

# DEVELOPMENT COMMITTEE

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**Wednesday, 17 December 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 Sirajul Islam  
Vice Chair : Councillor Marc Francis  
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,  
Councillor Shah Alam and Councillor Chris Chapman

**Deputies:**

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Andrew Cregan, Councillor  
Craig Aston, Councillor Andrew Wood and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Monday, 15 December 2014**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 16  
December 2014**

**Contact for further enquiries:**

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

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## Public Information

### **Attendance at meetings.**

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

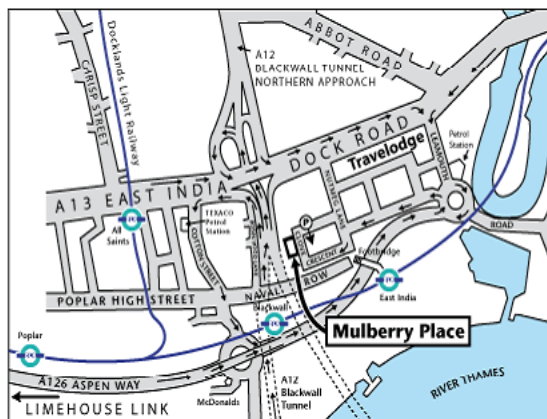
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### **Fire alarm**

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

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QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

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

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 10)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 19<sup>th</sup> November 2014.

### **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 11 - 12)**

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

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>5. DEFERRED ITEMS</b>	<b>13 - 14</b>	
<b>5.1 Land at rear of 81-147 Candy Street And Wendon Street, London, E3 PA/14/00623</b>	<b>15 - 60</b>	<b>Bow East</b>

Proposal:

Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives.

<b>6. PLANNING APPLICATIONS FOR DECISION</b>	<b>61 - 62</b>	
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<b>6.1 Watts Grove Depot, bounded by Watts Grove, Glaucus Street and Yeo Street, London E3 (PA/14/02585)</b>	<b>63 - 106</b>	<b>Bromley South</b>
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Proposal:

Complete redevelopment consisting of the demolition of all buildings and structures on the old depot site and associated areas of hardstanding to provide 148 new homes (flats and houses) in buildings of varied heights ranging from three storeys to seven storeys (Use Class C3) together with new and upgraded vehicular access, new pedestrian accesses, open space, landscaping and associated works including relocation of existing telecommunications mast.

Recommendation:

That the Committee resolve to GRANT planning permission subject conditions and informatives.

**6 .2 Former Caspian Works and Lewis House, 55-57 Violet Road, London (PA/14/01762 and PA/14/02059) 107 - 134 Bromley South**

Proposal:

PA/14/01762 Full Planning Application for erection of entry gates at the main vehicular access fronting Violet Road.

Recommendation:

To REFUSE planning permission on the grounds of the reason set out in the Committee report.

## **7. OTHER PLANNING MATTERS**

None.

### **Next Meeting of the Development Committee**

Wednesday, 14 January 2015 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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# 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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801



## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 19 NOVEMBER 2014**

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

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Shiria Khatun (Deputy Leader of the Labour Group)  
Councillor Suluk Ahmed  
Councillor Gulam Kibria Choudhury  
Councillor Shah Alam  
Councillor Asma Begum (Substitute for  
Councillor Marc Francis)  
Councillor Andrew Wood (Substitute for  
Councillor Chris Chapman)

**Other Councillors Present**

None.

**Apologies:**

Councillor Marc Francis (because he was a Board Member of Old Ford Housing in relation to item 6.1) and Councillor Chris Chapman.

**Officers Present:**

Paul Buckenham (Development Control Manager,  
Development and Renewal)  
Christopher Hunt (Senior Planning Lawyer, Directorate  
Law, Probity and Governance)  
Shahara Ali-Hempstead (Planning Officer, Development and  
Renewal)  
Jane Jin (Deputy Team Leader, Development and  
Renewal)  
Zoe Folley (Committee Officer, Directorate Law,  
Probity and Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

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

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 15<sup>th</sup> October 2014 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 AND MEETING GUIDANCE

The Committee noted the procedure and meeting guidance.

## 5. DEFERRED ITEMS

### 5.1 11 Havannah Street, London E14 8NA (PA/14/01807)

Update Report tabled.

Jane Jin (Planning Officer) gave a brief presentation on the application. It was noted that at the last meeting of the Committee, Members were minded to approve the application contrary to the Officers recommendation to refuse. Members were reminded of their reasons for supporting the scheme and the Officers concerns about the application.

Accordingly, the application was deferred to allow Officers to prepare a further report on the planning implications of a decision to approve and suggested conditions.

The Officers recommendation remained to refuse the scheme as set out in the deferred report. However, if Members were minded to approve the scheme, they were invited to approve the conditions set out in the deferred report and as amended in update report.

On a vote of 0 favour of the Officer recommendation to refuse, this was lost.

Councillor Sirajul Islam seconded by Councillor Shiria Khatun moved a motion to grant the application for the suggested reasons and planning conditions set out in the deferred report.

On a vote of 3 in favour, 3 against with the Chair using his casting vote in favour it was **RESOLVED**:

That planning permission at 11 Havannah Street, London E14 8NA (PA/14/01807) be **GRANTED** for the conservatory extension at ground floor level and first floor extension subject to the conditions set out in the deferred Committee report and the update report.

Councillor Andrew Wood left the Committee for this item having not sat on the Committee when this item was previously considered and having spoken in support of the item at that previous Committee meeting as a registered speaker.

## **5.2 Land to the south of Rainhill Way, Bow Cross Estate, London, E3 (PA/14/01486)**

Application withdrawn by the Applicant for further consultation.

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

### **6.1 Land at rear of 81-147 Candy Street And Wendon Street, London, E3 (PA/14/00623)**

Update Report tabled.

Shahara Ali-Hempstead (Planning Officer) gave a presentation on the application. She firstly explained that the application was not referable to the London Mayor and drew attention to the holding objection from the London Legacy Development Corporation. Both of these matters were detailed in the update report.

It was reported that the site sits within a mainly residential area bounded by the A12 dual carriageway and near to the Crown Close bridge. The site had no specific policy designation and was brownfield land that was largely vacant. Given this, the redevelopment of the site to provide affordable housing was strongly supported in policy.

Consultation had been carried out on the application. Three objections had been received from the occupants of the bungalows on the site and the Disability Advocate about displacement of these occupants. However, it was proposed that these occupants would be rehoused in the development in

accessible units, designed to meet the current occupiers specific needs, at social rent levels with assured tenancies.

The scheme comprised three sites - I, J and K. The nature of the proposals for each were explained. Overall, it was considered that the buildings were of a high quality design and would fit in and enhance the local street scene. There would be 45 new affordable units (100% of the units) with a split of 31 as affordable rent (in line with the Council's affordable rent levels) and 14 as intermediate. It was considered that the overprovision of family units in this case was acceptable given the need for such housing in the Borough and that the scheme would not adversely affect the housing mix in the area. The quality of the units met or exceeded policy requirements and there were measures to minimise noise disturbance.

Attention was drawn to the level of child play space on site. Whilst there was a shortfall of such space, there were a number of good quality parks and open spaces nearby that had recently been enhanced. This would compensate for the shortfall.

Contributions had been secured to mitigate the impact of the scheme. It was considered that the shortfall in contributions was acceptable taking into account the results of the independent viability testing and the substantial benefits of the scheme including 100% affordable housing. The car free agreement and parking options were also noted.

In summary, the application generally complied with policy. In view of the benefits, Officers were recommending that the scheme be granted.

In response to questions about noise from the A12, it was confirmed none of the habitable rooms in site J would directly face the dual carriageway. The majority of family units would be located on this site. The separation distance between site J and the highway measured 10 metres taking into account the land reserved for the DLR. The windows to the rear of the development would be non-opening save for essential maintenance.

Whilst there would be a small number of habitable rooms on site K facing the A12, the separation distance from site K to the A12 was even greater at 15 - 20 metres. The A12 runs in a cutting at this point, below an embankment and then rises to the north.

In relation to the comments from the Environmental Health, it was considered that sufficient measures could be employed to minimise adverse noise impacts since it was a Noise Exposure Category D site in terms of national policy. If granted, Officers would work with Environmental Health to ensure the required standard was met.

Overall, in view of the above and the level of affordable housing amongst the other benefits, Officers felt that on balance, the scheme was acceptable in terms of noise impact.

In response to further questions, it was explained that the scheme would be car free, but there would be scope for the future occupants to secure on street parking spaces. The options to enable this were explained and the CIL contribution. It was noted that the density of the scheme exceeded the London Plan guidance. However, given the quality of the scheme and the measures to minimise any impact, it was unlikely that a refusal on the grounds of density could be sustained.

Following on from the questions, Officers explained in further detail the holding objection from the London Legacy Development Corporation dated 19<sup>th</sup> November 2014. The letter requested that the item should be deferred whilst the Legacy Corporation was given time to review the application and its impact on the potential enhancements to the Crown Close bridge connection, which was a shared aspiration with LBTH.

It was reported that Officers had considered this objection in the context of the relevant policies (Council's Adopted Fish Island Action Plan and the draft London Legacy Development Corporation Local Plan). Officers were of the view that the proposal would not have any adverse implications to any future improvements of the bridge.

However, to improve the relationship between the proposed development and the bridge, Officers consider that there could be design amendments that could be secured by planning condition.

A summary of the LLDC's concerns were set out in the update report and a copy of their letter was circulated at the meeting.

Councillor Shiria Khatun seconded by Councillor Asma Begum moved that the application be deferred pending further discussion with the London Legacy Development Corporation regarding their comments about the bridge.

On a vote of 6 in favour of this proposal, 0 against and 1 abstention, this proposal was carried and the Committee **RESOLVED:**

That planning permission at Land at rear of 81-147 Candy Street And Wendon Street, London, E3 (PA/14/00623) be **DEFERRED** for the demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision pending further discussion with the London Legacy Development Corporation about the impact on potential future enhancements to the Crown Close pedestrian and cycle bridge as set out in their holding objection.

## 7. OTHER PLANNING MATTERS

### 7.1 Old Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/14/02592)

Jane Jin (Planning Officer) gave a presentation on the proposal. She explained the nature of the proposed amendments to the listed baths to facilitate its use as an indoor leisure and sports facility. The application sought to address amendments to the extant 2013 consent, required to improve the internal layout of the building, including separate entrance and changing facilities for school children. The Council's Conservation Officer and English Heritage were supportive of the scheme given the improvements and public benefits of the proposed works.

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

That listed building consent application at Old Poplar Baths, 170 East India Dock Road, London E14 0EH (PA/14/02592) be **REFERRED** to the Secretary of State for Communities and Local Government for internal and external alterations and refurbishment works to the Grade II Listed Poplar Baths to facilitate its use as a new indoor and outdoor sports and leisure facility, with a swimming pool (in place of the second class pool), a new learner pool at basement level, badminton courts in the retained first class pool area, new gym facility, studio areas and roof top games area (MUGA); the existing Vapour Baths and plunge pool would also be retained and relocated. New changing and toilet facilities are also proposed together with landscaped forecourt and a new café at ground floor. **AMENDED PROPOSAL** - internal alterations/amendments to basement and ground floor levels and other minor works with the recommendation that the Council would be minded to **GRANT** Listed Building Consent subject to conditions as set in the Committee report.

The meeting ended at 8.10 p.m.

Chair, Councillor Sirajul Islam  
Development Committee



## 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:

Note: there is normally no further public speaking on deferred items or other planning matters



- (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> Development	<b>Date:</b> 17 <sup>th</sup> December 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 5
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<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 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
19 <sup>th</sup> November 2014	PA/14/00623	Land at rear of 81-147 Candy Street And Wendon Street, London, E3	Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.	pending further discussion with the London Legacy Development Corporation about the impact on potential future enhancements to the Crown Close pedestrian and cycle bridge as set out in their holding objection.

## 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.

5.1 PA/14/00623 Land at rear of 81-147 Candy Street And Wendon Street, London, E3

- 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

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

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

where substantial new material is being reported to Committee and the recommendation is significantly altered.

**5. RECOMMENDATION**

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

# Agenda Item 5.1

<b>Committee:</b> Development Committee	<b>Date:</b> 17 <sup>th</sup> December 2014	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Shahara Ali-Hempstead	<b>Ref No:</b> PA/14/00623
	<b>Ward:</b> Bow East

## 1.0 APPLICATION DETAILS

**Location:** Land at rear of 81-147 Candy Street And Wendon Street, London, E3

**Existing Use:** Brown field and residential land

**Proposal:** Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.

**Drawings:** AA3313 /IJK/2.3/001, AA3313 /IJK/2.3/002, AA3313 /IJK/2.3/003, AA3313 /IJK/2.3/004, AA3313 /IJK/2.3/005, AA3313 IJK/2.0/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/002, AA3313/IJK/2.1/003, AA3313/IJK/2.1/004 Rev B, AA3313/IJK/2.1/005 Rev A, AA3313/IJK/2.1/006 Rev A, AA3313/IJK/2.1/007, AA3313/IJK/2.1/008 and AL3386\_2.1\_101

**Document:**

- Planning Statement by PRP Planning Dated March 2014
- Design and Access Statement by PRP Architects
- Air Quality Assessment by Resource & Environmental Consultants Ltd, Dated 24 July 2013
- Transport Statement by Transport Planning Consultants, Dated November 2013
- Energy Statement by PRP Environmental, Dated 6 March 2014
- Daylight levels document
- Daylight and Sunlight Assessment by Calfordseaden, Dated March 2014
- Code for Sustainable Homes Pre-Assessment by PRP Environmental, Dated 4 March 2014
- Code for Sustainable Homes Ecology Report by Landscape Planning Ltd, Dated

September 2013

- Tree Survey and Arboricultural Impact Assessment by Hayden's Arboricultural Consultants Limited, Dated 19 August 2013
- Noise Vibration Statement by Airo, Dated 3 October 2013
- Ecological Appraisal by Landscape Planning Ltd, Dated September 2013

**Applicant:** Old Ford Housing Association  
**Ownership:** Old Ford Housing Association  
**Historic Building:** None  
**Conservation Area:** No

## 2.0 Background

- 2.1 This application was reported to the Development Committee on the 19<sup>th</sup> of November 2014 with an Officers recommendation for **APPROVAL**. The Committee resolved to defer the application for further discussions to take place with London Legacy Development Corporation (LLDC) to resolve the issues raised within their objection.
- 2.2 Discussions are currently taking place with LLDC; Member will be notified of the outcome of the discussions within an update report.
- 2.3 Officers recommendation for **APPROVAL** remains unchanged, subject to the outcome of the discussions and for the following reasons:
- a) The development would result not only in re-provision of the existing affordable units on site but also additional affordable housing, providing a 100% affordable scheme.
  - b) The residential quality of the scheme would be very high. Out of the 45 affordable rented units 48% would be of a size suitable for families. The family-sized units would be provided as a mix of three and four units. A large proportion of these units would be provided as townhouses with sizeable private amenity space and individual front doors. All of the proposed units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All affordable rented units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible. All but 2 of the proposed 45 units would be dual aspect.
  - c) The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
  - d) The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site minimise any adverse amenity impacts.
  - e) The design of the scheme as a whole, including the proposed massing, siting, architectural design and response to the site's setting, is of a high quality. The proposed heights do not cause concern. High quality materials and detailing would be used throughout.

- f) The scheme would provide a financial contribution towards education facilities in the Borough. Nevertheless, the financial obligations proposed would not fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space. Having taken into account the provision of 100% affordable scheme and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to the mitigation of all of the infrastructure impacts of the development.

### 3.0 UPDATES AND CLARIFICATIONS

- 3.1 Under Paragraph 2.4 of the 19<sup>th</sup> November Committee Report it was stated within the executive summary, the residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read '48%.'**
- 3.2 Under Paragraph 4.8 of the proposal, it stated, Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read '48%.'**
- 3.3 Under Paragraph 8.31 of the Housing section, it stated, The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation. **This should read '48%.'**
- 3.4 Paragraph 3.2 which stated 'Any direction by the London Mayor', should be omitted as this application does not need to be referred to the London Mayor.

#### Representations

- 3.5 For avoidance of doubt Dockland Light Railway (DLR) were consulted as they own a strip of land to the east of Site J. Further to the consultation no comments have been received.
- 3.6 Two additional letters of objection were submitted, the first from the London Legacy Development Corporation (LLDC) and the second from a resident.
- 3.7 The LLDC objection raised the following issues:
- Concerned raised about the alignment of the proposed development in particular Site K and its relation to the existing pedestrian/cycle bridge.
  - Late consultation and no discussion was undertaken given the aspirations within the Fish Island AAP and Draft Local Plan to promote future connectivity improvements between Crown Close and Old Ford Road across the A12 and which the Legacy Corporation are in the process of taking forward.
  - The proposed Block K would likely prejudice delivery of future bridge improvements given proximity to boundary lines, with access to residential units and winter gardens coming to the edge of boundary lines.
  - The proposal creates inappropriate future street frontage and access if this were to change to a vehicular or larger pedestrian and cycle bridge.

- The ground floor units or single aspect units close proximity to the A12 are also of concern.
- The Legacy Corporation request that the item be deferred for further discussion to take place.

(Officer response: Officers have considered the concerns raised and have considered this in the context of the policies within the Council's adopted Fish Island Area Action Plan (FIAAP) and the London Legacy Development Corporation Local Plan (publication version) (LLDC LP). In context of the Council's FIAAP, AAP policy FI 3.2 is relevant and it refers to Achieving Connectivity and states that *'Upgrade of the existing pedestrian and cycle bridge over the A12 linking Old Ford Road to Crown Close with improved signage and public realm improvements on the landing site on Crown Close'* as a priority actions to improve the access across the A12. Therefore Officers considered that the proposed development would not prejudice the delivery of any future improvements to the bridge. In addition, the proposal Site K is all within its site boundary and therefore officers do not considered that the proposal would have any adverse implications to any future improvements.

In the context of the publication version of the LLDC LP, policy 1.3 is relevant and refers to Connecting Hackney Wick and Fish Island. Within the subtext to this policy, it refers to *'the overall aim is to achieve new and enhanced walking, cycling and vehicular routes that intersects with open spaces and node of public activity'*. It is the view of the officers that the proposal would not disrupt this aim and improvements can be achieved which is also within the Borough's interest.

Nevertheless, to improve the relationship between the proposed building footprint of Site K and the bridge, officers consider that there can be design amendments which can be secured by planning condition.)

### 3.8 The resident's objection letter raised the following issues:

- Loss of light to garden
- Sense of enclosure

(Officer response: Issues in relation to loss of light and sense of enclosure has been fully addressed within the amenity section of the committee report)

- Consultation letter was not sent to the applicant

(Officer response: Council's records show that a letter was sent to the resident. Furthermore, a site notice was displayed and an advert was placed in the local news)

- Noise/dust from the building works
- Removal of party wall

(Officer response: A condition will be imposed to restrict hours of construction. It should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan to address health and safety issues. Removal of a party wall is not a planning material consideration.)



#### 4.0 **CONCLUSION**

- 4.1 All relevant policies and considerations have been taken into account and Officers' original recommendation as set out in the officers' report for Development Committee on 19<sup>th</sup> November 2014 to GRANT planning permission for the proposal remains unchanged.

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<b>Committee:</b> Development Committee	<b>Date:</b> 19 <sup>th</sup> November 2014	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Shahara Ali-Hempstead	<b>Ref No:</b> PA/14/00623
	<b>Ward:</b> Bow East

## 1.0 APPLICATION DETAILS

**Location:** Land at rear of 81-147 Candy Street And Wendon Street, London, E3

**Existing Use:** Brown field and residential land

**Proposal:** Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision.

**Drawings:** AA3313 /IJK/2.3/001, AA3313 /IJK/2.3/002, AA3313 /IJK/2.3/003, AA3313 /IJK/2.3/004, AA3313 /IJK/2.3/005, AA3313 IJK/2.0/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/001, AA3313/IJK/2.1/002, AA3313/IJK/2.1/003, AA3313/IJK/2.1/004 Rev B, AA3313/IJK/2.1/005 Rev A, AA3313/IJK/2.1/006 Rev A, AA3313/IJK/2.1/007, AA3313/IJK/2.1/008 and AL3386\_2.1\_101

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**Applicant:** Old Ford Housing Association  
**Ownership:** Old Ford Housing Association  
**Historic Building:** None  
**Conservation Area:** No

## 2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of existing garages and 2 bungalows on site and to redevelop the site to provide a residential development of 45 new dwellings arranged over three blocks of between two and six storeys in height.
- 2.2 The officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result not only in re-provision of the existing affordable units on site but also additional affordable housing, providing a 100% affordable scheme.
- 2.4 The residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. The family-sized units would be provided as a mix of three and four units. A large proportion of these units would be provided as townhouses with sizeable private amenity space and individual front doors. All of the proposed units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All affordable rented units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible. All but 2 of the proposed 45 units would be dual aspect.
- 2.5 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site minimise any adverse amenity impacts.
- 2.7 The design of the scheme as a whole, including the proposed massing, siting, architectural design and response to the site's setting, is of a high quality. The proposed heights do not cause concern. High quality materials and detailing would be used throughout.

2.8 The scheme would provide a financial contribution towards education facilities in the Borough. Nevertheless, the financial obligations proposed would not fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space. Having taken into account the provision of 100% affordable scheme and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to the mitigation of all of the infrastructure impacts of the development.

### **3.0 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 under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

3.4 Financial Obligations:

A contribution of £95,523 towards education facilities

3.5 Non-financial Obligations:

- a) Affordable housing 100% by habitable room (45 units)
  - 69% Affordable Rent at Borough Framework affordable rental levels (31 units)
  - 31% Intermediate Shared Ownership (14 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
- c) Car free agreement
- d) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials
4. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
5. Archaeological

6. Detail of easement area within Block K
  7. Pedestrian access points to be level or gently ramped
  8. Details of play equipment
  9. Details of rooftop PV array
  10. Details of biodiversity enhancement measures
  11. Details of drainage and mitigation of surface water run-off
  12. Details of elevation treatment of the winter gardens of Site K, adjacent to the pedestrian bridge
  13. Details of all Secure by Design measures
  14. Details of safety mirrors
  15. Hours of construction and demolition
  16. Demolition and Construction Management Plan
  17. Delivery and Servicing Management Plan
  18. Contamination
  19. Parking Management Plan
  20. Code for Sustainable Homes Level 4 post completion testing
  21. Lifetime Homes
  22. Compliance with Energy Statement
  23. Details of cycle parking
  24. Details of ventilation and Vibration levels
  25. Details of piling, all below ground works and mitigation of ground borne noise
  26. Ground borne noise post-completion testing as requested
  27. Scheme of highway improvement works as requested by LBTH Highways
  28. Protection of retained trees
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.8 Informatives:
1. Subject to a S106 agreement
  2. Thames Water standard informative
  3. Building Control
  4. CIL
- 3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

#### **4.0 PROPOSAL AND LOCATION DETAILS**

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

- 4.1 The application site is a strip of land that sits behind the properties at 81-147 Candy Street and Wendon Street within Bow East ward. The site forms part of the much larger Parkside residential estate managed by Old Ford Housing Association. The site is bounded to the East by the A12 Blackwall Tunnel Northern Approach arterial road and to the north by the Hertford Union Canal and Victoria Park.
- 4.3 The site is largely vacant brownfield land with five garages, and on the southern part of the site, two semi-detached bungalows. The site does not have any specific policy designations and is located within a predominantly residential area. The site is located to the west of the A12, which is a main arterial route through east London. There is a strip of vegetated land between the site and the A12 that provides a visual barrier and noise buffer.

- 4.4 The site is adjacent to the four storey 1960's block of flats on Candy Street fronting the open space of the square, an area that has recently seen significant regeneration and inclusion of child play space and enhanced communal amenity value.
- 4.5 The site is also adjacent to the footbridge that connects to Fish Island and the wider Olympic Park. No part of the application site falls within the curtilage of a listed building or within a conservation area.
- 4.6 Within a distance of 150m from either end of the overall site are number local bus stops which are served by the Nos. 276 and 488 bus routes with direct connections to Stratford, Hackney and Canning Town. No. 8 bus route towards Bethnal Green and Central London. Hackney Wick Station, part of the London Overground network is a 10-15 minute walk away, with eastbound connections to Stratford and westbound connections across the entire network. The site has a Public Transport Accessibility Level (PTAL) of 2.

### **Planning History and Project Background**

None

### **Proposal**

- 4.7 Full planning permission is sought for demolition of existing garages and 2 bungalows on site and erection of a residential development of 45 new dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) arranged over three sites consisting between two and six storeys in height with associated infrastructure provision.
- 4.8 All 45 proposed units would be provided as affordable units (31 for affordable rent and 14 intermediate). Out of the 31 affordable rented units, 33% would be suitable for families. A large proportion of these family sized affordable units would be provided as townhouses.

## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012

### **5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice

- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 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
- 5.8 - 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
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 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
- 7.13 - 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

#### 5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Bow)
- SP13 - Planning Obligations



## 5.5 **Managing Development Document 2013**

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

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

### Mayor of London

- Further Alterations to the London Plan - Draft (2014)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Sustainable Design and Construction (2006)
- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (2007)
- All London Green Grid (2012)
- East London Green Grid Framework (2008)
- Housing (2012)
- London Planning Statement - Draft (2012)

### Other

- Planning Obligations SPD (LBTH 2012)
- Affordable Housing SPD - Engagement Version (LBTH 2013)
- By Design 'Urban Design in the Planning System: Towards Better Practice' (CABE 2000)

## 5.7 **Tower Hamlets Community Plan objectives**

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

## 6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

### **External Consultees**

#### London Fire and Emergency Planning Authority

6.3 No information directly related to water supply has been provided.

6.4 [OFFICER COMMENT: Full details have been reserved by condition and would be approved in consultation with the London Fire and Emergency Planning Authority.]

#### Thames Water

##### Waste Comments

6.5 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

6.6 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6.7 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

6.8 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)<<http://www.thameswater.co.uk/wastewat>

[erguality](#)>. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

#### Water comments

- 6.9 Thames Water recommends informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

#### Supplementary Comments

- 6.10 To the north of the site adjacent to the proposed development is Wick Lane Depot. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development. On the Map a blue outlined box shows the assets, and the proposed development area is identified by a red outlined box.
- 6.11 [OFFICER COMMENT: The requested condition and informative will be secured

#### **Internal Consultees**

##### Biodiversity

- There is nothing of significant biodiversity value on the application site, and the existing buildings have been assessed as being unsuitable for bats. There will not, therefore, be any significant biodiversity impacts.
  - The proposed landscaping includes a number of silver birch trees, a native species of high wildlife value. The rest of the planting consists of evergreen hedge, and shrub planting in beds and planters.
  - The applicant should be asked to consider installing biodiverse green roofs, in line with the guidance on living roofs published by Buglife. This would be a significant benefit for biodiversity, and would contribute to objectives and targets in the Local Biodiversity Action Plan.
- 6.12 [OFFICER COMMENT: The proposal includes the installation of photovoltaic array to the roof as such the installation of a green roof would not be feasible.]

##### Trees Officer, Parks & Open Spaces

- 6.13 The location for the development does not fall within the boundary of a Conservation Area and no TPO\*s are applied.
- 6.14 The trees at this location are of average form, can only be seen by a relatively small number of people, have no known historical association and are not screening any unpleasant views. Nevertheless, they are important in the larger composition, provide many environmental benefits and have an amenity value (in the region of £4000 in total).
- 6.15 Therefore, if removed, suitable replacements should be planted to compensate for these losses.

- 6.16 All removal/replacement works should follow the guidelines in the relevant British Standard documents.
- 6.17 [OFFICER COMMENT: The proposed works would cover removal and replacement of trees, details of all tree works will be covered under the landscaping condition.]

#### Environmental Health - Noise and Vibration

- 6.18 The following Environmental Noise and Vibration Survey Reports by AIRO i) dated 25/06/2012 ii) dated 03/10/2013 has been reviewed, The contents of both requires more information and clarification. Accordingly the Design/Layout/Noise Barrier & calculations /suitable glazing with adequate ventilation needs to be provided, since this is a NEC \*D\* site so as to meet BS 8233 internal levels of the 'good'standard.
- 6.19 The Vibration levels needs to demonstrate that levels meet BS6472 of the low probability of adverse comments both for day and night. EH is not able to recommend Planning Permission in this format, until all the additional information and clarification are provided.
- 6.20 [OFFICER COMMENT: It is considered that sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition will be secured to ensure this is implemented.]

#### Environmental Health - Housing

- 6.21 Standard comments were provided with relation to thermal insulation, heating and ventilation of the dwellings as well as automatic fire detection and alarm systems.
- 6.22 [OFFICER COMMENT: These areas are appropriately controlled under the Building Regulations and Building Control approval would be required]

#### Transportation and Highways

- 6.23 Subject to the below matters being secured through S106 or conditions, Highways has no objection to the application:
- Car Parking Management Plan
  - Construction Management Plan
  - Deliveries and Servicing Plan
  - Scheme of highway works (S278)
  - All areas to be drained within the site
  - 'Car free'

#### CAR PARKING:

- 6.24 The site is located in an area of good public transport accessibility (PTAL2 2) and should be subject to a s106 agreement prohibiting all occupants of the development from obtaining residential on-street car parking permits.
- 6.25 The applicant is providing eight (8) parking spaces with six (6) of them being disabled parking. There is a large open courtyard fronting the site, which can lead to abuse and used for car parking. A planning condition may be required to prevent such; parking of cars should be carried out only on marked bays.

#### CYCLE PARKING:

- 6.26 The site is located near a range of cycle routes. The applicant is providing cycle stands within the curtilage of the site but it's unclear the total no of cycle stands being provided. In line with current LBTH policy and standards a total of 60 cycle stands is to be provided to serve the development. The applicant will be required to submit details of the cycle stands.

#### SERVICING

- 6.27 Servicing and refuse collection will be carried out off street, within the courtyard fronting the site. This is satisfactory.
- 6.28 [OFFICER COMMENT: The above comments are noted. Suggested conditions and planning obligations have been included]

#### Housing

- 6.29 This scheme proposes 100% affordable phased housing scheme, delivering 31 affordable rented units along with 14 intermediate units, This area is currently used for fly-tipping and anti-social behaviour. There are two bungalows that are to be demolished as part of this redevelopment. These existing residents will be rehoused as part of the redevelopment phased process.
- 6.30 The affordable rented unit breakdown is as follows:- 29% one bed units against 30%, 23% two bed units against our policy target of 25%, 29% of three bed units against our policy target of 30%, 19% of four bed units against our policy target of 15%.
- 6.31 Within the intermediate units the scheme provides 43% of one bed units against our policy target of 25%, 57% of two bed units against our policy target of 50%. There are no three bed units within this tenure type. The applicant seeks to provide 33% family housing across both affordable tenures.
- 6.32 We need to ensure that rear windows that face onto the busy A road have the required ventilation methods for example:- voltaic ventilation. All units should meet lifetime homes and the London Mayors Guide space standards.

[OFFICER COMMENT: The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be non-operable and voltaic ventilation/trickle vents are not required to habitable rooms. The applicant has confirmed that all units will meet the life times homes standard a compliance condition will be secured.]

#### Inclusive Access Officer

- 6.33 The detailed floor layouts for the proposed wheelchair accessible units have been reviewed and following receipt of explanation are considered to be acceptable and to fully meet the appropriate requirements.

#### Employment and Enterprise

- 6.34 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets.

- 6.35 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.36 The Council seeks to secure a financial contribution of £9,400 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution would be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.37 Due to the nature and scale of the proposed development, we would also be keen to secure apprenticeships.

[OFFICER COMMENT: The financial and non-financial obligations are discussed in paragraphs 8.132]

#### Energy Efficiency and Sustainability

- 6.38 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clear and Be Green, and sought to minimise CO2 emissions through energy efficiency and energy supply to achieve a 38% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of (50kWp) photovoltaic array to further reduce emission.
- 6.39 The overall CO2 emissions reductions considered achievable for the development are 38% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 6.40 The proposed scheme it is recommended that a figure of £13,500 is sought for the LBTH carbon offset fund. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 64.4 tonnes/CO2
  - Proposed development is at 39.7 tonnes/CO2
  - 50% DM29 reduction would therefore be 32.2 tonnes/CO2.
  - Shortfall to meet DM29 requirements = 7.5 tonnes/CO2 x £1,800 = £13,500 offset payment to meet current policy requirements.

[OFFICER COMMENT: These matters are discussed in paragraphs 8.107. Requested conditions have been included while the request for a financial planning obligation is discussed further in this report at paragraph 8.132]

#### Waste Collection

- 6.41 Waste management plan as explained in the design and access statement is acceptable.

[OFFICER COMMENT: This is noted]

## **7.0 LOCAL REPRESENTATION**

#### Statutory Consultees

- 7.1 On 16<sup>th</sup> December 2013, a total of 407 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:                      Objecting: 3                      Supporting: 0

No of petitions received:                      0

7.3 The objection letters were received from existing residents of the bungalows and the Disability Advocate. The letters state that the objectors do not wish to be moved from their properties and would like to remain in the bungalows.

[OFFICER COMMENT: The two existing bungalows are to be demolished to make way for a six storey development. The applicant has advised that the two residents are to be rehoused within the development in accessible units.)

#### Applicant's Consultation

7.4 The applicant has provided information in relation to public consultation, the information details the extent of consultation that was undertaken prior to the submission of the application.

7.5 The applicant has organised a number consultation events. The proposals were first presented to the local community at a consultation event on Thursday 19<sup>th</sup> July 2012. A second consultation event was held on a Saturday 3<sup>rd</sup> November 2012 to allow residents who were unable to attend the weekday event to view the proposal. These events were advertised to all households within Candy Street, Ruston Street, Wendon Street, Old Ford Road and also Elton House.

7.6 In addition to the consultation events, the Parkside Residents Group was also consulted, 8 individual meetings were held with the group.

7.7 A separate consultation was undertaken with existing residents of the two bungalows to be demolished, visits to these residents were undertaken on 28 February 2013 and 20 July 2013 and 24 September 2013.

7.8 According to the consultation document submitted by the applicant, the proposals were generally received favourably.

### **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

#### **Land Use**

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic

approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there. Bow East ward and Locton Estate forms part of an area identified for regeneration in policy 2.14 of the London Plan and within the Vision Statement of the Core Strategy.
- 8.5 The Core Strategy place-making policy SP12 identifies a vision for Bow to be ‘A suitable place for families, based around a rejuvenated market and lively town centre. It will benefit from being next door to a regenerated Fish Island, the Olympic Park and the resulting regeneration of the Lea River area. Bow east is to remain largely residential and offer high quality new housing alongside regenerated housing estates. The vision places priority on improving existing connections via Old Ford Road, Tredegar Road and St. Stephen’s Road across the A12 to Fish Island, the Olympic Park and Bromley-by-Bow.
- 8.6 The application site carries no site-specific policy designations. The site is largely vacant brownfield land with five garages, and on the southern part of the site, two semi-detached occupied bungalows. The two bungalows are to be demolished and the residents are to be re-housed within the development.

#### Principle of residential use

- 8.7 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850 with an annual monitoring target of 2,885; however the Draft Further Alterations to the London Plan revise the Council’s ten year target to 39,314 with an annual monitoring target of 3,931, for years 2015-2025. The need to address the pressing demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.8 The Core Strategy place-making policy SP12 pictures Bow as a place for families which reflects the quieter, more community-based side of urban living, with improvements to connectivity sought, with new development and estate-regeneration to reinstate a traditional, joined-up street pattern.



- 8.9 Given the above, the predominantly residential character of the site's environs, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

### **Housing**

- 8.10 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.11 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

### Residential density

- 8.12 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.13 The application site measures approximately 0.3345 hectares, the site has a PTAL rating of 2. In areas of PTAL 2 and urban setting, the density matrix associated with policy 3.4 of the London Plan suggests a density of between 200-450 habitable rooms per hectare. The proposed density would be 562 habitable rooms per hectare (net site area) and therefore would be above the recommended density range. It should be remembered that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.

- 8.14 This report will go on to show that whilst some of the symptoms of overdevelopment are present in this application, officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of 100% affordable housing scheme.

### Affordable housing

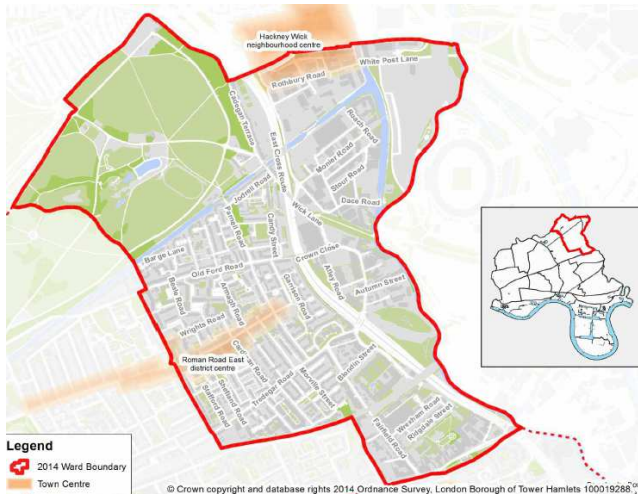
- 8.15 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including

affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

- 8.16 The Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.17 Policy DM3 subsection 3.3 of the Management Development Document states Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing
- 8.18 This scheme provides 100% affordable housing for the London Borough of Tower Hamlets and therefore exceeds Council policy requirements.
- 8.19 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The proposed units will provide a mixed tenure of affordable rent (69%) and shared ownership (31%), which is broadly in line with Council's preferred split.
- 8.20 All 45 proposed units are to be provided as affordable (31 as affordable rent and 14 as intermediate). The applicant has advised the area is currently used for fly-tipping and anti-social behaviour. The proposed scheme will not only overcome the anti-social issues but provide much needed affordable housing within the borough.
- 8.21 The affordable rented accommodation would be let in accordance with Old Ford Housing' rents policy. The proposed rents would be broadly in line with the Borough Framework affordable rental levels for E3 areas.
- 8.22 Overall, the proposal exceeds policy targets and would result in a significant uplift in the quantum of much needed affordable accommodation.

#### Mixed and balanced communities

- 8.23 It is acknowledged that providing 100% affordable housing on the subject site does not represent a mix of tenures. An analysis of the socio-economic make-up of the area is carried out.
- 8.24 As a visual aid, the maps below outline the areas that have been assessed:



8.25 The following table is formulated from census data and shows the make-up of existing housing tenure:

Tenure	Borough Average	Bow ward	East
<b>Owner occupier</b>	27%	26%	
<b>Social/affordable rented</b>	39%	42%	
<b>Private rented</b>	32%	30%	

8.26 Changes to percentages if development is constructed at 100% affordable rented housing:

Tenure	Borough Average	Bow ward	East
<b>Owner occupier</b>	27%	26%	
<b>Social/affordable rented</b>	39%	43%	
<b>Private rented</b>	32%	30%	

8.27 The site is located within Bow East Ward, the census indicates approximately 6,595 household to be living in the Bow East ward. The table above shows an increase of 1 % within the social/affordable housing tenure. At ward level the addition of 45 affordable rented homes does not significantly alter the level of social/affordable housing in the area.

8.28 It should also be noted that this is an area of significant change and the proportion of social housing in the area has significantly reduced since the 2001 census. In 2001, Bow East ward was made up of 54% social/affordable housing and 12% private rent. From the above table it can be seen that this is changing and the area is becoming more mixed, with a greater proportion of private rented accommodation.

8.29 The introduction of 45 additional social/affordable rented units would not disproportionately affect the levels of social/affordable housing in the area, though consideration would need to be given to future 100% social/affordable housing schemes to ensure the income of private housing in the area is not being reversed and the balanced skewed towards social/affordable housing again in this area. It is considered, on balance, that the relatively small scale of this development would not adversely affect the mix of the area.

8.30 A balanced view needs to be taken on this proposal, whilst the site is located within an area with higher than average social/affordable housing, these habitable rooms

would provide much needed additional housing stock for those on the Council's waiting list and this is a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.

- 8.31 It is the view of officer's that the scheme is an example of an exceptional circumstance whereby 100% affordable housing could be considered acceptable. The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation.
- 8.32 It is acknowledged that the area around Candy Street is changing, as between 2001 and 2014 there has been a shift towards private rented accommodation and owner occupiers, away from the high levels of social housing. The scheme as an individual development does not significantly alter the proportion of social/affordable rented accommodation at ward level.

#### Dwelling mix

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

Unit size	Affordable Rented			Intermediate		
	Units	%	Target	Units	%	Target
1 bed	9	29%	30%	6	43%	25%
2 bed	7	23%	25%	8	57%	50%
3 bed	9	29%	30%	-	-	25%
4 bed	6	19%	15%	-	-	
<b>Total</b>	<b>31</b>			<b>14</b>		

- 8.34 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 29% (30%), two-bed 23% (25%), three-bed 29% (30%) and four-bed 19% (15%). The proposed provision of a substantial number of larger family units - 48% of three-bed plus including four bed units against a policy target of 45%, is especially welcome and supported by Housing colleagues. The slight shortfall in two-bed units is not considered to be of concern.
- 8.35 Within the intermediate tenure the mix would be: one-bed 43% (25%) and two-bed 57% (50%). The applicant justifies the shortfall in family units in intermediate tenure by referring to the lack of demand shown for family sized units. Officers note that the shortfall in the proportion of larger intermediate units enables for a larger proportion of family units to be provided within the affordable rented tenure. It is also noteworthy that a large proportion of the proposed family sized affordable units would be provided as townhouses with sizeable private amenity space.

- 8.36 Overall, in light of the proposed quantity and quality of family housing in the affordable rented tenure, the shortfall in intermediate tenures is considered to be acceptable and would not prejudice the relevant policy objectives.

Standard of residential accommodation

- 8.37 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.38 All of the proposed units would meet or exceed the baseline floorspace standard, in particular the proposed family sized units would be more spacious, especially in the affordable rent tenure. It is also noteworthy that all units in the affordable rent tenure would be provided with separate kitchens. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. A large proportion of family sized affordable rent units would be provided as townhouses, all with sizeable private amenity space.
- 8.39 The proportion of dual aspect units has been maximised, with only 2 units (4.4%) to be provided as single aspect, although both units are west facing.
- 8.40 The distances between opposite elevations with habitable rooms exceed the requirements of policy DM25. All of the proposed units would benefit from adequate privacy and defensible space, and would not be subject to undue overlooking.
- 8.41 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report has been independently reviewed by a qualified consultant appointed by the Council. Most of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard with the exception of 8 windows located within Site K, of the 8 windows 4 are kitchen windows.
- 8.42 Further to the submission of the Daylight & Sunlight report, the applicant has increased the size of 6 of the affected windows which shows significant improvement to the level of daylight. As such it is considered that reasonable levels of daylight would still be obtained for the 8 windows. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.43 The townhouses would be provided with individual access doors to the street to provide a sense of ownership and to generate activity and passive surveillance of all spaces around the development. Entrance areas have been designed with safety and security in mind. Access cores to the flats within the upper storeys are also spread throughout the development and have similarly been designed and sited to ensure safety, security and passive surveillance. The number of residential units per core and per corridor has been kept to a minimum.
- 8.44 Overall, it is considered that the proposal would meet and exceed the relevant qualitative and quantitative design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.45 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.46 Six wheelchair accessible homes are proposed, the units will be equally spread across the unit sizes. Two wheelchair units will house the existing two tenants and an additional 4 units within the affordable housing tenure.
- 8.47 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes have been reviewed by the Council's Inclusive Access Officer and are considered to meet the appropriate requirements. 6 accessible parking spaces would be provided throughout the development and allocated in accordance with need.

### Private and communal amenity space

- 8.48 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.49 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized winter gardens, balconies or terraces all meeting or exceeding the minimum standard. All units would benefit from large private terrace or patios which substantially exceed the policy requirement.
- 8.50 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. The application does not propose communal amenity space.
- 8.51 The applicant has stated within the submitted planning statement states that Locton estate is currently being redeveloped to provide amenity space for all ages to include: toddler adventure play, a games area, an outdoor gym and informal open space. This space will be within a few minutes' walk of the site and by allowing the new residents use of this communal space will enable integration with the existing residents, creating a more balanced and mixed community. Additionally, the site benefits from being within 5 minutes' walk from Victoria Park and within 10 minutes from the Olympic Park. Moreover, all new units benefit from sizeable private amenity space in the form of: gardens, winter gardens, balconies and terraces.
- 8.52 Overall, the proposed provision of private amenity space would significantly exceed the policy requirements and make a significant contribution to creation of a sustainable, family friendly environment. The non-provision of communal space would not undermine the scheme.

### Child play space

- 8.53 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH

child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.

- 8.54 Using the LBTH child yield calculations, the development is anticipated to yield 40 children (13 under 5s, 18 of 6-10 year olds and 9 of 11-15 year olds). Accordingly, 310sqm of on-site play space is required for under 5s and 6-10 year olds. Not including the doorstep play space of private gardens, the application proposes a total of 166sqm of on-site play space divided between Site I and Site K. Proposed play area is below policy requirement however the applicant has advised that the site is adjacent to an area of open space at Candy Street. Old Ford Housing Association has recently vastly improved this green space to provide a toddlers adventure play space, kick-about space, outdoor gym and informal play in the grass for young children. This space has been specifically designed to cater for all ages of children as well as adults. Locton Green has capacity for the child yield created by the proposals and this sharing of space and facilities will seek to integrate the proposed development within the existing neighbourhood. Officers consider that the benefit of the development outweighs the shortfall of child playspace and the provision of the existing playspace is considered sufficient. As such the shortfall of child playspace would not undermine the scheme as a whole. Full details of play space facilities and equipment would be reserved by condition.
- 8.55 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, however Victoria Park is located approximately 370 metres from the site.
- 8.56 Overall, it is considered that the proposal would provide an excellent play environment for younger children while the lack of dedicated provision for older children and teenagers does not raise concerns bearing in mind the location of Victoria Park within a short walking distance of the application site.

## **Design**

- 8.57 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.58 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
  - establish a strong sense of place, creating attractive and comfortable places to live,
  - respond to local character and history, and reflect the identity of local surroundings and materials,
  - create safe and accessible environments, and
  - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.59 Chapter 7 of the London Plan places an emphasis on robust design in new development. In particular:
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character,

legibility, permeability and accessibility of neighbourhoods should be reinforced.

- Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
- Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.

8.60 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

#### Design, massing and scale

8.61 The site is located in Bow East Ward, within the periphery of Locton Estate. The site forms part of the much larger Parkside residential estate managed by Old Ford Housing Association. The site is bounded to the East by the A12 Blackwall Tunnel Northern Approach arterial road and to the north by the Hertford Union Canal and Victoria Park.

8.62 The main design constraint to development of the site is, first and foremost its proximity to the A12 arterial road and large sewer beneath Site K which requires access.

8.63 Site I currently consist of open space between Nos. 1-79 and 81-147 Candy Street, currently containing 5 mostly derelict garages. The proposal will consist of an infill four storeys in height, which reflects the scale of the two existing adjoin buildings. The massing to Block I has been well thought through so as not to dominate. This is



clear when viewed from the Candy Street elevation and from the proposed public square towards the end of the new mews street.

- 8.64 Site J has been designed as a mews development consisting of three storey town houses and three storey block of flats to the north. The three storey development has been designed to appear as one with the noteworthy difference being the individual doors provided for the town houses. The east elevation of Block J fronts the A12, in order to minimise outlook onto the A12 fenestration detailing has been concentrated to the west elevation together with balconies and terraces. The elevation treatment and massing to this frontage has been well thought through and the architects have employed a number of imaginative architectural devices to create articulation and introduce a more traditional rhythm of narrow frontages. The town houses and block of flats would be faced with a light brown buff coloured brick. Brick reveals with large setbacks to create balconies and terraces would introduce a varied townhouse rhythm. This articulation would be reinforced through a coherent strategy of creating vertical bands of fenestration as well as the introduction of terraces at third floor level which extend the full depth of the town houses. The treatment to window reveals would vary, adding visual interest. Officers consider that the three storey element would relate well to the 1960s public housing development at Candy Street.
- 8.65 Site K will consist of five stories with a sixth floor set back. The block will be the main gateway to the development and would provide a focal point due to its height and massing. The elevation treatment at lower ground and ground floor of the site differs from Site I and J. Due to the location of the sewer beneath Site K an easement of 4m wide and 5.5m in height has been factored into the design to allow access arrangement for Thames Water without disruption to building or residents. A double height lobby has been created to the south west of the building for easement rights; double height glazing will form two entrance points to the building with a further entrance to the north. As the site lies perpendicular to Site J it has the same constraint. As such, similar architectural elements and devices have been employed to articulate the building with recessed balconies, with the addition of winter gardens and windows to the north east elevation.
- 8.66 In terms of the materials, the scheme proposes a single brick type across the three sites; this creates a unity to the development. Whilst brick is proposed throughout the development, certain key areas will have contrasting material and colour to identify entrance points to flats and houses alike. All terraces and balconies provided are proposed as having opaque-glazed balustrades. This creates a degree of privacy, without increasing the mass of the buildings with solid balustrades.
- 8.67 Opaque-glazed balustrades are considered acceptable as they also prevent residents installing unsightly privacy measures applied to terraces and balconies after occupation. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Officer considered that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.68 The design of the proposal has been subject to extensive pre-application discussions between the applicant and the officers. Officers are satisfied that the proposed buildings would be of a very high architectural quality, relate well to their surroundings and enhance the local street scene. The layout and distributions of buildings within the site would create an active high quality environment.

### Safety and security

- 8.69 The proposed houses would benefit from individual front doors while adjacent flats would be served by relatively spacious glazed cores. Entrances as well as fenestration to habitable rooms would be distributed throughout the development and result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security. No concealment points or poorly overlooked areas would be created.
- 8.70 The inclusion of development on Site I is particularly welcomed as it provides a single entry point into the scheme, which reduces the potential for anti-social behaviour.
- 8.71 The new public route to be created would be well overlooked. An external lighting strategy has also been submitted. Officers are satisfied that the lighting proposed would make an appropriate contribution to creation of safe public spaces. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.72 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour.
- 8.73 The applicant has engaged with the Tower Hamlets Crime Prevention Design Advisor whose comments influenced the detailed development of the scheme. Details of all Secured by Design measures as well as external lighting would be conditioned.

### Landscaping

- 8.74 Two key landscape areas are proposed, each with its own, distinct character.

### Block I & J

- 8.75 Running along the western boundary of the site and forming a link between Block I and Block J; a pedestrian friendly mews style streetscape is proposed; it provides a number of parking spaces but has been designed to ensure a safe and secure streetscape. The feature paved bands along the streetscapes act as an extension from the build form, linking the building to the streetscape whilst providing a function as a traffic calming device and providing a rhythm to the linearity of the space aiding in breaking up the mews, whilst also integrating planting and incidental play elements. A semi-formal landscape would be created with hedge row along the rear gardens of the existing block of flats, low shrub planting beds, raised beds and trees will be sporadically placed. Doorstep play area would also be incorporated.

### Block K

Block K would form the primary access route into the development. It has been designed to include planting of trees directly in front of the development to create a buffer between the public street and the building. A large portion of the area will be created as play space for under-fives. A number of shrub planting beds and decking would also be provided.

- 8.76 The proposed landscaping has been well thought out and would be of a particularly high quality.

## **Amenity**

- 8.77 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

The application site is surrounded by residential properties to the north, south and largely to the west. Block I will consist of a four storey block of flats located to the north. The block is nestled between the existing four storey 1960s four storey public housing blocks and can be considered an infill development.

Block J will consist of a three storey block of flats and three storey town houses located to the east, adjacent to the existing four storey 1960s block ( no. 81-147 Candy Street).

Block K will consist of a six storey block of flats located to the south east adjacent to the pedestrian bridge and three storey town houses on Wendon Street.

### Overlooking and privacy

- 8.78 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.
- 8.79 In a dense urban context, any infill site such as this must address the sensitive issue of overlooking onto existing properties. The windows in Block I on the south elevation are at an angle to the existing block on Candy Street, the windows are also kitchen windows, it is considered the due to the angle of the windows and use of rooms it would not lead to significant impact in terms of overlooking and loss of privacy.
- 8.80 20m is considered to be an acceptable distance between new developments and existing properties and the distance between Block J and 81-147 Candy Street reflects this. Within an urban setting, overlooking distances are often less than this to reflect the existing urban grain.
- 8.81 The overlooking distances between Block K and the existing buildings on Wendon Street vary between 20m and 23m. These distances are in excess of the distances specified within policy guideline, and as such are acceptable distance in reducing intervisibility between windows.

### Outlook and sense of enclosure

- 8.82 The distance between the development proposal and habitable rooms of adjoining properties would be mostly at around 20m and outlook to these properties would not be significantly impacted. The proposed massing would also not result in an overbearing appearance. The 6 storey building of Block K would be located 20m and

23m from existing buildings on Wendon Street. A pedestrian foot bridge is situated between Block K and the three story town houses. The outlook of these properties would not be restricted to an unacceptable due to this separation.

#### Daylight and sunlight, overshadowing

- 8.83 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting. The report has been independently reviewed by a qualified consultant appointed by the Council. The report concludes that the proposed scheme will meet the BRE required standards for daylight and sunlight to neighbouring residential properties.

#### Noise and Vibration

- 8.84 NPPF and Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from Noise Exposure Category (NEC), NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 8.85 Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) 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.
- 8.86 Due to the site's proximity to significant A12 dual carriageway and the location of two the proposed residential blocks backing on to the carriageway, areas of the development fall within *Category D* of NPPF and PPG24 and the Borough's EHO has objected to the application, noting the site's unsuitability for residential occupation.
- 8.87 The transport route is a major constraint to the development in terms of noise and vibration. It is the view of officers that these constraints should be weighed against the regeneration objectives and provision of 100% affordable housing of the proposal which seeks to provide a better quality residential environment for existing and future occupiers of Parkside Estate. The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be none operable and trickle vents are not required to habitable rooms. MVHR systems ensure high air quality in homes & buildings and help prevent condensation issues and mould growth.
- 8.88 It is envisaged that the installation of high quality glazing and MVHR units to individual residential unit, that all buildings would comply with required internal noise levels. Amenity areas within the development site have also been designed to face away from the A12 that they are sheltered from the noise to provide relatively quiet residential environments.
- 8.89 As such, a balanced view has had to be taken with regard to the EHO's objection on grounds of noise. It the view of the case officer that any impacts in terms of noise are outweighed by the provision of 100% affordable housing and regeneration benefits that the development will bring to the area and in any event sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition to ensure this is recommended.

- 8.90 As such, it is the officers view that considering the site constraints, the proposals are generally in keeping with NPPF, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

#### Summary - Amenity

- 8.91 In conclusion, it is considered that the amenity impact of the development on the neighbouring residential occupiers would not be uncommon for a major development in an urban area. However due to the separation distance, the orientation of the development it is not envisaged that there would be a detrimental impact on the amenity of neighbouring properties.

#### **Transport, Access and Servicing**

- 8.92 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.93 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met.
- 8.94 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.95 Transport links are limited, but, within a distance of 150m from either end of the overall site are number local bus stops which are served by the Nos. 276 and 488 bus routes with direct connections to Stratford, Hackney and Canning Town. No. 8 bus route towards Bethnal Green and Central London. Hackney Wick Station, part of the London Overground network is a 10-15 minute walk away, with eastbound connections to Stratford and westbound connections across the entire network. The site has a Public Transport Accessibility Level (PTAL) of 2.
- 8.96 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

#### Cycle parking

- 8.97 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In

accordance with these standards, the application proposes 60 secure, covered spaces for residents. The cycle stands would be distributed across the development site with an adequate number of spaces provided within each access core and within individual houses. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking.

#### Car parking

- 8.98 Policy DM22 sets out the Council's parking standards in new developments. The application site falls mainly within PTAL 2. There are 8 parking spaces provided within the courtyard fronting sites I and J.
- 8.99 Whilst this level of parking is possibly less than what would normally be expected to support a development of this size in an area with a PTAL of 2, in this instance further off street parking would be made available to residents within the existing parking spaces controlled by Old Ford HA elsewhere and in the adjacent parts of the Parkside Estates they manage. The allocation of space would be on an application basis and controlled by display permits, this is supported by Highways colleagues.
- 8.100 6 of the proposed spaces would be designed to be accessible to wheelchair users and management of the spaces to ensure Blue Badge holders are prioritised for spaces would be enshrined in the Parking Management Strategy secured by condition.
- 8.101 All of the proposed car parking would be located between Block I and Block J. There would be a single vehicular access point, off Wendon Street, in the southern part of the site. Highways Officers have raised concerns regarding the location of the parking spaces within the site and have requested that a condition be secured to ensure that residents park only within the designated parking bay. All of the residential units would be located within a convenient distance to the car park.
- 8.102 The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.

#### Vehicular and Pedestrian Access

The existing access point to site J is to be retained and will serve as the main access to the development.

The existing access at site I is to be blocked. This will facilitate additional parking and an easing of parking congestion on Candy Street.

The main access is to be improved by providing a 'tabled' entrance consisting of a ramp from the kerb line to the shared surface that establishes a clear indication to drivers that they are entering a different driving environment, whilst maintaining a level surface for the existing passing footway. The junction areas will be provided with a series of bollards to show that there is a vehicular route over the footway and appropriate tactile paving for the visually impaired.

The proposed form of access will be subject to a S278 agreement.

All pedestrian access points are DDA compliant. Pedestrian routes within the site courtyard, which is a shared surface, are designated by a change in surface material in terms of colour and where appropriate tactile surfaces.

The application also proposes mirrors to be located at appropriate points in the courtyard to aid pedestrian and driver visibility and for personal security purposes.

#### Servicing and refuse storage

- 8.103 The existing waste collection services approach the site via Wendon Street from Old Ford Road and will collect from Site K as they currently do and Sites I and J by entering the courtyard via the main entrance. The applicant has demonstrated that service vehicle can travel the full length of the courtyard, turn in the area provided at its far end and then leave in forward gear. A swept path analysis using AUTOTRACK has been provided for the typical range of vehicles that would be expected to attend the site. The proposed servicing arrangements are acceptable to the Council's Highways Officers. This would help to minimise the impact of deliveries and servicing of the development on the immediate highway network.
- 8.104 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.105 The individual houses of Block J have access to integrated bin stores to the front. And the flats of Blocks I and K would use communal general waste and recycling stores located next to access core entrances. The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with policy standards and the Council's Waste Officer raises no objection.

### **Sustainability and Environmental Considerations**

#### Energy efficiency and sustainability standards

- 8.106 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.107 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.108 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.109 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

- 8.110 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clean and Be Green, and sought to minimise CO2 emissions through a 38% reduction in CO2 emissions against the benchmark of Building Regulations 2010. The proposal also includes the installation of photovoltaic array (50kWp) to further reduce emission.
- 8.111 The applicant has advised that the scheme has insufficient heat load to permit the efficient operation of a dedicated gas-fired CHP unit per dwelling, therefore the site will be served by individual high efficiency combination gas boilers.
- 8.112 The overall CO2 emissions reductions considered achievable for the development are 38% and the development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.113 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. Nevertheless, as the proposal would fall short of the target 50% CO2 emission reduction, a contribution in-lieu is sought by the Energy Efficiency and Sustainability section for carbon offset projects in the vicinity of the site. As the shortfall is minor and the energy efficiency measures have been maximised taking into account the viability of the proposal, it is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

#### Ecology, biodiversity and trees

- 8.114 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.115 The applicant has submitted an Ecological Appraisal and a Tree Survey.
- 8.116 The Council's Biodiversity Officer has confirmed that there is nothing of significant biodiversity value on the application site and the Ecological Appraisal states that the existing building is modern, intact and well-sealed with extremely limited opportunity for roosting bats. There would therefore be no adverse impact on biodiversity.
- 8.117 The scheme includes numerous features which would ensure biodiversity benefits. In particular, the planting of silver birch trees, a native species of high wildlife value. The rest of the planting consists of evergreen hedge, and shrub planting in beds and planters. Full details would be reserved by condition.
- 8.118 A Tree Survey report has been submitted and reviewed by the Council's Tree Officer who raised no objection subject to suitable replacement planting. The proposed landscaping provides for planting of approximately 14 trees of varying, predominantly native species.
- 8.119 Taking into account the moderate to low value of the existing trees on site, the proposed quantity and quality of replacement trees, the likely significant biodiversity gains resulting from the scheme, it is considered that the proposal would be acceptable in policy terms.



### Air Quality

- 8.120 Policy SP03 of the Core Strategy and DM9 of the Managing Development Document seek to deliver air quality improvements by promoting the use of public transport, reducing reliance on private motor vehicles and introducing a 'clear zone' in the borough. The whole area of Tower Hamlets qualifies to be an air quality control zone and policy seeks to prevent new development from contributing to poor air quality.
- 8.121 The Air Quality assessment suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.
- 8.122 Regarding the air quality in the completed development, The Air Quality assessment identifies high levels of pollution at the site, and that mechanical ventilation should be included on all residential units to reduce potential exposure of future residents to elevated pollutant concentrations. This type of mitigation is suggested within best practice guidance and is therefore considered suitable for a development of this size and nature. The applicant has confirmed that all units will be provided with individual Mechanical Ventilation with Heat Recovery (MVHR) units, and as such windows to the rear will be none operable and voltaic ventilation/trickle vents are not required to habitable rooms. MVHR systems ensure high air quality in homes & buildings and help prevent condensation issues and mould growth.
- 8.123 On balance and subject to the imposition of appropriate conditions, 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. The Borough's EHO has not commented however, it is recommended that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.

### Land Contamination

- 8.124 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

### Flood Risk

- 8.125 The application site is not located within a flood risk zone.

### **Utilities Infrastructure**

- 8.126 A Thames Water sewer runs below Site K, an easement of 4 metres wide and 5.5 metres in height has been agreed with Thames Water.

### **Health Considerations**

- 8.127 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 while the Council's policy SP03 of the Core Strategy seeks to deliver healthy

and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

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

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

8.129 The application proposal would result in replacement of poor quality housing which does not meet the Lifetime Homes or Decent Homes criteria with high quality contemporary housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

8.130 Overall, even though no health infrastructure contributions were secured, it is considered that the proposal broadly accord with the abovementioned policies and would generally contribute to improved health outcomes and opportunities for active and healthy lifestyles.

#### **Planning Obligations and CIL**

8.131 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).

8.132 The NPPF requires that planning obligations must be:

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

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

8.134 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.135 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.136 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.137 In order to ensure that the proposed development is deliverable and viable, a financial appraisal has been submitted by the applicant. This appraisal has been independently assessed by a qualified consultant appointed by the Council. The appraisal concludes that using conventional viability assessment methods, the development would be unviable and would not be able to withstand any S106 financial contributions. Even though the development would not be deliverable under ordinary market circumstances, the applicant, a registered housing, is prepared to internalise the increased risks and able to raise the required funds.

8.138 The applicant recognises the need to mitigate the impacts arising from the development and has made available a financial contribution of £95,523 towards local infrastructure. Having had regard to the viability of the scheme and the Council's priorities, the entire sum has been allocated to provision of educational facilities. This allocation has been discussed and agreed by the Planning Contribution Overview Panel.

8.139 The following non-financial planning obligations were also secured:

- a) Affordable housing 100% by habitable room (45 units)
  - 69% Affordable Rent at East Thames levels (31 units)
  - 31% Intermediate Shared Ownership (14 units)
- b) Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction
- c) Car free agreement

8.140 A contribution of £95,523 towards education facilities would however not fully mitigate all of the impacts of the development. In line with the Council's SPD the proposal would require a total of £729,163.53 of which £435,339.09 would be required for provision of education facilities, £67,818 for health facilities, £57,183 for leisure facilities, £9,400.14 for employment and skills training, £14,054.22 for Idea Stores, libraries and archives, £98,447.99 for open public space, £1,672.05 for smarter travel and £41,082 for streetscene improvements. This high amount is reflective of the proposed affordable housing which has higher child and population yields.

8.141 Officers consider that the proposal represents a unique opportunity to deliver a %100 high quality affordable homes including a larger proportion of family sized units and a larger proportion of affordable rented accommodation at Borough Framework affordable rental levels. The proposal would provide an extensive amount of high quality development within a brown field site. The scheme would also provide a financial contribution, secured as a planning obligation, towards education facilities in the Borough. The public and regenerative benefits of the proposal would be substantial.

- 8.142 Nevertheless, the financial obligations proposed would fail to fully mitigate the impact of the development proposal, in particular with regard to provision of education, healthcare and open space.
- 8.143 In conclusion, having taken into account the special circumstances of the case and the results of the independently reviewed viability assessment, officers consider that, on balance, the substantial public benefits and the regenerative potential of the proposal outweigh the proposal's inadequacies with regard to mitigation of all of the infrastructure impacts of the development.

### **Local Finance Considerations**

- 8.144 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.
- 8.145 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.;
- 8.146 Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that the proposal would not be liable for any CIL payments.
- 8.147 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.
- 8.148 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 £80,047 in the first year and a total payment £480,282 over 6 years.

### **Human Rights Considerations**

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

8.150 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".

8.151 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.

8.152 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.153 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.

8.154 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

### **Equalities Act Considerations**

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

this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

8.156 The proposed contributions towards education infrastructure, qualitative and quantitative improvements to the provision of public open space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

## **9.0 CONCLUSION**

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

11.0 SITE MAP



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<b>Agenda Item number:</b>	6.1
<b>Reference</b>	PA/14/00623
<b>Location</b>	Land at rear of 81-147 Candy Street And Wendon Street, London, E3
<b>Proposal</b>	Demolition of existing garages and 2 bungalows and the construction of 45 residential dwellings (15 x 1 bed, 15 x 2 bed, 9 x 3 bed and 6 x 4 bed) with associated infrastructure provision

## 1.0 UPDATES

### 1.1 Please note the following amendments to this report

- 1.2 Under Paragraph 2.4 of the executive summary, it states, the residential quality of the scheme would be very high. Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read '48%.'**
- 1.3 Under Paragraph 4.8 of the proposal, it states, Out of the 45 affordable rented units 33% would be of a size suitable for families. **This should read '48%.'**
- 1.4 Under Paragraph 8.31 of the Housing section, it states, The benefits of the scheme are that 31 units of the total housing provided would be affordable rented, with 33% provide as family housing at lower density environment which is more suitable for family accommodation. **This should read '48%.'**
- 1.5 Paragraph 3.2 which states 'Any direction by the London Mayor', should be omitted as this application does not need to be referred to the London Mayor.

## 2.0 Representations

- 2.1 For avoidance of doubt Dockland Light Railway (DLR) were consulted as they own a strip of land to the east of Site J. Further to the consultation no comments have been received.
- 2.2 Two additional letters of objection has been submitted, the first from the London Legacy Development Corporation (LLDC) and the second from a resident.
- 2.3 The LLDC objection raises the following issues:
- Concerned raised about the alignment of the proposed development in particular Site K and its relation to the existing pedestrian/cycle bridge.
  - Late consultation and no discussion was undertaken given the aspirations within the Fish Island AAP and Draft Local Plan to promote future connectivity improvements between Crown Close and Old Ford Road across the A12 and which the Legacy Corporation are in the process of taking forward.
  - The proposed Block K would likely prejudice delivery of future bridge improvements given proximity to boundary lines, with access to residential units and winter gardens coming to the edge of boundary lines.
  - The proposal creates inappropriate future street frontage and access if this were to change to a vehicular or larger pedestrian and cycle bridge.
  - The ground floor units or single aspect units close proximity to the A12 are also of concern.

- The Legacy Corporation request that the item be deferred for further discussion to take place.

(Officer response: Officers have considered the concerns raised and have considered this in the context of the policies within the Council's adopted Fish Island Area Action Plan (FIAAP) and the London Legacy Development Corporation Local Plan (publication version) (LLDC LP). In context of the Council's FIAAP, AAP policy FI 3.2 is relevant and it refers to Achieving Connectivity and states that '*Upgrade of the existing pedestrian and cycle bridge over the A12 linking Old Ford Road to Crown Close with improved signage and public realm improvements on the landing site on Crown Close*' as a priority actions to improve the access across the A12. Therefore Officers considered that the proposed development would not prejudice the delivery of any future improvements to the bridge. In addition, the proposal Site K is all within its site boundary and therefore officers do not considered that the proposal would have any adverse implications to any future improvements.

In the context of the publication version of the LLDC LP, policy 1.3 is relevant and refers to Connecting Hackney Wick and Fish Island. Within the subtext to this policy, it refers to '*the overall aim is to achieve new and enhanced walking, cycling and vehicular routes that intersects with open spaces and node of public activity*'. It is the view of the officers that the proposal would not disrupt this aim and improvements can be achieved which is also within the Borough's interest.

Nevertheless, to improve the relationship between the proposed building footprint of Site K and the bridge, officers consider that there can be design amendments which can be secured by planning condition.)

#### 2.4 The resident's objection letter raises the following Issues:

- Loss of light to garden
- Sense of enclosure

(Officer response: Issues in relation to loss of light and sense of enclosure has been fully addressed within the amenity section of the committee report)

- Consultation letter was not sent to the applicant

(Officer response: Council's records show that a letter was sent to the resident. Furthermore, a site notice was displayed and an advert was placed in the local news)

- Noise/dust from the building works
- Removal of party wall

(Officer response: A condition will be imposed to restrict hours of construction. It should be noted that the any disruption/inconvenience arising from the proposal would be for a temporary period only and will be limited to the duration of the proposed works. A condition will also be imposed to submit a construction management plan to address health and safety issues. Removal of a party wall is not a planning material consideration.)

### 3.0 RECOMMENDATION

#### 3.1 Officer recommendation as set out in the committee report remains unchanged.

# Agenda Item 6

<b>Committee:</b> Development	<b>Date:</b> 17 <sup>th</sup> December 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 HEAD OF 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:	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

- 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 the relevant Agenda Item.

#### **5. RECOMMENDATION**

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

# Agenda Item 6.1

<b>Committee:</b> Development Committee	<b>Date:</b> 17December 2014	<b>Classification:</b> Unrestricted
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Kamlesh Harris	<b>Ref No:</b> PA/14/02585
	<b>Ward:</b> Bromley South

## 1.0 APPLICATION DETAILS

**Location:** Watts Grove Depot, bounded by Watts Grove, Glaucus Street and Yeo Street, LondonE3 3QS

**Existing Use:** Council Depot Site

**Proposal:** Complete redevelopment consisting of the demolition of all buildings and structures on the old depot site and associated areas of hardstanding to provide 148 new homes (flats and houses) in buildings of varied heights ranging from three storeys to seven storeys (Use Class C3) together with new and upgraded vehicular access, new pedestrian accesses, open space, landscaping and associated works including relocation of existing telecommunications mast.

**Drawings:** D(20)100\_revD, D(20)101\_revB, D(20)102\_revB, D(20)103\_revB, D(20)104\_revB, D(20)105\_revB, D(20)106\_revB, D(20)107\_revB, D(20)108\_revA, D(20)110\_revB, D(20)111\_revB, D(20)112\_revB, D(20)113\_revA, D(20)114\_revB, D(20)115\_revA, D(20)116\_revA, D(20)120\_revA, D(20)150\_revA, D(20)151\_revA, D(20)200\_revC, D(20)201\_revA, D(20)202\_revB, D(20)250\_revA, D(21)01\_revA, D(31)01\_revA and D(34)01\_revA.  
Landscape plan – IA-372-LP-P01\_revE

**Document:**

- Design and access statement
- Landscape design statement
- AHS Viability Report
- Air Quality Assessment
- Daylight and Sunlight Report
- Ecology Report
- Drainage Strategy
- Flood Risk Assessment
- Phase 1 Preliminary Geo-environmental Assessment
- CGI BookletrevB
- Bin CalculationsrevB
- Accommodation SchedulerevB

- Heritage Assessment
- Energy Statement
- Code Pre-Assessment Report
- Structural Report for Existing Building
- Transport Assessment
- Statement of Community Involvement
- Planning Statement

London Borough of Tower Hamlets

**Applicant:**

**Ownership:**

London Borough of Tower Hamlets  
(Veolia Environmental Services and EEE Ltd and  
Hutchison 3G UK Ltd are leaseholders)

**Historic Building:**

None

**Conservation Area:**

None

**2.0 EXECUTIVE SUMMARY**

- 2.1 This report considers an application for the demolition of all buildings and structures on site to create a residential development of 148 new dwellings (13 houses and 135 flats). The three storey houses would be situated to the north of the site; the flats would be arranged over four blocks (B1, B2, C1 and C2) of varied heights ranging from five to seven storeys together with new and upgraded vehicular access, new pedestrian accesses, open space, a substation, landscaping and other associated works. The proposal would also include the temporary relocation of an existing telecommunication mast (currently located to the south of the site) to the north of the site during construction phases. After construction is completed, the mast would be permanently moved on the roof of one of the tallest buildings, Block C1.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Development Plan and other material considerations as set out in this report and would recommend approval of planning permission, subject to appropriate and reasonable conditions.
- 2.3 The proposal is a Council lead initiative whereby the Council is both developer and site owner. The proposal would result in the provision of 100% affordable units on site (148 homes/565 habitable rooms), which would assist in reducing overcrowding in the Bromley South Ward. The new homes would be managed by Tower Hamlets Homes. On and off street parking spaces would also be managed by Tower Hamlets Homes.
- 2.4 The proposed redevelopment of this brownfield site which would include the loss of a depot site and some employment to create a residential led development is considered acceptable, given the size, location, accessibility and condition of the existing accommodation. The depot use would be decanted to other depot sites in the borough.
- 2.5 The residential quality of the scheme would be very high. Out of the 148 affordable rented units, 45% would be suitable for families. The family-sized units would be provided as a mix of three and four bedroom units. A small proportion of these units (13) would be provided as townhouses with sizeable private amenity space and individual front doors. All the family units and some smaller units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code

of Sustainable Homes and Lifetime Homes standards, and 10% would be provided as wheelchair accessible. All of the proposed units would meet or exceed the floorspace and layout standards with family sized and wheelchair units being more spacious, and the quantity and quality of housing amenity space, communal space, child play space and open space are considered to be good and of a well-considered design that effectively meets the needs of the development.

- 2.6 The design of the scheme as a whole, including the proposed massing, siting, architectural appearance and response to the site's setting, is of a high quality. The proposed heights do not cause concern. High quality materials and detailing would be used throughout. The proposal also includes a new north/south pedestrian link, providing improved pedestrian permeability through the site from Maddams Street.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission

- 3.2 That the Corporate Director, Development & Renewal is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

#### 3.3 Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Personal Permission – The London Borough of Tower Hamlets only
4. Samples and details of all facing materials, including balconies, windows and doors
5. Details of hard and soft landscaping, including boundary treatment and a Landscaping Management Plan
6. Archaeological Report
7. Thames Water (water infrastructure capacity)
8. Piling Method Statement
9. SUDS (drainage)
10. Details of play equipment
11. Details of rooftop PV array
12. Details of biodiversity enhancement measures
13. Details of all boundary treatments including hedges, fences, railings and walls
14. Details of all Secure by Design measures
15. Details of external lighting and CCTV
16. Hours of construction and demolition
17. Demolition and Construction Management Plan
18. Delivery and Servicing Management Plan
19. Contamination
20. Communal play space and child space accessible to all future residents of the development
21. Public access to the areas of open space and gates to be fully opened during the day and locked in dark hours
22. Code for Sustainable Homes Level 4 post completion testing
23. Lifetime Homes
24. Compliance with Energy Statement/single energy centre and CHP system to serve all flats
25. 10% wheelchair housing
26. Details of cycle parking

27. Waste and recycle storage
28. Scheme of highway improvement works as requested by LBTH Highways
29. Protection of retained trees
30. Fire hydrant location and access requirements (Fire Brigade)
31. Prior notification for relocation and retention of telecommunications mast
32. Securing financial contributions as follows:

- a) A contribution of £597,328 towards education facilities
- b) A contribution of £55,059 towards Idea Stores, libraries and Archives.
- c) A contribution of £30,559 towards construction phase, skills and training.
- d) A contribution of £6,554 towards smarter travel.
- e) A contribution of £25,000 towards health facilities.
- f) A contribution of £30,500 for S106 monitoring fee (1%).

Total: £745,000

33. Affordable housing 100% by habitable room (148 units) Affordable Rent at Borough Framework affordable rental levels.

34. Access to employment
  - 20% Local Procurement
  - 20% Local Labour in Construction – 8 apprentices

35. Car free agreement

36. Travel plan monitoring

37. Necessary Highway Works – reinstate and improve footway adjacent to site, at Maddams Street;

3.4 Any other conditions considered necessary by the Corporate Director Development & Renewal.

3.5 Informative:

1. Thames Water standard informative
2. Building Control
3. CIL

3.6 Any other informative considered necessary by the Corporate Director Development & Renewal.

#### **4.0 PROPOSAL AND LOCATION DETAILS**

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

4.1 The application site has an area of approximately 0.76ha and is rectangular in shape; it is currently used as a council vehicle depot and general storage. The site is



bounded by Watts Grove to the west, Glaucus Street to the east and Yeo Street to the south. To the north is Maddams Street which is a cul-de-sac and ends at the edge of the depot site.

- 4.2 The site comprises brownfield land with buildings mostly to the north-east and north-west. Of note here are the former offices to the electricity generating station located at 13 Watts Grove. This building is unoccupied and used for storage purposes. The central area consists of parking spaces and open storage. It is noted that all buildings and structures on site would be demolished to make way for this residential scheme. There is a telecommunication mast to the south of the site near Yeo Street, which would be relocated during construction works to finally rest on top of the new building, after construction.
- 4.3 No parts of the application site fall within the curtilage of a listed building or within a conservation area. The nearest conservation area, Limehouse Cut, is due south and shares its boundary with the canal. The site does not have any specific policy designations and is located within a predominantly residential area interspersed with commercial uses.
- 4.4 The site has a Public Transport Accessibility Level (PTAL) of 2. It is approximately 450m from Devons Road DLR to the north east. The main road further north, Devons Road is served by several bus routes. The nearest underground station is Bromley by Bow, which is about a kilometre due north east.

#### **Relevant planning history**

- 4.5 None

#### **Proposal**

- 4.6 The proposal is for the complete redevelopment of the old depot site consisting of the demolition of all buildings and structures and associated areas of hard standing to provide 148 new homes (flats and houses) in buildings of varied heights ranging from three storeys to seven storeys (Use Class C3) together with new and upgraded vehicular access, new pedestrian accesses, open space, a new substation, landscaping and other associated works including relocation of existing telecommunications mast.
- 4.7 The scheme consists of 13 three storey houses to the north of the site, together with four individual blocks of flats ranging from five to seven storeys in height. These would be arranged to the east and west leaving room for an internal courtyard and pedestrian accesses, thus opening the site from north to south. This north-south pedestrian access through the site would be particularly valuable if/when a link is established to the canal in future developments; it is also proposed to restrict access right through the site to daytime hours only. An east/west vehicular access is also proposed to the north with a narrower pedestrian route further down the site.
- 4.8 It is noted that the residential proposal is for a 100% affordable rent scheme with a high percentage of family housing (45%), including 17% of four beds. The rent levels would be all affordable rents.

## **5.0 POLICY FRAMEWORK**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise. 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**

National Planning Policy Framework 2012  
National Planning Practice Guidance

### **5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013**

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 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
- 5.8 - 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
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character

- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

#### 5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- 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 2013**

- DM0 - Delivering Sustainable Development
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

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

##### Mayor of London

- Further Alterations to the London Plan - Draft (2014) ("FALP")
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Sustainable Design and Construction - Draft (2013)
- Sustainable Design and Construction (2006)
- Accessible London: Achieving an Inclusive Environment (2004)
- Housing Supplementary Planning Guidance (November 2012)

## Other

- Planning Obligations SPD (LBTH 2012)
- Affordable Housing SPD - Engagement Version (LBTH 2013)
- By Design 'Urban Design in the Planning System: Towards Better Practice' (CABE 2000)

### 5.7 **Tower Hamlets Community Plan objectives**

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

## 6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

### **External Consultees**

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

6.3 Access requirements must be met; No information on location of fire hydrants and the distance from the proposed development.

6.4 [OFFICER COMMENT: Full details have been reserved by condition and would be approved in consultation with the London Fire and Emergency Planning Authority.]

#### *Thames Water*

6.5 Waste Comments - With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application, TW requests condition be applied for a drainage strategy detailing any on and/or off site drainage works.

6.6 Water comments - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. TW recommend a condition to secure Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

6.7 [OFFICER'S COMMENT: The requested conditions and informative would be secured accordingly.]

6.8 **Port of London Authority** – No comments

6.9 **Environment Agency** – No objection

6.10 **Canal & River Trust** – No objection

## Internal Consultees

### *Biodiversity*

- There is nothing of significant biodiversity value on the application site and the existing buildings have been assessed as being unsuitable for bats. There will not, therefore, be any significant biodiversity impacts.
  - No green roofs, or any other elements of living buildings, appear to be proposed. The addition of biodiverse green roofs to all the main buildings would be a significant biodiversity benefit. It would also increase the efficiency of the proposed photovoltaics by reducing ambient temperatures on the roofs. Green roofs could also be installed on the proposed small buildings, such as bin stores and bike sheds.
  - The applicant should be asked to consider installing biodiverse green roofs. This would be a significant benefit for biodiversity, and would contribute to objectives and targets in the Local Biodiversity Action Plan.
- 6.11 [OFFICER'S COMMENT: The proposal would include the installation of photovoltaic array to the roofs of all residential blocks; a condition would be secured to look at creating some living roofs where possible]

### *Trees Officer, Parks & Open Spaces*

- 6.12 The Tree Officer has advised that the trees situated in close proximity to the proposed development site boundary, should receive adequate protection to canopy and root zone during construction. This should include the installation of root barriers along the boundary of the highway and the site footprint, to prevent future root extension/encroachment. Landscape section - An adequate maintenance schedule should be in place for all new plantings.
- 6.13 [OFFICER'S COMMENT: A condition to secure the safeguarding of existing trees would be imposed together with the provision of a landscape strategy.]

### *Environmental Health - Noise and Vibration*

- 6.14 Environmental Health have expressed concerns about lift shafts and plant rooms. The EHO officer has requested that no habitable rooms adjoin the lift shaft or plant room. The applicant must show in the form of an acoustic report that no noise emanating from the lift shaft would be audible in any habitable room.
- 6.15 [OFFICER'S COMMENT: A condition will be secured to ensure a noise assessment report is submitted and approved by the Council. Current Building standards are such that this concern is easily resolved by condition.]

### *Environmental Health - Housing*

- 6.16 Standard comments were provided with relation to thermal insulation, heating and ventilation of the dwellings as well as automatic fire detection and alarm systems.
- 6.17 [OFFICER'S COMMENT: These areas are appropriately controlled under the Building Regulations and Building Control approval would be required]

### *Environmental Health - Contamination*

- 6.18 No adverse comments subject to appropriate conditions which would be secured accordingly

*Transportation and Highways*

- 6.19 Subject to the below matters being secured through conditions, Highways have no objection to the application:
- Agreement prohibiting residents from obtaining on-street car parking permit;
  - The on-site car parking for wheelchair users is acceptable;
  - The proposed works to public highway around the site to create two new crossovers and remove redundant crossovers are acceptable.
  - The northern access appears to have been designed to give vehicular access to the substation. Alternative access options should be pursued including from the east west vehicle route through the site;
  - Reference is made in the documentation to the limited use of the vehicular link for servicing. This should be the primary location for servicing of the adjoining blocks;
  - The east west vehicle route should be one way to prevent waiting on carriageway for oncoming vehicles to exit and oncoming passing situations on the private route itself;
  - The proposed cycle parking is acceptable;
  - Delivery and Service Plan;
  - Construction Management Plan;
  - Travel Plan; and
  - Scheme of Highways works necessary to facilitate the development.

[OFFICER'S COMMENT: The above comments are noted. Suggested conditions have been included.]

*Housing*

- 6.20 The application for the reuse of the depot site is supported together with the proposed development delivering 100% affordable housing, being all affordable rent. Given the size of the development, this is considered acceptable.
- 6.21 The proposed mix gives exactly 45% family units, as per our policy, with a satisfactory 17% of 4 bed units. The balance of 1bed and 2 beds is slightly at variance with policy: 1beds 26% instead of policy 30% and 2 beds 30% instead of policy 25%, but again, the provision of additional 2 bed units is desirable in terms of maximizing the rehousing of families possibly already in overcrowded 1 bed accommodation.
- 6.22 Wheelchair accessible units are welcome and the provision of 13two/three/four bed WC units is in line with the needs of families waiting for fully accessible housing on the Common Housing Register. This contributes towards the 10% requirement for this type of housing as stated in the Managing Development Document. Furthermore, all units would be designed with separate kitchens and living areas.
- 6.23 This proposal is made by the Council and the homes would be managed by Tower Hamlets Homes.

[OFFICER'S COMMENT: Appropriate conditions would be secured accordingly.]

*Inclusive Access Officer*

- 6.24 The detailed floor layouts for the proposed wheelchair accessible units have been reviewed and following receipt of explanation and further amendments are considered to be acceptable and to fully meet the appropriate requirements.

*Employment and Enterprise*

- 6.25 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets.
- 6.26 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.27 The Council seeks to secure a financial contribution of £30,559 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution would be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.28 Due to the nature and scale of the proposed development, 8 apprenticeships posts would also be secured.
- 6.29 [OFFICER'S COMMENT: The financial and non-financial obligations are discussed further in the report and would be secured by way of condition.]

*Energy Efficiency and Sustainability*

- 6.30 The applicant has submitted code for sustainable homes pre-assessment which shows the scheme is designed to achieve a Code Level 4 which is supported by the sustainable development team. The originally submitted proposals incorporated measures to reduce CO2 emissions by 19% which is significantly less than the policy requirement. These proposals were for individual gas boilers, which are not supported by the sustainable development team as it does not meet London Plan Policy 5.6 and does not demonstrate that the scheme is future proofed to connect to a district system. Acceptable energy system: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 6.31 Following negotiations, the proposal has been revised in accordance with the advice given above and the scheme would now incorporate measures to reduce CO2 emissions by about 45% which is considered acceptable and much closer to the 50% target.
- 6.32 [OFFICER'S COMMENT: These matters are discussed further in the report. Appropriate conditions would be included and secured accordingly.]

*Waste Collection*

- 6.33 Waste management plan as explained in the design and access statement and as detailed in further information received is considered acceptable.

[OFFICER'S COMMENT: This would be conditioned.]

## 7.0 LOCAL REPRESENTATION

### Statutory Consultees

7.1 A total of 672 neighbouring properties, within the area shown on the map appended to this report, were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:                      Objecting: 4                      Supporting: 0

No of petitions received:                      0

7.2 The following issues were raised in objection to the scheme:

- Overlooking
- Local amenities
- Increase in traffic
- Loss of light
- Loss of privacy
- New park
- New community hall

(OFFICER COMMENT: The above issues are fully discussed in the Land Use, Design, Landscape and Amenity sections of this report)

### Applicant's Consultation

7.2 The applicant has provided information in relation to public consultation carried out prior to the submission of this application.

7.3 A number of consultation events were organised. The consultation began with a leaflet drop in July this year, aimed at 449 households. The leaflet briefly described the proposal, invited residents to planned exhibition events, sought feedback and gave details of the exhibition website together with a simple questionnaire. A translation assistance service was also offered in the leaflet.

7.4 The first planned exhibition took place on 18 and 19 July in at the Linc Centre on Fern Street, which was wheelchair accessible and easily accessible for pedestrians. Attendance was fairly low for these two events. A second set of planned events took place in September on the Watts Grove Depot site itself on 12 and 13 September. Again attendance was fairly low for these two events. A total of 6 people signed in for the exhibitions.

7.5 The response to the questionnaire sent to 449 households yielded a percentage of 6% or 28 returned forms. Of these 28 responses no objections were received. 9 were supportive but had concerns and 19 were supportive. The pedestrian friendly spaces, open spaces and play areas were well received by all those who responded.

7.6 The areas of concern were inter alia, lack of parking spaces, 100% affordable housing and too much housing, vehicular access within the site and gated parts of the scheme.



## 8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Obligations

### Land Use

#### Loss of Employment Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.5 The Core Strategy place-making policy SP12 identifies a vision for this area as *'Establishing Bow Common as a family focused residential neighbourhood set around the civic spine of St Paul's Way'*. The main priorities surrounding this area would be community focussed while linking new residential developments to the civic, commercial and educational uses along St Paul's Way and transport link on Devons Road. The area would remain largely residential and offer high quality new housing alongside improved accessibility and safety and good quality public realms; in particular improving the accessibility and permeability to the Limehouse Cut.
- 8.6 The proposal seeks complete redevelopment and change of use from vehicle depot (sui generis) to C3 (Dwelling Houses). Although some very low-density employment

is provided on the site as a 'vehicle depot', it is not classified as a protected employment site in the local plan.

- 8.7 It is noted that the Council has ensured an undertaking to provide alternative sites for this facility. The depot site is predominantly used for parking of Council vehicles. Other depot sites are provided on Commercial Road and Leven Road, and given that the local plan does not designate this site for employment use, residential use would be welcome. It is noted that the area in the vicinity of the site is becoming increasingly residential with developments such as Caspian Wharf, Bow Enterprise Park and Parkside Apartments coming forward.

#### Principle of residential use

- 8.8 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets. For new developments, this should offer a range of housing choices in terms of the mix of housing sizes and types plus provide better quality accommodation for Londoners.
- 8.9 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes from 2010 to 2025 in-line with the housing targets set out the London Plan. The Further Alterations to the London Plan (FALP) sets a more ambitious target for the Borough of approximately 4,000 new homes per year. The census 2011 indicated that there is significant overcrowding in the South Bromley ward and that a total of 1550 additional rooms would be required to tackle the huge need for more homes.
- 8.10 The Core Strategy place-making policy SP12 pictures the Vision for Bow Common as that of a housing-estate regeneration and new development to reinstate a traditional street network to facilitate a more walk-able neighbourhood and improve access to the Limehouse Cut Canal. This proposal would seek to create a through access from Maddams Street to Yeo Street. There would also be accesses within the site from east to west, both vehicular and pedestrians.
- 8.11 Three of the objections received cited other uses that would be more beneficial in this area rather than housing. The creations of a community hall or a local park as well as local amenities were some of the suggestions. Housing remains one of the greatest needs and priorities for this Borough; this applies to Bromley South area as well. This report will go on to show that the proposal includes community benefits such as a community garden and home zone area together with improved accesses for all and not just the new residents. It is also noted that some shops/local amenities are situated along Devons Road. The proposal would not include a community hall in this instance, however there are many community benefits as detailed above, and the local plan does not designate this area to provide community halls, but rather directs such uses toward town centres.
- 8.12 To conclude, given the predominantly residential character of the site's environs, the need for more housing in the area and the Borough in general, the principle of intensification of housing use on this brownfield site is supported in policy terms.

#### **Housing**

- 8.13 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be

considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

- 8.14 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally. This application would provide additional housing pursuant to Policy 3.3 of the London Plan (and the FALP) and Local Plan policy SP02. The 149 residential units would be a mixture of houses and flats, all with affordable rent levels. The main communal amenity space, open space and new thoroughfare would be readily accessible for all residents and the general public.

#### Residential density

- 8.15 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council’s town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.16 The application site measures approximately 0.7646 hectares with a site PTAL rating of 2. In areas of PTAL 2 (very low/poor) and a central setting, the density matrix associated with policy 3.4 of the London Plan suggests a density of between 300-650 habitable rooms per hectare. This density range is provided by the sustainable residential quality density matrix that underpins Policy 3.4 Optimising Housing Potential of The London Plan (July 2011). The proposal, at 148 units, represents a density of 565 habitable rooms per hectare, which sits comfortably within the density matrix.
- 8.17 The policy acknowledges that it is not appropriate to apply the matrix mechanically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.
- 8.18 Officers consider that the proposal would provide good quality affordable homes with an appropriate mix, including a good proportion of family sized units, in a high quality scheme that positively responds to local context and does not result in any symptoms of overdevelopment. As such, taking into account the context of the site, it is considered that the proposal optimises the use of the site and the site can comfortably accommodate the proposed density in line with the relevant local, regional and national policies, in particular London Plan policies 3.4 and 3.5 and with Local Plan policy SP02.

#### Affordable housing

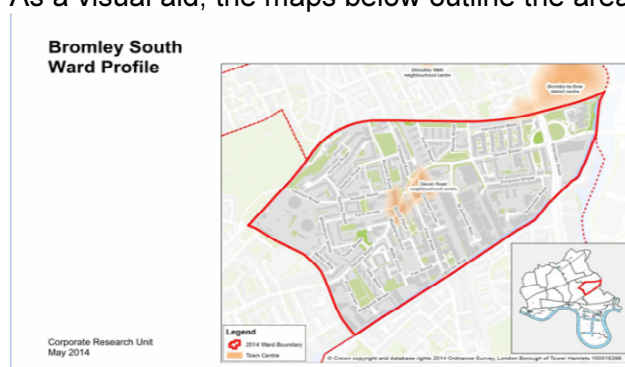
- 8.19 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy

3.13 states that the maximum reasonable amount of affordable housing should be secured.

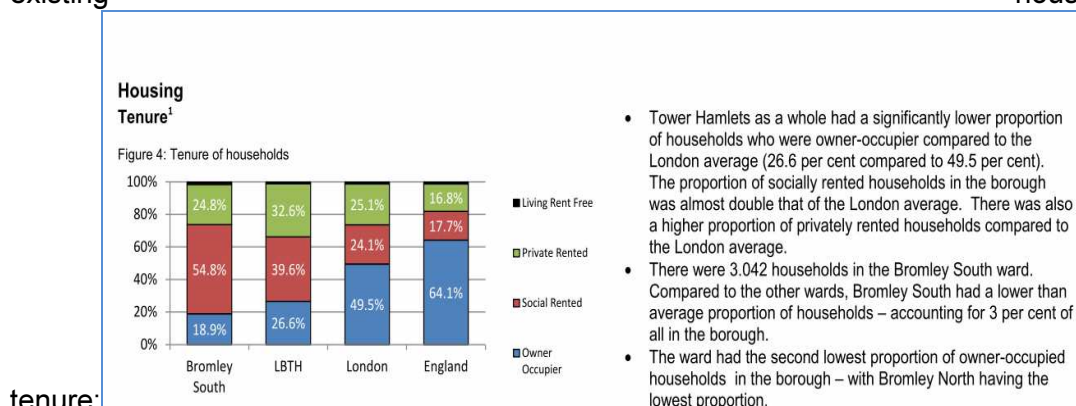
- 8.20 The Council's Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.21 Policy DM3 (3.3) of the Managing Development Document states that the Council would give favourable consideration to proposals which exceed its strategic target of 50% affordable housing.
- 8.22 This scheme, a Council owned development, would provide 100% affordable housing including a significant proportion of family units (45%). This substantially exceeds the minimum on-site requirement of 35% affordable as specified by the Core Strategy policy SP02 and policy DM3 of the MDD and would make a significant contribution towards the Council's overall strategic target for 50% of new homes across the borough to be affordable.
- 8.23 All 148 proposed units would be provided in the affordable rent tenure.
- 8.24 The residential units would be managed by Tower Hamlets Homes. The affordable rent levels, inclusive of all service charges(except charges for heating and hot water, if any), would be as follows:
- 1bed £172
  - 2bed £202
  - 3bed £230
  - 4bed £254
- 8.25 Overall and to conclude, it is noted that the proposal would exceed policy targets and would result in a significant uplift in the quantum of much needed affordable accommodation.

#### Mixed and balanced communities

- 8.26 It is acknowledged that providing 100% affordable housing on this site would not represent a mix of tenures. An analysis of the socio-economic make-up of the area has been carried out.
- 8.27 As a visual aid, the maps below outline the areas that have been assessed:



8.28 The following table is formulated from census data and shows the make-up of the existing housing



Tenure	Borough Average	Bromley South Ward
Owner occupier	27%	19%
Social/affordable rented	40%	55%
Private rented	33%	26%

8.29 Changes to percentages if development would be constructed at 100% affordable rented housing:

Tenure	Borough Average	Bromley South Ward
Owner occupier	27%	18%
Social/affordable rented	39%	57%
Private rented	33%	25%

8.30 The site is located within Bromley South Ward, and census data indicates approximately 8,677 people to be living in this ward, within 3,042 households. The table above shows an increase of 2% within the social/affordable housing tenure. At ward level, the addition of 148 affordable rented homes would not significantly alter the level of social/affordable housing in the area.

8.31 It should also be noted that this is an area of significant change and the proportion of social housing in the area has also significantly changed. New developments have been built since the 2011 census, namely Caspian Wharf, Bow Enterprise Park and Parkside Apartments. These developments were all built with a high percentage of private units. From the table below, it can be seen that these developments did not deliver the full policy ask of 35 – 50% affordable housing in accordance with policy and under delivered in the social/affordable tenure. This is calculated as a deficit of 60% in social/affordable units that these developments could have provided.

SITE	NO OF UNITS	MARKET TENURE	SOCIAL/AFFORDABLE TENURE	DEFICIT (out of 50% policy compliance)
Caspian Wharf	390	286 (73%)	104 (27%)	23%
Enterprise Park	557	386 (69%)	171 (31%)	19%
Parkside Apartments	78	53 (68%)	25 (32%)	18%

8.32 The table below shows the level of overcrowding in the Bromley South Ward, at 23%. This is considered significantly higher than the average for the Borough. The number of bedrooms required to overcome this overcrowding would be 1,551. The introduction of 148 additional affordable rented units and 565 habitable rooms therefore, would help to reduce overcrowding among households. It is not considered that this scheme would disproportionately affect the levels of social/affordable housing in the area when comparing with the recent market housing that has been built. It is considered, that on balance, the scale of this development would not adversely affect the mix of the area.

Area	Overcrowded (-1 or less)		Required Bedrooms (0)		Under Occupied (+1 or more)	
	Count	Percentage	Count	Percentage	Count	Percentage
Bromley South	689	23%	1,551	51%	802	26%
Tower Hamlets	16,605	16%	51,058	50%	33,594	33%
London	370,531	11%	1,282,883	39%	1,612,759	49%
England	1,024,473	5%	5,885,951	27%	15,152,944	69%

(Source: Census 2011 QS406EW - Household size)

8.33 A balanced view would need to be taken on this proposal; it is acknowledged that Bromley South is an area with higher than average social/affordable housing; however, overcrowding is also higher than average. Therefore, the proposed habitable rooms would provide much needed additional housing stock for those on the Council's waiting list. This is therefore, a significant benefit of the scheme which would need to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.

8.34 It is officers' view that the scheme would be an example of an exceptional circumstance, whereby 100% affordable housing could be considered acceptable. It is worth noting that the Council is the applicant and they would be building this development which would then be managed by Tower Hamlets Homes. The benefits of the scheme would be 148 units at affordable rent, of which 45% would be for family housing.

Dwelling mix

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

	Affordable Rented			
Unit size	Units	% on offer	Policy Target	Wheelchair units
1 bed	38	26%	30%	0
2 bed	43	29%	25%	5
3 bed	42	28%	30%	6
4 bed	25	17%	15%	2
<b>Total</b>	148	100%	100%	13 (10.1% by habitable room)

- 8.36 Within the entire development, the housing mix would be as follows: one-bed 26% against a policy target of 30%; two-bed 29% against a policy target of 25%; three-bed 28% against a policy target of 30%; and four-bed 17% against a policy target of 15%. The proposed provision of a substantial number of larger family units - 45% of threebed and four bed units meets with the Council's policy target of 45%. Within this provision, 13(10.1% by habitable room)of the units by habitable room are wheelchair accessible. This is especially welcome and supported by Housing colleagues. The slight shortfall in one bed units and over provision of two beds are not considered to be of concern.
- 8.37 There is a slight shortfall within the provision of three bed units by 2%. However, there is an overprovision of four beds units also by 2%. The provision of these two types of units would balance itself and overall the provision of family sized dwellings is policy compliant. The over provision of two bed units by nearly 4% is desirable and welcome in terms of maximizing the rehousing families already in overcrowded one bed accommodation. It is also noteworthy that a large proportion of the proposed family sized affordable units – 13 in total - would be provided as townhouses with sizeable private amenity space.
- 8.38 Overall and to conclude, in light of the 100% affordable provision of units and the proposed quantity/quality of family housing in this development, the mix of unit sizes is considered an acceptable mix and consistent with Policy 3.8 of the London Plan (2011), Policy SP02 and Policy DM3 (part 7) of the Local Plan which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough. Any shortfall would be easily mitigated with the overprovision of the larger units and is considered to be acceptable and would not prejudice the relevant policy objectives.

Standard of residential accommodation

- 8.39 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, of high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”

- 8.40 All of the proposed 148 units would meet or exceed the baseline floorspace standard. In particular, the proposed family sized units would be more spacious as would be the wheelchair units. It is also noteworthy that all family units, including some two beds and even some one bed units would be provided with separate kitchens. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. The 13 townhouses include sizeable private rear gardens.
- 8.41 The proportion of dual aspect units would be maximised, with only a small number inevitably designed as single aspect. The distances between opposite elevations with habitable rooms would exceed the requirements of policy DM25. All of the proposed units would benefit from adequate privacy and defensible space and would not be subject to undue overlooking. The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. All rooms would be adequately lit.
- 8.42 The townhouses have individual frontdoors to the street to provide a sense of ownership and generate activity and passive surveillance of spaces around the development. Access cores to the flats are spread throughout the development and have similarly been designed and sited to ensure safety, security and passive surveillance, in locations where there is an element of overlooking and activity.
- 8.43 Overall, it is considered that the proposal would meet and exceed the relevant qualitative and quantitative design standards, and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.44 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.45 13 wheelchair accessible homes (all flats) are proposed at ground level; out of these ten units would be located at ground floor level with individual front doors, with the remaining four accessed via the core of the buildings. Each block would have three/four wheelchair units which create an even distribution of such units throughout the site. The 13 units would also cater for a combined unit mix of five x two bed, six x three bed and two x four bed flats.
- 8.46 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes have been reviewed by the Council's Inclusive Access Officer and are considered to meet the appropriate requirements. 7 accessible parking spaces would be provided throughout the development and allocated in accordance with need. However, there is capacity on-street for further parking should the need arise for dedicated parking spaces.
- 8.47 All 148 units would be constructed in line with Lifetimes Homes Standards. A condition would be included to ensure that these standards are indeed secured. Furthermore, the 13 wheelchair units would exceed the 10% (in habitable room) standard level. Accordingly, the scheme is considered in accordance with the requirement of London Plan policy 3.8 and policy SPO2 of the Core Strategy.



### Private and communal amenity space

- 8.48 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.49 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies or terraces all meeting or exceeding the minimum standard. All ground floor units and town houses would benefit from urban gardens, private terraces and/or patios which would substantially exceed the policy requirement.
- 8.50 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. This would equate to a requirement of just under 200sqm. The application would however, propose to deliver 645sqm of community open space/garden, centrally within the site. This proposed provision would significantly exceed the required level of amenity space. It is noted that all this open spaces/garden would be accessible to all residents and the general public.
- 8.51 Overall, the proposed provision of private and communal amenity space would significantly exceed the policy requirements and would make a significant contribution to the creation of a sustainable, family friendly environment. The significantly large provision of communal space would further strengthen the quality of this scheme.

### Child play space

- 8.52 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.53 Using the LBTH child yield calculations, the development is anticipated to yield a total of 175 children, outlined as follows: 64x under 5s, 64x 5-10 year olds and 47x 11-15 year olds. Accordingly, 1750sqm of playspace is required overall; with 1280sqm of on-site play space required for 0-10 year olds. It is noted that the proposal would only provide a total of 274sqm of dedicated on-site play space. This would be well below policy requirement. However, the Mayor's SPG specifies that lack of on-site provision could be accepted if there are other play facilities within a 100m walking distance of the site.
- 8.54 The submitted Landscape Strategy outlines how the surplus of communal space would be beneficial to this proposal in terms of meeting the child play space provision. The entire central courtyard would be designed to accommodate the full requirement of doorstep play in line with government guidance. It is also noted that there are existing green and open spaces within 400m of the site, namely Furze Green, Fern Green and Wyvis Street. Officers consider that the benefit of the development would outweigh the shortfall of child playspace and the provision of the

existing playspace is considered sufficient in this instance. The Access officer has requested that some of the external furniture and play facilities in landscaped areas be designed so as to be sensitive and compliant with the needs of disabled children and other individuals. This would be secured by conditions as would full details of play space facilities and equipment would be reserved by condition.

- 8.55 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children; however, there are many open/play spaces within 400 to 800m from the site, namely Bartlett Park, Alton Street open space, Langdon Park, Jolly's Green and Mile End Park which could accommodate the needs of older children.
- 8.56 Officers consider that the overprovision within the communal garden and public realm is "genuinely playable" and will therefore contribute toward the play offer for residents. Furthermore, the private amenity space provision for the 13 town houses could be added to this quantum to boost this provision, as many children (out of the predicted 175) would be living in these houses.
- 8.57 Overall, it is considered that the proposal would provide a good play environment. The lack of on-site provision for older children and teenagers is mitigated by the options for play, sport and recreation within walking distance of the site. As such, the proposal would meet the requirements of Policy 3.6 of the London Plan (2011), Policy SP02 of the adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013) which seek to ensure that new developments make sufficient provision for children's play space.

## Design

- 8.58 The National Planning Policy Framework attaches great importance to the design of the built environment. It sets out seven qualities that well-designed new or changing places should exhibit:-
- *be functional;*
  - *support mixed uses and tenures;*
  - *include successful public spaces;*
  - *be adaptable and resilient;*
  - *have a distinctive character;*
  - *be attractive; and*
  - *encourage ease of movement*
- 8.59 Similarly, the London Plan (Chapter 7) places a strong emphasis on robust design in new development. In particular:
- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
  - Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.

- Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
- Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
- Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
- Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.

8.60 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally responds to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

#### Layout, height and scale

- 8.61 The application site lies south of Devons Road and covers an area of 0.76 hectares. The site is used as a Council Depot and therefore has an industrial feel to it which results in a poor environmental quality, in an area which is becoming increasingly residential. The local and historic contexts however, are interesting and offer a lot of potential for this scheme. This proposal would seek to build on the principles of this local historic fabric which consists of linear links to the canal further south and draw on the established north/south routes to create a layout that would enhance the whole area.
- 8.62 In terms of layout and design, any new development in this location, would be expected to create a sense of place and connection to the existing locale. The design approach would reinforce the street pattern and would seek to cover a range of factors such as accessibility, security, safety, privacy, community interaction and the provision of adequate space for leisure. It is considered that the proposal would successfully relate to the existing pattern and layout of existing buildings, routes and spaces within the estate and that the scheme would deliver a high quality public realm solution to create a strong sense of place.
- 8.63 The proposal would create a very dominant north/south route through the site with secondary east/west routes. The layout would lead to a surround development with

buildings on all four corners, and in between, together with a series of avenues, new routes and walkways running east/west. The proposal would occupy the entire plot of land and would start from the very top at Maddams Street where an opened frontage to this proposal would be created.

- 8.64 Building heights in the local area range from two to five storeys to the north, south and west; Caspian Wharf to the south east is six storeys rising to nine and fourteen in the taller parts of that development. To the north east corner of the site is a five storey residential building situated along Glaucus Street. Along Yeo Street the buildings are fairly low rise. The height of the new buildings would start at three storeys from the north for the town houses while becoming progressively higher through the site at five storeys and would end at the edge of Yeo Street with buildings of seven storeys. The middle blocks would also enjoy a recess at fifth floor level.
- 8.65 It is considered that the progressive height of this development would allow a vista through the site and would allow for long visibility all the way to Yeo Street. The massing of the town houses would be reminiscent of mews style houses; this has been well thought through so as not to dominate the north of the site. This mass would afford a clear view from Devons Road, when viewed from Maddams Street. The two middle blocks would sit comfortably in the centre within the courtyard and when viewed from Watts Grove and Glaucus Street. And the final two blocks close the site and wrap around the whole development with a much higher elevation. At these heights, the new buildings would complement the existing surrounding buildings and the three surrounding street frontages, namely Watts Grove, Glaucus Street and Yeo Street.
- 8.66 The three storey houses would front Watts Grove, Glaucus Street and the new vehicular route designed as a home zone. Six disabled parking spaces would be created along this home zone which would be a one way route. This route would also be used by pedestrians; therefore, two different colours would indicate the vehicular and pedestrian surfaces, with the layout requiring vehicles to travel slowly, with priority for pedestrians. The flats would be arranged in a square within four blocks known as Blocks B1, B2, C1 and C2; B1 and B2 being the two middle five storey blocks. The other side of the home zone would provide direct accesses into the wheelchair accessible flats within blocks B1 and B2. All 13 units at ground floor level in the four blocks would be wheelchair accessible. Formal entrances for all blocks are via Glaucus Street and Watts Grove. Secondary entrances are through the central courtyard and the new pedestrian routes known as garden entrances.
- 8.67 The proposal would also consist of the erection of a substation building at the entrance of the site from Maddams Street. This building would be to the east/rear of the northern-most house on Watts Grove. Primary access to the substation would be from the mews thus ensuring the retention of three on-street parking spaces. A series of bollards would be installed along the edge of Maddams Street; these would be retractable to allow for emergency vehicles. Similar bollards would also be at the southern end of the mews near the home zone area.
- 8.68 A telecommunications mast is located to the south east corner of the existing site. It is proposed to relocate this mast during the construction phases of the development which has been agreed in principle with the telecommunications provider. The mast would be positioned to the north east corner until such time when it is ready to be moved permanently on the roof of Block C1, to the west of the site. A prior notification application would be required to assess the relocation and final location of this mast. This would be conditioned.

- 8.69 It is considered that the height of the proposed development despite being taller than some of the surrounding existing buildings would still relate well to the established prevailing building heights in the surrounding area, and the Caspian Wharf development. The progressive height of the buildings would afford a viewing corridor through the entire development and would help to break down the mass that could have created a negative impact on adjoining buildings. The proposed buildings would have street prominence along all four edges of the application site without appearing bulky and dominating.
- 8.70 Overall, the design of the proposed development would be appropriate in terms of layout, height and scale and would relate well to the surrounding streets, the existing buildings, their layout and townscape. It is considered that the proposal would be sensitive to and would enhance the local character and setting of the development, in accordance with policy DM24 of the MDD 2013.

#### Safety and security

- 8.71 The proposal has been developed in accordance with the principles of Secured by Design (SBD). The scheme would deliver significant benefits in terms of safety and security by providing active frontages around and throughout the site. The design, layout and landscape strategy of this scheme lend itself well to the aims of Secured by Design.
- 8.72 Starting from the north at Maddams Street, the site provides permeability into the whole site to Yeo Street. This road would not be a dead end anymore (to the edge of the application site) but would rather integrate itself and the wider community to the new proposal. This would create natural surveillance both to the north and south of the site. All entrances to the town houses would be from either from Watts Grove or Glaucus Street plus the newly created vehicular avenue.
- 8.73 The rest of the proposal consists of the four blocks. The careful positioning of main entrances and windows would ensure that there are active frontages and natural surveillance. This is also repeated internally within the courtyards which overlook all four blocks. All buildings would also have a buffer space between the main road and the front entrances. Besides having a formal access from street level – two blocks from Watts Grove and two from Glaucus Street – the scheme would provide separate accesses into the community gardens. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security. No concealment points or poorly overlooked areas would be created.
- 8.74 The applicant has engaged with the Tower Hamlets Crime Prevention Design Advisor whose comments influenced the detailed development of the scheme. Details of all Secured by Design measures as well as external lighting would be conditioned.
- 8.75 The Crime Prevention officer supports the provision of an “open for all” (all residents and general public) approach for the communal area/garden and play spaces; however, it was advised that gates be installed at both ends of the new walk through into the sit, to be locked at night time or during hours of darkness (winter/autumn). These gates form part of the boundary treatment around the playspace and residents garden only – there are no vehicular gates proposed, and the home zone does not include any gates. Two out of the 148 residential units would be situated behind the gates during hours of darkness, and accordingly it is not considered in this instance

that the boundary treatment raises issues of exclusion. Further, a condition would be attached to ensure the gates are fixed open during daylight hours.

- 8.76 The new public routes, both vehicular and pedestrian, would ensure an increase in foot traffic (in particular) and this would offer further animation in this area and more movements to and from Devons Road. All these routes would also be well overlooked. All boundary treatments are either in the form of low walls, fencing/green fencing. Appropriate consideration would be given to all boundary treatments around the entire site and from Maddams Street.
- 8.77 Overall and to conclude officers are confident that this scheme would properly take into account secured by design requirements, improve safety and security in the location of the site and elsewhere and would not introduce undue risk of crime to future occupiers as a result of detailed design. The development proposals would increase connectivity and surveillance in the area. The scheme therefore accords with the London Plan, the Core Strategy and the Managing Development Document policies which seek to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.

#### Architectural appearance and Landscaping

- 8.78 The new buildings would draw on the design of surrounding buildings both in terms of their residential and industrial forms. Bricks would be the main material; three key types are proposed in a light orange multi brick for the flats and the ground floor of the houses. The houses would also have dark grey metal cladding on ground and second floor. A light buff stock brick would wrap around the buildings and blue engineering bricks would be used as a contrast and to highlight key parts of the design such as window surround. This would draw similarities with the historic Spratt's Ltd factory buildings along the canal.
- 8.79 The houses would have gardens at rear with their own main entrance enclosed by a front garden, which would accommodate bin and cycle stores. Boundary treatment for the houses would be in bricks with railings above. All four blocks of flats would have balconies, some inward facing and some outward to the street. Three types of balconies would be installed in this development; type one would be for those balconies protruding from the outer brick facades along the street elevations. This type of balcony echoes the historic canal side buildings, in particular the Spratt's building. It would also include a diagonal tie between each balcony. The second type would be recessed between the brick facades and the core of the buildings; these would also be along street elevations but without the diagonal ties. Metal railings and balustrade would adorn these balconies. The third type of balconies would be for those facing inwards within the courtyard; these would be similar in size to type two but with a perforated pattern on the front balustrade.
- 8.80 Doors for the town houses would be metal/timber with glazed panels and laminated panels; this would be compliant to the principles of Secured by Design. Windows would be in grey aluminium/timber composite with deep reveal of approximately 165mm. Communal entrance doors in the four blocks would also be to SBD standards and fully glazed with laminated glass panels. The roof of all the houses and flats would be finished with PV units. All rainwater pipes would be recessed square metal and laid flushed against brick work. It is considered appropriate and reasonable to condition all facing materials, doors, windows and balconies details together with roof details and PV units.

- 8.81 The landscaping proposals have been well thought out and fully integrated within the scheme, and would be of high quality. This includes play spaces for young children, a community garden, a central courtyard, residents' garden and a home zone area to the north. The rear gardens to the north are all private for the houses. It has been mentioned already that a new pedestrian north-south route would be dominating this landscape. East west routes are also included along the home zone and further in the site. The community garden and central courtyard would be opened for all residents and general public; these would be landscaped with paving, raised planter beds, lawns and seating. The home zone would also be a vehicular one way route as well as being pedestrian friendly. The proposal would include tree and shrub planting. Accesses to gardens and open spaces have been created from street level and internally from individual blocks of flats.
- 8.82 In conclusion, the external appearance of the buildings has been carefully considered and designed to complement each other and the different architectural characteristics of the surrounding area. The general layout of the scheme including the public open spaces, the children's play spaces and the communal gardens would accord with the principles of inclusive design and would improve the permeability and legibility of the site and surrounds. Bin and bike stores have been integrated in all four blocks together with visitors' bike parking spaces in the courtyard. Subject to appropriate conditions, the materials proposed would be high quality and the buildings would create visual interest and relate well to the surrounding streets at ground level.

#### Detailed Design Revisions

- 8.83 Since the planning application was submitted in September 2014, further design changes to the scheme have been negotiated which would help address Energy and Sustainability concerns that LBTH planning officers had with the scheme.
- 8.84 The changes are considered minor in nature and are mostly within the internal layout of one of the block of flats. The block in question is C1, which lies on the corner of Watts Grove and Yeo Street. It was necessary to lose one unit so as to create a CHP plant room which would provide a communal heating facility for the blocks of flats. The floor of the new room for the energy centre would be sunk by approximately 1.2m to achieve the required floor to ceiling height of some 4m, thereby avoiding the need to increase the height of the building. A flue would also be installed internally.
- 8.85 Externally, the changes would be kept to a minimum. The window and door proposed for the flat along Watts Grove would remain intact as would the front enclosure and railings. A gate would be introduced within the external enclosure, matching the railings. Within the courtyard, there would be an increase in the ground floor bulk which could be used as a balcony or an area for living roof. Four windows are also proposed within the plant room facing Block B. In design terms, these changes would be acceptable and are considered de-minimis. The gain for the proposal as a whole is very significant as these changes would now increase the CO2 savings to about 45%. This issue will be discussed further under the Energy section later in this report.

#### Demolition of 13 Watts Grove

- 8.86 The proposal includes the complete demolition of all buildings and structures on the depot site. Whilst these are not of a great importance architecturally, one building in particular which dates back to 1914 is of interest. It is noted that the site is not within a conservation area and this particular building is not listed.

- 8.87 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Paragraph 131 specifically requires that in determining planning applications, local planning authorities 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."
- 8.88 The building in question is the Santis Company Ltd office which is a two storey detached Edwardian building. The applicant was requested to carry out a Heritage Assessment to ascertain the quality of the building and more specifically to determine whether it can be considered as a "Heritage Asset", and further, whether it could be retained within the new development. It has been noted that the building is in a poor state of repair and in need of decorative works. Whilst it is reasonably sound structurally, there are still some isolated parts which would not be deemed so, in particular the roof structures and exposed chimneys.
- 8.89 In historic terms, the building makes a limited contribution to the surrounding area. It stands as a functional building which was designed to manage the supply of electricity in the area. Architecturally, the current fabric is of only minor interest as red brick is found throughout the area. The rear access block represents an incongruous addition to this building which could have been built to comply with safety standards at some time.
- 8.90 The building and depot site are considered to be modest in contrast to larger warehouse buildings in the area around the canal. The front elevation holds all its quality and character in terms of architectural value. But its state of repair cannot be ignored. Internally a few original features have remained; however, these are not of particularly good quality and do not stand out for a building of this age. The heritage value of the building rests with just a few external elements in the façade and some structural integrity of the interior, whereas later additions detract from the building as a whole.
- 8.91 To conclude, it is noted that the contribution of 13 Watts Grove is minimal to the street scene. The building as a standalone structure lacks group value. Therefore, its architectural and historical significance are also minor. For that reason, the merits of the alternative proposal for the site and the desirability of this new development making a positive contribution to local character and distinctiveness, officers believe that the loss of 13 Watts Grove would not result in harm to the area given the lack of its overall significance.
- 8.92 Planning Officers in conjunction with the Urban Design Officer reviewed the proposed demolition scheme which had been the subject of comprehensive pre-application discussion. The Urban Design Officer has not objected to the loss of this building and the proposed demolition would accord with policy given that officers are supporting the redevelopment proposals.



## **Amenity**

- 8.93 In line with the principles of the National Planning Policy Framework, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

The application site is largely surrounded by residential properties in all directions. It is acknowledged that the site is a depot which houses large vehicles and is conducive to high levels of noise and pollution. With the exception of this usage, the site is however in fairly quiet surroundings off a main road.

### Overlooking and privacy

- 8.94 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.
- 8.95 There are residential properties all around the site and almost all of them are separated by a public highway. This is the case for the existing residential properties along Glaucus Street, Yeo Street and Watts Grove. Sumner House lies north-west of the site and about 18m away at its furthest but about 7m away at its closest. On the other side is the residential block at 44 Glaucus Street. This site is about 10m away. It is noted that the north side of the site is where most of the existing buildings currently are; the new proposal would consist of the three storey houses only at the north together with garden spaces, the substation and the new route from Maddams Street.
- 8.96 The flats at 44 Glaucus Street are closest to the application site. However, as detailed above, there is an existing building alongside this residential block currently. The three storey town houses would be built alongside this north elevation and they would be set back. The end house would be set back further from the boundary as it would be designed with a side entrance and small amenity area. Furthermore the flats are at right angle to the new terrace of houses and if anything the overlooking along the north elevation would be to the detriment of the houses rather than the residents of the flats. The inter-relationship between the subject site and Sumner House is such that there are no directly facing habitable room windows within 18 metres. The rest of the neighbouring residential blocks in particular Caspian Wharf, David Hewitt House, Compton Close and Hudson House are all well over 18m-20m away. Officers are of the opinion that this proposal would not lead to significant impact in terms of overlooking and loss of privacy to existing buildings around the site.

### Outlook and sense of enclosure

- 8.97 Issues of overlooking, outlook and sense of enclosure are largely subjective. Following an assessment of the application, officers consider that given the separation distances involved between the application site and surrounding buildings, the proposed development would not give rise to any adverse impacts in terms of visual amenity or sense of enclosure. The distance between the development proposal and habitable rooms of adjoining properties would be mostly at around 20m and outlook to these properties would not be significantly impacted. Two of the objection letters received are from residents of Caspian Wharf who objected on the ground of overlooking and privacy. The separation distance between this residential development and the application site is in excess of 40m, which is well beyond the 18m minimum threshold which is considered a distance by which privacy is maintained between directly facing habitable room windows.
- 8.98 On balance, given the urban location of the site and its surroundings, together with the separation distances between facing habitable room windows and amenity spaces, it is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring residents. The proposal therefore accords with Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

### Daylight and sunlight

- 8.99 Policy SP10 of the Core Strategy and policy DM25 of the MDD 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 development.
- 8.100 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 again figures should not exhibit a reduction beyond 20% of their former value. The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting. The report concludes that the proposed scheme will meet the BRE required standards for daylight and sunlight to neighbouring residential properties.
- 8.101 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment demonstrates that a good level of adherence is achieved to all of the neighbouring properties. It is considered that on balance, the layout of the proposed development follows the BRE guidelines and has sought to ensure good levels of day light and sun light to existing surrounding properties.
- 8.102 Objections received cited loss of light as a main concern. In particular, one resident from David Hewitt House who lives in a third floor flat. The VSC results show that out of the 36 windows tested, 33 adhere to the BRE guideline criteria. The three windows that do not adhere fully are situated on the first and second floor levels. These

windows would still achieve a VSC value of 24% which is only slightly lower than the target of 27%.

- 8.103 48 windows were tested from the block of flats at 44 Glaucus Street; all the windows adhere to the BRE guidelines and there were also light gains on lower floors due to the proximity of the existing building currently on site. Objection from Caspian Wharf cited a reduction of light for a fourth floor flat. The test carried out concluded that out of the 33 windows assessed for VSC, all windows passed. A good level of daylight would still be enjoyed by residents. Sun light assessment was not carried out as that particular elevation facing the application site faces 90 degrees due north, and therefore falls outside of the criteria for assessment.
- 8.104 The report also addresses daylight and sunlight within the future development, in particular the units which face the courtyard. On the whole, it is considered that the proposed development shows a reasonable level of daylight and sunlight. On balance, taking into account the site's context within a central urban area and in light of the design of the scheme, including the provision of good levels of private and communal amenity space, officers consider that the daylighting conditions within the development are reasonable.
- 8.105 To conclude, the design of the scheme, in terms of general massing and layout, would seek to minimise daylight/sunlight impacts to neighbours and would achieve high standards of daylight/sunlight for future occupants. Taking the above into account and the results of the daylight/sunlight report, officers consider that the scheme would comply with the daylight/sunlight issues as set out in policy SP10 and policy DM25 of the Council's Local Plan.

#### Noise and Vibration

- 8.106 Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) 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.
- 8.107 The site is located in an area which is relatively quiet. Any noise would be due to vehicular traffic. It is considered that the removal of the depot use would significantly enhance the surrounding area for all residents, existing and future. The proposed development itself would not be a source of excessive noise.
- 8.108 The Council's environmental health officer has requested that no habitable rooms should be placed alongside lift shafts. This has been verified and officers are confident that all habitable rooms are well away from the lift or separated from them by bathrooms. The officer has also requested an acoustic report to ensure sound insulation and noise reduction to the buildings and future occupiers. This would be conditioned.
- 8.109 As such, it is the officer's view that the proposal is generally in keeping with NPPF, Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).
- 8.110 In conclusion, it is considered that any amenity impact of the development on the neighbouring residential occupiers would not be uncommon for a major development in an urban area. Policy DM25 (Amenity) of the MDD requires that development seeks 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. The scheme is considered to comply with Policy DM25. The proposed development would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, outlook, sense of enclosure, sunlight and daylight, and noise upon the surrounding residents or upon future occupants of the development.

### **Transport, Access and Servicing**

- 8.111 The National Planning Policy Framework emphasises the role transport policies play in achieving sustainable development and stipulate that people should have real choices in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, they should also have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.112 London Plan policies 6.1 and 6.3 seek to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. The Core Strategy policies SP08 and SP09 together with 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, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.113 As mentioned earlier in this report the site is in an area of very low/poor PTAL rating of 2. The application has been supplemented by a Transport Assessment, which has been reviewed by LBTH Transportation & Highways. No adverse comments have been made by the Council's Highways team as detailed in the consultee response section.
- 8.114 The closest transport hub to this site is the Devons Road DLR station. Buses run along Devons Road, Violet Road and Bow Common Lane traveling in the general direction of Canning Town, Mile End Station, Stratford and Isle of Dogs. The development would be car free with few parking spaces outlined for disabled users. Cycle parking provision has been discussed and conforms to policies.
- 8.115 Overall, the proposal is likely highways and transport impacts are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

#### Cycle parking

- 8.116 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 234 secure (18 for visitors), covered spaces for residents. The cycle stands would be distributed across the development site with an adequate number of spaces provided within each access core and within individual houses. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking. The highways officer welcomes this overall provision.

### Car parking

- 8.117 Policy DM22 sets out the Council's parking standards in new developments. The proposal would only cater for and deliver disabled parking bays; six within the site designed in the new vehicular access to the north of the site and one along Yeo Street.
- 8.118 The Council seeks 10% of all parking spaces provided to be accessible spaces. In this case, 100% of parking is accessible, with no general needs parking proposed. In the event further disabled parking spaces were needed (bearing in mind there are 13 accessible parking spaces), further off street parking could be made available to residents on street, as a parking capacity survey has shown that there is sufficient capacity on street for such demand. Furthermore, the parking spaces at the top of Maddams Street would now be safeguarded following the rearrangement of the sub-station's access.
- 8.119 The seven spaces that are to be provided would be designed to be fully accessible to wheelchair users and would serve the occupiers of the ground floor wheelchair accessible dwellings.
- 8.120 The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of holders of a disabled person's (blue) badge or beneficiaries of the Council's permit transfer scheme.
- 8.121 The development has 62 units of 3 bed or larger where the occupants may be eligible for the permit transfer scheme. So there could be at least 62 additional vehicles looking to park on streets nearby. The applicant has carried out a parking survey of the existing levels of parking stress on the roads surrounding the site, which shows that these vehicles could be accommodated due to the current low parking stress. The Council Highways officers have therefore not raised a concern with the potential for excessive on street parking resulting from this development.

### Vehicular and Pedestrian Access

- 8.122 The potential to improve existing accesses and create new ones within the development site started with early discussion at pre application stage. Enhancing the public realm, improving safety and increasing permeability from north to south were the focal points of this proposal. Pedestrian access around the site is currently identified in a U shape starting from Watts Grove then left onto Yeo Street and left again onto Glaucus Street. There is also a dead end to the north of the site at Maddams Street.
- 8.123 This development would open up the area and create improved permeability from Devons Road through to Yeo Street. A new entrance into the site would start from Maddams Street, continue through the site and end at Yeo Street. This entrance also forms part of the entrance to the new substation building. To the north of the site, in between the houses, the new entrance route would serve as a vehicular emergency access only. Lockable bollards would be installed to ensure that no vehicles drive through or enter/exit the site along this way. A change of surface materials would indicate the new development site.
- 8.124 A new one way east/west vehicular route would be introduced within the site. This would be situated to the north and would also contain the six disabled car parking

spaces. Further south a similar access would be introduced for pedestrians only. The development site would be highly accessible and permeable from all sides, be it Watts Grove, Glaucus Street, Yeo Street or Maddams Street. Furthermore, with the creation of block entrances scattered around the site (as already described); the area would enjoy a high level of passive surveillance and maximum overlooking which officers welcome. It is considered appropriate to restrict access (by condition) through the site going north/south during night/dark hours. Therefore, lockable gates would be introduced to enclose the residents' garden and playspace, but would not restrict the home zone or community garden.

- 8.125 All pedestrian access points are DDA compliant. Pedestrian and vehicular routes throughout the site and within the courtyard, would be designated by a change in surface material in terms of colour and where appropriate tactile surfaces.

#### Waste and Recycling

- 8.126 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new developments, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.127 The proposal would include the provision of refuse and recyclables storage areas within each of the four blocks. The houses would have individual refuse stores. The proposals have been reviewed by the Council's Waste Policy and Development Officer who has raised no objections. Officers have reviewed the plans and are satisfied that the storage areas have sufficient capacity, and the refuse will not need to be dragged more than 10 metres by refuse workers.
- 8.128 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

### **Sustainability and Environmental Considerations**

#### Energy efficiency and sustainability standards

- 8.129 The National Planning Policy Framework states 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.
- 8.130 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. The Managing Development Document policy DM29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.

- 8.131 The proposals have responded positively to London Plan Policy 5.6 and would integrate a communal heating system to serve all of the flats. The communal system would be served by a CHP system with a capacity of 40kWe. This would be located in a single energy centre in Block C and be designed to allow future connection to a district heating system. The houses proposed within the scheme would have high efficiency individual gas boilers with flue gas heat recovery technology.
- 8.132 The revised proposals would incorporate measures to reduce CO2 emissions by an anticipated 45% against a Building Regulations 2013 baseline and therefore meet policy DM29 requirements. In response to Core strategy policy SP11, the proposals would also seek to maximise the use of available roof area to deliver a photovoltaic array of approximately 125kWp.
- 8.133 The proposals would also be designed to achieve Code for Sustainable Homes level 4, which is supported by the sustainable development team and meets the requirements, as set out in Policy 5.3 of the London Plan (2013) and Policy DM29 of the MDD, for developments to achieve the highest standards of sustainable design and construction.
- 8.134 Overall, CO2 emissions would be reduced by 45%. The LBTH Energy and Sustainability Officer have confirmed that the revised Energy Strategy would be acceptable, subject to conditions to secure a) single energy centre and CHP system to serve all flats; b) PV array on all available roof areas; and c) Achievement of Code for Sustainable Homes Level 4 and submission of the final Code certificates within 3 months of occupation.

#### Ecology, biodiversity and trees

- 8.135 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.
- 8.136 It is noted that there are no trees on site and limited vegetation on the north east corner. The Council's Biodiversity Officer has confirmed this and further stated that the application site does not appear to support bats. There will, therefore, be no significant adverse impacts on biodiversity for the existing site.
- 8.137 However, it is further noted that the new proposal does not include many features of high quality biodiversity enhancements, in the form of green roofs or any other elements of living buildings for example. There are some small native trees and areas of planting which are likely to provide nectar for bees and other pollinators but this would not increase the biodiversity value to a great extent. The rest of the planting consists of evergreen hedge and shrub planting in beds and planters. It is therefore considered reasonable to reserve full details of the landscape strategy together with further biodiversity measures by condition.
- 8.138 The Tree Officer has advised that the trees situated in close proximity to the proposed development site boundary, should receive adequate protection to canopy and root zone during construction. This should include the installation of root barriers along the boundary of the highway and the site footprint, to prevent future root extension/encroachment. A condition to secure the safeguarding of existing trees would be imposed.

- 8.139 Taking into account the moderate to low biodiversity value of the existing site and the proposed quantity and quality of trees together with the enhanced landscape provision, it is considered that the proposal would be acceptable subject to appropriate conditions to achieve an overall increase in biodiversity and to ensure that existing trees are safeguarded.

#### Air Quality

- 8.140 Policy SP03 of the Core Strategy and DM9 of the Managing Development Document seek to deliver air quality improvements by promoting the use of public transport, reducing reliance on private motor vehicles and introducing a 'clear zone' in the borough. The whole area of Tower Hamlets qualifies to be an air quality control zone and policy seeks to prevent new development from contributing to poor air quality.
- 8.141 The Air Quality assessment suggests there are two key distinct elements regarding changes to air quality – during demolition and construction, operational traffic impacts and the development itself. During construction, it is intended that the construction process would be managed in accordance with the Council's Code of Construction Practice, which would clarify a number of obligations to mitigate against potential air quality deterioration.
- 8.142 With regards to operational traffic impacts and the development itself, it is considered that the new proposal would not generate any more pollution than the existing use of the site as a depot did.
- 8.143 A review of the existing air quality and assessment of potential impacts indicates that on site air quality would meet air quality objectives. On balance and subject to the imposition of appropriate conditions, 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. The Borough's EHO has not commented on this proposal; however, it is recommended that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.

#### Land Contamination

- 8.144 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.
- 8.145 The current application is accompanied by a Desktop Contaminated Land Assessment Report, which has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer. The officer has not raised any objections to the proposals subject to the inclusion of a condition to secure 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. In addition, the LBTH Environmental Health Officer recommends the inclusion of a further condition to require the necessary remediation works to be carried out in full and to require the submission for approval of a verification report on completion of the remediation works.



### Flood Risk

- 8.146 The application site falls in Flood Zone 1 and is under a hectare in area. Environment Agency (EA) has no adverse comments to make on this proposal. The main flood risk has been identified as the management of surface water run-off.
- 8.147 EA has recommended that the development should utilise sustainable urban drainage systems, which would be secured by condition. The application has been accompanied by a Drainage Strategy which confirms that surface water would be discharged from the site to the west as per the existing network.
- 8.148 Thames Water has recommended that conditions are imposed to secure a drainage strategy to ensure that sufficient capacity is made available to cope with the new development.

### **Utilities Infrastructure**

- 8.149 Furthermore, another condition should be imposed to ensure that an impact study of the existing water supply infrastructure is provided to ensure that the water supply infrastructure has sufficient capacity to cope additional demand. Thames Water has also recommended a third condition for a piling method statement to ensure that piling works do not impact on local underground water utility infrastructure.

### **Health Considerations**

- 8.150 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 while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.151 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.152 The applicant has agreed to a financial contribution of £25,000 to be pooled to allow for expenditure on health care provision within the Borough.
- 8.153 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

## **Planning Obligations and CIL**

- 8.154 Planning Obligations for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 8.155 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
- 8.156 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. It is noted that being a 100% affordable scheme, this development would be exempt from paying the London Mayor's CIL.
- 8.157 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.
- 8.158 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.
- 8.159 The SPG also sets out the Borough's key priorities:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education

The Borough's other priorities include:

- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.160 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).
- 8.161 Planning policy states that planning obligations may be subject to development viability, considered on a case by case basis. In this case, it is important for the Development Committee to note that this development is a Council owned scheme delivering 100% affordable units with a high proportion of 45% family housing. The proposals would not be viable under normal market conditions and could only be delivered through capital investment and subsidy from the local authority. However, the applicant has ringed fenced £745,000 to cover planning obligations deemed necessary to mitigate the impact of the development.
- 8.162 In order to ensure that the proposed development is deliverable and viable, a financial appraisal has been submitted by the applicant. This appraisal has been

independently assessed by a qualified consultant appointed by the Council. The appraisal concludes that using conventional viability assessment methods, the development would be unviable and would not be able to withstand a substantial S106 financial contribution as dictated by the planning obligations SPD. The ringed fenced sum of money allocated would also be their esteemed recommendation.

8.163 Recognising the need to mitigate the impacts arising from the development, the applicant would provide the financial contribution detailed above, which has been divvied up and represented in the below in the table. This allocation has been discussed and agreed by the Planning Contribution Overview Panel (PCOP). Therefore, taking into account the special circumstances of the case and the view of PCOP, officers believe the following contributions and obligations would be appropriate and sufficient to mitigate the impact of the development:

Financial Planning Contributions (Subject to Viability):

<b>Planning Obligations (Financial) HoTs</b>	<b>SPD Requirement</b>	<b>Secured</b>
Construction Phase Skills and Training	£30,559	£30,559
Idea Stores, Libraries and Archives	£55,059	£55,059
Leisure Facilities	£200,122	£0
Primary School Facilities	£1,028,430	£400,000
Secondary School Facilities	£944,116	£197,328
Health Facilities	£251,702	£25,000
Smarter Travel	£6,554	£6,554
Public Open Space	£350,650	£0
Streetscene and the Built Environment	£185,730	£0
Monitoring (2%)	£61,058	£30,500
<b>Total</b>	<b>£3,113,980</b>	<b>£745,000</b>

8.164 The following non-financial planning obligations would also be secured, as shown on the next table:

Non-Financial Contributions:

<b>Non-Financial Contributions</b>	<b>Policy Requirement</b>	<b>Secured</b>
<b>Affordable Rented Housing</b>	35% (by habitable rooms)	100% (by habitable room)  Total 148 Units
1 bedroom units	30%	26%
2 beds	25%	29%
3 beds	30%	28%
4 beds	15%	17%

5 beds	0%	0%
		148 Units (100%)
Construction Phase Apprenticeships	8	8
Employment, skills and training	20% local labour and procurement construction phase	As per request
Travel Plan	Travel plan monitoring	As per request
Car Free	No on-street parking permits for residents	As per request
S278 Agreements	To reinstate and improve the footway adjacent to the site	As per request

- 8.165 The above contributions represent 24% of the planning obligations as required by the Council's Planning Obligations Supplementary Planning Document (2012).
- 8.166 The allocation of contributions across the various heads of terms has been agreed by the Council's Planning Contributions Overview Panel (PCOP), in line with the Council's priorities as set out in the adopted Planning Obligations Supplementary Planning Document.
- 8.167 On balance, the amount of financial contributions is considered acceptable, when weighed up against the benefits of the proposal. The amount of family sized affordable units and wheelchair units, when considered in conjunction with the results of the independently reviewed viability assessment, officers consider that on balance, the substantial public benefits in the form of communal amenity space and public realm and the offset of carbon savings (45%) would outweigh the proposal's inadequacies with regard to mitigation of all of the impacts of the development.
- 8.168 It should be noted by members that the section 106 agreement is a contract made between the Council as the local planning authority (LPA) and persons with an interest in the land. In this instance the Council is both the (LPA) and the owner/developer. The Council are unable to contract with themselves and therefore in this instance it would not be appropriate to seek to secure the obligations through a s106 agreement. Rather, officers will be securing the normal obligations by appropriately worded conditions and are also recommending that a condition requires that the permission is personal to the Council. Officers are satisfied that this is a robust approach in this instance.

### **Local Finance Considerations**

- 8.169 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.

- 8.170 In this context “grants” includes the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.
- 8.171 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that the proposal would not be liable for any CIL payments.
- 8.172 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.
- 8.173 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 £80,047 in the first year and a total payment £480,282 over 6 years.

### **Human Rights Considerations**

- 8.174 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 8.175 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".

- 8.176 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.
- 8.177 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.178 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.
- 8.179 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

#### **Equalities Act Considerations**

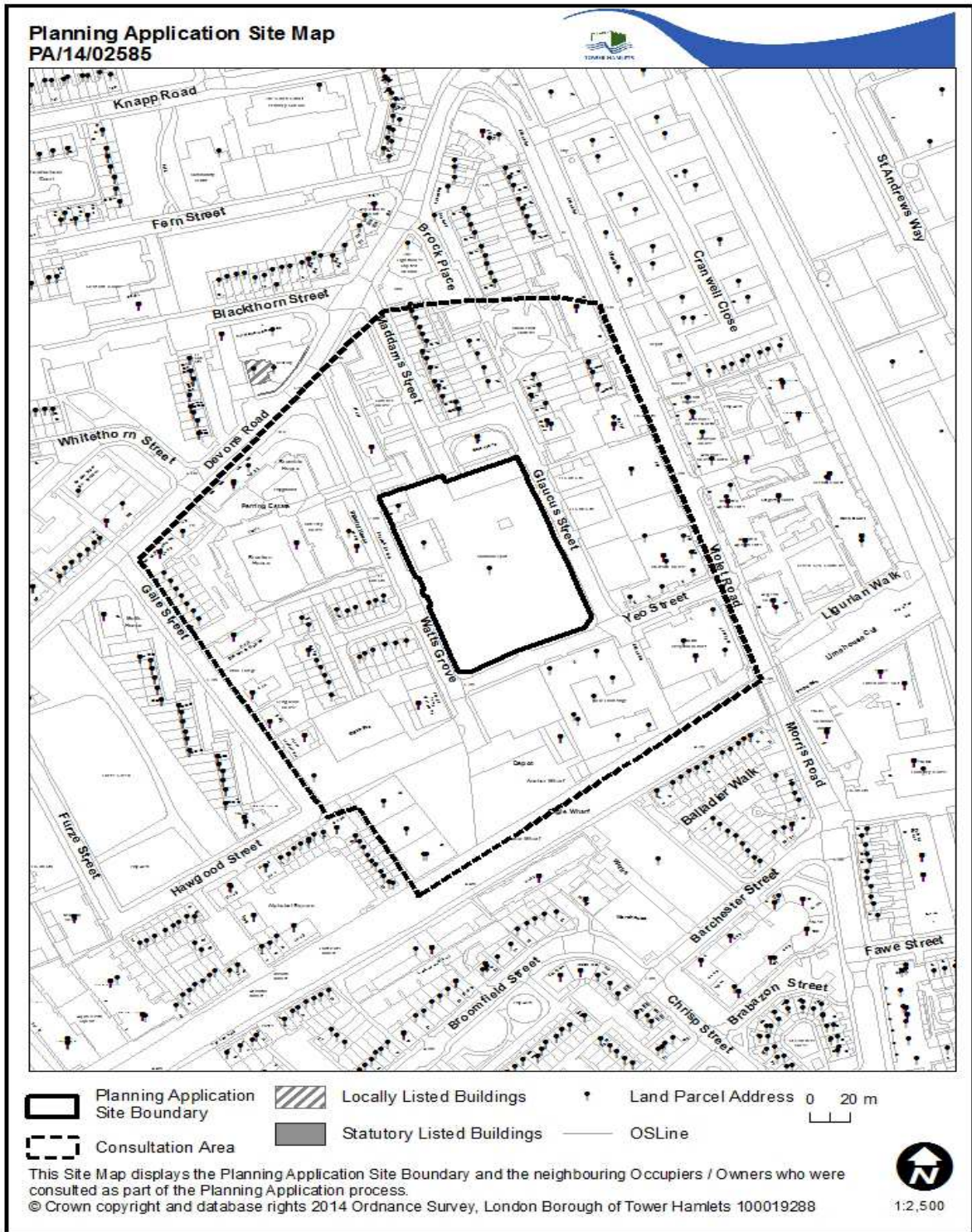
- 8.180 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.181 This proposal has sought to ensure that the needs of disabled residents are being met. The proposal would include 13 disabled units which would cater for medium/large sized families. All these units would be of satisfactory internal space with separate kitchen and large bathrooms. They would also be accordingly equipped to cater for the needs of the actual residents. Private amenity spaces are also provided for all the disabled units. And so are parking spaces. Currently only 6 spaces would be provided within the site and this would be allocated by the housing team. One more space is dedicated outside of the site along Yeo Street. There would be provisions for more spaces along Watts Grove and Glaucus Street.

- 8.182 The proposal would also provide a high quality landscaped area including child play space, communal space including residents' garden. The proposal would aim to cater for future residents and the general public as well. In terms of the play space and communal garden, officers have negotiated that the choice of play equipment take into consideration those who suffer from physical disabilities/elderly and provide some seating within the scheme with features that provide the function of arms and backs. Different surface material would also be used to cater for those who are visually impaired.
- 8.183 The provision of new avenues/roads, both vehicular and pedestrianised would also help to mitigate the impact of real or perceived inequalities. Routes would be created within the site to allow all local residents to move freely. The site would link up Maddams Street to Yeo Street. This would promote social cohesion and wellbeing by ensuring access through the site. And this would also provide opportunities for the wider community to enjoy the open space/ public realm opportunities associated with this development. It is noted however, that the public gardens and play grounds would be closed during night time to ensure safety and security of residents.
- 8.184 Furthermore, the proposed contributions towards education infrastructure, qualitative and quantitative improvements to the provision of public open space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a 100% quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

## **9.0 CONCLUSION**

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

11.0 SITE MAP





# Agenda Item 6.2

<b>Committee:</b> Development	<b>Date:</b> 17 December 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> Applications for Planning Permission
<b>Case Officer:</b> Kirsty Flevill	<b>Ref No:</b> PA/14/01762 and PA/14/02059
	<b>Ward:</b> Bromley South

## 1.0 APPLICATION DETAILS

**Location:** Former Caspian Works and Lewis House, 55-57 Violet Road, London.

**Existing Use:** Private highway to a residential use

**Proposal:** PA/14/01762 Full Planning Application for erection of entry gates at the main vehicular access fronting Violet Road

**Drawings and documents:** Location Plan  
2023286/120/D Proposed Ground floor plan (as per the original consent  
SZ0919.P100 Consented ground floor plan  
SZ0919.P101 Proposed ground floor plan  
SZ0919.P102 Consented elevation  
SZ0919.P103 Proposed elevation

**Applicant:** Berkeley Homes (North East London Ltd)

**Ownership:** Berkeley Homes (North East London Ltd)

**Historic Building:** None

**Conservation Area:** Adjacent to Limehouse Cut Conservation Area

## 2.0 EXECUTIVE SUMMARY

2.1 The Local Planning Authority has considered 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) in addition to the London Plan (2011) and its subsequent Revised Early Minor Alterations (REMA) (2013) as well as the National Planning Policy Framework and all other material considerations.

2.2 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development site. The proposed

gate will be located in the northernmost section of the wider Caspian Wharf development within the undercroft.

- 2.4 The main material planning considerations for Members to consider are; whether the proposed entrance gate would restrict the movement of people into and around the site and reducing permeability with the wider area leading to the creation of a gated community; whether the proposal would restrict access to the canalside walkway and the wider Limehouse Cut which forms a part of the blue ribbon network; and whether the proposal would be an unsightly addition to the public realm and detract from the character and setting of the development.
- 2.5 In addition to the above, Members' attention is also drawn to Schedule L of the Section 106 Agreement which forms part of the planning permission for the site (PA/08/01763) which clearly demonstrate on 'Plan 2' that the gates are to be permanently removed in order to allow unrestricted public access to the canal frontage (see Appendix 1 for 'Plan 2'). A separate application has been submitted by the applicant to vary the section 106 planning obligation to allow the erection of the entry gates which is detailed within the Planning History Section of this report.
- 2.6 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels within the Caspian wharf development site; however, it is considered that it would be more appropriate for problems to be addressed by the managing agent and local police service, as opposed to erecting a gate which is contrary to the Council's objectives of building inclusive and welcoming communities.
- 2.7 In conclusion, officers consider that the erection of a security gate is not acceptable for the reasons set out below, primarily because it would create a gated community; and restrict access to the canalside walkway and the wider Limehouse Cut which is contrary to national, regional and local planning policies.

### **3.0 RECOMMENDATION**

That the Committee resolve to **REFUSE** planning permission for the reasons below:

- a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier and the loss of a legally secured publically accessible route, leading to the canalside walkway and the Limehouse Cut which forms a part of the Blue Ribbon Network. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to protect and improve existing access points to the Blue Ribbon Network and increase opportunities for public access and use of water spaces.
- b) The proposed gates and fixed means of enclosure would appear visually intrusive within the streetscene and would result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies

require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

- c) The proposed entrance gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

## **4.0 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The applicant seeks full planning permission to erect a vehicular and pedestrian entrance gate at the main vehicular access to the Caspian Wharf development on the eastern side of Violet Road. The gates will be located in the undercroft to the northernmost part of the wider Caspian Wharf development. In addition, as the gates were removed from the approved plans through a planning obligation via s106 Agreement through granting of the development on the application site (with reference PA/08/01763, see planning history). A separate application has been submitted to vary the s106 Agreement (Deed of Variation) to remove this obligation.
- 4.2 The proposed entrance gate measures 8.3m in width and 3m in height. The gate will be set back 6 metres from the highway.
- 4.3 Vehicular access will be through a double gate opening inwards and pedestrian access will be through two single gates either side of the vehicular gate.

### **Site and Surroundings**

- 4.5 The application relates to the main vehicular entrance to the Caspian Wharf development, which is a mixed use development including residential development. The wider Caspian Wharf development encompasses a large rectangular shaped block located on the eastern side of Violet Road and directly adjacent to the Limehouse Cut as well as a smaller square shaped block on the western side of Violet Road also directly adjacent to the Limehouse Cut and bounded to the north by Yeo Street. Facing Violet Road, many of the ground floor units are commercial in use with residential development above. The wider area is currently going through some further redevelopment with the adjacent site to the north (on the eastern side of Violet Road) which is known as the Bow Enterprise Park and is currently being built out.
- 4.6 The location of the proposed gates will be fronting Violet Road which forms a part of the local highway network. The gates will be located in the undercroft off the main vehicular access to the Caspian Wharf development.
- 4.7 The Caspian Wharf development on the eastern side of Violet Road benefits from two vehicular and pedestrian entrances facing on to Violet Road. This includes the area where the proposed gates are under this application which is the main access point and also the set of gates directly opposite Yeo Street which is an emergency vehicle access point. In addition two further canalside walkway access points are available to the south of the Caspian Wharf site along the canalside path both of which are currently gated unlawfully. One is located at the start of the bridge by the

set of steps and a further gate is located along the level access around the curved point of building 'A1'. These four access points now feature gates which appear to be constantly closed. From the case officer's investigations, it does not appear as though any of these gates benefit from planning permission, therefore restricting movement to/from the canalside walkway and the wider Limehouse Cut (see figure 6). In addition, the installation of gates would be contrary to the obligation secured as set out in Schedule L of the Section 106 Agreement which forms part of the planning permission for the site (PA/08/01763) which clearly demonstrate on 'Plan 2' that the gates are to be permanently removed. The obligation was sought following concerns raised about the gates by the Strategic Committee Member when considering the application in late 2007 and again as a deferral item early 2008. The applicant agreed to the planning obligation to remove the gates from the plans and thereby resulting in the said Schedule within the s106 Agreement. The applicant has also recently submitted another planning application for retrospective planning permission for the retention of this gate (PA/14/02934); however, this application is yet to be determined and does not form part of the considerations under this application. Nevertheless, the Members should be mindful that the decision made on the subject application will have a material consideration in any future decision for the retrospective application for retention of gates, and the decision on Deed of Variation Application to remove the obligation under Schedule L.

- 4.8 The application site is not located in close proximity to any Listed Buildings; however, the site does lie to the north of the Limehouse Cut Conservation Area with the southern boundary of the wider Caspian Wharf development and the canalside walkway being located on the boundary of this conservation area.

### **Planning History**

- 4.9 There is a vast amount of planning history for the application site; however, the most relevant has been detailed below:
- 4.10 Caspian Wharf development site is effectively divided into two separate planning permissions for a) Sites A and B; and b) Sites C and D and following permissions are relevant.

#### Site A and B

- 4.11 PA/05/01647 (Parent Permission) for Site A and B - planning permission was first granted on 03/05/2007 for the redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing. This permission was implemented.
- 4.12 PA/07/03049 (Varied Permission) – The planning permission PA/05/01647 was subsequently varied by this permission which was approved 30/05/08.

The amendments secured by this permission related to changes to the wording of the conditions which identified triggers for Site A and B. The application required a new permission to be issued and therefore PA/07/03049 is the varied permission for Sites A and B.

- 4.13 PA/11/00097 (Implemented Permission) – The Planning permission PA/07/3049 was further varied by this permission which was approved 21/07/11. This permission secured minor amendments to the parent permission and therefore required a new

planning permission to be issued and therefore becomes the Implemented Permission for Sites A and B.

#### Sites C and D

- 4.14 PA/07/2706 (Parent Permission) – Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 142 residential units, Class A1,A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing was granted on 18/07/2008
- 4.15 PA/07/2762 (Varied Permission) - Planning permission was granted on 29/08/2008 for the redevelopment of site to provide buildings of between four (11.8 metres) and eleven storeys (32.2 metres) for mixed uses purposes including 191 residential units Class A1, A2, A3 and B1 uses with associated basement and ground level car parking and cycle parking, roof terraces, children's play area, landscaping, access and servicing.
- 4.16 This was a similar proposal to PA07/02706 however included semi private amenity areas within PA/05/01647 scheme to include basement parking for the proposal.
- 4.17 PA/08/01763 (Implemented Permission) – The planning permission PA/07/02762 was subsequently varied by this permission which was approved 29/01/2009.
- 4.18 The Implemented Permission altered access to the basement to allow affordable housing to be delivered at earlier phase however in general, the proposal was identical to PA/07/2762
- 4.19 The Section 106 Agreement for this permission is relevant which secured the obligation to remove gates along Violet Road frontage shown on the approved plans.

#### Related applications

- 4.20 Whilst there are various planning history for the site, including applications to discharge of Conditions and Non-material amendments, however the above are directly relevant to the subject applications with further directly related planning application for the site below.
- 4.21 PA/14/02934 - Retrospective application for the erection of entry gates between block A1 and A2, fronting Violet Road. This application is yet to be determined and was received 12<sup>th</sup> November 2014. This application is undergoing statutory consultation at the time of writing.
- 4.22 PA/14/02059 – Application for Deed of variation to Schedule L (removal of gates) of Section 106 Planning Obligation dated 03/05/2007 for PA/08/01763 dated 29/01/2009. This application seeks to vary the S106 Agreement to remove Schedule L which includes the gates of the subject application and gates within application PA/14/02934. Therefore, any decision made for the subject application and PA/14/02934 will result in whether the officers finalise the deed of variation or not.

#### Bow Enterprise Park, Cranwell Close (located to the north of the application site)

- 4.23 PA/10/01734 – planning permission was granted on 28/09/2011 for the demolition of existing buildings and erection of new buildings between 3 to 20 storeys plus

basement and comprising of Use Class B1 (up to 6220sq.m), flexible Use Class A1/A2/A3 (up to 490sq.m), 557 residential units (Use Class C3) (up to 46,844sq.m) with associated landscaping, highways and infrastructure works. This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

- 4.24 This is relevant in the context of the gate installation as this permission also secured site linkage with Caspian Wharf development site through a creation of green corridor within the site which would allow permeability through the sites leading to and from the publicly accessible Canal Walkway and the Devon's Road DLR Station.
- 4.25 Refer to Figures below for mentioned sites and Blocks referred to above.

Figure 1. Caspian Wharf site showing blocks as referred to.

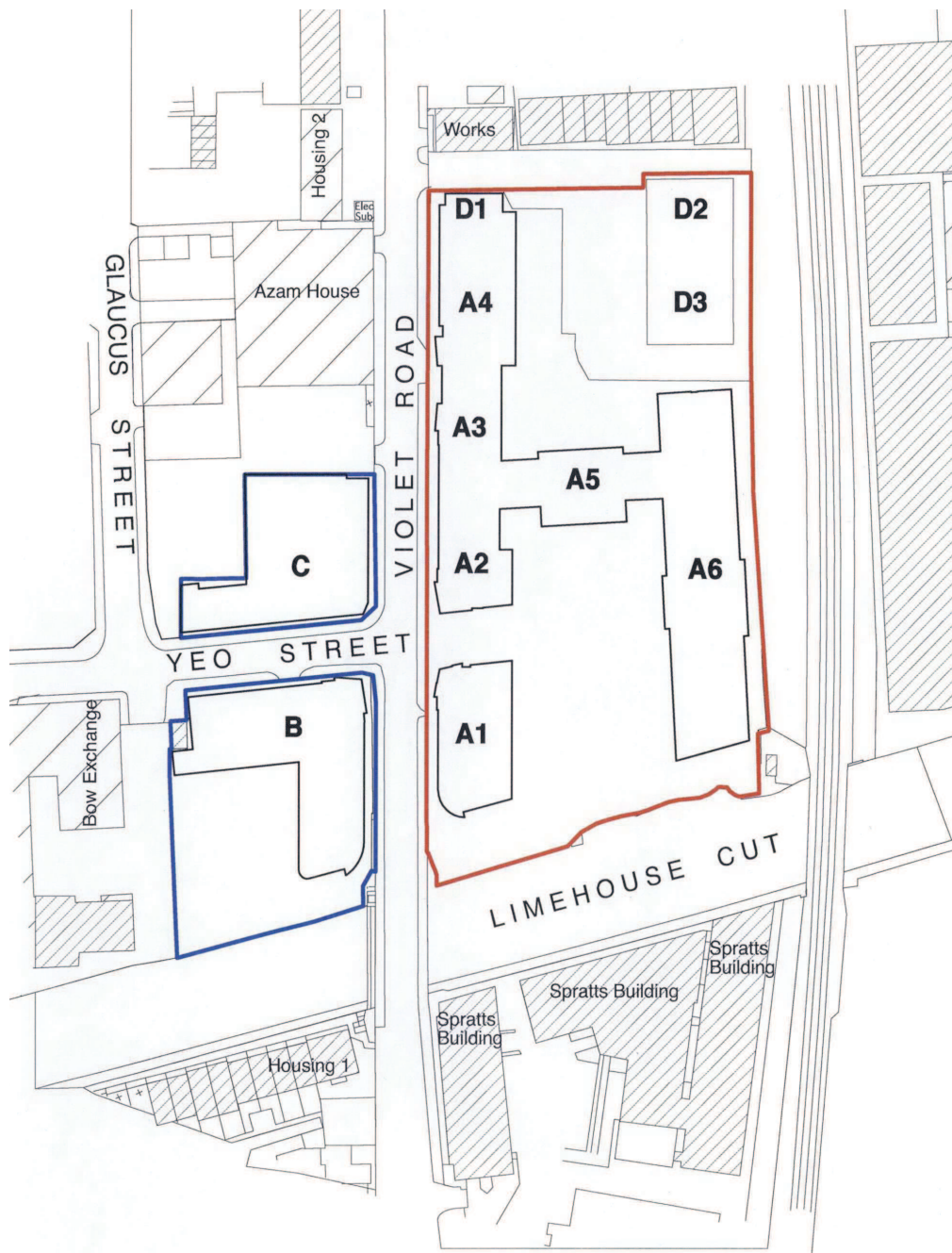
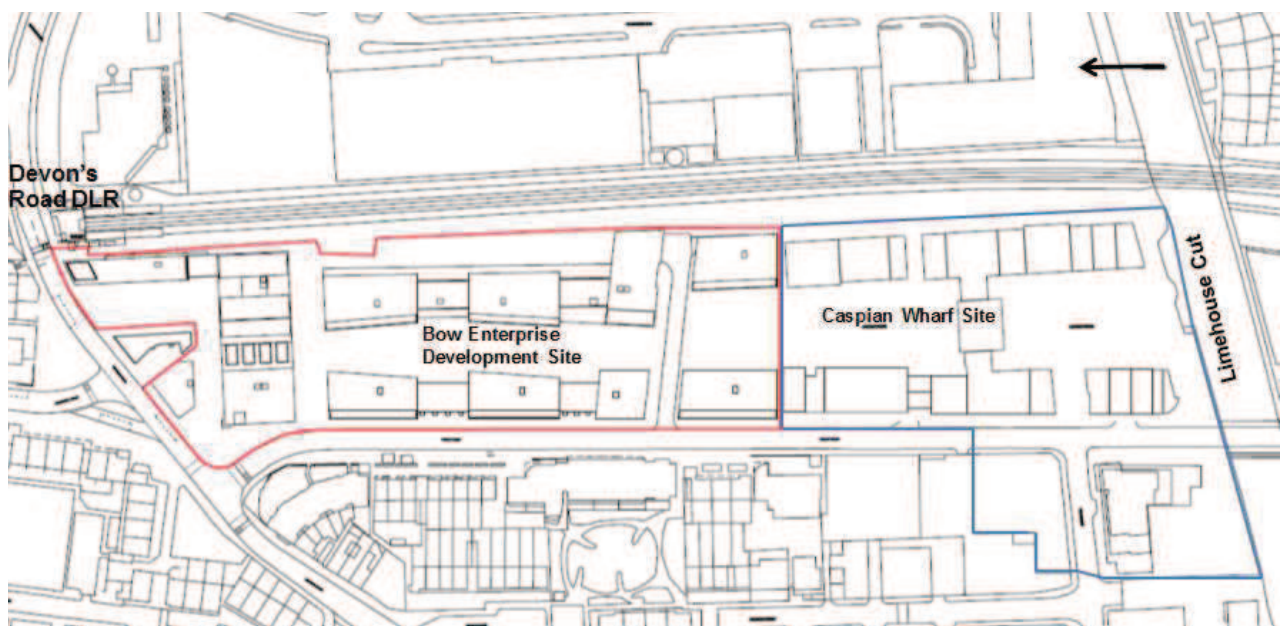


Figure 2. Caspian Wharf Application Site Boundary



Figure 3 Site wide context



## **5.0 POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance 2014

### **5.3 London Plan 2011 (including Revised Early Minor Alterations)**

- 2.18 - Green infrastructure: the network of open and green spaces
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage assets
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

### **5.4 Tower Hamlets Core Strategy 2010**

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

### **5.5 Managing Development Document 2013**

- DM12 - Water spaces
- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

### **5.6 Supplementary Planning Documents**

Limehouse Cut Conservation Area Character Appraisal

## **6.0 CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:



## **LBTH Transportation & Highways**

- 6.3 Generally highways and transportation do not support gates to the access road to a car park especially where they are located close to the highway but in this circumstance, the minimum level standing area of 3 metres (5 metres if used by Lorries) from the back edge of footway to the proposed gate has been met. This would prevent vehicles backing into the highway and hindering the flow of traffic. The transportation and highways department have no objection to the scheme.

*Officer comment: noted*

## **Crime Prevention Officer**

- 6.4 It appears that as a result of ASB/crime issues residents have pointed out that the gate, which was not to be re-instated under section L of the 106 agreement, needs to be put back. The proposal is to erect a 3m high metal gate 6m from the building line (within the undercroft) in Violet Road:

- This is a far better option than what is currently in place. These spaces are almost always an issue with regard to ASB and crime on this borough.
- Although a better option, it is by no means the panacea for crime in this location. Due to the large recess still being in place after a gate is installed, there will still be an undercroft. This will still be offering 6m of shelter and cover from being seen for those with illegitimate intentions.
- The gate itself, although a good height will need to be thought through in terms of the detail. It is important that horizontal strengtheners are not required as these are used to make climbing over very easy. Consider the location of locks as these are used in a similar way.
- Regarding point 2 above, could there be consideration to a gate that can be operated remotely by vehicle users, be inward opening and of a faster opening speed to ensure there is no long delay for vehicles when entering the site.

*Officer comment: This is discussed further in the material planning considerations section of the report*

## **LBTH Conservation and Design Officer**

- 6.5 The Council's Design officer raised no comment on the application.

## **Canal and River Trust**

- 6.7 No objections to the application

## **7.0 LOCAL REPRESENTATION**

- 7.1 A total of 705 neighbours letters were sent to neighbours and interested parties. Due to the site lying adjacent to the Limehouse Cut Conservation Area, a site notice was displayed outside the application site and the application was advertised in East End Life.

- 7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:                      letters: 14 letters of representation (in support)

7.3 The following comments were raised in relation to supporting the proposal:

- The installation of an entrance gate will prevent anti-social behaviour and enhance the security of the flats. Examples of ASB include; people making excessive noise (particularly late at night), garage and bike theft and gangs hanging around

*Officer comment: This is discussed further in the main body of the report. Also see appendix.2 for details of the crime log.*

- The undercroft and immediately surrounding roads suffer from congestion with cars blocking the main entrance and restricting access to the basement parking. Many of these individuals are uncooperative toward residents. This action has resulted in accidents caused by illegally parked cars and dangerous car movements.

*Officer comment: the location of the undercroft is located on private highway and is therefore a matter for the estate management to resolve and not a matter for the council to resolve nor is this a material planning consideration. The surrounding roads restrict parking by double yellow lines and there are specified parking bays along Violet Road. This matter should be discussed with the Council's Parking enforcement team however, it is noted that highways officers have not indicated that there is parking stress in the vicinity.*

- The proposed gates will improve the amenity of the site and will make the area quieter in general

*Officer comment: this is discussed in the 'amenity' section of the report*

- The proposed gates will improve the safety of the area and also the safety of young children using the play area

*Officer comment: this is discussed in the material planning considerations section below.*

## 8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation
6. Conclusion

8.2 The application proposes no change of use at the site and therefore raises no land use implications.

### Crime

- 8.3 The planning application proposes an entrance gate at the main vehicular access to the Caspian Wharf development to the east of Violet Road. The application has been submitted to seek to address concerns raised by residents that unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.
- 8.4 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 8.5 Policy 7.3 of the Adopted London Plan (2011) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or cohesion. This policy also highlights that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.6 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.7 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.8 The principle of erecting entry gates to create a gated community is not supported by the National Planning Policy Framework (2012), the London Plan (2011) or Tower Hamlets planning policies. It is considered that only in exceptional circumstances should the Council make an exception to the policy position.
- 8.9 Whilst the comments received from the Metropolitan Police's Crime Prevention Officer are in support of the proposal, it should be considered that the Crime Prevention Officer's role is purely that of crime prevention, and officers recommendation to refuse the application takes into account a much broader set of considerations which in many instances are in discordance with both national, London-wide and local planning policies.
- 8.10 A crime log was submitted by the applicant as part of the evidence in support of the application (see appendix.2) and comments were received from the Crime Prevention Officer (discussed above). As detailed below, further crime statistics were also provided by the Crime Prevention Officer due to difficulties in obtaining statistics for the Caspian Wharf development.
- 8.11 Figure 4 shows the boundary area of the Bromley-by-Bow ward. The boundary area has a total of 5,149 households as of 2011 census (according to [www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk)), whilst the Caspian Wharf development site has a total of 590 households. However the census data does not include the 590 households from Caspian Wharf development site. It can thus be derived from these

figures that The Caspian Wharf development represents 9.7% of the total households within the Bromley-by-Bow ward (derived from the number of households from 2011 census data and Caspian Development site; but assuming no other new dwellings were created between when census data was collected and Caspian Wharf development was completed). The Caspian Wharf development boundary is demonstrated in Figure 5.

- 8.12 Crime statistics over the period of the 2011 census data for the Bromley-by-Bow boundary area have been collated for the period January 2011- December 2011 inclusive. The Bromley-by-Bow boundary area (which does not include the Caspian Wharf development site) recorded 2,322 crimes with a crime level per property of 0.45 for the year 2011. It should be noted that this figure represents all 'notifiable' crimes, and that the Metropolitan Police website defines a notifiable offence as an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.13 Crime statistics over the most recent period have also been collated (October 2013 – September 2014) which represent the most recent crime statistics currently available (true of November 2014) for the Bromley-by-Bow boundary area. The Bromley-by-Bow boundary area recorded 2,180 crimes. However given that the total household number for Bromely-by-Bow Ward is unknown for this period, the crime rate per household is not defined.
- 8.14 It should be noted that from an investigation of the [www.police.uk](http://www.police.uk) website there appears to be no crime statistics for the Caspian Wharf development for any period as indicated in figure 5. Officers have expanded the crime area to include the Bow Enterprise Park and also the properties on Yeo Street. The crime statistics are limited in that they record crime as 'on or near Yeo Street' and 'on or near Violet Road' and are not location specific. In order to investigate these figures further officers have tried to marry the figures up with the crime report submitted by the applicant and these figures do not match up either.
- 8.15 Despite the above, the Crime Prevention Officer has provided statistics from the Metropolitan Police Crime Reporting Investigation System. The figures relate to the following areas:
- Voysey Square – the northern part of the Caspian Wharf development (where the proposed gates will be located) on the eastern side of Violet Road
  - Seven Seas Gardens – the southern part of the Caspian Wharf development on the eastern side of Violet Road
  - Yeo Street – the Caspian Wharf development to the western side of Violet Road
- 8.16 The following section details the recorded crime for each of the above referenced locations.
- Voysey Square – total of 9 crimes for the period 02/01/14 – 24/11/14.
- Seven Seas Gardens – total of 14 crimes for the period 16/12/13 – 11/11/14
- Yeo Street – total of 8 crimes for the period 12/01/14 – 11/07/14
- 8.17 The Crime Prevention Officer has also stated that in addition to the above, a total of 83 crimes were recorded in Violet Road in the last 12 months. As these figures are

not location specific and it is not clear how they relate to crime within the Caspian Wharf development site, these crime figures have not been interrogated further.

- 8.18 The total recorded crime for the Caspian Wharf development is therefore 31 crimes for the most recent 12 month period. Given the number of households in the original Caspian Wharf application is 590 households, this gives a crime level per property of 0.05 which is significantly below the crime level per property of 0.4 for the Bromley by Bow Boundary area (from 2011 data).
- 8.19 Whilst officers do observe that there is evidence of a level of criminal activity recorded in and around the Caspian Wharf development site, in light of the above evidence it cannot be considered that the crime rate experienced specifically on the Caspian Wharf development site is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.20 Whilst the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, there is insufficient evidence to suggest that crime and anti-social behaviour levels are such that greater weight should be given to this argument in planning terms. In addition it should also be considered that the applicant has not demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the estate. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities, far outweigh the perceived benefits of providing a gated entrance.

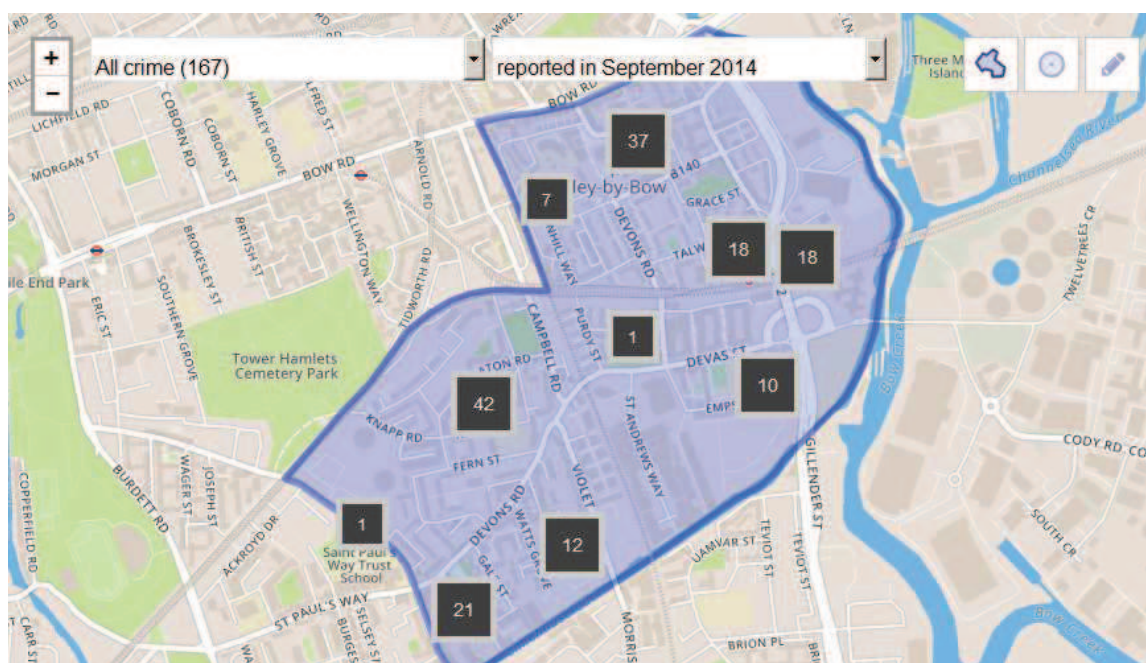


Figure.4 – Crime map of Bromley by Bow boundary area (2013/14) (taken from [www.police.uk](http://www.police.uk))

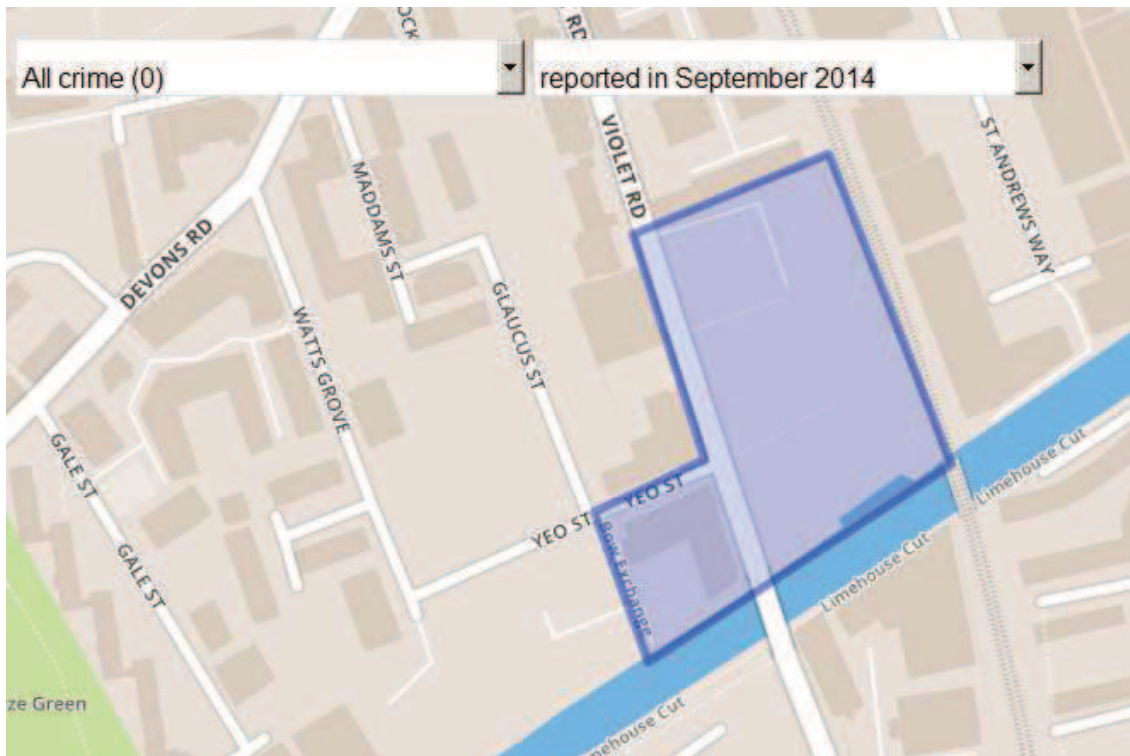


Figure.5 – Crime map of the Caspian Wharf development (taken from [www.police.uk](http://www.police.uk))

### Accessibility/Permeability

- 8.21 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.
- 8.22 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 set out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27 states that development should protect and improve existing access points to the blue ribbon network.
- 8.23 The Council's Core Strategy policy SP04 (4E) seeks to improve the accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities. Policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.

- 8.24 The Council's Managing Development Document policy DM12 (3) states that development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space. Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.25 The erection of an entrance gate which will restrict access, interaction and movement with the wider surrounding sites including the Bow Enterprise Park to the north which would be contrary to planning policies at a number of levels (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP12 and Managing Development Document DM23). This proposal would result in a structure which would be intended to be a barrier to movement, and will subsequently restrict the movement of non-residents and to a lesser extent, residents of the Caspian Wharf development. The erection of a gate will not contribute towards the Council's objectives of creating a more well-connected Borough and the proposals do not support the vision for Bow Common as they seek to remove an access point to the Limehouse Cut and as consequence limit movement and reduce permeability in the area.
- 8.26 The permeability of the site and to allow public access to the Canal is a part of wider planned approach, with the adjacent Bow Enterprise Park development site. The scheme for Bow Enterprise Park which would deliver a central publicly accessible amenity space corridor linking up with the Caspian Wharf site, with eventuality of allowing people to access from Devons Road DLR station to the Canal would be lost. The Caspian Wharf development also included consideration for linking up with Bow Enterprise Park when applications were considered for the subject site and equally Bow Enterprise Park development, which came after Caspian Wharf's development, followed this approach. The proposed installation of gates would hinder the planned approach for permeability of the sites and movement of people. See Figure 3 for a site context.
- 8.27 Both national and local planning policies place a strong emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged (see NPPF paragraph 69, London Plan 3.9, Core Strategy SP09 and Managing Development Document DM23). This Council has made a clear stance in its planning policies that it is against the creation of gated communities, and any proposals to segregate communities will be strongly resisted.
- 8.28 The proposed gates would create a gated community for the northern parcel of the Caspian Wharf development site on the eastern side of Violet Road. If the proposed gates are approved, blocks D2, D3, A5 and the northern portion of block A6 would become part of a gated community. This equates to approximately one third of the overall Caspian Wharf development becoming a gated community (sites A, B, C and D as indicated in Figure 2). This is contrary to the council's policies, in particular policies DM23 of the Managing Development Document (2013) and SP09 of the Core Strategy (2010).
- 8.29 The Caspian Wharf development site fronts onto the Limehouse Cut and the erection of this gate would restrict non-residents access to the waterfront to a degree which is

contrary to both national and local policy (see NPPF paragraph 73, London Plan 7.27, Core Strategy SP04 and Managing Development Document DM12). These policies seek to ensure that existing access to the blue ribbon network is maintained and enhanced, and that any proposals to further restrict access to waterfront spaces and open space in general should be strongly restricted. Members should note that an agreement exists between the developer and the Council (set out in the original s.106) in terms of maintaining an unrestricted public access route from across and through the Caspian Wharf development to the canalside walkway and beyond. Officers are currently investigating the status of the existing three gates which are located to the south of this gate. As detailed above, these would be in breach of the original s.106 agreement which forms a part of the planning permissions for the site.

- 8.30 Considering the above, officers conclude that the erection of an entrance gate such as that being proposed would be contrary to national, regional and local policy, as the proposal would restrict full public access to the Blue Ribbon Network through the loss of a legally secured publically accessible route to the canal walkway. The proposal would also create a 'gated' community which would be impermeable for non-residents which is against the general planning principle of inclusive communities.





- Planning Permissions Site boundary
- ◀---▶ - Permeable routes through the site
- ★ - Gates without the benefit of planning permission
- ▲ - (Application site) Unrestricted access point (permeable)

Figure 6. Caspian Wharf site with its access points.

### Design

8.31 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 8.32 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.33 The Council's Core Strategy policy SP10 (4) states that the Council will 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 surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.34 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.35 The proposed entrance gate measures 8.3m in width and 3.0m in height. Due to its overall scale and finish, along with its closed pedestrian gates and pedestrian gates, it is considered that such an addition into the streetscape would be unsightly and out of character with the more open nature of Violet Road.
- 8.36 The Council's planning policies seek to ensure that development is sensitive to and enhances the local character of an area (see Core Strategy SP10 and Managing Development Document DM24). Entrance gates such as that proposed are an unsightly addition to the public realm and would not enhance the character and setting of the proposal. Whilst the LBTH Design officer has not objected to the proposal, officers consider the gate will create a sense of impermeable public realm from the streets and surrounding areas, and as such discords with the relevant planning policies.

### **Amenity**

- 8.37 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.38 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.39 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.40 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.41 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek 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.

- 8.42 It is considered by residents that the installation of a gate will reduce the levels of noise which in turn will improve the amenity of the area in general. No thorough assessment of noise has been made as part of this application; however, it is noted that the proposed gate will be directly below and adjacent to habitable rooms. Given that the undercroft is currently used for vehicular and pedestrian access in the existing situation, introducing a gate in this location is unlikely to cause a significant detrimental impact on neighbouring amenity.

### **Highways and Transportation**

- 8.43 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.
- 8.44 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.45 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.46 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.47 The proposed gate is sited on private highway within the Caspian Wharf development which is set back from the boundary with the public highway. LBTH Highways and Transportation department have not objected to the proposal as there is sufficient set back from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. It is considered that the proposal accords with policy on both safety and capacity grounds and does not form a reason for refusal of the application.

### **Conclusion**

- 8.48 Whilst Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Caspian Wharf development site and have led to the applicant submitting this application (and other related applications) it cannot be overlooked that such a proposal discords with planning policy at all levels and for so many different reasons. In principle, Officers cannot consider the proposal to be acceptable in the context and the proposal goes against the core principles of creating inclusive communities which is integral to the success of the Borough.
- 8.49 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, creates a gated community, restricts access to the canalside walkway, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the area.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

9.1 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:

9.2 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".

9.3 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.

9.4 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.

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

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

## **10.0 EQUALITIES ACT CONSIDERATIONS**

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

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

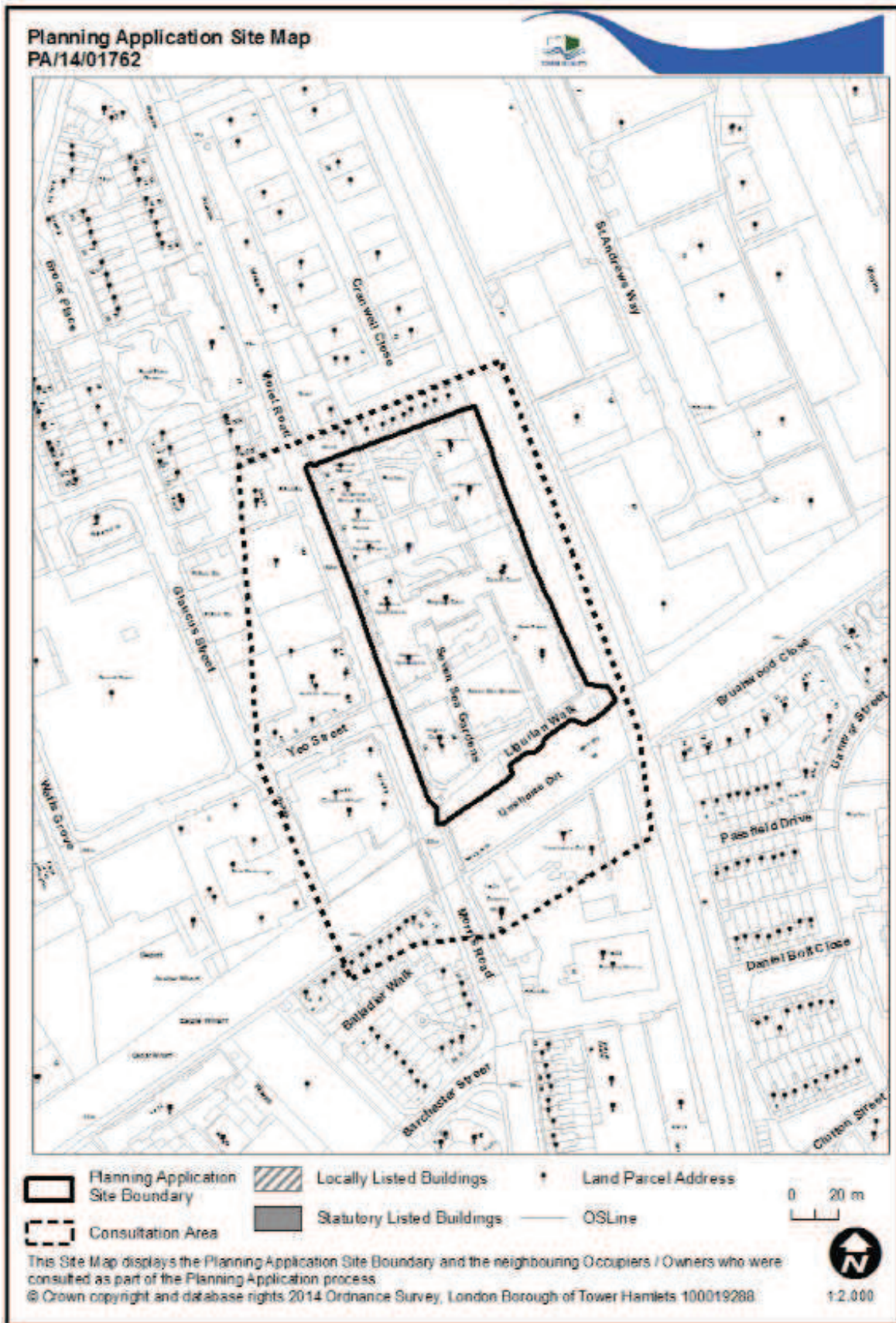
10.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

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

## **11.0 CONCLUSION**

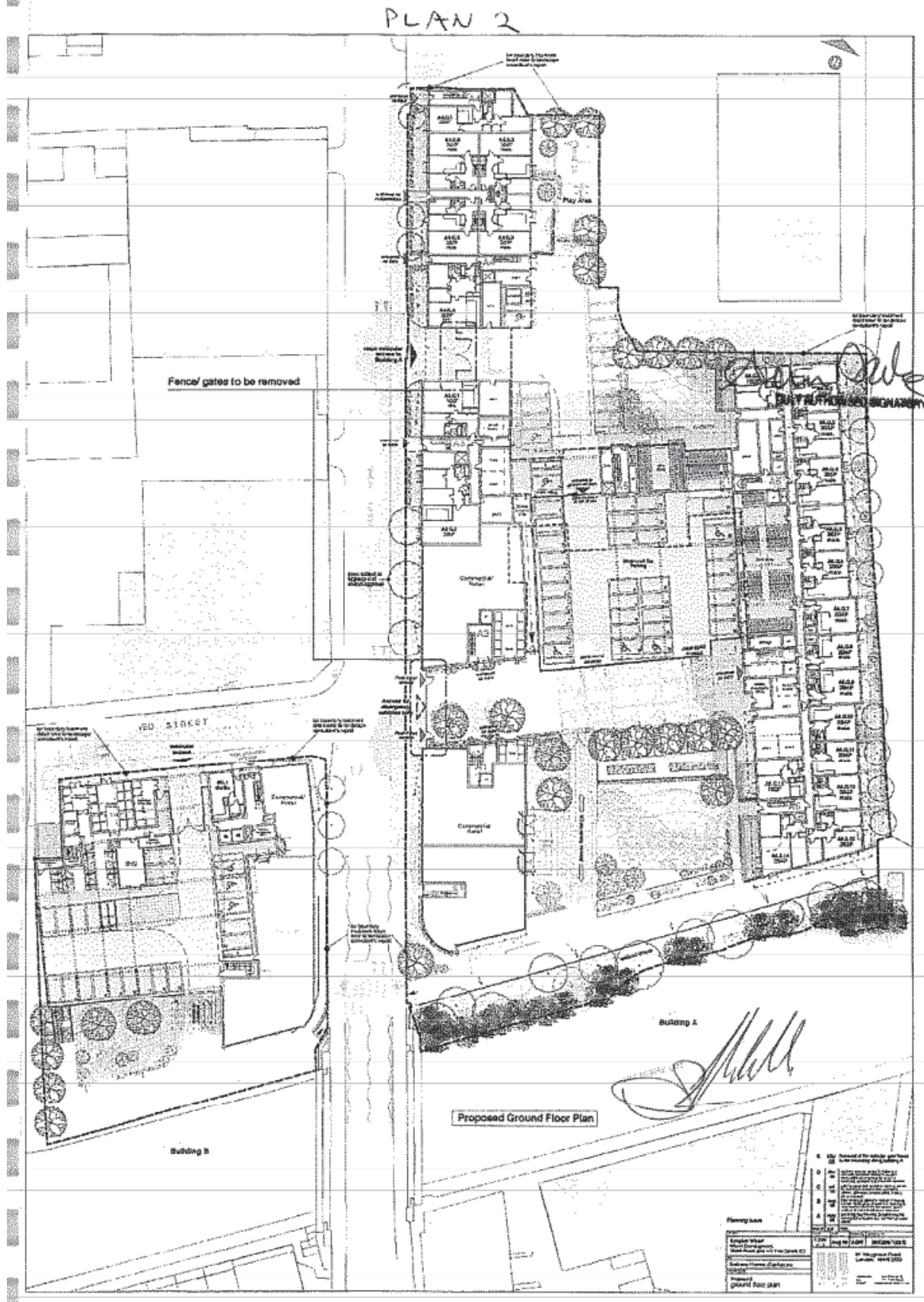
11.1 All other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

# 12.0 SITE MAP



13.0 APPENDIX. 1

Plan 2



## 14.0 APPENDIX. 2

### Crime log (submitted by applicant) 07.11.14

09/09/2012 Voysey Square - The lady from 504 Levanter came in crying and screaming saying a guy has a knife, and threatening to kill people in her flat. I called the police CAD-468-090912 I when with her to the HA blocks, and stayed in the street to wait for the police. The police arrested the guy and got the knife (10 inch blade) and left site at 01:17. I then learned that the guy that was arrested did not live here he is the father of the child that lives in 503 Levanter. The police officer let me know he did damage to the door.

10/09/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

12/09/2012 Seven Seas Gardens - Two Youths smoking drugs at car park gates residents made complaints, ask MO the security guard to deal with it he refused so I had to deal with it myself the two youths became abusive and threatening and refused to move so I called the police on 101 they sent out a unit to search the area for the youths. Reference CHS/9408/12912

14/09/2012 Voysey Square - A guy has broken the window at the back of the building with a brick and got into the flat, its believed to be the boyfriend of the lady. Reference CHS 4225901/12

15/09/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

15/09/2012 108 Kara Court - Burglary - Residents returned home to find a window smashed and laptops stolen. Accused must have entered via side of estate and climbed up balcony. Reference CAD-9665-15/09/12

26/10/2012 Voysey Square – The same 4 Asian youths smoking marijuana, and breaking lights (at 22:10). Made a video of the youths saved in Ashmore folder called police, and sent Stuart a email. Police arrived at 23:30 I showed the videos, and took them to Ashmore South. The police caught the 4 teens and arrested them. Reference CAD 1063426

27/10/12 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

28/10/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

03/11/2012 110 Kara Court - Burglary - Residents left a window unlocked. Accused entered open estate, climbed up onto the railings on the terrace of the flat below (G10 Kara) and up onto the balcony of 110, gained entry through open window. Resident did not provide police reference

10/11/2012 G11 Kara Court - Burglary - Residents left french door unlocked. Accused entered open estate and entered the terrace gaining access through door. Reference 4231608/12



12/11/2012 110 Kara Court - Residents came home to find front door was unlocked. Alerted concierge to escort them into the apartment. Nothing disturbed but window prized open. No police reference

13/11/2012 Ligurian Walk - Group of youths smoking weed and drinking became abusive and threatening when asked to leave - police called. Reference CAD 9057-12-11

14/11/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

20/11/2012 Seven Seas Gardens - 4 Asian young men drinking, and brothing women that walk by. Asked to move on - they did. No reference

22/11/2012 Hudson House - Burglary - Accused tailgated into block and entered onto communal terrace - jumped over private terrace and entered through unlocked window. Reference 4232928/12

23/11/2012 Voysey Square - Theft x 2 of Bikes from Bike Shed, Mr Patrick Rochester of 302 Gregale House has just come into the Concierge Suite to report that 1 x Canondale and 1 x Ridgeback Mountain bikes have been stolen, he Last saw these in the bicycle shed 14 days ago! I Have advised Mr Rochester to report this to 101 which he is going to do now, he wanted advise as to if we have CCTV covering the Bicycle Shed, I told him our CCTV covers only the entrance doors. He wanted somebody from the Estate Management Team to contact him, and I explained that Stuart Was not back until Monday and he was fine with that. No reference.

01/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

02/12/2012 Seven Seas Gardens - 5 youths entered around 2:30pm via forced entry on pedestrian gate A6 car park. They went straight to Ceram Bike store and cut off two chains. Upon leaving i confronted one of them and took the bike from him, but was unable to detract the other youth's from stealing the bike, as 4 others emerged from the bike store with a second bike. They threatened me and said they would get him on his way home. I called police who attended approx. 4 mins later. Further details to follow (including Statement) Statement attached in email to Stuart Fuller and Laura Bemment. Reference CAD4975

04/12/2012 Gregale - Resident in 902 Gregale reported that 3 young guys are smoking drugs on the 8th floor and that when asked they refused to leave. Reference CHS868604122012

05/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

06/12/2012 Gregale - Youths congregated on the stairwell smoking. S.Fuller called 101, but they will not be able to attend yet. 7 youths smoking cannabis. Reference CHS5819/6/12

06/12/2012 Seven Seas Gardens - Youths collected around Ligurian Walk I got one of the security guards to go with me and there was 6 Asian youths behind there being loud and selling/smoking drugs. I informed them they had to leave, and they are not allowed to be in this area. One of them got aggressive, and threating towards me. As they were walking down Yeo Street the police arrived, and stopped them all. The one

that was aggressive with me was arrested for drugs (he had 13 selling bags of marijuana). This is the same group that I have talked the police on more than once. No reference.

07/12/2012 Seven Seas Gardens - Saw a dodgy guy in the car park. I called security on the radio and run down stairs tripping on the way. When I got down I noticed that the plant outside Sargaso was vandalized, and 203 Cerams scooter was stolen. I went and found security and let them know what happen. I went and found the supervisor for Cre-Namic and let him know as well. I then tried to review the CCTV footage but got the system locked (screen) and could not reset it. I tried calling Stuart 2 times on work phone and 1 time on personal number but no answer. John from Cre-Namic (supervisor called police. I then went to 203 Ceram and let Mr Oliver Heller know what happened. No reference

08/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

09/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

17/12/2012 Ashmore - Youths congregated on the stairwell smoking. S.Fuller called 101, Police arrived 30mins later and escorted them from the building. Reference CAD6062/17Dec

21/12/2012 Ashmore - I saw people in the stairway 9th floor Gregale. I went up and caught the same 4 youths from 14/12/12. Reference CAD1386211212

**Freedom of Information request from Metropolitan Police (submitted by applicant) 28.11.14**

Offences of Burglary, Theft from Vehicles and Theft of Motor Vehicle & Pedal Cycles in the Seven Seas Development For the Financial Year Periods 12/13 and 13/14

Financial Year	Offence Description	Total
FY 12/13	Aggravated Taking Involving Dangerous Driving; or Any Accidental Injury or Damage; or Damage to the Vehicle.	1
	Attempted burglary in a Dwelling.	1
	Burglary in a Building other than a Dwelling.	1
	Burglary in a Dwelling.	3
	Theft in a Dwelling Other Than from Automatic Machines and Meters	1
<b>FY 12/13 Total</b>		<b>7</b>
FY 13/14	Attempted burglary in a Building other than a Dwelling.	1
	Attempted burglary in a Dwelling.	1
	Burglary in a Building other than a Dwelling.	3
	Burglary in a Dwelling.	1
<b>FY 13/14 Total</b>		<b>6</b>
<b>Grand Total</b>		<b>13</b>

Offences of Burglary, Theft from Vehicles and Theft of Motor Vehicle & Pedal Cycles  
in the Yeo Street Development  
For the Financial Year Periods 12/13 and 13/14

<b>Financial Year</b>	<b>Offence Description</b>	<b>Total</b>
FY 12/13	Burglary in a Building other than a Dwelling. Burglary in a Dwelling. Theft of Pedal Cycles	2 1 1
<b>FY 12/13 Total</b>		<b>4</b>
FY 13/14	Burglary in a Building other than a Dwelling. Theft from Motor Vehicles	6 3
<b>FY 13/14 Total</b>		<b>9</b>
<b>Grand Total</b>		<b>13</b>

Offences of Burglary, Theft from Vehicles and Theft of Motor Vehicle & Pedal Cycles  
in the Voysey Square Development  
For the Financial Year Periods 12/13 and 13/14

<b>Financial Year</b>	<b>Offence Description</b>	<b>Total</b>
FY 12/13	Burglary in a Building other than a Dwelling.	5
<b>FY 12/13 Total</b>		<b>5</b>
FY 13/14	Attempted burglary in a Building other than a Dwelling. Attempted burglary in a Dwelling. Burglary in a Building other than a Dwelling. Other Theft Offences under the Theft Act 1968, Sec.1, Not Classified Elsewhere Theft of Motor Vehicle	2 1 2 1 1
<b>FY 13/14 Total</b>		<b>7</b>
<b>Grand Total</b>		<b>12</b>

A Count of Incidents of Anti-Social Behaviour Calls to Police for the Residential  
Developments  
Voysey Square, Seven Seas and Yeo Street in Tower Hamlets  
For the Financial Year Periods 12/13 and 13/14

<b>Financial Year</b>	<b>Residential Development in Tower Hamlets</b>	<b>ASB CAD Incidents</b>
FY 12/13	Voysey Square Seven Seas	15 1

	Yeo Street	19
<b>FY 12/13</b>		
<b>Total</b>		<b>35</b>
FY 13/14	Voysey Square	7
	Seven Seas	10
	Yeo Street	19
<b>FY 13/14</b>		
<b>Total</b>		<b>36</b>
<b>Grand</b>		
<b>Total</b>		<b>71</b>