised that car parking levels should be reduced further in order to further mitigate against the traffic impacts. However, the applicant has not agreed to reduce on site car parking levels any further siting development viability as a major casualty of further reductions in car parking. This is dealt with in more detail below.

### ***Car Parking***

#### **Policy Context**

- 8.364 Policy 6.13(D) of the London Plan (2013) requires development to ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles; provide adequate parking for disabled people, and; provide for the needs of businesses for delivery and servicing. Policy 6.13(E) of the London Plan (2013) promotes car-free developments in locations with high public transport accessibility (while still providing for disabled people).
- 8.365 Policy SP09(4) of the Council's adopted Core Strategy (2010) promotes car free developments and developments that minimise on-site and off-site car parking provision, particularly in areas with good access to public transport.
- 8.366 Policy DM22(1) of the Council's adopted Managing Development Document (2013) requires development to comply with the Council's parking standards (as set out in Appendix 2 of the MDD). Policy DM22(2) of the Managing Development Document (2013) requires developments located in areas of good public transport accessibility and/or areas of existing on-street parking stress to be permit-free.

#### **Proposed Car Parking Provision**

- 8.367 The proposed development includes provision of on-site car parking for both the residential and non-residential uses at basement level within the main site and includes provision of disabled parking at the rear of Times House. In total, 900 car parking spaces would be provided for residents, at a ratio of 0.5 spaces per unit. It is also proposed that on site car parking would be made available to occupiers of affordable housing tenures. In addition, 90 parking spaces would be provided for the



non-residential uses within the scheme. Both the total residential and non-residential car parking provision includes 10% disabled parking. The proposals also include provision of 8 car club spaces.

- 8.368 The Council's parking standards are set out in Appendix 2(1) of the adopted Managing Development Document (2013). The parking standards for residential use take into account the Public Transport Accessibility Level (PTAL) and the size of the proposed residential units and is provided at Table 6 below:

**Table 6: LBTH Adopted Residential Car Parking Standards**

<b>Site Location</b>	<b>1 and 2 Bed Unit</b>	<b>3+ Bed Unit</b>
PTAL 1 & 2	0.5	1.0
PTAL 3 & 4	0.3	0.4
PTAL 5 & 6	0.1	0.2

- 8.369 The PTAL varies across the site, ranging from 1b (poor) along the southern boundary of the site, to 4 (good) at the north-western corner of the site. LBTH Transportation & Highways have advised that they consider the maximum residential parking ratio for the proposed development to be 0.39 spaces per unit. This is based on the Council's parking standards and takes into account the fact that the development will contribute towards bus service enhancements and will improve permeability in terms of walk-times and overall accessibility to public transport, although this may not be reflected in broad-brush PTAL calculations which are based on as-the-crow-flies measurements to the nearest public transport facility (including bus-stops). As such, the proposed residential car parking ratio of 0.5 spaces per unit exceeds the Council's considered maximum level for residential car parking in this instance.
- 8.370 With regard to parking for the proposed non-residential uses, the Council's adopted parking standards state that for A1 retail use, there shall be no car parking, unless a Transport Assessment can demonstrate that walking, cycling and home delivery cannot cater for demand. This argument has not been put forward in this case. In addition, there is a zero parking standard for A2/A3/A4/A5.
- 8.371 The Council's car parking standards only permit car parking for the B1 office use, at 1 space per 600-1,000sqm of floorspace for sites located outside of the CAZ. The proposed scheme includes up to 10,408sqm GEA of B1 office floorspace and as such the maximum level car parking is 17 spaces. The proposed provision of 90 spaces for the non-residential uses therefore also exceeds the Council's maximum parking standards.
- 8.372 It should be noted that the application as originally submitted included a residential parking ratio of 0.6 spaces per unit, which was subsequently reduced to 0.5 following concerns raised by officers. Notwithstanding this reduction, LBTH Transportation & Highways do not support the proposal ration of 0.5 spaces per unit. Although this on average approximates to the maximum standard, the highway network is already congested as per the existing situation with parts of the network in the vicinity of the site being close to/at 100% degree saturation.
- 8.373 The applicant has stated that the current proposed parking levels represent the minimum possible level required to make the scheme financially viable and to meet the demand for residential car parking. LBTH Transportation & Highways do not consider that adequate justification has been provided for the level of car parking in this instance, particularly in light of the existing highway capacity issues and modelled transport impacts. Officers have adopted a balanced approach to this issue

and feel that reductions in car parking will have an impact on the capacity of the development to deliver regenerative benefits, especially in the form of affordable housing. It is noted that the scheme includes 8 car club spaces, which is supported.

- 8.374 As such, if planning permission were to be granted, Members will need to be satisfied (as your officers are) that the proposed regenerative benefits of the scheme, which include provision of a new secondary school, the delivery of 30% affordable housing with affordable rented units at social rented and POD levels, provision of 2.2ha of new publically accessible open space and the restoration and refurbishment of the listed Pennington Street Warehouse, outweigh the harm resulting from the excessive provision of on-site car parking.

#### Car Parking Permits

- 8.375 LBTH Transportation & Highways advise that the development should be secured as 'car and permit free' given the limited levels of on-street parking in the area due to the geometry and type of roads, which the applicant has advised they would accept. This would be secured through the S.106 Agreement. It should be noted that the 'car-and-permit free' obligation would not apply to families moving into family sized affordable housing units who would be permitted to transfer their permit under the Mayor's Permit Transfer Scheme.
- 8.376 LBTH Transportation & Highways also advise that on-site parking for social renting residents will need to be provided so as to ensure that on-street parking in the vicinity of the site is not overwhelmed. The applicant should provide details of how this will be provided and managed through a Car Parking Management Strategy, which should be secured by condition if planning permission is granted. This strategy should aim to provide 'affordable' leased parking to a ratio no less than 10% below the ratio afforded for private tenure units. This will be secured through a car park management plan and through the S.106 Agreement. It is likely that a proportion of residents residing in rented accommodation would prefer a secure off street space within which to park their vehicle.

#### **Cycle Parking**

##### Policy Context

- 8.377 Policy 6.9(B) of the London Plan (2013) seeks for developments to provide secure, integrated and accessible cycle parking facilities in line with the minimum standards; provide on-site changing facilities and showers for cyclists; facilitate the Cycle Super Highways, and; facilitate the central London cycle hire scheme.
- 8.378 Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet and preferably exceed, the Council's minimum standards for cycle parking (as set out in Appendix 2 of the MDD) and to provide where suitable, land for and/or contributions towards new publically accessible shared cycle hire docking stations.

##### Proposed Cycle Parking Provision

- 8.379 The proposed development would provide 2,129 cycle parking spaces for residential use, 120 spaces for retail use and 89 spaces for business use. The vast majority of cycle parking spaces would be provided at basement level, with residential cycle store rooms located adjacent to the lift cores at of each of the blocks within the basement. Some cycle parking stands for visitors would be provided at surface level,

with the submitted Landscape Plans indicating that cycle stands would be located along the Quayside and the northern edge of the Gauging Square, although the detailed design/number of cycle stands at surface level has not been provided. Separate cycle parking is provided for residents within Times House, with the cycle store room located at the rear (south) of the building at lower ground floor level.

- 8.380 The Council's cycle parking standards are provided at Appendix 2(1) of the adopted Managing Development Document (2013). The minimum required number of spaces for the residential component of the scheme is provided in Table 7 below.

**Table 7: Minimum Cycle Parking Requirements (Residential)**

Unit	Detailed Element (Units)	Whole Scheme (Units)	Cycle Spaces per Unit	Required Spaces for Detailed Element	Required Spaces for Whole Scheme
Manhattan	21	210	1	21	210
1 bed	157	573	1	157	573
2 bed	246	702	1	246	702
3 bed	89	261	2	178	522
4 bed	16	54	2	32	108
<b>Total</b>	<b>529</b>	<b>1800</b>		<b>634</b>	<b>2115</b>

- 8.381 Taking into account the above, it can be seen that the proposed residential cycle parking provision exceeds the Council's minimum standards, which is supported in principle. LBTH Transportation & Highways note that limited information on the design/layout of the cycle parking store rooms has been provided and have raised concerns over the possible use of cycle stands that would require bicycles to be lifted (e.g. wall mounted vertical racks), which are not suitable for all users. LBTH Transportation & Highways advise that a minimum of 50% of on-site cycle parking spaces should be at level and accessible without mechanical or lifting means and that all visitor cycle parking should be of a 'Sheffield' hoop type design. In addition, adequate shower and changing room facilities should be provided for the non-residential uses.
- 8.382 Given that the scheme proposes a flexible range of non-residential uses it is not possible to calculate a definitive minimum cycle parking requirement for these uses. However, LBTH Transportation & Highways consider the provision of 120 spaces for retail use and 89 spaces for business use to be acceptable in this instance.
- 8.383 If planning permission is to be granted it is recommended that conditions be included to secure the following:
- Minimum 104 cycle spaces to be provided and retained in Times House.
  - Minimum of 634 cycle spaces to be provided and retained in Phase 1.
  - Minimum of 2,115 cycle spaces to be provided and retained on completion of whole development.
  - Full details of all cycle parking, including detailed layout plans and manufacturer's technical specification for stands, to be submitted for approval.
  - All visitors cycle parking to be provided as 'Sheffield' style stands.
  - Full details of all shower and changing room facilities for commercial units.

- 8.384 There is also a requirement to relocate the existing Vaughan Way Cycle Docking Station and this requirement has been captured with reference to the proposed S.106 Heads of Terms.
- 8.385 Subject to the above conditions, it is considered that the proposed development includes adequate provision of secure cycle parking facilities, in accordance with Policy 6.9 of the London Plan (2013) and Policy DM22(4) of the Council's adopted Managing Development Document (2013).

### ***Refuse and Recyclables Storage***

#### ***Policy Context***

- 8.386 Policy 5.17 of the London Plan (2013) requires all new development to include suitable waste and recycling storage facilities.
- 8.387 Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.

#### ***Proposed Refuse and Recyclables Storage Facilities***

- 8.388 The main development site includes a centralised waste and recyclables storage area at basement level below Block B for both the residential and non-residential uses, located adjacent to the bottom of the basement ramp from Virginia Street. The residential blocks include refuse chutes adjacent to the lift cores that lead down to individual refuse store rooms for each block at basement level. An internal Waste Management Team would then transport for waste and recyclables from each block to the central waste storage area on a regular basis for collection.
- 8.389 Separate refuse and recyclables storage is provided in Times House, with a designated refuse store located at lower ground level at the rear (south) of the site, adjacent to the collection point on Pennington Street.
- 8.390 LBTH Waste Policy and Development have assessed the proposed refuse strategy for both the main site and Times House and consider the proposals to be acceptable in principle. However, both LBTH Waste Policy and Development and LBTH Transportation & Highways advise that refuse storage areas should ideally be designed so that the LBTH refuse vehicles can enter and exit the site in forward gear (not having to reverse). In instance where this is not possible, a minimum turning circle of 17.5m should be provided.
- 8.391 If planning permission is granted it is recommended that conditions be included to secure the following:
- Delivery and Servicing Management Plan (incorporating Waste Management Plan)
  - Detailed plan as to how the waste bins are to be transferred from the chute rooms to the central refuse storage and collection area.
  - Details of the total capacity of all refuse storage areas.
  - Swept path analysis showing a turning circle of 17.5m within the servicing yard at basement level for LBTH refuse vehicles.

- 8.392 Subject to these conditions, it is considered that the proposed development includes adequate provisions for the storage and collection of waste refuse and recyclables, in accordance with Policy 5.17 of the London Plan (2013), Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013).

### ***Servicing and Deliveries***

#### ***Policy Context***

- 8.393 Policy 6.13 of the London Plan (2013) requires developments to provide for the needs of businesses for delivery and servicing. Policy DM21(1) of the Council's adopted Managing Development Document (2013) seeks ensure that developments that generate a significant number of vehicle trips do not adversely impact on transport or amenity and demonstrate how goods vehicles are accommodated on site.

#### ***Proposed Servicing and Delivery Strategy***

- 8.394 The servicing strategy for the scheme as originally submitted accommodated the principal servicing and delivery requirements at basement level, whilst some small scale servicing was proposed to be carried out on the Quayside route, between the 'U' shaped blocks and the Pennington Street Warehouse.
- 8.395 The servicing strategy was subsequently revised to accommodate all servicing and deliveries at basement level via the vehicular entrance on Virginia Street, with the Quayside now being provided as a pedestrian only route, which is supported. In order to facilitate this, the revised proposals incorporate a new sub-basement level below Blocks C and F, which will accommodate the revised servicing area and is considered to be acceptable by LBTH Transportation & Highways.
- 8.396 LBTH Transportation & Highways note that vehicles servicing Times House would park in order to load/unload on Pennington Street, which is not ideal. However, given the spatial constraints of the site, provided the on-street servicing arrangements for Times House are suitably managed through a Delivery and Servicing Plan (incorporating a Waste Management Plan), which should be secured by condition, it is not considered that it will have significant negative impacts on the operation or safety of Pennington Street.
- 8.397 It is noted that the revised parameters now also allow for either a single shared access ramp to the basement, shared by the school (Plot E in outline) and the rest of the development, or for the provision of two separate ramps. The submitted Safety Audit demonstrated that there were no issues with pursuing either a single or dual ramp option. However, LBTH Transportation & Highways advise that a flat landing area would need to be provided at the top of the ramp / ramps and if the dual ramp option was progressed as inter-visibility would need to be maintained between the two ramps. This 'reservoir space' to allow a vehicle to wait off-street to enter the basement is also Highways' requirement. The detailed design solution will be finalised at Reserved Matters Application stage.
- 8.398 If planning permission is granted it is recommended that a condition be included to secure a detailed Delivery and Servicing Management Plan (incorporating a Waste Management Plan). Subject to this condition, it is considered that the proposals include adequate provisions for servicing and deliveries and would not adversely

impact on surrounding amenity or the capacity and safety of the road network. The proposals therefore accord with Policy 6.13 of the London Plan (2013) and Policy DM21(1) of the Council's adopted Managing Development Document (2013).

### ***Transport Improvements***

#### ***Pedestrian Crossing on The Highway***

- 8.399 A Stage 1 Safety Audit has been undertaken on the provision of an at-grade Pelican Crossing Facility for pedestrians across The Highway, between Virginia Street and the Dock Street/Vaughan Way traffic signal junction. This was requested by LBTH to help address the added need for a safe crossing provided by the additional footfall generated by the development, which particular regard to the proposed school which will take pupils from north and south of The Highway. The desire for a crossing arrangement has been also voiced by the community in previous surveys/discussions by the Council with residents. For the proposed crossing on The Highway, a staggered format would provide TfL the greater flexibility to control the traffic flow (by not requiring traffic in both directions to stop) which is supported by LBTH Transportation & Highways.
- 8.400 The provision of a separate pelican crossing or (as a fall back) an enhanced crossing facilities at the existing Dock Street junction has been secured through the S.106 Agreement (capped at £200,000) has been agreed between the applicant, LBTH and TfL in order to facilitate the provision of the new pedestrian crossing.

#### ***Docklands Light Rail***

- 8.401 TfL has advised that the London Dock development will result in congestion at Shadwell DLR station, preventing passenger flows from moving safely through the station. TfL are seeking to enhance the accessibility and capacity of the station by implanting a programme of improvement works, to include the installation of new escalators and a new passenger lift. TfL are seeking a contribution of £500,000 towards the Shadwell DLR Station improvement works, which would pay for a new electrical lift to replace the existing hydraulic lift in order to improve accessibility and increase passenger throughput.
- 8.402 Officers have balanced the need for this contribution against the requirements for other mitigation to be provided under the S106 Agreement. The scheme is not sufficiently viable to meet all mitigation requirements and in view of other public transport related obligations (including the requirement to meet the London Mayoral CIL) relating to Crossrail and the need to mitigate impact in other areas, especially the range of local health impacts raised locally throughout the consultation process, your officers have placed a greater priority on the need to direct S.106 monies towards these other priority areas.

#### ***Bus Services***

- 8.403 TfL has identified that additional capacity will be required on the bus network to accommodate trips generated by the development and is seeking a financial contribution towards increasing the frequency of one of the bus services operating in the vicinity of the site (either the 100 or D3) to mitigate this impact. Specifically, TfL are seeking to introduce one additional bus into the hourly schedule for either the D3 or 100 routes, which over the course of a day will require 3 additional buses at £220,000 per additional bus per annum, resulting in a total cost of £3.3 million over 5

years. TfL have agreed to subsidise the bus route improvements and seek a financial contribution of £890,000.

- 8.404 Whilst officers have included a contribution towards buses within the draft heads of terms, it is understood that TfL has received funding for additional bus infrastructure through the Comprehensive Spending Review (to be directly related to the provision of new state funded schools). With this being the case and to avoid costs being unreasonably transferred to the eventual school provider, the sum has been reduced to £541,000, to take account of the proportion of bus trips directly related to the secondary school.

#### TfL Cycle Hire

- 8.405 There are two existing TfL cycle hire docking stations in the immediate vicinity of the application site, located on the east side of Vaughan Way, adjacent to the western boundary of the site and located on the south side of Pennington Street, adjacent to the proposed site entrance at the junction with Virginia Street. There is a requirement to relocate the Vaughan Way cycle docking station and it is recommended that this be captured through the S.106 Agreement.

#### Highway and Traffic Impact Mitigation

- 8.406 Through assessment of the transport modelling, TfL has identified transport capacity issues at various junctions with The Highway and have requested a sum of £210,000 in order to expand the right hand turn storage capacity at the junction of The Highway and Wapping Lane.

#### ***Pedestrian Environment Improvements***

##### Pennington Street

- 8.407 Pennington Street bounds most of the northern boundary of the application site and the proposed development seeks to improve permeability by providing new access at the east and west ends of the Pennington Street Warehouse, together with three new access routes through the warehouse itself. Pennington Street also forms a large extent of the immediate setting of the Grade II listed Pennington Street Warehouse when viewed from the public highway.
- 8.408 The street itself is currently in a poor state of repair and suffers from poor layout in terms of footway widths and a lack of traffic calming measures and inclusive access features, such as raised tables and textured paving for those with impaired sight. Both officers and the applicant are seeking to secure public realm improvements to Pennington Street. LBTH Transportation & Highways have estimated that the cost of the necessary highway improvement works would be in the region of £800,000, with the works to be carried out by LBTH as Highway Authority.
- 8.409 Officers would recommend that an element of the £1,739,336 financial contribution towards Streetscene and Built Environment and Public Open Space be used to pay for these improvement works, which are considered necessary in order to improve pedestrian accessibility and permeability, inclusive access, traffic flows and to protect and enhance the setting of the listed warehouse. The "Streetscene" element of the contribution (with reference to the list of S.106 Heads) would not be sufficient to meet the full costs of the Pennington Street refurbishment, but further funds being directed to this project can be justified, as Pennington Street represents an important piece of public realm in itself and represents an important setting to the listed building and

would help in the linkage between open spaces and the enhanced permeability of the site.

## **Air Quality**

### **Policy Context**

- 8.410 Policy 7.14 of the London Plan (2013) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 8.411 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition. In addition, development located in the Tower Hamlets Clear Zone will need to demonstrate consideration of the Clear Zone objectives.

### **Air Quality Assessment**

- 8.412 The applicant has provided an Air Quality Assessment at Section 8 of the ES Volume I (May 2013) and Section A8 of the ES Volume I Revised Addendum (November 2013). The ES provides an assessment of the potential effect on local air resulting from construction dust, road traffic during both the construction and operational phases of the development and the emission associated with the heating and power plant for the operational buildings.
- 8.413 The Council's appointed consultants, LUC and Cascade, have reviewed the Air Quality Assessment section of the ES and confirm that the assessment has been undertaken using current good practice methodology and that the criteria for establishing the significance of effects are in line with good practice. It is also considered that the ES sets out a comprehensive set of mitigation measures for construction phase air pollution.
- 8.414 LUC and Cascade note that the proposals do not include mitigation for the operational phase of the development, although the impacts have been identified as being between negligible and minor adverse. However, whilst the proposed development would not be 'air quality neutral', it is noted that it would not contribute to a greater level of exceedances of air quality standards than would be the case under the 'do nothing' scenario and as such these impacts might be considered acceptable.
- 8.415 The applicant has also submitted a Construction and Demolition Method Statement, Environmental Management Plan and Waste Management Plan (November 2013). These documents provide further details of the range of dust mitigation measures that are to be incorporated during the demolition and construction phases, including:
- Using dust-suppressing tools for all operations;
  - Minimising surface areas of stockpiles to reduce areas of surfaces exposed to wind pick-up;
  - Covering scaffolding with polythene sheets to form a barrier between site and the surrounding locality;



- Dampening of exposed soil and material stockpiles, if necessary, using sprinklers and hoses;
- Avoidance of potential dust-generating activities during periods when the wind direction may carry dust into sensitive areas or during periods of high or gusty winds;
- Design controls for construction equipment and vehicles and use of appropriately designed vehicles for materials handling (e.g. enclosed piling rigs and enclosed cement batching facilities);
- Locating stockpiles of soils and materials as far away as possible from sensitive properties, taking account of prevailing (and seasonal) wind directions;
- Positioning wind breaking netting around materials stockpiles and vehicle loading/unloading areas and exposed excavation and material handling operations.

8.416 Officers consider that the information provided in the ES and supporting documentation to the application adequately demonstrate that the demolition and construction works would not have an unacceptable impact on air quality, with localised impacts being suitably mitigated against. If planning permission is granted it is recommended that a condition be included to require the submission for approval of a detailed Construction and Environmental Management Plan to ensure suitable dust mitigation measures are secured by planning control.

8.417 It is noted that a number of letters of objection have been received from residents within Quay 430 on the grounds that the proposed basement car park ventilation system, which discharges close to the southern boundary of the site adjacent to Quay 430, will result in increased air pollution in the locality that would adversely affect the health of neighbouring residents.

8.418 The LBTH Air Quality Officer subsequently requested that car parking emissions modelling be provided as additional information to the ES under Regulation 22. In their letter dated 15 October 2013, the applicant's consultant (URS) responded to the Regulation 22 request. The submitted car parking emissions modelled scenario is based on an 81m long ventilation slot, represented as a line source in the dispersion model, along the southern boundary of the site immediately adjacent to Asher Way.

8.419 The modelling was based on a maximum of 1,170 spaces in total within the car park with 220 vehicles entering and leaving the car parking during the peak hour, as set out in the Transport Assessment. It should however be noted that the proposed level of on-site car parking has since been reduced to 990 spaces. The following conclusion is provided by the applicant's consultant:

8.420 *"The maximum contribution to annual mean concentrations of PM10 and PM2.5 are predicted to be less than 0.1 µg/m<sup>3</sup> at all receptors. The maximum contribution to annual mean NO<sub>2</sub> concentration is predicted to occur at receptor P20, at the southern-most corner of Plot C; this is 0.3 µg/m<sup>3</sup> at ground level and 0.3 µg/m<sup>3</sup> at the first floor. This is an imperceptible impact of negligible significance. The impact at the other modelled receptor points is less and therefore also negligible. The conclusions of the ES therefore remain unchanged."*

8.421 The submitted Air Quality Assessment, including the car park emissions modelling, has been reviewed by the LBTH Air Quality Officer and is considered to be acceptable. Whilst the proposed development would not be 'air quality' neutral, given that it would not contribute to a greater level of exceedances of air quality standards than would be the case under the 'do nothing' scenario, officers consider that the

impacts on air quality are on balance acceptable and that any such impacts would be outweighed by the regenerative benefits of the scheme.

### **Wind Microclimate**

#### **Policy Context**

8.422 Policy DM23 of the Council's adopted Managing Development Document (2013) seeks to ensure that development is well connected with the surrounding area and should be easily accessible for all people by ensuring that development and the public realm are comfortable and usable. Policy DM24 of the Managing Development Document (2013) requires development to be designed to the highest possible standard, taking into account impacts on microclimate. Policy DM26 requires proposals for tall buildings not to adversely impact on the microclimate of the surrounding area, including the proposals site and public spaces.

#### **Wind Microclimate Assessment**

8.423 The applicant has provided a Wind Microclimate Assessment at Section 14 of the ES Volume I (May 2013) and Section A14 of the ES Volume I Revised Addendum (November 2013). The wind environment around a development is defined as suitable for different types of activity using the Lawson Comfort Criteria, which comprises:

<b>Description</b>	<b>Threshold</b>
• Sitting	1% > B3
• Standing/Entrance	6% > B3
• Leisure Walking	4% > B4
• Business Walking	2% > B5
• Carpark/Roadway	6% > B5

8.424 The ES provides an assessment of the effect of the development on wind microclimate in a number of scenarios, including during the construction phase, completed Phase 1 (detailed element), completed Phase 1-3 with school, completed whole development with existing surrounds and completed whole development with cumulative surrounds. The assessment also models for both the summer season and the windiest season.

8.425 The ES concludes that the effects on the surrounding areas (including Pennington Street, Vaughan Way, Asher Way, Virginia Street, Breezers Hill and Artichoke Hill) during the construction phase, completed Phases 1-3 and completed whole development would be negligible to moderate beneficial. In terms of the microclimate within the development, it is noted that wind microclimate at ground level within the completed development (both with existing and cumulative surrounds) would be suitable across the site for either sitting or standing/entrance during the summer season.

8.426 During the windiest season, it is noted that certain areas of public space within the site, including the middle of the Gauging Square, Market Square, the north and south sides of Block A and along the Quayside, would remain suitable for leisure walking. It is also noted that the impacts of terraces on the upper floors of some of the blocks will be more pronounced, with terraces on outline Blocks G, H and J experiencing business walking wind comfort levels. However, the ES sets out suitable wind

mitigation measures for the development, including the use of balustrades on terraces and landscaping (with tree planting) within the public spaces.

- 8.427 It should be noted that the detailed design, including the location, design, layout and balustrading for terraces in Blocks G, H, and J will be provided and assessed at Reserved Matters. It is recommended that details of landscaping, including tree planting, is secured by condition. LUC and Cascade have reviewed the Wind Microclimate Assessment and raise no objections to the assessment.
- 8.428 Taking into account the above, it is considered that the proposed development would not adversely impact on the microclimate of the surrounding area, including the proposals site and public spaces. The proposals therefore accord with Policies DM23, DM24 and DM26 of the Council's adopted Managing Development Document (2013).

### **Contaminated Land**

#### *Policy Context*

- 8.429 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.

#### *Land Contamination and Remediation*

- 8.430 Both the Environment Agency and the LBTH Environmental Health (Contaminated Land) Officer has reviewed the application submission and note the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Furthermore, as the proposed development includes ground works and soft landscaping, a potential pathway for contaminants may exist and will need further characterisation in order to determine associated risks.
- 8.431 If planning permission is granted both the Environment Agency and LBTH Environmental Health recommend that a condition be included to require the submission a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed, to be approved prior to the commencement of development. The recommended condition should also ensure that the development is not occupied until a verification report demonstrating completion of works set out in the approved remediation strategy has been submitted and approved in writing by the local planning authority. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then additional contamination should be fully assessed in accordance and an adequate remediation scheme is to be submitted for approval.

### ***Flood Risk***

#### *Policy Context*

- 8.432 The National Planning Policy Framework (2012), Policy 5.12 of the London Plan (2013) and Policy SP04 of the Council's adopted Core Strategy (2010) make clear that there is a need to consider flood risk at all stages in the planning process.

### Flood Risk Assessment

- 8.433 Approximately 0.7% of the site lies within Flood Zone 3, which is classed as the zone of highest flood risk with a 1% chance of occurring in any year from fluvial sources and 0.5% from tidal sources. Approximately 6.3% of the development site lies within Flood Zone 2, which corresponds with the extreme flood outline with an annual probability of 0.1% of occurring. Those areas of the site within Flood Risk Zones 2 and 3 are the southern edge along its length and the south east corner.
- 8.434 The application is accompanied by a Flood Risk Assessment (FRA), which is provided at Section 11 of the ES Volume I (May 2013) and Section A11 of the ES Volume I Addendum (November 2013). In addition, further supporting information has been provided in a letters from JSA Consulting Engineers dated 20 August 2013 and 8 October 2013, which provides further details of surface water management, including tanked storage and a pumped drainage system.
- 8.435 The Environment Agency were consulted on the proposals, who raise no objections to the FRA subject to any planning permission being subject to conditions being included to control surface water drainage infiltration into the ground and the use of piling and other foundation designs using penetrative methods so as to ensure that there is no resultant unacceptable risk to groundwater. Thames Water has also responded and has raised no objections on surface water drainage grounds.
- 8.436 Subject to these conditions, it is considered that the proposal is acceptable in flood risk terms, in accordance with the National Planning Policy Framework (2012), Policy 5.12 of the London Plan (2013) and Policy SP04 of the Council's adopted Core Strategy (2010)

### **Biodiversity**

#### Policy Context

- 8.437 Policy 5.11 of the London Plan (2013) seeks to ensure that major development are designed to include roof, wall and site planting, especially green roofs and walls where feasible, so as to provide an enhancement of biodiversity.
- 8.438 Policy SP04(2) of the Council's adopted Core Strategy (2010) promotes and supports new development that provides green roofs, green terraces and other measures to green the built environment. Policy SP04(3) of the Core Strategy (2010) seeks to ensure that development protects and enhances biodiversity value through the design of open spaces and buildings and through the protection and enhancement of existing areas of biodiversity value, in order to achieve a net gain in biodiversity.
- 8.439 Policy DM11 of the Council's adopted Managing Development Document (2013) requires development to provide elements of a 'living building' and seeks to ensure that development protects and replaces existing elements of biodiversity and includes additional habitat provision made to increase biodiversity value.

#### Proposed Biodiversity Measures

- 8.440 The applicant has provided an Ecology Assessment at Section 13 of the submitted ES Volume I (May 2013) and Section A13 of the ES Volume I Addendum (November 2013), which includes the results of a desk study, arboricultural survey, bat activity surveys and black redstart and peregrine falcon nesting survey. The ES also sets out

the ecology strategy for the site, which includes the use of green and brown roofs on blocks across the site, to include black redstart boxes, bird boxes, bat boxes, peregrine ledges, bee nesting sites and deadwood/log piles. At ground level the biodiversity enhancements would be provided through new trees and planting and the use of water features. Details of the proposed ecology strategy are also provided at Section 2.8 of the Design & Access Statement Detailed Design (May 2013) and Section 7.9 of the Design & Access Statement Outline Masterplan (May 2013).

- 8.441 The submitted documentation has been assessed by the LBTH Biodiversity Officer, who notes that the site contains no habitats of significant biodiversity value. It is also noted that the bat roost potential survey and the bat activity surveys indicates that no bats are roosting on the site. Whilst black redstarts might nest on the site, it is considered that the proposed living roofs and nest boxes will ensure that habitat for black redstarts is improved by the development.
- 8.442 If the ecology strategy is implemented in accordance with the measures detailed at paragraphs 13.94 to 13.98 of the ES Volume 1 (May 2013), officers consider that there will be an overall enhancement of biodiversity, which is supported in line with the Council's adopted policy position. In order to ensure that these biodiversity enhancements are realised, if planning permission is granted it is recommended that a condition be included to ensure that 4,694 square metres of living roofs, ten deadwood/log piles and four rocks and sand mounds scattered across the living roofs, seven bat roost boxes, six bird boxes, six black redstart nesting boxes, seven bee nesting sites, and seven peregrine falcon ledges are incorporated within the development, with phasing as indicated in paragraph 13.98 of the ES Volume I. The measures for each phase should be completed before the buildings in that phase are occupied
- 8.443 In addition, the LBTH Biodiversity Officer recommends the inclusion of a condition to require demolition of the existing buildings to take place outside the black redstart nesting season (March to August inclusive) if possible. If demolition takes place during the nesting season, black redstart surveys, using the methodology recommended on the blackredstarts.org website, should be undertaken immediately before demolition to ensure no black redstarts are nesting on the site.
- 8.444 Taking into account the above and subject to condition, it is considered that the proposed development would protect and enhance biodiversity value at the site through the design of open spaces and buildings, including the use of green and brown roofs, in accordance with Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013).

### **Environmental Impact Assessment**

- 8.445 The proposed development falls within the category of developments specified at Section 10(b), Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.446 As the proposed development is likely to have significant effects on the environment, it is required to be subject to an Environmental Impact Assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations 2011 prohibits the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's original Environmental Statement (ES), ES Addendum (submitted in November 2013) any further information submitted following request under

Regulation 22 of the EIA Regulations 2011, any other substantive information relating to the ES provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

- 8.447 The Council has appointed independent consultants Land Use Consultants to review the content, methodology, and quality of the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations 2011. As part of that exercise, the consultants identified that further information (under Regulation 22) and points of clarification were required.
- 8.448 The applicant subsequently provided further documentation, including revisions and addendums to the ES, in order to address these points. This additional information was subject to 21 day public consultation period, which was advertised by way of a press notice published in East End Life on 25 November 2013, together with letters sent to neighbouring residents and site notices displayed in the vicinity of the site. All statutory consultees were also formally consulted on 25 November 2013 and were allowed 21 days to provide comments.
- 8.449 As part of the application is in outline, for the purposes of the Environmental Impact Assessment and to comply with the requirements of the EIA Regulations 2011 and associated European Directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, the quantum of floorspace and heights, widths and lengths of buildings to create 'building envelopes'. Should planning permission be granted, these parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forwards proposals which alter the range of impacts identified and assessed in the ES, they may need to be reassessed and/or a new planning application be submitted.
- 8.450 The ES, ES Addendum and further information address the likely significant effects of the development, the nature and form of the impacts and the proposed mitigation measures. The ES has been formally reviewed by officers and the various environmental impacts are dealt with in the relevant sections of this report with conclusions being provided, together with proposals for mitigation of impacts by way of conditions and/or planning obligations as appropriate.
- 8.451 Having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to appropriate mitigation measures being secured by conditions/obligations.

### **Planning Contributions and Community Infrastructure Levy**

- 8.452 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- 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.

- 8.453 This is further supported by Policy SP13 of the Council's adopted Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.454 The Council's Planning Obligations Supplementary Planning Document 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 (2010).
- 8.455 The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, skills, training and enterprise
  - Community facilities
  - Education
- 8.456 The Borough's other priorities include:
- Health
  - Sustainable Transport
  - Environmental Sustainability
  - Public Realm
- 8.457 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.
- 8.458 The application is in part in detail and part in outline, including 529 residential units and 15,451sqm GEA of flexible non-residential floorspace in the detailed element. Up to 1,271 residential units and up to a further 5,365sqm GEA of flexible non-residential floorspace within the outline element, not including the secondary school. Given the uncertainty over the total number and mix of residential units, together with the flexible nature of the proposed residential floorspace within the scheme, the S.106 has been calculated by officers using a number of assumptions, which have subsequently been agreed with the applicant.
- 8.459 These assumptions include basing the residential yield on the maximum number of homes across the whole scheme, using the indicative schedule of accommodation at Table 6-20 in Section 6 of the Revised ES Addendum (November 2013). In addition, the proposed employment yield of the development has been calculated using the maximum level of non-residential floorspace, with an assumed 50:50 split between A1 retail and B1 office in terms of employment generation.
- 8.460 However, it has been assumed that the overall employment yield of the development would be nil, given that the proposed scheme would generate a lesser level of employment than the former News International print works and offices when they were in operation. This approach ensures that the level of financial mitigation is proportion to the scale of development and accords with the CIL Regulations.
- 8.461 With the exception of the total sought capital contribution towards health, the applicant has been able to provide the full amount of all other financial contributions in line with the SPD (or the equivalent in kind works). It should be noted that the Council's appointed viability consultants (Deloitte) confirm that the current scheme would fail to achieve the requisite level of developer profit based on today's costs and

values and thus must assume growth in the model in order to achieve adequate profitability.

- 8.462 Notwithstanding the viability of the scheme, it should be noted that the applicant has proposed to include provisions within the S106 to enable the delivery of an on-site health facility (shell and core) at a peppercorn rent for three year, which would be in lieu of the full health contribution. If an on-site health facility is not brought forward, a 'sunset clause' is included that requires the payment of a reduced contribution towards health of £1,298,536 (which has been increased through the re-allocation of the Shadwell DLR contribution).
- 8.463 It is proposed that the provision land for a new secondary school on the site would be provided in lieu of the £4,190,016 education contribution, with the S106 to include a 'sunset clause' to require payment of the full contribution in the event that a school is not delivered on the site (index-linked). In addition, a contribution of £760,610 towards Leisure Facilities would be secured along with a further obligation to provide Leisure Facilities on-site through community access to the Sports Hall within the School (or a further payment of £877,700 if the school provider is not willing to sign up to a suitably worded community use agreement. The applicant has also agreed to provide £100,000 towards off site community facilities in the neighbouring areas.
- 8.464 It should be noted that the western part of the site lies within the Crossrail Charging Zone for Central London, which includes Blocks A and C and outline Plots D and E. Given the flexible nature of the proposed non-residential uses and the parameters for the outline blocks, it has been estimated that a Crossrail contribution of between £285,570 and £444,220 would be required if all non-residential floorspace within these blocks were to be used exclusively as retail or offices respectively.
- 8.465 However, the likely Mayoral CIL contribution for the scheme would be approximately £3 million for the detailed element and £7.2 million for the whole scheme, which exceeds the estimated Crossrail contribution. In such instances, the only the higher contribution is sought and a separate Crossrail contribution is therefore not required in this instance. The required Mayoral CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised and the development has been commenced.
- 8.466 As previously advised, given the viability constraints of the scheme and in light of the significant contribution that would be paid towards Crossrail through the Mayoral CIL, the Planning Contributions Overview Panel considered that the sought funds for the Shadwell DLR station enhancements should be redirected towards health in order to more fully mitigate the local impacts of the scheme.
- 8.467 Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.468 To mitigate for the impacts of this development on local and strategic infrastructure and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be between £4,817,665 and £11,183,917 (depending on level of on-site, in kind provision – not including monitoring at 2%)
- 8.469 The proposed heads of terms are:

Affordable Housing



- 30% affordable housing by habitable room (70:30 split) with the family rented units at social target rents and the non-family at affordable rents (at POD rents) with intermediate housing delivered through use of a “First Time Buyer” product

#### Education

- Provision of land (at nil consideration) to facilitate the provision of a secondary school (or a payment of **£4,190,016** in lieu of educational provision if the option to take a lease of the school site is not triggered within a specified period)

#### Employment and Enterprise

- A contribution of **£665,052** towards Employment, Skills, Training & Enterprise
- Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Apprenticeships during construction and end user phase

#### Idea Stores, Libraries, Community and Leisure Facilities

- A contribution of **£439,362** towards Idea Stores, Libraries and Archives
- A contribution of **£100,000** towards Off Site Community Facilities
- A contribution of **£760,610** towards Leisure Facilities along with a further obligation to provide Leisure Facilities through community access to the Sports Hall within the School (or a further payment of **£877,700** if this does not come forward).

#### Health Facilities

- On site provision of a primary health facility (shell and core with 3 year peppercorn) or a contribution of **£1,298,536** in lieu of on-site provision if the option or on site delivery is not taken up.

#### Sustainable Transport, Public Transport and Highway Infrastructure

- A contribution of **£52,305** towards Sustainable Transport
- Provision of a pedestrian crossing across The Highway or pedestrian crossing improvements as part of a future Dock Street junction improvement – with contributions capped at **£200,000**.
- A contribution of **£541,000** towards Bus Service Enhancements
- A contribution of **£110,000** towards Provision of Cycle Hire Docking Facilities
- A contribution of **£210,000** towards Highway & Traffic Impact Mitigation (junction improvements).
- Car Free Agreement
- Allowing the public to pass and repass within the site with controlled/timed public access allowed through/within Pennington Street Warehouse
- Public access to the site to and from the canal towpath
- St Georges and their Contractors to enter into LBTH Code of Construction Practice and Considerate Contractors Scheme

#### Public Realm and Public Open Space

- A contribution of **£1,310,786** towards Public Open Space
- A contribution of **£428,550** towards Streetscene and Built Environment
- Provision and Retention of Child Play Space

#### Other Related Heads of Terms

- Programme of phased restoration of listed warehouse and meanwhile uses
- TV and radio reception and rectification

- A contribution of **2%** of the total financial contributions would be secured towards monitoring (calculated on the basis that all in lieu payments are triggered) **£233,678**
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.470 The above contributions have been secured and negotiated in line with the Council's adopted Planning Obligations SPD (2012) and officers consider that for the reasons identified above the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

8.471 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

8.472 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.

8.473 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.

8.474 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.

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

8.476 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.

8.477 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 £2,859,535 and £4,513,810.

### **Human Rights**

8.478 Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

- 8.479 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.480 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.
- 8.481 Members need to satisfy themselves that potential interference with Article 8 rights is legitimate and justified.
- 8.482 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.
- 8.483 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.484 This duty applies to the consideration of the impacts of application as a whole. However, Members are asked to specifically consider the representations made by Smokehouse Studios. The operators of the studios consider that the development could have very serious adverse effects on this business. In particular the operator considers that noise and vibration associated with construction activities will prevent recording taking place in the studios. The operators also suggest that having a construction site opposite the studio will make the studios less attractive to customers. The operator suggests the impact of these two factors could result in the closure of the business, which would deprive the operator of his sole source of income. This impact could therefore interfere with Section 6 Human Rights. The operator has suggested that the Construction Access Strategy be amended so that construction traffic does not make use of Pennington Street (which takes it pass the studio) but instead, accesses the site directly from the Highway.
- 8.485 Officers have carefully considered this representation and do not consider it necessary to require an amendment to the Construction Access Route. The mitigation secured (in the form of the Construction/Demolition Management Strategies) is considered to be a proportionate response that will reduce the impacts of construction activities. The remaining risk to the continued operation of the

business must be balanced against the regenerative benefits of the scheme as a whole.

8.486 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.

8.487 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 obligations to be entered into.

### **Equalities**

8.488 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.

8.489 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.

8.490 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **9. CONCLUSION**

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

**Planning Application Site Map**  
**PA/13/01276**



- |   |                                    |   |                            |   |                     |   |        |
|---|------------------------------------|---|----------------------------|---|---------------------|---|--------|
|  | 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.

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<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.

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**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

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# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for a deed of variation to a Section 106 agreement
<b>Case Officer:</b> Iyabo Johnson	<b>Ref No:</b> PA/13/00846 and PA/07/03282
	<b>Ward:</b> Millwall

## 1. APPLICATION DETAILS

<b>Location:</b>	Indecon Court (Phase 2 site), 20 Millharbour
<b>Existing Use:</b>	Disused
<b>Proposal:</b>	Deed of variation to Section 106 agreement dated 13 <sup>th</sup> June 2008, relating to application PA/07/03282
<b>Drawing Nos/Documents:</b>	N/A
<b>Applicant:</b>	Galliard Homes and One Housing Group
<b>Ownership:</b>	Galliard Homes
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Council has received a request to variation the S.106 Agreement attached to the second phase of the Indecon Court development (granted planning permission in 2008) to alter the tenure of affordable housing (from social target rent to affordable rent). The amount of affordable housing remains unchanged.
- 2.2 The approved scheme included 546 units in total, of which 123 were affordable, to be let at social target rents. The applicants have presented financial evidence demonstrating that with 123 units at social target rent, the scheme would not be economically viable. Instead, the applicants are seeking a deed of variation to enable the affordable units to be made available as an affordable rented tenure. The viability evidence presented suggests that at affordable rents, the scheme would be viable. Officers accept that the provision of the affordable units at social target rents would have rendered the scheme unviable. Officers have negotiated a bespoke rent schedule for this scheme which ensures that all rents fall below the Council's POD rent levels and that the units will be affordable for households on the Council's waiting list as a result. Officers consider that the provision of the units at affordable rents, with the greatest reduction below POD levels in the family sized units, accords with current policies which seek to maximise the provision of affordable housing both in the Borough and London more generally.
- 2.3 However, officers have sought to negotiate an overage mechanism within the S.106 Agreement, which would allow for the viability to be reconsidered once the development has been completed. This would ensure that should financial viability improve (for instance through reduced build costs, higher yields or sales values) the Council could recover some of the additional profit to be used toward the delivery of affordable housing. Officers and the applicant did not reach an agreement in this respect and accordingly, the variation is recommended for refusal.

## 3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to ratify officers recommendation to refuse to agree a deed of variation to the original S.106 Agreement to alter the tenure of affordable housing to the affordable rent product.

#### **4. SITE AND SURROUNDS**

- 4.1 The Indecon Court site comprises 1.76ha and is located within the Millennium Quarter Master Plan area (MQMP) on the Isle of Dogsto the south of Canary Wharf area.
- 4.2 Phase 1 of the site is now complete and includes approximately 360 residential units together with commercial uses at ground floor. The first phase of the development also included an area of public realm known as Lightermans Gardens which is identified in the Millennium Quarter Masterplan (MQMP) as being at the heart of the Millennium Quarter.
- 4.3 This application relates solely to the eastern side of the site and is known as Phase 2 of the original outline planning permission and incorporates an area of 0.94ha.
- 4.4 The site is bounded by three roads being Lightermans Road to the north, Millharbour to the east and Lanterns Lane to the south.

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

##### *Outline Planning Permission (PA/02/01330)*

- 5.1 Outline planning permission was granted on 22<sup>nd</sup> June 2004 for:

*A mixed use development up to a maximum height of 19 storeys (78.5 metres) comprising residential (Class C3), offices (B1), shops/financial and professional services/food and drink units (A1,A2,A3), B1 workspace units, public open space and pedestrian routes with basement car parking, access and new highway arrangements. The application is accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.*

##### *Phase 1 (PA/06/00900)*

- 5.2 The first phase element of the outline permission included a provision of 71 affordable homes, which represented 27% of the overall total in terms of habitable rooms which accorded with the Council's Unitary Development Plan (1998) which was the relevant policy document at the time. Of the 71 affordable units, 54 were within the Social Rent tenure and 17 within the Intermediate tenure.

##### *Phase 2 (PA/07/03282)*

- 5.3 Full Planning Permission was granted on 13 June 2008 for:

*The demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD).*

*Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level.*

- 5.4 On 29 May 2012, a certificate of lawful development in respect of a development was granted for continued demolition of existing buildings and construction of a mixed use development pursuant to planning permission dated 13 June 2008, Ref: PA/07/03282. The Certificate served to confirm that demolition works associated with the implementation of the planning permission granted in June 2008 had commenced before the five year deadline for implementation and that as a result the works were lawful and the planning permission extant.

## 6 BACKGROUND TO PROPOSED VARIATION

### *Interpretation of affordable rent*

- 6.1 The S.106 Agreement in respect of the PA/07/3282 application was signed in 13 June 2008, before the affordable rent product as we now understand it (being rent up to 80% of market rent) was in place. However, within the Agreement, the term 'affordable rent' had been used to describe the social target rent tenure.
- 6.2 In October 2012, the developer (Galliard Homes) together with the Registered Provider (One Housing Group) approached the Council to seek to clarify the meaning and effect of clauses relating to the provision of affordable housing as set out in the S.106 Agreement.
- 6.3 One Housing Group had agreed to enter into a development partnership with Galliard on the basis of them being able to provide the affordable units (123 in total) at affordable rent (i.e. up to 80% of market values) levels rather than at social target rent levels (typically 28% to 40% of market rent). Both One Housing Group and Galliard were of the view that the S.106 Agreement provided scope for both parties to agree this.
- 6.4 The Section 106 Agreement defined affordable housing as "*residential accommodation for which the asking price/rent is significantly lower than prevailing market/prices rents in the Council's Area.*" Affordable Rent is defined as "*rent levels not exceeding rent caps (or such other standards that replace the same) set by the Housing Corporation from time to time or such other standards.*"
- 6.5 The applicants sought to demonstrate that as the S.106 included the term "affordable rent", the provision of the affordable units at affordable rent (as the term is understood today) instead of social target rents would be acceptable and within the terms of the S.106 Agreement. On this basis, the applicants argued that the Council would be acting against the terms of the S.106 Agreement by insisting on social target rent.
- 6.6 Council officers did not accept this position, contending that as the affordable rent product was introduced by the Government in 2011, it could not have been in the contemplation of the parties when the S.106 Agreement was completed in 2008. Officers considered that the use of the term "affordable rent" was merely coincidental and that the intention of the Council at the time was to secure the units at social target rents, to which "rent caps" are typically associated.
- 6.7 Officers subsequently advised the applicants that the original intent of the Agreement was to deliver social target rent affordable housing. However officers advised that a blended approach to the provision of affordable housing could be considered acceptable in policy terms subject to sufficient evidence being tabled demonstrating that the provision of the affordable units at social target rents would threaten the overall viability and deliverability of the scheme.

### *Viability*

- 6.8 The developers (Galliard) acquired a debt of around £60m upon purchasing the site. This debt was owed to an Irish Building Society. This debt has now been acquired by the National Asset Management Agency (NAMA), a body established by the Irish government to acquire loans linked to land and development from Irish banks.
- 6.9 NAMA has placed a minimum residual land value on the site of £25m. The residual method of valuation essentially subtracts total scheme costs and profit from total scheme revenue to arrive

at a residual land value. NAMA have stipulated that £25m is the minimum residual land value it would be willing to accept before releasing the site for redevelopment.

- 6.10 Following on from officers' advice, the applicants submitted two viability appraisals to the Council. The appraisals illustrated the impact of providing the affordable units at social target rent and at affordable level (POD) rents, on the profitability and viability of the scheme. Both appraisals were verified by an independent assessor on behalf of the Council. In both scenarios (social target rent and affordable rent at POD levels), the appraisals showed that a residual minimum land value of £25m would be achieved which would meet NAMA's criteria for releasing the site.
- 6.11 However, both scenarios would return sub market levels of profit. Typically, developers would seek a fixed profit margin of around 20% of the gross development value (GDV). If the affordable units were let at social target rents, the scheme would achieve a 13% profit margin which would be undeliverable. If the units were let at affordable rents, a 16% profit would be achieved which whilst being lower than typical market expectations, would be acceptable to NAMA. This would make the development viable and deliverable as a result.
- 6.12 In addition, the GLA have iterated that grant funding for the scheme will only be made available to subsidise a reduction in rents to POD levels. The GLA have confirmed that grant would not be available if the Council insists on social target rents. Without grant funding, the scheme will not be deliverable.

*Rent levels*

- 6.13 Officers have considered the findings of the viability assessments and the advice of the Council's independent assessor and accept that the provision of all 123 of the affordable units at social target rent would render the scheme unviable and inhibit its delivery.
- 6.14 However, officers expressed concern that current POD rents for properties in the Isle of Dogs, which is a relatively high value area, would prove to be unaffordable for many households on the Council's housing waiting list.
- 6.15 In response to these concerns, the applicants have agreed to set the rent levels below the Council's POD levels. In the case of the family sized units, there is a significant reduction from the POD levels.

The proposed rents inclusive of service charges are set out in the table below:

Unit Type	No of units	POD Rent 13/14 (including service charge)	Proposed rent	Social target rents (excluding service charge)
1 bedroom	26	£210.35	£206.55	£132.16
2 bedroom	37	£235.25	£231.00	£139.92
3 bedroom	46	£249.00	£234.00	£147.70
4 bedroom	14	£276.00	£238.00	£155.47

- 6.16 All of the weekly rents are below the Council's POD levels. Significant reductions have been secured for the family sized units, for which the Borough has an acute need.
- 6.17 The applicants are seeking to amend the S.106 Agreement to reflect the new agreed rents.

**7. POLICY FRAMEWORK**

- 7.1 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 (Revised Early Minor Alterations – 2013). The following policies are relevant to the application:

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

SP02 Urban living for everyone

**Managing Development Document (Adopted 2013)**

DM3 Delivering Homes

**Spatial Development Strategy for Greater London (London Plan 2011) (Early Minor Alterations 2013)**

- 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 (as amended by the Early Minor Alterations 2013).

**Government Planning Policy Guidance/Statements**

The National Planning Policy Framework 2012 (NPPF)

**8. CONSULTATION RESPONSE**

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

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

**LBTH Affordable Housing Team**

8.3 *All rents are below our preferred POD Affordable rent levels and the rents on the family sized larger units are much lower especially on the 4 bed homes. This will make them more attractive to families as the impact of Welfare Reform starts to impact on them.*

*The Affordable Housing Team would always want to see rental levels as close to social target levels as possible and in all circumstances below our preferred POD affordable rents. This scheme was approved before the concept of 'affordable rents' was introduced. The GLA are grant funding the scheme and the scheme is only viable with the new affordable rents. Additional grant funding in the region of £4m would be required to reduce the rents to social target rent levels – the GLA did not consider this to be good value for money but were prepared to allow the grant to subsidise rents at the levels set out above*

*Given the circumstances, on balance the Affordable Housing Team considers the scheme at these rent levels acceptable."*

**9. MATERIAL PLANNING CONSIDERATIONS**

*Delivery of affordable housing*

9.1 The London Plan (LP) has recently undergone minor alterations to ensure consistency with the National Planning Policy Framework (NPPF) (2012). Paragraph 3.58 of the LP (Early Minor Alterations 2013) identifies the new affordable rent product as being a means through which boroughs can achieve the aims of policy 3.9 of the LP (2011) which seeks to deliver mixed and balanced communities. Paragraph 3.68 of the LP (Early Minor Alterations 2013) states that "boroughs should enable the range of affordable rents to be applied" in order to maximise the provision of affordable housing across London.

9.2 Strategic policy SP02 of the Core Strategy (CS) (2010) sets an overall target for the delivery

of affordable homes of 50% until 2025. The policy states that this target will be achieved through requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

- 9.3 Policy DM3 of the adopted Managing Development Document (MDD) (2013) states that development will be required to maximise affordable housing provision in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in the CS (2010).
- 9.4 Phase 2 of the Indecon Court development will deliver a total of 546 new homes, 165 of which are affordable which equates to 35% of the total by habitable rooms (42 of these units are intermediate homes). The overall split between rented and intermediate tenures would not change as a result of the proposed deed of variation.
- 9.5 The supporting text to policy SP02 of the CS (2010) acknowledges that instances will arise where affordable housing requirements will need to be varied where policy obligations cannot be met. In these instances, *"detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met"*.
- 9.6 Members are reminded that this application only seeks to alter the tenure of the affordable housing and in a policy context, the requisite amount of affordable housing remains unchanged and to be delivered. Whilst the applicant has provided a robust economic justification for the switch to affordable rents and in doing so met the Council's policy requirements, the wider policy context does merit consideration.
- 9.7 The emerging amended version of the London Plan (Early Minor Alterations 2013) promotes the new affordable rent product as a tool for promoting the delivery of affordable housing across London. Boroughs are advised to *"not attempt to set rent targets"* in order to avoid impeding the maximisation of affordable housing provision.
- 9.8 In the current economic climate, issues around development finance and viability are playing a significant role in the delivery of new affordable homes. Phase 2 of the Indecon Court development was granted planning permission in 2008 and following that, the owners of the site went into insolvency, owing a sizeable debt to an Irish funder. This debt has been acquired by NAMA and works to implement the 2008 permission began on site in May.
- 9.9 Through the financial evidence that has been provided, officers have reached the conclusion that an insistence on the provision of the affordable units at social target rents would render the scheme unviable. Such an insistence could threaten the delivery of the scheme, despite the commencement of ground works which have begun in order to keep the 2008 consent extant.
- 9.10 The Borough has ambitious housing targets and needs to deliver approximately 2,885 units per year in order to meet these. The failure of this scheme to deliver 546 new units would compromise the Borough's ability to deliver against its targets. Whilst the 123 affordable units would not be made available at social rents, they would be priced below the Council's POD levels and would as a result be affordable for households on the Council's waiting list.
- 9.11 The proposed deed of variation would secure the delivery of 546 new homes of which 123 would be affordable with 60 of these being large enough for families. Given the general thrust of both the Council's policies and the London Plan (2011) (as amended) which seek to maximise affordable housing including within the affordable rent tenure, the proposed switch from social target rent to affordable rent is considered acceptable and is necessary to ensure delivery of the scheme.

## **10. Overage**

- 10.1 Whilst the principle of a change of tenure is considered acceptable in policy terms, policy SP02 of the CS sets an overall target of affordable housing of 50%, a position which is further supported by policy DM3 of the MDD which seeks to maximise the level of affordable housing. Accordingly, given the current policy position, together with the increase in rent levels for the relevant affordable units, it is the view of officers that an overage mechanism should be introduced, ensuring that should the development profits exceed those which are set out in the viability report, then some of those profits should come back to the Council to be ring-fenced for the delivery of affordable housing. This approach accords with the above policies and the general desire to maximise affordable housing, especially were economic circumstances have changed during the life of the project alongside changes in the affordable housing policy dynamic.
- 10.2 Officers sought to negotiate a mechanism whereby profits were split between the developer and the Council, should overall profit margin exceeded 20% (currently 16% under affordable rent scheme) which is an accepted profit level in the current economic climate. However, the applicants have set out that they would only agree to a review mechanism based on an uplift in the private sales values.
- 10.3 It is the view of officers that such an approach is flawed, as private sales are not the only variable in the development. There are other aspects of the build which could lead to a decrease in costs and increases in values and hence, to agree the applicant's position would not ensure a full appraisal of the financial situation.

## **11. Conclusions**

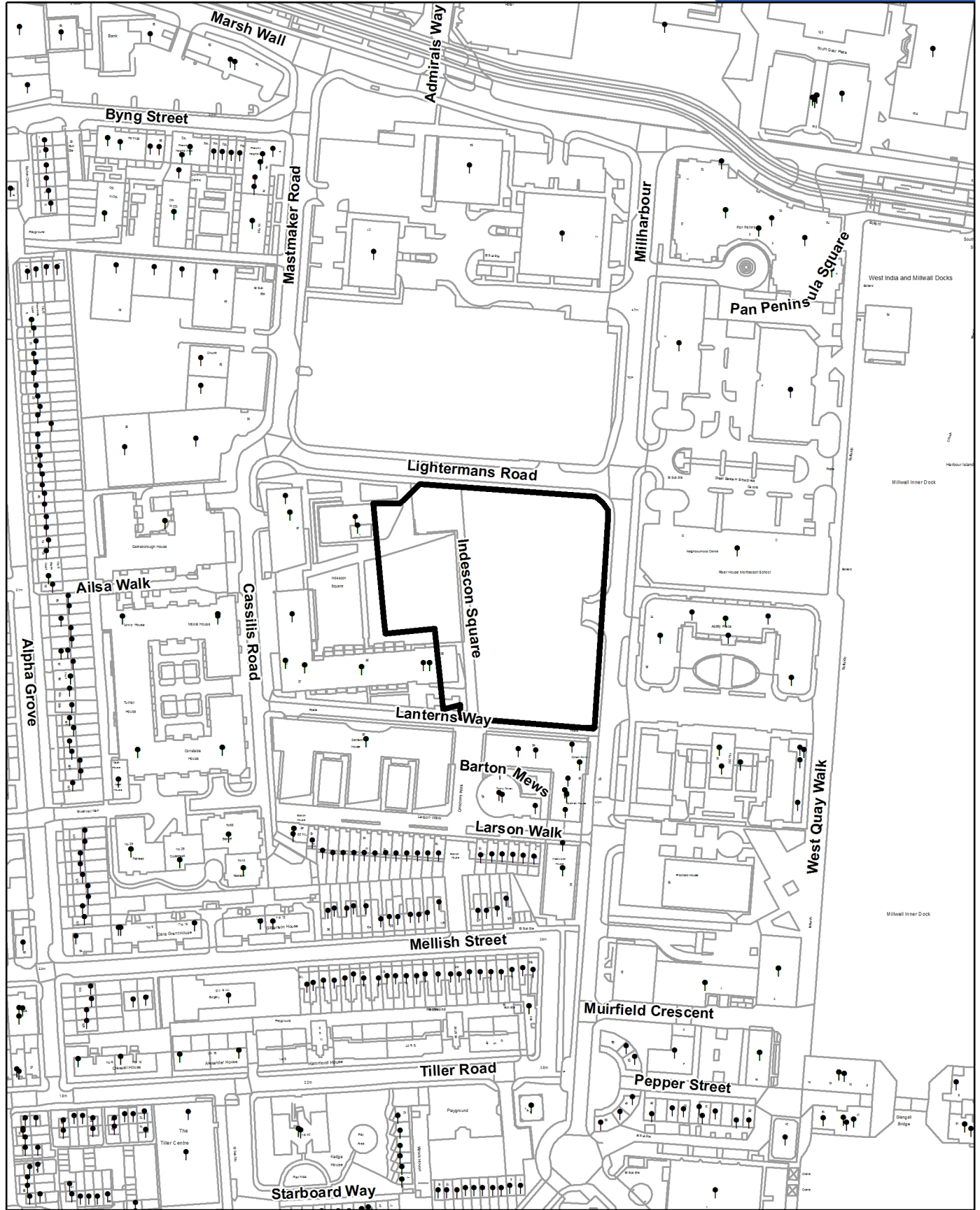
- 11.1 All other relevant policies and considerations have been taken into account. Whilst the principle of varying the tenure of affordable housing is considered acceptable, the failure to agree to an appropriate overage mechanism means that in the event the financial viability of the scheme improves significantly, the Council would not secure the maximum reasonable amount of affordable housing.
- 11.2 Ratification of officers' recommendation not to accept the deed of variation is therefore sought.




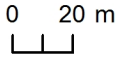



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# Planning Application Site Map

## PA/13/00846



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

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



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# Agenda Item 7.2

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 9 <sup>th</sup> January 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Listed Building Application	
<b>Case Officer:</b> Angelina Eke		<b>Ref No:</b> PA/13/02242	
		<b>Ward:</b> Mile End East	

## 1.0 APPLICATION DETAILS

1.1 **Location:** Block D, Professional Development Centre, English Street, London, E3 4TA

**Existing Use:** The Professional Development Centre (PDC) which provides a base for school-focused activities and training for teachers and managers/under conversion to a primary/ secondary school. The former use has ceased and the site is now linked to Bonner Primary school.

**Proposal:** Repair and refurbishment works to external store to include removal of existing non original windows and replacement with new external infill walls.

**Documents:** Design and Access Statement, Sept 2013; Heritage Statement, Sept 2013

**Drawing No's:** BON-CAM-PLA-2015 Rev C; BON-CAM-GA-7015-G and PA 100E

**Applicant:** Tower Hamlets- Children, School and Families Directorate

**Owner:** LBTH

**Historic Building:** Grade II Listed

**Conservation Area:** Ropery Street Conservation Area

## 2. EXECUTIVE SUMMARY

2.1 This application seeks Listed Building Consent to undertake external refurbishment works to a Grade II listed single storey storage building (Block D) which lies within the southern part of the former Professional Development Centre (PDC), which is undergoing various refurbishment works in connection with reinstating it as part of Bonner Primary School. The site lies within Ropery Street Conservation.

2.2 The main issues involved in this application are:

- (a) Impact on the special interest of the listed building
- (b) Impact on the character and appearance of the surrounding conservation area.

Officers have considered the proposal in light of the Council's Development Plan policies and other material planning considerations and consider that the proposed works are acceptable in that they preserve the features of specific historic and architectural interest on the Listed Block D, and also the works proposed would preserve or enhance the character of the Ropery Street Conservation Area.

## **RECOMMENDATION**

3. That the Committee resolve to refer the application to the National Casework Unit with the recommendation that the Council would be minded to grant Listed Building Consent subject to conditions as set out below.
  - 3.1 1. Time Limit.
  2. Completion in accordance with approved drawings.
  3. Submission of details for facing materials

## **4. BACKGROUND**

- 4.1 This application for Listed Building Consent is required for proposed works to the Professional Development Centre (PDC), which is now linked to Bonner Primary School. The building is Grade II Listed, and is owned by the Council. The Council's scheme of delegation requires that where the Council is applying for works to a Listed Building within its ownership; the application must be brought before Members.
- 4.2 The Council cannot determine applications for Listed Building Consent for works to buildings that it owns. Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that such applications are referred to the Secretary of State, together with any representations received following statutory publicity.
- 4.3 The purpose of this report is to allow Members to recommend to the Secretary of State that the Council would be minded to grant Listed Building Consent were it empowered to do so itself.
- 4.4 There is also a concurrent planning application for the refurbishment works (PA/13/02241). This application can be determined by the Council under its scheme of delegation.

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

### **Proposal**

- 5.1 Listed Building Consent is sought for repair and refurbishment works to external store (Block D) to include removal of existing non original windows and replacement with new external infill walls and associated remedial works.

### **Site and Surroundings**

- 5.2 The application site is a former public elementary school site consisting of two large school buildings (Blocks A and B) and three smaller single storey outbuildings (Blocks C,D and E)
- 5.3 Both the main buildings are grade II listed with the rest of the buildings listed by association. The application building referred to as Block D is a single storey

storage building situated towards the southern end of the site within the playground area.

- 5.4 English Street runs perpendicular to the northern boundary of the site and it provides the main access to the Professional Development Centre building. However, there is a second access point through the southern boundary gates fronting Ropery Street.
- 5.5 The site is also located within the Ropery Street Conservation Area which was designated in 1987. The Conservation Areas main characteristic is the uniform group of terraces, dating back to the mid-late 19th century.
- 5.6 Residential properties are located to the north, south and west of the site. Tower Hamlets Cemetery is located to the east of the site across Southern Grove Road.

### **Relevant Planning History**

- 5.7 PA/13/02245  
An application for Full Planning Permission has been submitted for the provision of a new play and activity area on redundant wasteland outside of the curtilage of the listed part of the school building. This application is under consideration. A decision is expected to be made on or before 09 January 2014
- 5.8 PA/13/02241  
An application has been submitted for Full Planning Permission for the Repair and refurbishment works to external store to include removal of existing non original windows and replacement with new external infill walls. The application is under consideration. A decision is expected to be made on or before 09 January 2014.
- 5.9 PA/12/03099  
Listed Building Consent for the Repair and refurbishment of redundant and derelict toilet block into external playground store including a new roof of Block E, PDC, Ropery Street, London E3. The application was determined on 19 April 2013
- 5.10 PA/12/03098  
This is the associated planning application for Repair and refurbishment of redundant and derelict toilet block into external playground store for Block E, PDC, Ropery Street, London E3. The application was determined on 6<sup>th</sup> February 2013.
- 5.11 PA/12/01671 and PA/12/01672  
Planning and Listed Building Consents granted on 4<sup>th</sup> September and 9<sup>th</sup> September 2012 respectively for the refurbishment, repair and alteration of existing buildings together with the provision of external canopies in order to provide new primary school & nursery facilities to create an annex site for Bonner Primary School.

## **6. POLICY FRAMEWORK**

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

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

7.8

Heritage assets and archaeology

6.3 **Core Strategy Development Plan Document (Adopted 2010) (CS)**

Policies: SP10 Creating distinct and durable places

6.4 **Managing Development Document (2013) (MDD)**

DM27 Heritage and the historic environment

6.5 **Government Planning Policy Framework**

NPPF National Planning Policy Framework 2012 (NPPF)

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

A better place for living well

**7. CONSULTATION RESPONSE**

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

**English Heritage**

7.2 English Heritage has considered the information received and do not wish to offer any comments on this occasion.

7.3 *Officer comment: This has been noted.*

**8. LOCAL REPRESENTATION**

8.1 A total of 28 neighbouring addresses were consulted by letter, a site notice was posted and the application was published in the East End Life. No letters of representation have been received in support or objection to the proposals, however the public consultation period does not finish until the 30<sup>th</sup> of December 2103. Should any representations be received, they will be fully considered by officers, and reported to Members in an update report.

**9.0 MATERIAL PLANNING CONSIDERATIONS**

9.1 When determining listed building consent applications, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest.

**Design and Impact on the Listed Building.**

9.2 Section 11 of the National Planning Policy Framework (2012) provides up to date Government Guidance when determining Listed Building Consents. The emphasis within the NPPF is on sustainable development, and the guidance makes it clear that heritage assets such as listed buildings are an irreplaceable resource that should be conserved in a manner appropriate to their significance.

9.3 Policy 7.8 in the London Plan (2011) requires development to identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate and

requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detailing.

- 9.4 Similarly, Policy SP10 in the Adopted Core Strategy (2010) places emphasis on preserving and enhancing the wider built heritage and historic context, so as to safeguard the local distinctiveness of neighbourhoods and to ensure that the context of each place is enhanced. The policy places emphasis on promoting high quality design principles that create buildings which are sustainable, accessible, and well integrated into their surrounds and preserve the setting of the boroughs heritage assets.
- 9.5 Policy DM27 in the Managing Development Document (2013) seeks to ensure that proposals protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'. In respect of alterations to heritage assets, the policy seeks to ensure that alteration works to listed buildings are of high quality and do not result in any adverse impact on the character, fabric or integrity of the heritage asset or its setting.
- 9.6 The applicant is seeking to repair and refurbish block D which is located within the southern part of the approved playground area to the Professional Development Centre. The block is currently used for storage purposes and this use will be retained.
- 9.7 The existing outbuilding as originally constructed would have been open sided, however, over time the outbuilding has been extensively altered to its present form, where it has been enclosed on either side and the facade bricked up. The existing brick piers have been in filled with a single leaf of concrete block and two metal windows inserted on either side of the central doorway.
- 9.8 The proposed refurbishment works are to make Block D more secure and watertight and the schedule of works proposed to upgrade the building include:
  - Removal of the latter day concrete spandrel panels and windows and their replacement with horizontal timber cladding set within the original brick piers;
  - Removal of the overhead cast iron beams along with the removal of the existing doors and windows and insertion of a new timber central access doors;
  - Removal of existing roof covering and renewal with new roof slates
  - The proposal also incorporates the provision of a new roof membrane and other associated works to make the existing building more watertight;
  - Renewal of the rainwater pipe-work in cast iron to match the existing;
  - Removal of the existing security grilles to the eaves.
- 9.9 A significant alteration impacting on the front elevation of the outbuilding would be the removal of two existing windows, which are considered to be later additions to the historic building. The upgrade works to Block D also involve other associated

remedial works such as re-pointing of the existing brick piers and making good any damaged brickwork with reclaimed bricks.

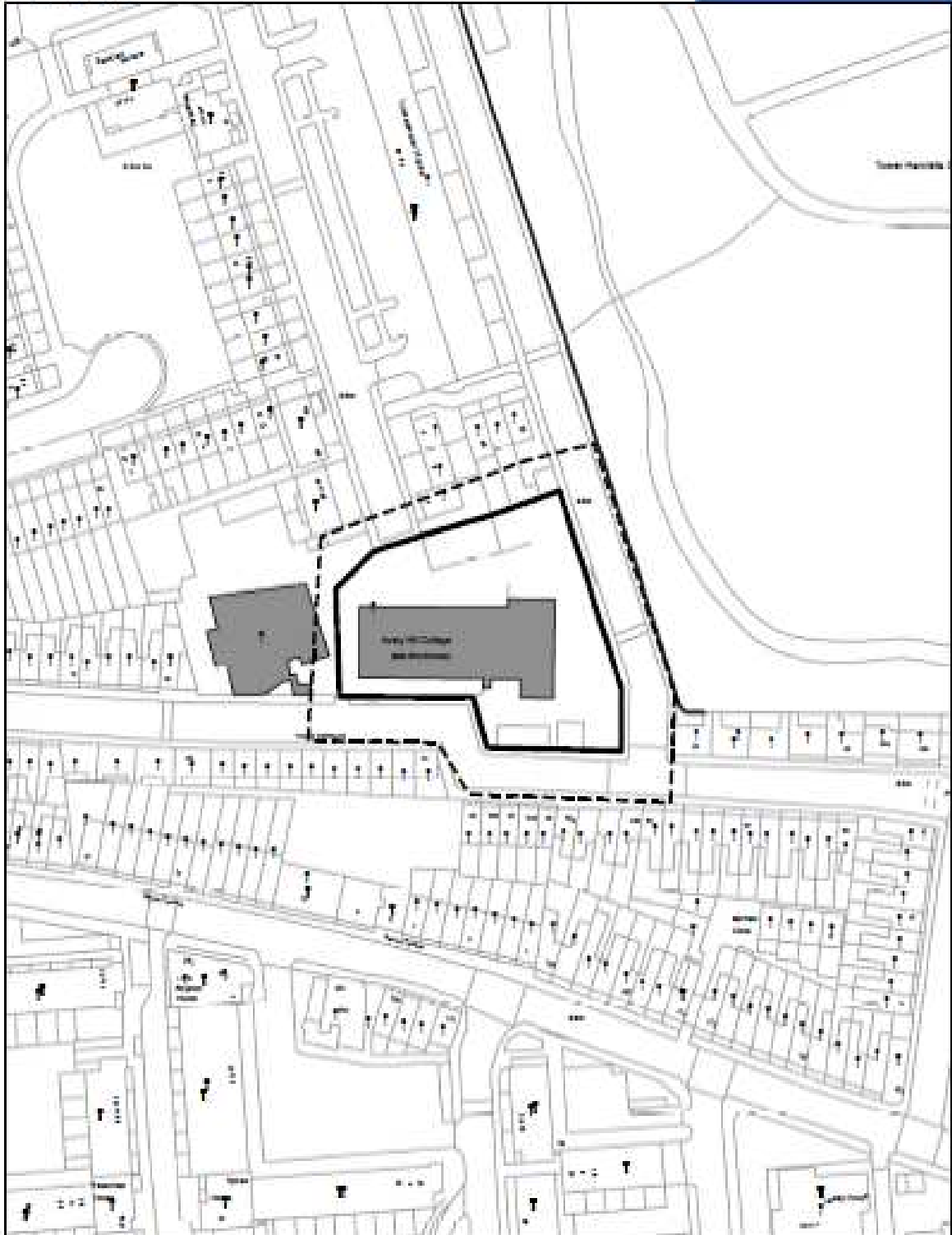
- 9.10 The alterations works proposed are minimal and do not involve any major works to the fabric of the building and only minimal disturbance to existing original features. The materials proposed will be sympathetic to the existing building. The applicant also intends to upgrade the existing roofing material with new natural slate and it is proposed that the facing materials will be secured by condition. The other works such as removal of the cast iron rainwater pipe will be renewed on a like for like basis.
- 9.11 Overall, the proposed works will contribute to the re-use and sustainability of the existing building without compromising its visual integrity. English Heritage and the Council have been consulted about the proposal and they have raised no objections to the scheme as proposed.
- 9.12 It is therefore considered that the works are acceptable and would otherwise enhance the external character and appearance of the outbuilding, which will in turn safeguard the special architectural and historic interest and visual integrity of the school buildings. As such, the proposal as submitted would accord with aims of Policy 7.8 in the London Plan, Policy SP10 in the Adopted Core Strategy (2010) and Policy DM27 in the Managing Development Document (2013) which seeks to ensure works to listed buildings preserve the features of specific historic and architectural interest and also that the works preserve or enhance the character of the Ropery Street Conservation Area.

## **10.0 CONCLUSION.**

- 10.1 All other relevant policies and considerations have been taken into account. The Secretary of State can be advised that this Council would have been minded to grant Listed Building Consent 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/13/02242



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

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

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