

# DEVELOPMENT COMMITTEE

---

**Wednesday, 14 January 2015 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, 12 January 2015**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 13 January  
2015**

**Contact for further enquiries:**

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

Scan this code for  
an electronic  
agenda:



## Public Information

### **Attendance at meetings.**

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

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

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page

### **Mobile telephones**

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

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



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

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

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

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

Car Parking: There is limited visitor pay and

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

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

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

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



### **Fire alarm**

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

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

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

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

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



QR code for smart phone users

## **APOLOGIES FOR ABSENCE**

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

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

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 12)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 17<sup>th</sup> December 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 13 - 14)**

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

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

### **5. DEFERRED ITEMS**

None.

<b>6.</b>	<b>PLANNING APPLICATIONS FOR DECISION</b>	<b>15 - 16</b>	
<b>6 .1</b>	<b>83 Barchester Street, E14 6BE (PA/14/02607)</b>	<b>17 - 46</b>	<b>Lansbury</b>

Proposal:

Demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining three walls of facade). Construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application.

Recommendation:

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

<b>6 .2</b>	<b>1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street (PA/14/001671)</b>	<b>47 - 84</b>	<b>Shadwell</b>
-------------	---	----------------	-----------------

Proposal:

Demolition of the existing building at Site A and redevelopment to provide part 6 part 7 and part 8 storey residential building/block comprising of 56 flats ( 30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential building/block comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated under croft car and cycle parking and protected roof top child play space.

Recommendation:

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

## **7. OTHER PLANNING MATTERS**

None.

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

Wednesday, 11 February 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

# 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>

This page is intentionally left blank



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 17 DECEMBER 2014**

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

**Members Present:**

Councillor Sirajul Islam (Chair)  
Councillor Marc Francis (Vice-Chair)  
Councillor Suluk Ahmed  
Councillor Gulam Kibria Choudhury  
Councillor Shah Alam  
Councillor Chris Chapman Deputy Leader of the Conservative  
Group  
Councillor Asma Begum

**Other Councillors Present**

Councillor Danny Hassell

**Apologies:**

Councillor Shiria Khatun

**Officers Present:**

Paul Buckenham – (Development Control Manager, Development  
and Renewal)  
Christopher Hunt – (Senior Planning Lawyer, Directorate Law,  
Probity and Governance)  
Kamlesh Harris – (Planning Officer, Development and Renewal)  
Amy Thompson – (Pre-Applications Team Leader, Development  
and Renewal)  
Jen Pepper – (Affordable Housing Programme Manager,  
Development and Renewal)  
Jane Jin – (Deputy Team Leader, Development and  
Renewal)  
Dale Walker – (Interim Head of Capital Delivery, 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.

Councillor Marc Francis declared an interest in agenda item 6.2, Former Caspian Works and Lewis House, 55-57 Violet Road, London (PA/14/01762 and PA/14/02059). This was on the basis the Councillor was a Board Member of Old Ford Housing Association. He declared that he had not been lobbied on the application. .

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

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 19<sup>th</sup> November 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 Land at rear of 81-147 Candy Street And Wendon Street, London, E3 PA/14/00623**

It was reported that the Application had been withdrawn from the agenda by Officers for further discussion with the London Legacy Development Corporation. The Application would be brought back to the Committee once the issues had been addressed.

## 6. PLANNING APPLICATIONS FOR DECISION

### 6.1 Watts Grove Depot, bounded by Watts Grove, Glaucus Street and Yeo Street, London E3 (PA/14/02585)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application. The Chair invited registered speakers to address the Committee.

Councillor Danny Hassell spoke in support of the application welcoming the number of number of units given that would this reduce overcrowding in his ward. He had been actively involved in bringing the scheme forward. He thanked the Service Head for Learning and Achievement, LBTH for bringing this scheme forward as the proposal was a Council led initiative.

He stated that he would have preferred the units to be provided as social rent. He only knew about the proposed affordable (Tower Hamlets Framework) rents when reading the Committee report.

He welcomed the quality of the units and whilst the number of wheelchair units was just under 10%, welcomed their provision on the ground floor level of the proposed building along with the high quality open space and the public realm improvements.

Kamlesh Harris (Planning Officer) presented the detailed report and the update explaining the site location, surrounds and the current depot use. Given that the site was a brownfield site in a mainly residential area and the shortage of housing in the Borough, residential use of the site was welcomed. Four representations had been received in response to the consultation and the objections were noted.

The scheme was of a high quality design ranging from low rise 3 storey to 7 storey buildings to fit in with the surrounding areas. The quality of the detailed design was explained including the different types of balconies for the residential units. The development proposed a homezone, community space, child play space and a pedestrian route thorough the development.

There would be 148 units in the affordable rent tenure (100% of the units) with lifetime assured tenures and private amenity space. The impact on surrounding amenity was generally acceptable in terms privacy, overlooking day light and sunlight - as shown by the technical assessment and in view of the separation distances. Planning contributions had been secured in line with policy. The car parking, cycle parking, access, refuse and recycling arrangements were also explained.

In view of the benefits of the scheme, Officers were recommending that the scheme was granted planning permission.

Members ask questions about the rent levels for the units given the initial perceptions that the rent levels would be at social rent levels. Members felt that more action should be taken in the future to ensure that the tenure type of proposed developments was made clear to the public at an early stage.

In response, Officers assured Members there had been no changes to the application since submission in this regard. Officers circulated the Planning Statement for the application that had been published on the website which stated the rent levels.

In connection to this, Members heard from Dale Walker, (Interim Head of Capital Delivery, LBTH) about the viability assessment of the scheme. It was found that the scheme could only be afforded by the Council with affordable rents taking into account the viability of the scheme. The rents would be broadly in line with the Borough affordable rent levels for the area a right to buy for occupants. The development was on target to commence by March 2015, as required by the Mayor of London funding.

Mr Buckenham explained that Members should consider the case on its planning merits and there was no grounds in policy to refuse an application based on the affordable rent levels.

In response to further questions, Officers described the measures to save energy and also provided further assurances on the sunlight and daylight impact in view of the objection from David Hewitt House. With the exception of a small number of windows, most of the units tested complied with the policy including the property of the objector. Whilst there was a shortfall of dedicated child play space on site, there were a number of parks in the area within the recommended walking distance in policy that should compensate for the shortfall.

Officers also listed the number of community facilities nearby and these were listed and shown on a map.

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

1. That planning permission (PA/14/02585) at Watts Grove Depot, bounded by Watts Grove, Glaucus Street and Yeo Street, London E3 be **GRANTED** for the 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 subject to:
2. That the Corporate Director, Development & Renewal is delegated authority to issue the planning permission and impose conditions and informative to secure the matters set out in the Committee report:

3. Any other conditions/informatives considered necessary by the Corporate Director Development and Renewal.

## **6.2 Former Caspian Works and Lewis House, 55-57 Violet Road, London (PA/14/01762 and PA/14/02059)**

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application that sought to erect entrance gates at the main vehicle entrance to the Caspian Wharf Development. The Chair invited registered speakers to address the Committee.

Vivienne Alps (speaking on behalf of residents of the development) and Councillor Danny Hassell, ward Councillor, spoke in support of the application. The installation of the gates would help create a safer and secure community and protect amenity by reducing anti-social behaviour in line with policy. There was compelling evidence of serious problems with crime on the development. The application had been initiated by the residents. The occupants of all types of tenures supported the installation of gates, so it should not cause segregation within the development. There was a petition in support with over 300 signatures from local residents. The Crime and Prevention Officer and the Housing Association for the development supported the application.

The plans would not restrict public access to the site given it was not possible to access the Limehouse Cut through the site (as suggested in the report). Furthermore, the gates would be open in the day time. The gates would sit well with the area as they would be set back under the undercroft. In response to Members, the speakers explained that there had been a number of serious crimes recently within the development and incidences of dangerous driving in the square so the gates were required to prevent this. Other alternatives had been tried, for example additional security, but this had not been effective. Bollards would be unsightly.

Jane Jin (Planning Officer) gave a presentation on the scheme, describing the site location, the location of and nature of the proposed gates in the undercroft of the main vehicle access of the development. She also described views of the open space beyond.

It was considered that the installation of the gates would restrict access to the canalside walkway and the Limehouse Cut and the movement of people through the site generally. This would be contrary to the planning permission for the site that stated that the gates were to be permanently removed to allow such access and the wider planned approach to provide links throughout the wider area.

It was noted that access to the canal side walkway through one of the buildings, required by the permission, had not been provided as shown on the submitted plans. The Enforcement Team were investigating the breach in

planning permissions in relation to this matter and the status of the existing gates south of the proposed gates.

However, the Committee needed to consider the applications for gates in this location in the context of the permissions for the site as approved with the obligations for unrestricted public access between Caspian Wharf and the Canal and the continuation of this route through Caspian Wharf and the residential scheme proposed on the adjoining site at Bow Enterprise Park

The Committee decision on this application would be a material consideration in considering other retrospective applications in relation to gates on this site.

Careful consideration had been given to the concerns about crime. However it was found that the crime rates per property for the development were lower than those for the Bromley by Bow Ward from 2011 data.

The proposed gate would also be an unsightly addition to the public realm

In view of the issues, Officers were recommending that the scheme was refused.

Members sought clarity on the planning policy regarding the installation of gates, the access routes to the canal and the importance of such routes and the enforcement investigation in respect of the canal side walk way restricting access to the canal. Confirmation was also sought that the building in its place was a storage unit as shown on the submitted maps.

Members also asked about the comments of the Crime and Prevention Officer in the report that stated that the gates would reduce crime and noted the strength of local feeling supporting the gates to improve security.

In response, Officers stressed the need to consider the broader material issues such as the impact on permeability, visual appearance along with the crime levels. Whilst careful consideration had been given to the crime rates, it was felt that, given that the crime rates were relatively low and the planning history to provide access through the site, that on balance, this should be given more weight.

The scheme conflicted with policy due to the impact on permeability amongst other issues rather than because it sought to install gates. The planning policy was not opposed to this in principle. The proposal would also impact on access via the Bow Enterprise Park by creating a cul-de-sac at the end of that route at an inconvenience to users. It was Council Policy to create public footpaths along the blue ribbon network as part of developments where possible.

Officers outlined the enforcement process and expressed caution about deferring the application pending the conclusion of enforcement action as this might significantly delay the determination of this application. Members should consider the application on its planning merits.

Members then made a number comments about the application.

It was felt that should the enforcement action be successful (to remove the unlawful barriers), then the proposal would restrict access to the Canal and movement around the site contrary to the Planning Permission for the site.

However, should such barriers not be removed, then the removal of the proposed gates would neither succeed in opening up the routes or help improve community safety especially in view of the potential for crime from congregation under the undercroft. Community safety was clearly an issue for residents.

In view of these issues, Members requested to receive more information on the enforcement action to make an informed decision, including information on the current use of the storage building in place of the canal side walk way as shown on the submitted maps

Accordingly, Councillor Sirajul Islam moved a proposal to defer the item seconded by Councillor Marc Francis for the reasons set out below.

On a vote six in favour of this proposal and one against, the Committee **RESOLVED:**

That planning permission at Former Caspian Works and Lewis House, 55-57 Violet Road, London (PA/14/01762 and PA/14/02059) be **DEFERRED** for erection of entry gates at the main vehicular access fronting Violet Road.

The Committee were minded to defer the application for further information on the enforcement action and investigation in respect of the canal side access and the unlawful gates in the development and also for consultation with the applicant about other alternatives measures to minimise anti-social behaviour within the Caspian Wharf development site.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee about the above matter

## 7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.40 p.m.

Chair, Councillor Sirajul Islam  
Development Committee

This page is intentionally left blank



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

### Who can speak at Committee meetings?

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

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

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

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

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

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

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

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

### What can be circulated?

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

### How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications 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 6

<b>Committee:</b> Development	<b>Date:</b> 14 <sup>th</sup> January 2015	<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.

---

**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	<b>Date:</b> 14 January 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
----------------------------------	---------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Laura Barton	<b>Ref No:</b> PA/14/02607 (Full Planning Application)
	<b>Ward:</b> Lansbury

## 1. APPLICATION DETAILS

**Location:** 83 Barchester Street, E14 6BE

**Existing Use:** Vacant document storage facility.

**Proposal:** Demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining three walls of facade). Construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application.

**Drawings and documents:** List of Plans:

1334-P-101-001  
1334-P-101-002 Rev C  
1334-P-101-003 Rev B  
1334-P-101-004 Rev B  
1334-P-101-005 Rev B  
1334-P-101-006 Rev B  
1334-P-101-007 Rev A  
1334-P-101-008 Rev A  
1334-P-101-009 Rev A

1334-P-102-001 Rev A  
1334-P-102-002 Rev A  
1334-P-102-003  
1334-P-102-004 Rev A  
1334-P-102-005

1334-P-104-001 Rev A  
1334-P-104-002 Rev A  
1334-P-104-003 Rev A  
1334-P-104-004 Rev A  
1334-P-104-005 Rev A  
1334-P-104-006  
1334-P-104-007 Rev A

<b>Applicant:</b>	Canary Wharf (Barchester) Ltd.
<b>Ownership:</b>	Canary Wharf (Barchester) Ltd
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Limehouse Cut

## 2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining the majority of the facade) and the construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application.
- 2.2 The proposed housing would deliver 352 habitable rooms as a proportion of the off-site affordable housing provision for the Newfoundland site approved under Council's reference PA/13/01455. It would comprise a mix of one, two, three and four bedroom homes. 100% would be homes for rent at social rent levels. 10 wheelchair accessible units are provided at the ground, first, second, third and fourth floor levels. The proposed housing meets lifetime homes standards and three blue badge spaces will be available within the site.
- 2.3 The proposal would be acceptable in terms of design which would respect the character of surrounding area and its buildings. The scheme would enhance the character of Limehouse Cut Conservation Area due to part reuse of the existing buildings. It is also considered that the proposal would deliver high quality affordable homes in a sustainable location.
- 2.4 The proposal would not give rise to significant material harm to the amenity of adjoining occupiers in terms of overlooking, loss of privacy or outlook or sense of enclosure. The daylight/sunlight report showed there will be some overshadowing and loss of light but officers are satisfied that these instances have been justified and are acceptable on balance. The proposal would not have any significant noise and vibration impacts to neighbouring residential properties.
- 2.5 Transport matters including parking, access and servicing are acceptable subject to condition securing a Section 106 agreement requiring the scheme to be permit-free.
- 2.6 The proposal seeks to deliver a 46% reduction in CO2 emissions.
- 2.7 The proposal is recommended for approval subject to the completion of a Section 106 agreement which would secure contributions towards education, health, open space, community facilities, employment, transport and sustainability in accordance with national and local policies.

## 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:
- £33,516 is required towards Idea Stores, Libraries and Archives
  - £158,930 is required towards Health
  - £3,990 is required towards Sustainable Transport
  - £909,997 is required towards Education
  - £134,607 is required towards Leisure

- £213, 420.18 is required towards Open Space
- £11,167 is required towards the playspace shortfall
- £125,736.29 is required towards Streetscene improvements, including maintenance and enhancement of the canal towpath and improved access and wayfinding
- £60, 000 is required towards Wheelchair Unit Retrofitting
- £27,887 is required towards the Construction Phase Skills and Training
- £33, 585 is required for Monitoring

Total financial contributions: £1, 712, 835.48

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

- 10 wheelchair accessible units (or easily adaptable for wheelchair users)
- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction and end user stage (20%)
- 7 Apprenticeships at construction stage according to site requirements

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

That within 3 months the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions plus informatives to secure the following matters:

### Conditions

3.4 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction
4. All residential accommodation to be completed to lifetime homes standards

3.5 Prior to commencement

5. Demolition/Construction Environmental Management Plan/Construction logistics
6. Scheme of Highways Works (S.278)
7. Submission of details and samples of all facing materials including windows, window reveals, balconies and screening
8. Landscaping and boundary treatment details (including trees and tree protection)
9. Details of play space/communal space
10. Details of all external lighting and CCTV
11. Details of external plant and ventilation, including noise attenuation measures
12. Details of all Secure by Design measures
13. Details of rooftop PV array
14. Contaminated Land Desk Study Report
15. Waterway wall survey & risk assessment
16. Surface water run-off and ground water drainage

3.6 Prior to Occupation

17. Delivery and Servicing Plan
18. Waste Management Plan including a refuse collection management
19. Code for Sustainable Homes post completion assessment
20. BREAAAM post completion assessment
21. Contaminated Land Remediation Works

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

### 3.7 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations
4. S278
5. Code of practice for works affecting the Canal and River Trust
6. Surface water discharge
7. Waterway access and encroachment
8. Using canal water for cooling proposed plant

## 4. **SITE AND SURROUNDINGS**

- 4.1 The application site is situated to the east of the borough and falls within the electoral ward of Lansbury. The site is located on the northern side of Barchester Street and shares its northern border with the Limehouse Cut Canal. The Limehouse Cut conservation area boundary was drawn intentionally around the buildings on this site, which comprises a 1939 factory building with a saw-tooth roof profile and a 1956 warehouse building. There are no Listed Buildings on the site or within the immediate surrounding area.
- 4.2 Beyond the Limehouse Cut Canal, is the Bow Office Exchange (low-rise light industrial and office buildings) located on its northern side. Further east along the canal is Caspian Wharf, new-build residential blocks which are four storeys fronting on to the canal, increasing to 17 storeys in height towards the north. The residential units within this block have balconies looking on to the canal and towpath.
- 4.3 To the west of the site is Pioneer Close, a relatively modern development made up of four-storey residential blocks with predominantly brick elevations with some timber cladding elements.
- 4.4 To the southwest of the site on the opposite side of Chrisp Street there are residential properties of between 2 and 3 storeys with predominantly brick elevations and balconies.
- 4.5 To the southeast of the site, on the opposite side of Barchester Street, there is a modern four-storey block of flats with predominantly brick elevations and balconies.
- 4.6 To the northeast of the site on the opposite side of Balladier Walk are modern two-storey houses with paved car parking to the front. The houses rise to three storeys towards the canal, where there are also two designated Blue Badge bays for disabled drivers. The site is within a predominately residential area.
- 4.7 The site is approximately 300m northwest of Langdon Park DLR Station and has a PTAL (Public Transport Accessibility level rating of 3 which is a moderate public transport accessibility rating.

## 5 **RELEVANT PLANNING HISTORY**

- 5.1 There is no relevant planning history for the application site itself; however, the planning context for the application sits within the parent 'Newfoundland' site (Land Bounded by Park Place, Westferry Road & Heron Quay Road, London) and other related donor affordable housing sites are relevant and are detailed below.
- 5.2 Newfoundland Site (PA/13/01455)  
On 10<sup>th</sup> June 2014, planning permission was granted for the: Erection of a 58 storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units (use class C3), 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.



The proposal was granted subject to S106 which secured three off site affordable housing sites which includes the subject site and the sites below.

5.3 307 Burdett Road.

Minor Material Amendments to Planning Permission ref: PA/09/214 dated 17 May 2011 for the redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works.

Proposed amendments:

1. internal rearrangement of the consented building resulting in a reduction in units to 42
2. internal rearrangement to amend the proposed employment floorspace at ground floor to provide child play space for the residential units

5.4 Lovegrove Walk

This site does not require planning permission as it comprises existing houses. These are not currently occupied and are being converted from private to affordable units.

## 6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 This proposal is one of three affordable housing donor sites in connection with 'Newfoundland' as detailed above. The Strategic Planning Committee resolved to grant planning permission for the Newfoundland development in March 2014. In light of viability constraints of the site, the development maximised the affordable housing potential of the scheme and the provision of the affordable housing 'off-site' was considered to result in a better overall outcome than providing it on site. Further information is available in the Newfoundland Committee Report, see Appendix A, However, it should be noted that a fully worked up scheme was presented to Members as an information item as part of the Consideration of the Newfoundland Application.
- 6.2 Full planning permission is now sought to demolish one existing warehouse building and ancillary structures and part demolish the remaining 'saw-tooth' factory building (retaining the majority of the facade) in order to construct three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application. The scheme is principally formed of 3 interconnected blocks – A, B and C – which look onto an internal communal courtyard.
- 6.3 The Barchester Street elevation of the building is brick with motif details and is between two to four storeys in height towards the southeast; slightly stepped back towards the northwest, the Barchester Street elevation extends to four to six storeys, with these upper storeys proposed to be clad in bronze. Recessed balconies are proposed along this elevation. The Chrisp Street elevation adjoins the properties at Pioneer Close and rises to six storeys with a 'saw-tooth' roof profile that is partially clad in bronze. Its detailing is similar to the Barchester street elevation, with brick elevations and motif details. Overhanging balconies serving the residential accommodation on the upper floors feature along the Chrisp Street elevation.
- 6.4 The Balladier Walk elevation is three storeys high and incorporates the retained brick façade and original openings of the 1939 'saw-tooth' factory building, with some new openings created. A number of the dwellings on this elevation benefit from roof terraces. Stepped back from street level towards the north, the Balladier Walk elevations rise to four, five and six storeys towards the centre of the site. These elevations reflect the original saw-tooth profile of the factory roof and will be clad in standing seam metal cladding of the same bronze colour.
- 6.5 Aside from the retained façade, the external materials are predominantly yellow London stock brick with both light and dark mortars and some timber panelling; the windows would be steel framed in dark bronze.

- 6.6 The proposal comprises 115 residential units; all of which would be affordable housing. The scheme provides 47 one bedroom units, 41 two bedroom units 18 three bedroom units and 9 four bedroom units. Ten of the units would be wheelchair accessible. All of the residential units would be designed to lifetime Homes standards and Sustainable Homes Code 4. The internal courtyard provides 155 sqm of communal amenity space and 561 sq m of play space which will accommodate all under 5's play space and just over half the requirements of the 5-10 age group. There would be space for 142 cycles in two locations; one on the ground floor adjacent to the main access, and the other within the amenity space. Three spaces would be provided for Blue Badge holders on site.
- 6.7 Refuse collection would be from Barchester Street and Ballardier Walk. The proposed development would be permit free.

## **7 POLICY FRAMEWORK**

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

### **7.2 Government Planning Policy**

NPPF - National Planning Policy Framework (2012)  
 NPPG- National Planning Policy Guidance (2014)

### **7.3 Spatial Development Strategy for Greater London - London Plan 2011 London Plan Revised Early Minor Alterations 2013 (LP REMA)**

- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Community
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.14 Existing Housing
- 3.16 Protection and enhancement of social infrastructure
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage and Archaeology
- 7.18 Protecting Local Open Space
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

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

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

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

DM0 Delivering sustainable development  
DM1 Development within the Town Centre Hierarchy  
DM3 Delivering Homes  
DM4 Housing standards and amenity space  
DM8 Community Infrastructure  
DM10 Delivering Open Space  
DM11 Living Buildings and biodiversity  
DM13 Sustainable Drainage  
DM14 Managing Waste  
DM15 Local Job Creation and Investment  
DM20 Supporting a Sustainable transport network  
DM21 Sustainable transportation of freight  
DM22 Parking  
DM23 Streets and the public realm  
DM24 Place sensitive design  
DM25 Amenity  
DM27 Heritage and the built environment  
DM29 Achieving a zero-carbon borough and addressing climate change  
DM30 Contaminated Land

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

Designing out Crime Parts 1 and 2  
Planning Obligations SPD 2012  
Limehouse Cut Conservation Area Appraisal

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

The following Community Plan objectives relate to the application:

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

#### **8.0 CONSULTATION RESPONSE**

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

##### **LBTH Corporate Access Officer**

8.2 No objections.

## **LBTH Environmental Health Contaminated Land**

- 8.3 In terms of contaminated land, development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme. The scheme will 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.

(OFFICER'S COMMENT – Should permission be granted, it is recommended such a condition be attached requiring details of such a scheme to be submitted and approved in writing by the Local Planning Authority prior to occupation).

## **LBTH Biodiversity Officer**

- 8.4 There is nothing of significant existing biodiversity interest on the application site. The adjacent Limehouse Cut is of value for aquatic wildlife, birds and probably commuting and foraging bats. The proposals are not likely to have any adverse impacts on biodiversity. Policy DM11 seeks biodiversity gains from new developments.

- 8.5 The landscaping is generally formal, but can include features that benefit biodiversity. A number of trees are proposed; the design and access statement says these will be small native species. Silver birch (the native *Betula pendula*, not the similar non-native white birch which is often favoured in landscaping schemes) or rowan are good for wildlife. The ground cover planting is described as "mostly evergreen with good flower or foliage colour". To benefit biodiversity, the emphasis should be on providing the colour from flowers, planting a range nectar-rich species that provide flowers for as much of the year as possible. Climbers should include honeysuckle, a good source of nectar which is night-scented and hence attracts nocturnal insects which provide food for bats. As there is no vegetation currently on site, the landscaping should ensure an overall benefit for biodiversity.

(OFFICER'S COMMENT: Appropriate conditions dealing with the details of the landscaping have been included.)

## **LBTH Transportation & Highways**

- 8.6 In accordance with DM22.2 of the Managing Development Document (MDD) this development should be subject to a Section 106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. The night-time parking occupancy on streets nearby to the proposed development is above the 80% level Highways regard as stressed. According to the Council's data, night time parking occupancy is 109% on Barchester Street, 99% on Chrisp Street and 230% on Morris Road.

- 8.7 Highways' strong preference is for wheelchair accessible parking on site in addition to the three wheelchair accessible spaces proposed. The proposals include ten 'easily adaptable wheelchair units'. With the local parking occupancy at high levels (see above), Highways are concerned there will not be adequate parking provision to meet the needs of residents who require wheelchair accessible spaces. Additional spaces should be provided to address this issue and the plans amended accordingly.

[OFFICER'S COMMENT: While it is accepted that the small amount of wheelchair accessible spaces is not ideal, it is noted that this is a constrained site and the lack of wheelchair spaces must be balanced against the lack of child playspace and the requirement for communal amenity space. The three accessible spaces proposed are therefore considered acceptable in this instance.]

- 8.8 The applicant is required to confirm the type of cycle parking proposed. Highways do not support vertical stands where this is the only type of stand provided and our preference is for Sheffield stands or similar.

[OFFICER'S COMMENT: The applicant has confirmed that the cycle parking will be both double-stacked cycle parking and Sheffield stands. This is considered acceptable.]

8.9 Highways are concerned that drivers operating 7m rigid vehicles may have difficulty turning on site and will resort to parking on nearby streets. The tracking provided shows a 7m rigid vehicle turning on-site. The swept path analysis shows this manoeuvring will bring these vehicles in close proximity to the wall on the eastern side of the turning area. There is an opportunity to create a larger turning area by reconfiguring the ground floor layout that should be explored. This would give greater certainty that deliveries would take place on site.

[OFFICER COMMENT: Additional information has been submitted which clarifies the swept path analysis which the Highways Officer has confirmed is satisfactory.]

8.10 The vehicle access gate should be set back to allow all vehicles expecting to enter the site to wait off the highway while the gate is in operation. The proposed location does not allow this for delivery vehicles. The plans should be amended accordingly. Substation doors are shown opening onto the highway on Ballardier Walk and Barchester Street are not acceptable. This is prohibited by s153 of the Highways Act 1980. The plans should be amended to address this.

[OFFICER'S COMMENT: The applicant has provided amended plans showing both a set back gate and substation doors that do not open onto the public highway.]

8.11 Works to the highway on Barchester Street will be required to remove the redundant crossover and modify the existing crossover for vehicle access onto the site. Please include the following condition:

'The development authorised by this permission shall not be occupied until the scheme of highway improvements necessary to serve this development have been completed in accordance with the Council's approval and have been certified in writing as complete by or on behalf of the Council (as highway authority) unless alternative arrangements have been approved in writing by the Council (as highway authority).'

8.12 The following conditions and obligations are also required by Highways:

- A Construction Management Plan requiring approval prior to commencement of the development
- A Delivery and Servicing Plan requiring approval prior to occupation of the development
- A Travel Plan requiring approval prior to occupation of the development
- A \*Permit Free\* agreement secured via the S106 agreement, restricting all future residents of the development from obtaining parking permits in the surrounding controlled parking zone.

(OFFICER'S COMMENT: Conditions have been added requiring the additional information. The additional abovementioned suggested conditions and obligation have also been included. Highway matters will be addressed in Section 10 of this report.)

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

8.13 Please provide further information to show the location of the bin stores in relation to the development. Refuse should be broken down according to waste stream - food, dry recycling and residual. Please note that guidelines ask that waste is stored in the following receptacles - 1280 litre for dry recycling, 1100 litre residual and 240 litre for food waste. Please note that the wheeling distance from the bin store to the collection vehicle will be not more than 10 metres, at a gradient of not more than 1:12 towards the vehicle and that there will be a dropped kerb. The collection point should be free of parking spaces.

(OFFICER'S COMMENT: The applicant has provided the revised plans required and noted these comments).

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

8.14 There are no trees within the site boundary. There are self-seeded Buddleia Bavidii in various locations on site. There are 3 young trees arising from within the boundary of the Public Highway (1

Betula species and 2 Acer campestre - planted in 2011), adjacent to and outside of the Southern/Western site boundaries and 2 trees arising from a shrub bed (1 Prunus species and 1 Betula species) on private land, adjacent to the Western site boundary. All the trees situated in close proximity to the proposed development site boundary should receive adequate protection to canopy and root zone during construction, possibly including the installation of root barriers along the boundary of the highway and the site footprint, to prevent future root extension/encroachment.

- 8.15 Protection of existing trees should follow the measures set out in British Standard 5837. Trees should be retained wherever feasible and appropriate.

Materials for the landscaping project should be of known provenance, procured following the guidelines in the relevant British Standard.

All new tree plantings should be suitable for purpose include a proportion of British native species of known eventual height/spread, take into account the potential for climate change and not to include species that currently carry identifiable diseases.

An adequate maintenance schedule should be in place for all new plantings.

(OFFICER'S COMMENT: Appropriate conditions dealing with the details of the trees have been included.)

### **External consultation responses**

#### **The Canal and Riverside Trust**

- 8.16 The building makes a positive contribution to the significance of the Limehouse Cut Conservation Area and we consider that there is an opportunity to develop a more sympathetic adaptation of the building where it retains more of its industrial form and style.

- 8.17 The application property is adjacent to steps on Balladier Walk that give direct access to the towpath. The addition of 115 residential units will therefore result in increased usage of the towpath by pedestrians and cyclists, particularly as a route to local transport links and for recreational use. Increased use places increased pressure on the towpath and results in additional maintenance costs and requirements. As the site will undoubtedly benefit from its canal frontage we consider it appropriate for the development to make a contribution towards improvements to the canal environment, including maintenance and enhancement of the towpath and improved access and wayfinding. We would suggest a contribution of £25,000 to be reasonable.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements as part of the Streetscene contribution, which was calculated using the boundary of the site including the section that fronts onto the towpath.)

- 8.18 If the Council is minded to grant planning permission, it is requested that conditions are attached to the decision notice in terms of both the waterway wall and a risk assessment. Appropriate informatives will also be required.

(OFFICER'S COMMENT: Conditions and informatives have been included with the advice from the Canal and River Trust).

#### **Crime Prevention Officer**

- 8.19 The crime prevention officer met with the applicants to discuss the proposals and is satisfied with the measures proposed to mitigate crime and antisocial behaviour within the area.

#### **Primary Care Trust**

- 8.20 A figure of £158,930 is required for capital contribution costs.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements. The financial contributions are explained in detail in Section 10 of this report)

8.21 The following were also consulted; however, no responses have been received.

- The Twentieth Century Society

## 9. LOCAL REPRESENTATION

### Statutory Consultation

9.1 Site notices were displayed on 28 October 2014. The proposal was also advertised in the press on 20 October 2014. A total of 374 neighbouring addresses were notified in writing. Following an amendment to the proposal, site notices were again displayed on December 18 2014 and advertised in the press on December 22 2014; consult letters were also re-sent on December 17 2014. 3 letters of objection and 1 general comment have been received.

9.2 For completeness, all issues raised in the objections/comment are summarised below.

9.3 The objections raise the following matters:

1. Design (Inappropriate for the Limehouse Cut Conservation Area, Proposed 6 storey height inappropriate adjacent to surrounding 3 storey buildings, 'zig-sag' roof inappropriate, the retained façade will be poorly integrated.).
2. Concern that the local area is oversubscribed with social housing/there are already too many flats in the area
3. The application does not provide commercial premises
4. Concern that new buildings will reduce sunlight to balconies.
5. Concerns over overlooking
6. Concerns over car-parking issues as area is already overcrowded
7. Concerns over anti-social behaviour
8. Loss of views
9. The computer-generated drawings within the application are misleading.

9.4 Point 1 is addressed in the design section of the report points 2 and 3 are addressed within the Land Use section of the report, points 4 and 5 are considered within the amenity section of the report and point 6 is addressed within the Highways section of the report (all within section 10 below). With regard to point 7, there is no evidence that the proposal is likely to bring about a marked increase in antisocial behaviour. With regard to point 8, loss of views is not a material planning consideration. With regard to point 9, the final drawings listed on the decision notice are to-scale and proposals must be built in accordance with these.

## 10. MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage matters
3. Housing - density, mix and tenures
4. Residential Amenity
5. Transport and Access
6. Sustainability, Energy efficiency & Climate Change
7. Health Considerations
7. Planning Obligations & CIL
9. Localism Act (amendment to S70 (2) of the TCPA 1990)
10. Human Rights Considerations
11. Equality Act Considerations
12. Conclusion

## Land Use

- 10.2 The Adopted Core Strategy place-making policy SP12 specifically identifies a vision for Poplar: 'Poplar will become a more economically active and prosperous place through comprehensive regeneration, new development and housing-estate renewal. Physical transformation will address the severance created by some of the housing estate layouts and reinstate a more traditional street pattern which will allow for easier and safer movement. Higher densities will be located in and around the regenerated Chrisp Street town centre and ensure it remains the focal point of the neighbourhood.' Commercial uses are not considered appropriate for this site due to its location outside of a town centre and away from active street frontage.
- 10.3 The key principles to achieve the vision for Poplar are as follows: Focus higher density development in and around Chrisp Street and adjacent public transport nodes; provide for lower- and medium-density, lower-rise family housing around Bartlett Park and its surrounds; new buildings to be responsive and sensitive to the setting of Bartlett Park, Limehouse Cut Canal and the conservation areas in Poplar; regenerate Chrisp Street town centre, with improved visual access and entry points, while respecting the elements of historic conservation value.
- 10.4 The site is within the Limehouse Cut conservation area.

### Loss of factory/warehouse

- 10.5 The application site is a former factory/warehouse was most recently in use as a document storage facility. Policy DM15 of the Managing Development Document (2013) states that development should not result in the loss of active and viable employment uses unless it can be shown that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 10.6 The application was accompanied by an assessment of future occupation for employment uses by CBRE. Its conclusion was that the future appeal at the site would be limited due to its size, layout, and lack of natural light and poor accessibility. By virtue of the lack of future appeal to new occupiers, the loss of the former factory/warehouse is considered acceptable.

### Principle of residential use

- 10.7 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885.
- 10.8 The need to address the demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.9 The above policies also set out where new housing could be delivered and identify the Poplar area as having potential for medium growth. By virtue of the existing surrounding uses, the principle of residential use in the area has been established and the proposed development for 115 dwellings would contribute to the boroughs housing targets. The housing mix and quality will be discussed further in following sections of the report.

## Design and Heritage

- 10.10 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.
- 10.11 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places



should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.12 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.13 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.14 The site is within the Limehouse Cut Conservation Area. Members must satisfy themselves that the proposal conserves or enhances the appearance of the Conservation Area.

#### Layout, height and scale

- 10.15 The Limehouse Cut Conservation Area Character Appraisal describes the existing site as follows: 'The traditional north lit factory building (1939) adjoining Balladier Walk on the east side of the group was built for the Cooperative Wholesale Society Ltd and was intended as a Joinery Works. It is constructed of well baked Fletton bricks with metal windows. It has a distinctive factory type saw tooth roof profile on the elevation to Balladier Walk and is visible from the Canal. On the west side is the large c1956 extension with a narrow slither of frontage onto the canal, extending southwards as the 'works' first, and then the large rectilinear 'warehouse building' which reaches Barchester Street. Between the two buildings is an access lane which reaches almost as far as the canal. This is reached only by passing under the link building frontage onto Barchester Street, and being enclosed by a gate gives the feeling of a courtyard space. Those elevations which front onto this space retain traditional elements characteristic of the furniture workshops which were located on the Cut, with original timber loading doors still remaining, in contrast to the metal windows of the external envelope of these properties'.



**The existing 1930s saw-tooth factory building**

- 10.16 The Barchester Street elevation of the building is brick with motif details and is between two to four storeys in height towards the southeast; slightly stepped back towards the northwest, the Barchester Street elevation extends to four to six storeys, with these upper storeys proposed to be clad in bronze. Recessed balconies are proposed along this elevation. The Chrisp Street elevation adjoins the properties at Pioneer Close and rises to six storeys with a 'saw-tooth' roof profile that is partially clad in bronze. Its detailing is similar to the Barchester street elevation, with brick elevations and motif details. Overhanging balconies serving the residential accommodation on the upper floors feature along the Chrisp Street elevation.
- 10.17 The Ballardier Walk elevation is three storeys high and incorporates the retained brick façade and original openings of the 1939 'saw-tooth' factory building, with some new openings created. Stepped back from street level towards the north, the Ballardier Walk elevations rise to four, five and six storeys towards the centre of the site. These elevations mimic the original saw-tooth profile of the factory roof and will be clad in standing seam metal cladding of the same bronze colour. Alongside the canal, the Limehouse Cut elevation incorporates the northern end of the retained façade of the 1939 factory building, with a further two bronze-clad storeys rising above. The proposed materials are considered sympathetic to the surrounding buildings, including those facing the Cut.



**Computer-generated image of proposed view from Broomfield Street**

- 10.18 The Borough Heritage and Conservation officer has commented that the proposals as they currently stand have been carefully considered and officers consider that the proposals preserve the character of the conservation area with great attention having been paid to materials, detailing of the brickwork and rooflines to unify the scheme across the two buildings.
- 10.19 While the building rises to six storeys at its highest point (as seen in the proposed view from Broomfield street above) it is not considered that this will appear overly dominant within the street scene. The parapet of the elevations facing Ballardier Walk and Limehouse Cut incorporates the retained façade of the 1930s factory building and is broadly in line with the parapets of neighbouring buildings, with the taller elements of the building set further back. This ensures that the building appears respectful in terms of scale and sits comfortably within its surroundings.
- 10.20 The buildings surround an internal courtyard, which provides 155 sqm of communal amenity space and 561 sq m of play space, which will accommodate all under 5's play space and just over half the requirements of the 5-10 age group. There would be space for 142 cycles in two locations; one on the ground floor adjacent to the main access, and the other within the amenity space. Three spaces would be provided for Blue Badge holders on site.
- 10.21 It is considered that the proposed layout would provide active frontages and access points at ground floor level which would contribute to activity and natural surveillance in the area. The residential entrances are clearly defined and the entrances to the building are level access with lifts at each core. The details of servicing will be agreed through a service management plan and a condition has been added requiring this to be provided prior to the commencement of development.
- 10.22 For the reasons outlined above, it is considered that the design of the proposed development would be appropriate in terms of height, layout and scale and would relate well to the surrounding street layout and townscape.

#### Architectural Appearance, Materials and Landscape

- 10.23 The submitted design, access and impact statement states that neither existing building contributes any active edges to the surrounding streets or to the canal. Furthermore, it states that the 1950s building is unremarkable architecturally, while the 1930s building is of interest for its utilitarian industrial character derived principally from the saw tooth profile as seen in the long street elevation.
- 10.24 The external elevations of the proposed buildings would be predominantly brick. The exact brick type is to be agreed via condition, however the majority will be a form of yellow London stock brick. Standing seam metal cladding in a bronze colour will also be used at upper levels.
- 10.25 The existing windows on site vary across the buildings and are in varying states of repair. They are single-glazed, multi-panelled 'Crittall' windows. It is proposed to use the proportions of the existing windows to develop a new metal framed window that sits within the retained façade. Details of these will be required by way of a condition.
- 10.26 A key feature of the scheme is not only the retention of the majority of the former factory façade, but also the repetition of its roofline profile to create a strong architectural form using the 'saw tooth' roof light elements for the new building elements set both within and adjacent to the 1930s factory building. It is considered by officers that this striking element contributes positively towards the Limehouse Cut conservation area.

- KEY**
-  Proposed tree
  -  Hedge
  -  Ground cover/ planting
  -  Grass
- ① Growing garden with raised beds
  - ② Planted salad walls
  - ③ Play elements
  - ④ Sitting area with pergola
  - ⑤ Pleached trees
  - ⑥ Metal grating fence - 2.1m ht
  - ⑦ Cycle store
  - ⑧ Private patios
  - ⑨ Paving with star patterns
  - ⑩ Disabled bays
  - ⑪ Bench



10.27 In terms of landscape, private patios on the ground floor line the perimeter of the communal courtyard, and are separated from common areas by evergreen hedging and shrub planting. The design and access statement states that the landscape takes inspiration from the saw tooth profile of the roof and the cross pattern from the demolished factory to create an angular design. It includes a grass area with play elements, a paved sitting area partially enclosed with a pergola, and a growing garden with a planted salad wall and a raised bed.

10.28 10.43 Overall, it is considered that the proposed design responds to the surrounding building form, heights, architecture and appearance. The angular elements of the building reflect the retained 'sawtooth' façade of the 1930s factory building while the stepped height formats and design detailing add interest to the elevations and present a high quality design sensitive to the character of the surrounding area. For these reasons it is also considered that the proposal conserves and enhances the appearance of the adjacent Brick Lane/ Fournier Street Conservation Area to the south and east.

## Housing

- 10.29 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.30 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 3.11 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 SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on new sites, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 10.31 The application is 100% affordable housing by habitable room and provides a proportion of the affordable housing offer for the previously consented 'Newfoundland' scheme which does not deliver any affordable housing on site. This was previously approved on the basis that providing affordable housing on site would have meant that only 6% was financially viable. In lieu of this, three sites owned by the applicant (including this one) are proposed to provide 45% of the affordable housing as donor sites, and a cash in-lieu payment of £7,490,000 is also proposed towards intermediate housing. The four sites together are linked via a s.106 agreement regarding the provision of affordable housing and dwelling mix.

### Residential density

- 10.32 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 2-3 the anticipated density range is 450 habitable rooms per hectare.
- 10.33 The applications site lies in PTAL 3 and has a density of 958hr/ha therefore would be above the recommended density range in habitable room terms, with an average of 3 habitable rooms per unit it would result in 341 units per hectare and would also be above the London Plan density range for the number of units.
- 10.34 It should however also be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 10.35 As detailed within this report, officers consider that the subject site can accommodate the proposed density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

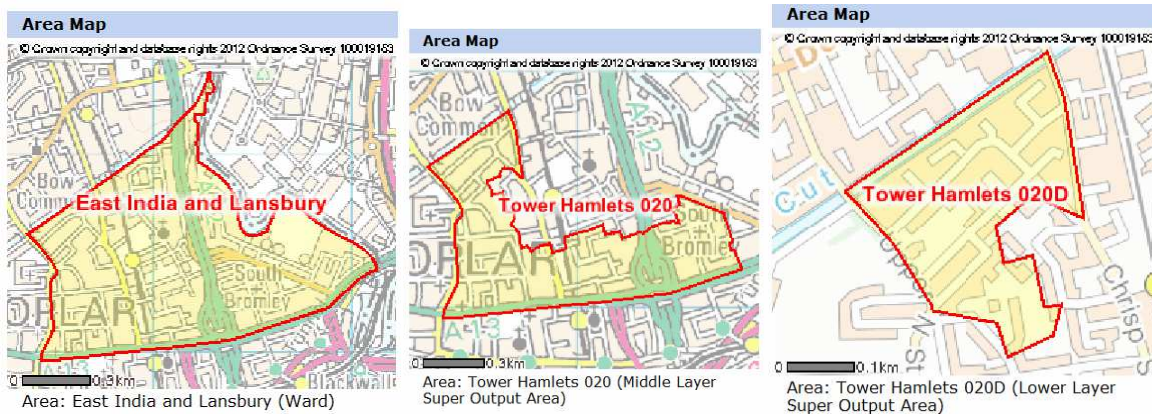
### Mixed and balanced communities

- 10.36 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs



should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage. Policy DM3 of the Managing Development Document 2013 seeks to ensure mixed and balanced communities in order that development does not result in too much of any one type of housing in one local area.

10.37 An assessment of the current tenure types has been undertaken to assess whether this development would contribute to a mixed and balanced community within the local context. As a visual aid, the maps below outline the areas that have been assessed:



### Existing housing by tenure

Tenure	Borough Average	East India & Lansbury ward	Middle super output area	Lower-super output area
Owner	24%	18%	15%	11%
Shared ownership	2%	3%	2%	5%
Social rented	40%	57%	60%	67%
Private rented	33%	21%	22%	16%

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

Tenure	Borough Average	East India & Lansbury ward	Middle super output area	Lower-super output area
Owner	24%	18%	15%	10%
Shared ownership	2%	3%	2%	4%
Social rented	40%	58%	62%	71%
Private rented	33%	20%	21%	14%

10.38 As can be seen above, the area does have a higher than average level of social housing and within the immediate vicinity of the site the level of social housing would change from 67% to 71% were this development constructed. At ward level the social housing would be increased by 1%. As per Burdett Road, the area has changed significantly since 2001 and the levels of social housing have reduced proportionately. At ward level the social housing in 2001 made up 69% of the housing stock, whereas this is now 58%, at the lower super output area level 84% of housing was social rented in 2001 so there is evidence that the area is becoming more mixed and balanced by virtue of the number of private schemes which have come forward since 2001.

10.39 A balanced view needs to be taken on this proposal, in light of the viability position of Newfoundland. Whilst Barchester Street is located within an area with higher than average social housing, these 352 habitable rooms are outside of the scope of what is viable as a result of the private housing scheme. This 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.

### Housing mix

Unit type	Barchester	Burdett Road	Lovegrove	Unit totals	Unit type mix	MDD
1-bed	47	5	0	52	29.38	30
2-bed	41	5	0	46	25.99	25
3-bed	18	30	6	54	30.51	30
4-bed	9	2	14	25	14.12	15
Totals	115	42	20	177	100	100

10.40 This development should be considered in the context of wider proposals for Newfoundland. Currently a total of 115 units are proposed in a mix of 47 x 1 bed (41%), 41 x 2 bed (36%), 18 x 3 bed (15%) and 9 x 4 bed (8%). While this would not be considered policy compliant for a standalone scheme, this must be considered within the context of the overall offer for the three Newfoundland donor sites.

10.41 When considering the overall offer for affordable housing the following is proposed:

Burdett Road: 5 x 1bed, 5 x 2 bed, 30 x 3 bed and 2 x 4 bed.

Lovegrove Walk: 60 x 1 beds, 24 x 2 beds, 29 x 3 beds, 20 x 4 bed and 1 x 5 bed.

Barchester Street: 47 x 1 bed, 41 x 2 bed, 18 x 3 bed and 9 x 4 bed.

10.42 This gives a total of 52 x 1 bed, 46 x 2 bed, 54 x 3 bed and 24 x 4 bed and 1 x 5 bed. In percentage terms this is 29% 1 beds, 27% 2 beds, 30% 3 beds and 14% 4 & 5 beds. This equates to 44% family units which is only slightly below the requirements of policy SP02 of the Core Strategy. The higher provision of smaller units on Barchester is considered acceptable in light of the larger family units being provided on Lovegrove Walk and Burdett Road. The smaller units are also considered more appropriate within the Barchester site due to the limited space available for child play space.

### Standard of accommodation

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

10.44 All the units proposed are in line with the above policies and all units meet the minimum space standards as set out in policy DM4 of the Managing Development Document (2013). The majority of the flats are single aspect and a number of these will be northwest facing, namely those on Chrisp street and several facing onto the courtyard; however, this is considered to be difficult to avoid due to the constraints of the site. Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers. In terms of both outlook and privacy, officers consider that the proposal is satisfactory in light of its inner-city location

10.45 The daylight amenity has been assessed using the average daylight factor (ADF) following the methodology of the BRE guidance. Glazing levels in the most constrained areas have been increased (such as in inward-facing areas); it has therefore been possible to achieve 89% ADF compliance across the building. Sunlight to windows has also been assessed using the Annual Probable Sunlight Hours (APSH) test following BRE guidance. This showed that 81% of living rooms show BRE compliance. This is considered good when taking into account the restraints of the site (ie the retained facades). The amenity area within the courtyard would see at least 2 hours of sunlight across more than 50% of its area on March 21 which also complies with BRE guidance.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 10.46 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.47 Ten wheelchair accessible or easily accessible for wheelchair users homes are proposed in Block A consisting of two 1-bedroom flats at ground floor level, one 2-bedroom flat at second floor level, one 2-bedroom flat at third-floor level and six 3-bedroom flats at ground, second, third and fourth floor level with private amenity space and entrances together with three car parking spaces. Two lifts service each core which ensures that if one lift is out of use the other can facilitate wheelchair users. While this is slightly below the policy requirement, the Affordable Housing team have indicated that in this instance they would be willing to accept a financial contribution that can be used towards retrofitting wheelchair-adapted units within the Borough to make up the shortfall. This has been agreed and included within the Section 106 agreement.

Private and communal amenity space

- 10.48 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.
- 10.49 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.
- 10.50 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 155sqm is required for a development of 115 flats. The development would provide a communal courtyard area measuring 155 sq m.

Breakdown of Amenity Space								
Private Amenity		Communal Amenity		Child Play		Open Space		
LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	
5 sqm for 1-bed flat (extra sqm for each occupant)	All units comply or exceed.	155sqm	155sqm	Under 5's	380sqm	3192sqm	0sqm	
				5-10	340 sqm			181 sqm
				11-15	190 sqm			0 sqm

- 10.51 As shown in the table above, all units meet or exceed private amenity space standards. The scheme is also policy-compliant with regard to communal amenity space.

Child play space

- 10.52 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 on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.

- 10.53 Using the LBTH child yield calculations, the development is anticipated to yield 91 children and accordingly the policy sets an overall benchmark of 911 sqm of child play space to be provided.
- 10.54 It is anticipated that the development would yield thirty-eight under-fives, thirty-four five-ten year olds and nineteen 11-15 year olds. As demonstrated in the table above, the child play space provision is not compliant with policy. While the under-fives would be provided for, just over half of the 5-10 year-olds have provision on site, leaving a shortfall. In light of the constraints of this site, officers consider it appropriate to accept a financial contribution towards improving open spaces and playspaces within appropriate distances from the site.

#### Open Space

- 10.55 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy. The MDD includes a monitoring target of 1.2 ha per 1000 population.
- 10.56 The proposal would not provide any outdoor space. However, given the site's space constraints, the shortfall of additional open space is considered acceptable. Furthermore, as stated in the above sections of the report, the proposal would make a £213,420 financial contribution towards public open space. Overall it is considered the proposal is in accordance with policies and the financial contribution is welcome.

#### **Residential amenity**

- 10.57 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.58 The nearest residential property is the adjoining buildings at 1-32 and 33-40 Pioneer Close, as well as the residential developments on the opposite sides of Chrisp Street, Barchester Street and Ballardier Walk to the southwest, southeast and northeast of the site.
- 10.59 Balconies are positioned all around the building and are predominantly outward looking; some look into the communal courtyard. The building would be approximately 14m from the front façades of the buildings to the southwest, southeast and northeast.

#### Overlooking and privacy

- 10.60 The closest windows to the surrounding sites to the southwest, southeast and northeast would be approximately 14m. This is fairly typical of distances in the borough within this urban setting and it is not considered that this would cause unacceptable overlooking or privacy concerns. Furthermore, the balconies on Ballardier Walk would be recessed due to the retained factory façade.
- 10.61 However, a neighbour at Caspian Wharf has objected on the grounds that new overlooking will be created. Caspian Wharf is to the northeast of the proposal, approximately 70 metres away. Overall, it is not considered that the proposed development would give rise to unacceptable levels of overlooking or loss of privacy as the proposed development is typical of many urban housing developments in the borough.

## Daylight and sunlight

- 10.62 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 10.63 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment, where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 10.64 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 10.65 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 10.66 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 10.67 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 10.68 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 10.69 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 10.70 The application is supported by a Daylight and Sunlight Assessment (DSA). The report tests the following properties within the locality:
- 1-33 Pioneer Close
  - 34-40 Pioneer Close
  - 51 Broomfield Street
  - 203-225 Broomfield Street
  - Chrisp Street Triangle
  - 1-8 Balladier Walk; and
  - 9-11 Balladier Walk

10.71 All of the above have been tested in line with BRE guidance and have generally been found to meet the BRE guidance. Officers considered that there is no material loss of daylight or sunlight that would support a refusal of the scheme. Overall, the scheme is not considered to have an adverse impact on its neighbour's light when referring to the BRE guidance and when taking the urban context into account. A number of properties at Pioneer Close would see noticeable gains in daylight, should the proposal be built, due to the proposed removal of an existing boundary wall.

#### Noise and vibration

10.72 Due to the fact that the proposal is solely residential, it is not considered that there is likely to be issues surrounding noise and vibration except around construction. A condition has been added to ensure that the construction work only takes place between 08.00 - 17.00 Monday to Friday and 08.00 -13:00 Saturday. No work is to be carried out on Sundays or Bank Holidays. A Construction Management Plan and Code of Practice is also required to ensure minimal disruption to neighbouring residents.

10.73 Overall, subject to appropriate conditions, the amenity of future occupiers would be safeguarded and thus the proposal accords with Policy SP10 in the Core Strategy (2010) and Policy DM25 in the MDD (2013).

#### **Transportation and access**

10.74 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.

10.75 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: "Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle." Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.

10.76 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.

10.77 The site is approximately 450m northwest of Langdon Park DLR Station and has a PTAL (Public Transport Accessibility Level) rating of 3 which is a moderate public transport accessibility rating. There are also 24 Barclays Cycle Hire docks located at Langdon Park and frequent bus services a 2-minute walk away.

10.78 The Transport Statement accompanying the application concludes that overall given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development in principle would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems subject to appropriate conditions.

10.79 Specific details around cycle parking and waste are detailed in the sections below.

### Cycle Parking

- 10.80 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.81 The proposal seeks to create a total of 142 covered cycle spaces for residents. This provision was confirmed as adequate by the LBTH Transportation & Highways Team.

### Car Parking

- 10.82 Policy DM22 of the Managing Development Document also refers to the parking standards set out in its appendix 2. These state that where development is located in areas of good public transport accessibility and/or existing on-street parking stress, the Council will require it to be permit free.
- 10.83 While the PTAL rate is moderate rather than good, the Borough Highways officer has confirmed that the surrounding streets are under high parking stress. Therefore, in accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).
- 10.84 There are 27 family sized units proposed that are able to benefit from the PTS. Whilst, at this stage, it is impossible to tell how many of the occupants will actually own a car from samples taken on other affordable housing sites, it is unlikely all will do so. A sample of the Ocean Estate showed that 18 out of 32 family units within Site H (three residential blocks comprising of 140 units) benefited from a parking permit. This equates to approximately 56% and is an indicator of car ownership on affordable housing sites.
- 10.85 It should be noted that the additional parking is a local impact as the PTS simply displaces parking from other parts of the borough rather than adding to it. Therefore there is unlikely to be any significant transport impacts. It is accepted that the scheme is more likely to exacerbate the existing parking stress in this area, however, it is considered that the provision of much needed affordable housing carries significantly more weight than the localised impacts as the result of parking generated from the proposal.

### Servicing and refuse requirements

- 10.86 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.87 Refuse and recycling would be stored in two dedicated communal refuse areas, one located next to the entrance in Barchester Street and the second accessed from Balladier Walk. Residents will be responsible for transferring household waste and recyclables to the communal bins in time for collection once a week. The refuse store adjacent to the Barchester Street entrance is approximately 10 metres from the waste store entrance to the kerbside on Barchester Street. The second waste store has a direct entrance onto Balladier Walk. Deliveries will occur via the main courtyard. Full details of refuse storage and collection, a waste management plan and a deliveries and servicing plan will be secured by condition.

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

### Energy efficiency

- 10.88 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 10.89 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.

- 10.90 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 10.91 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4 with a score of 69%. Overall CO2 emissions would be reduced by 46%.
- 10.92 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:
- Connection to existing heating or cooling networks
  - Site wide CHP network
  - Communal heating and cooling.
- 10.93 The applicant has demonstrated that in order to achieve the necessary CO2 emissions reductions a CHP and PV array will be installed.
- 10.94 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy. Conditions have been attached to ensure the delivery of these levels.

#### Ecology and biodiversity

- 10.95 As noted in the biodiversity officer's comments, the application site has no existing biodiversity value or potential to support protected species; as such there will be no adverse impacts on biodiversity. It is hoped that this proposal is an opportunity to improve the biodiversity of the site and details of the landscaping will be conditioned in order to promote this.
- 10.96 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Policies with respect to biodiversity.

#### **Planning obligations**

- 10.97 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 10.98 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.
- 10.99 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. affordable housing, open space and public realm improvements).
- £33,516 is required towards Idea Stores, Libraries and Archives
  - £158,930 is required towards Health
  - £3,990 is required towards Sustainable Transport
  - £909,997 is required towards Education
  - £134,607 is required towards Leisure
  - £213,420.18 is required towards Open Space

- £11,167 is required towards the playspace shortfall
- £125,736.29 is required towards Streetscene improvements, including maintenance and enhancement of the canal towpath and improved access and wayfinding
- £60,000 is required towards Wheelchair Unit Retrofitting
- £27,887 is required towards the Construction Phase
- In addition, £33,585 is required for Monitoring

Total financial contributions: £1,712,835.48

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

- 10 wheelchair accessible units (or easily adaptable for wheelchair users)
- Permit free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction stage
- 7 Apprenticeships at construction stage according to site requirements

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

10.100 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

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.

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

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

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

10.102 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 £204,909 in the first year and a total payment £1,229,456 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme

10.103 Members are reminded that this scheme is liable for London Mayoral CIL. However, due to the fact that it comprises 100% affordable housing, it is likely to be eligible for relief subject to a formal assessment.

### **Human Rights Considerations**

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

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

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

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

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

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

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

10.110 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.

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

## **Equalities Act Considerations**

10.112 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.

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

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

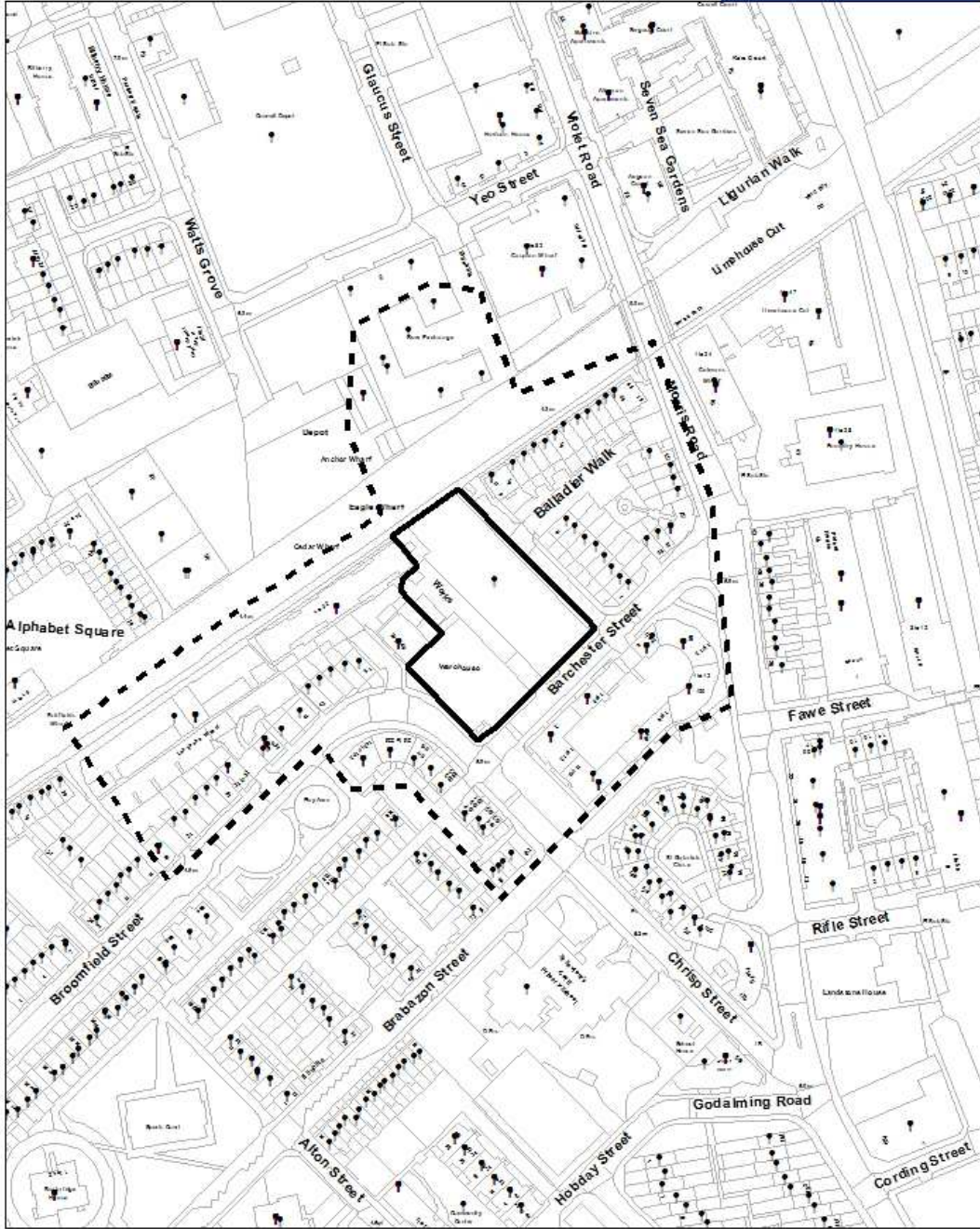
10.115 The provision of affordable housing, well designed and located wheelchair accessible housing and a good range of housing types all with access to shared communal open space and child play space within the development would support community wellbeing and social cohesion.

## **11. CONCLUSION**

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



**Planning Application Site Map**  
**PA/14/02607**



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

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

© Crown copyright and database rights 2014 Ordnance Survey, London Borough of Tower Hamlets 100019288



1:2,000

This page is intentionally left blank

# Agenda Item 6.2

<b>Committee:</b> Development Committee	<b>Date:</b> 14 <sup>th</sup> January 2015	<b>Classification:</b> Unrestricted
---	---	--

<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/14/001671
	<b>Ward:</b> Shadwell

## 1.0 APPLICATION DETAILS

**Location:** 1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street

**Existing Use:** Warehouse and brown field land

**Proposal:** Demolition of the existing building at Site A and redevelopment to provide part 6 part 7 and part 8 storey residential building/block comprising of 56 flats ( 30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential building/block comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.

**Drawings:**

- P772/000 Site Location Plan
- EX 770-100 Existing Ground Floor Plan
- EX 770-101 Existing First Floor Plan
- EX 770-102 Existing Roof Plan
- EX 770-300 Existing West Elevation- (Block A)
- EX 770-301 Existing South Elevation
- EX 770-302 Existing Elevation- (Block B)

- P 772/200 Rev C: PROPOSED GROUND FLOOR
- P 772/201 Rev C: PROPOSED FIRST FLOOR
- P772/ 202 Rev A: PROPOSED SECOND FLOOR
- P772/ 203 Rev A: PROPOSED THIRD FLOOR
- P772/ 204 Rev A: PROPOSED FOURTH FLOOR
- P772/ 205 Rev A: PROPOSED FIFTH FLOOR
- P772/ 206 Rev A: PROPOSED SIXTH FLOOR
- P772/ 207 Rev A: PROPOSED SEVENTH FLOOR
- P772/ 208 Rev A: PROPOSED ROOF PLAN
- P772/ 209 Rev B: PROPOSED SOUTHERN + NORTHERN ELEVATIONS SITE A
- P772/ 210 Rev A: PROPOSED WESTERN ELEVATION SITE A
- P772/ 211 Rev A: PROPOSED EASTERN ELEVATION SITE A
- P772/ 212 PROPOSED SECTION A-A SITE A P

P772/ 213 PROPOSED SECTION B-B SITE A P  
P772/ 214 PROPOSED SECTION C-C SITE A P  
P772/ 215 Rev A: PROPOSED SOUTHERN +  
EASTERN ELEVATIONS SITE B  
P772/ 216 Rev A: PROPOSED NORTHERN +  
WESTERN ELEVATIONS SITE B  
P772/ 217 PROPOSED SECTION D-D + E-E  
SITE B  
P772/ 300 Rev A: SITE A WHEELCHAIR  
ACCESSIBLE UNIT 01  
P772/ 301 Rev A: SITE A WHEELCHAIR  
ACCESSIBLE UNIT 02  
P772/ 302 Rev B: SITE B WHEELCHAIR  
ACCESSIBLE UNIT 03  
P772/ 303 Rev A: SITE B WHEELCHAIR  
ACCESSIBLE UNIT 04

**Document:** Design and Access Statement dated 17.06.2014,  
prepared by Milan Babic Architects  
Accommodation Schedule dated 17.06.2014  
Planning Statement dated June 2014, prepared by  
CgMs  
Sunlight Daylight Assessment, dated January 2014,  
provided by Twenty16 Design  
Noise and Vibration Assessment, REF.: Report  
10735.NVA.01, dated 20 January 2014, prepared  
by KP Acoustics  
Phase 1 Preliminary Contamination Assessment  
Report dated 1 August 2014, prepared by MLM  
Energy Statement and CSH Pre – Assessment,  
dated August 2014, prepared by Twenty 16 Design  
Statement of Community Involvement dated June  
2014, prepared by CgMs  
Transport Assessment, dated prepared by YES  
Engineering  
Travel Plan, dated June 2014, prepared by YES  
Engineering  
Case for Loss of Employment Land, dated 14  
March 2014, prepared by Matthews and Goodman

**Applicant:** C/O Israel, Strange and Conlon  
**Ownership:** C/O Israel, Strange and Conlon  
**Historic Building:** None  
**Conservation Area:** No

## 2.0 EXECUTIVE SUMMARY

2.1 The report considers an application for demolition of existing warehouse and redevelopment of the site to provide a residential development of 78 new dwellings arranged over two blocks of between six to eight storeys in height.

- 2.2 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 in the provision of 30% affordable housing.
- 2.4 The residential quality of the scheme would be very high. Out of the 15 affordable rented units 40% would be of a size suitable for families. All of the proposed affordable 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.
- 2.5 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 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 implications, in terms of light, privacy, noise and traffic impacts.
- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 The scheme would meet the full obligation of financial contribution.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:
- 3.4 Financial Obligations:
- a) A contribution of **£250,000** towards Affordable Housing
  - b) A contribution of **£196,209.73** towards education.
  - c) A contribution of **£15,318.96** towards employment, skills, training and enterprise initiatives.
  - d) A contribution of **£89,593.94** towards community facilities.
  - e) A contribution of **£101,277** towards Health.
  - f) A contribution of **£23,992.38** towards street scene improvements.
  - g) A contribution of **£120,919.68** towards public Open space
  - h) A contribution of **£2,260.35** toward sustainable transport.
  - i) **£10,991.44** towards monitoring fee (2%)

**Total £810,563.48**

- 3.5 Non-financial Obligations:
- a) Affordable housing 30% by habitable room (22 units)
    - 68% Affordable Rent at Borough affordable rental levels (15 units)
    - 32% Intermediate Shared Ownership (7 units)
  - b) Access to employment
    - 20% Local Procurement
    - 20% Local Labour in Construction
  - c) Car free agreement
  - d) S278 Highways agreement
  - e) 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
  5. Details of play equipment
  6. Details of green roof
  7. Details of drainage and mitigation of surface water run-off
  8. Details of all Secure by Design measures
  9. Hours of construction and demolition
  10. Demolition and Construction Management/Logistics Plan
  11. Delivery and Servicing Management Plan
  12. Contamination
  13. Code for Sustainable Homes Level 4 post completion testing
  14. Lifetime Homes
  15. Compliance with Energy Statement
  16. Details of cycle parking
  17. Details of noise and Vibration levels post completion testing
  18. Details of piling, all below ground works and mitigation of ground borne noise
  19. Ground borne noise post-completion testing as requested
  20. Scheme of highway improvement works as requested by LBTH Highways
- 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. Network Rail
- 5. 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 proposal consist of two sites, Site A and Site B. Site A is currently vacant although once operated as a car body repair and vehicle painting workshop.
- 4.2 The site frontage is on Ratcliffe Cross Street and forms its western boundary. The site is bounded to the south by a railway viaduct serving national rail and DLR stations. A six storey mixed use development is located directly north of Site A and fronts Commercial Road. To the east of the site lies an existing two storey building fronting Boulcott Street No.6, a current application for a 8 storey development has recently been approved on the site constructed and at 2-4 Boulcott Street a 6 storey building has recently been constructed.
- 4.3 Site B is smaller; it also fronts Ratcliffe Cross Street on its eastern boundary. To the north of the site is a warehouse building approximately 15 meters tall (no.s 8-12). The railway viaduct runs along its southern boundary and to the west is a two storey warehouse/storage building. Further north of the proposed development is Commercial Road and York Square conservation area.
- 4.4 The site is located on the boundary of Limehouse neighbourhood centre and the surrounding area is in mixed use, having originally formed a part of an area of commercial/industrial development, the character of which has changed over recent years with many of the older industrial sites being re-developed for housing. Much of the housing takes the form of multi-storey flats which have become a feature of the streetscape in this part of the Borough. A grade II listed building known as the 'TROXY' lies to the west of Site B on Caroline Street.
- 4.5 The site benefits from excellent access to public transport with a Public Transport Accessibility Level (PTAL) of 5/6, the site is within close proximately to Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road.

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

None

##### **Proposal**

- 4.7 Full planning permission is sought for demolition of the existing building at Site A and redevelopment to provide part 6, part 7 and part 8 storey residential comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential comprising of 22 flats (8 x 1 bed, 7 x 2 bed, 7 x 3 bed) with associated under croft car and cycle parking and protected roof top child play space.

4.8 All proposed units on Site B would be provided as affordable units (15 for affordable rent and 7 intermediate). Out of the 15 affordable rented units, 40% would be 3 bed units.

## **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 comments received

Transport for London

6.4 The site is accessed from Commercial Road which forms part of Transport for London's Road Network.

6.5 TfL have the following comments:

- a) TfL request a Construction Logistics Plan prior to approval. This will need to include vehicular routing as it is unacceptable for construction vehicles to be reversing onto Commercial Road. Also, deliveries should not occur between the peak hours of 7:00-10:00 and 15:00-18:00. Guidance about CLPs can be found here : <http://www.tfl.gov.uk/cdn/static/cms/documents/construction-logistics-plan-guidance-for-developers.pdf>
- b) TfL request that the provision of cycle parking for Site B is increased to 29 in line with London Plan standards.
- c) TfL request that 20% car parking spaces are have electric charging points and a further 20% have passive charging points.

- d) TfL recommend that the development is car-free with the car parking spaces allocated to blue badge holder only. 10% of the units are wheelchair accessible and TfL recommend that each of these units are given a car parking space in accordance with the London Housing SPG.

6.6 If the comments are addressed, TfL would have no objection to the application.

6.7 [OFFICER COMMENT: These matters are discussed in paragraphs 8.102The application proposes 46 cycle parking spaces within Site B. Appropriate conditions will be secured for points a and d.]

#### Network Rail

6.8 No comments received

6.9 [OFFICER COMMENT: An informative will be secured requesting developer to contact Network Rail before works commence on site]

#### Thames Water

##### Waste Comments

6.10 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

6.11 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.

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

6.13 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

6.14 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to

subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- 6.15 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 [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). 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

- 6.16 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- 6.17 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (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.
- 6.18 [OFFICER COMMENT: The requested condition and informative will be secured]

#### Internal Consultees

##### Environmental Health –Contamination

- 6.19 Additional information submitted - Geotechnical ground investigation report. The findings of the site investigation work and the proposals to address the elevated concentration of lead in the made ground is acceptable.
- 6.20 However, additional works including a programme of gas monitoring to characterise the gas regime at the site and any proposed protective measures should be reported in the remedial method statement to be submitted in due course.

Initial comments (29/07/2014)

- 6.21 Previous uses of industrial nature may have resulted in contamination of the area. I understand ground works are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks with future development including soft landscaped areas.
- 6.22 The site investigation works should delineate the extent and nature of any contamination on site including potential ground gas issues and should be undertaken in accordance with the following guidance:

- DCLG (2012) NPPF, National Planning Policy Framework (All relevant sections)
- Environment Agency and Defra (2004) Model Procedures for the Management of Land Contamination. CLR 11.
- NHBC and Environment Agency (2008) Guidance for the Safe Development of Housing on Land Affected by Contamination. R&D Publication 66.
- British Standards: BS10175: 2011. Investigation of potentially contaminated sites. Code of practice

- 6.23 The Phase 2 site investigation should include a risk assessment of the contamination at the site. Risk assessment can be undertaken by comparing measured levels of soil contamination with generic assessment criteria, such as the UK Soil Guideline Values or by deriving site-specific assessment criteria. The assessment methodology used for assessing contamination should be undertaken consistent with the current guidance available on the Environment Agency's website
- 6.24 Where the risk assessment indicates that remediation is required a report or series of reports setting out the remedial objectives, remedial options, selected remedial strategy and implementation plan should be submitted for approval. Occupation of the completed development will generally not be permitted until a Verification Report is submitted and approved. This should include a description of the remedial works, analytical data used to verify that the works have achieved the agreed remedial objectives, photographs and as-built drawings of the works, records of consultations and agreements with regulatory authorities, records relating to waste management and disposal held under the Duty of Care Regulations, environmental monitoring data, a description of any residual contamination and arrangements for any post-remediation management/monitoring.
- 6.25 [OFFICER COMMENT: The above comments are noted. Suggested condition has been included]

#### Environmental Health - Noise and Vibration

- 6.26 EH have reviewed the comments from the Acoustic Consultant in response to EH previous comments. The information provides spectral qualities of the glazing instead of the actual glazing composition. Although similar, can be accepted in this instance. EH is happy for Planning Permission to be considered but conditioned for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.
- 6.27 [OFFICER COMMENT: These matters are discussed in paragraphs 8.94 -8.101 Suggested condition has been included]

#### Environmental Health - Housing

- 6.28 No comments

#### Transportation and Highways

- 6.29 All issues are resolved except for loading for block A. As proposed by the applicant, bay 3 should be used as a loading bay to prevent service vehicles from reversing off the highway as suggested. A plan showing this should be provided.

Initial Comments (31/07/14)

## CAR PARKING

- 6.30 The site is located in an area of very good public transport access (PTAL5) therefore Highways require an agreement prohibiting all future residents from obtaining an on-street resident parking permit.
- 6.31 The proposed level of car parking is acceptable. However, Highways require tracking diagrams to show how:
- vehicles using spaces labelled 4 and 5 in Site A will enter and exit the site forward gear should the service be occupied;
  - vehicles using the space labelled 2 in Site B will enter and exit the site forward gear;
  - service vehicles using the service bay in Site A will enter and exit the site in forward gear.
- 6.32 The three parking bays for Blue Badge holders should be reserved exclusively for this use and should not be made available for general use (by lease, sale etc). This restriction should be a condition of any permission either as a compliance condition by requiring approval of a Car Park Management Plan prior to occupation of the site.

## 6.33 CYCLE PARKING

- 6.34 The applicant is required to demonstrate that there is a minimum 2.0m width between the double stack cycle parking to allow loading of the stands (the recommended width is for stands of this type is 2.5m). It appears from the plans only c1.5m and c1.2m wide strips of hard standing between the car parking and cycle racks in Site A and Site B would be provided. If the required space is not provided then Highways would object to the cycle parking and require that the plans are amended accordingly.

## SERVICING

- 6.35 Colleagues in Waste will provide more detailed comments on the proposed collection arrangements but in the meantime can the applicant provide the width of the vehicle access to Site B.
- 6.36 In addition the applicant should clarify whether it is their intention that goods vehicles will use the vehicle access route on Site B as a facility to turn around before exiting Ratcliffe Cross Street. If it is not, they should explain how such manoeuvres will be performed.
- 6.37 It is critical that the need for vehicles reversing along Ratcliffe Cross Street onto Commercial Street is removed as far as possible. To this end a Construction Management Plan and Service Management Plan should be secured by condition.

## GENERAL

- 6.38 The applicant is required to clarify whether any balconies are proposed that would over hang public highway. It appears from the plans that balconies on the upper levels would overhang the footway on Radcliffe Cross Street. Any balconies overhanging the public highway will not be licenced by Highways and should be removed from the plans.

- 6.39 To facilitate the development works to the public highway on Ratcliffe Cross Street will be required including (but not limited to)
- construction of new footway adjoining Site B
  - construction of new vehicle crossover for access to Site A
  - construction of new vehicle crossover for access to Site B
- 6.40 Please attach the following condition for scheme of highway improvements to any permission.
- 6.41 [OFFICER COMMENT: Further to highways Officer comments the applicant has submitted a revised plan showing the omitted loading bay to prevent service vehicles from reversing off the highway. Suggested conditions have been included]

Inclusive Access Officer

- 6.42 Following amendments to the floor plans the proposal is considered to be acceptable and to fully meet the appropriate requirements.

Employment and Enterprise

Proposed employment/enterprise contributions at construction phase:

- 6.43 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.44 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. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 6.45 The Council will seek to secure a financial contribution of £15,317 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.46 Proposed employment/enterprise contributions at end-use phase: N/A resi development.
- 6.47 [OFFICER COMMENT: The financial and non-financial obligations are discussed in paragraphs 8.133-8.141]

6.48 Energy Efficiency and Sustainability

- 6.49 The additional information responds to my initial queries relating to the sizing and selection of CHP. Also, it identifies that the provision of a CHP would have net present value benefit to the scheme. Based on the information provided I have no

objections to the proposals although I would question the deliverability of a CHP for this size of scheme and additional details should be secured via condition for:

- Plant room: the energy assessment must demonstrate that enough space has been allocated for a sufficiently large energy centre. This must be clearly shown on the plan drawings of the development and the floor area in m<sup>2</sup> confirmed in writing. A floor plan showing the layout of the energy centre should also be provided
- Site heat network: a simple schematic of the site heat network showing all apartments and non-domestic buildings/uses connected into it, as well as the location of the single energy centre, must be provided as part of the energy assessment. Where the development is phased, a number of schematics should be provided showing how the network will evolve, including indicative timescales if available.
- SAP calculations for the units

6.50 It also recommended that a condition be attached to any permission for the submission of the final code for sustainable homes certificates, demonstrating the scheme has achieved Code Level 4, within 3 months of completion.

6.51 The proposals are anticipated to achieve a 53.6% reduction in CO<sub>2</sub> emissions through energy efficiency measures and integration of a CHP. The proposals are also designed to meet Code for Sustainable Homes Level 4 rating. This is in accordance with MDD policy DM29 and London Plan policies 5.2 and 5.6.

6.52 [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 8.117-8.124]

#### Waste Collection

6.53 The space provided for turning the refuse vehicle is too \*tight\*. I am assuming the width is 3.1 metres, whilst the vehicle is approximately 2.5 metres. An allowance of half a metre is restrictive considering that the vehicle will be turning. In view of this I can accept your proposal for collections

6.54 [OFFICER COMMENT: The submitted plans have been revised, to show that a service vehicle can be accommodated on site.]

#### Crime Prevention Officer

6.55 The following issues have been identified:

- a. This is a poor location from a security point of view. It is very narrow street and has very little to no natural surveillance.
- b. The entrances for both vehicles and pedestrians are placed too far back creating large recessed/undercroft areas which, are not good for security and anti-social behaviour in most locations, but in this location there will be a major problem with crime and ASB in a very short period of time.
- c. Car park entry. There MUST be additional secure barrier at building line in Ratcliffe Cross St to prevent an undercroft area.



- d. Pedestrian access. No recess area greater than 600mm.
- e. GF windows in Ratcliffe Cross St MUST have a low level defensible space between the window and street.
- f. Cycles need to be within a secured cage or similar.
- g. There needs to be a second security (access/control) door after external communal door and before access to stairs, doors, lifts etc.
- h. Access door/gate to refuse store is recessed. No greater recess than 600mm.
- i. The Glass blocks proposed to site A are not a sensible choice on the GF due to criminal damage.
- j. Site A – security concerns regarding climbing onto balconies.
- k. I would strongly suggest the current plans are reconsidered. There must be no recessed areas greater than 600mm and the car parking will not work due to restriction of space. Creating the undercrofts/recesses to allow car parking is creating problems relating to ASB and crime for the proposed residents.

6.56 [OFFICER COMMENT: These matters are discussed in paragraphs 8.65-8.68]

6.57 Head of Building Control

No comments received

6.58 Education Development

No comments received

6.59 Idea Sore

No comments received

## 7.0 LOCAL REPRESENTATION

### Statutory Consultees

7.1 On 25<sup>th</sup> July 2014, a total of 198 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: 5                      Supporting: 0

No of petitions received:                      0

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

#### **Density**

- Over development

7.4 [Officer Comment: The above issues is fully discussed in paragraph 8.11 - 8.13 of this report].

#### **Design**

- Out of character
- Out of scale
- Over bearing

7.5 [Officer Comment: The above issues are fully discussed in paragraph 8.49-8.64 of this report].

#### **Amenity**

- Development will reduced light
- Overshadowing
- Loss of privacy

7.6 [Officer Comment: The above issues are fully discussed in paragraph 8.75-8.93 of this report].

#### **Transport**

- Noise from increased traffic

7.7 [Officer Comment: The above issues are fully discussed in paragraph 8.102-8.106 of this report].

#### **Other**

- Noise and pollution from construction

7.8 [Officer Comment: A condition will be secured to restrict hours of construction and for the submission of a construction management plan to address access and health and safety issues.)

- The location of the window on the western flank elevation could prejudice future development at 3-33 Caroline Street.

[Officer Comment: The above issues are fully discussed in paragraph 8.78-8.81 of this report].

- Lack of consultation with neighbouring site at 6 Boulcott Street

7.9 [Officer Comment: The applicant has advised that two meetings were held with the interested parties of 6 Boulcott Street on 23<sup>rd</sup> July 2013 and 9<sup>th</sup> October 2013, furthermore a leaflet outlining the proposed development was sent to 6 Boulcott Street. The Council's consultation included a letter sent on 25th July 2014, to occupiers of neighbouring properties, which included 6 Boulcott Street, displayed a site notice outside the application site, and a press advert was published in the East End Life Newspaper. Officers consider that sufficient consultation was undertaken.]

## **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.
- 8.5 The application site carries no site-specific policy designations but is located within an 'edge of centre' area for the Limehouse Neighbourhood Town Centre, located approximately 16m to the north. Site A is occupied by a double height industrial building now vacant but was in use as car body repair and vehicle painting workshop. Site B is largely vacant brownfield land.

### Principle of residential use

- 8.6 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.
- 8.7 Objective S05 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the place making policy SP12 envisages Stepney as a great place for families.
- 8.8 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**

- 8.9 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.
- 8.10 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

### Residential density

- 8.11 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.
- 8.12 The application site measures approximately 0.126 hectares for Site A and 0.038 for Site B, the two sites have a PTAL rating of 5/6. In areas of PTAL 5/6 and urban setting, the density matrix associated with policy 3.4 of the London Plan suggests a density of between 200-700 habitable rooms per hectare. The proposed density would be 1198.4 habitable rooms per hectare (net site area) for Site A and 1710 habitable rooms per hectare (net site area) for Site B 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.

8.13 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 affordable housing.

#### Affordable housing

8.14 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.

8.15 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).

8.16 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 (69.9%) and shared ownership (30.1%), which is in line with Council's preferred split.

8.17 As detailed in table 1 below, the proposal provides 30% affordable housing provision by habitable room, or 22 units and payment in lieu towards affordable housing.

Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
<b>1 bed flat</b>	6	12	2	4	30	60	<b>38</b>	<b>76</b>

<b>2 bed flat</b>	3	9	4	12	13	39	<b>20</b>	<b>60</b>
<b>3 bed flat</b>	6	24	1	4	13	52	<b>20</b>	<b>80</b>
<b>4 bed house</b>	0	0	0	0	0	0	<b>0</b>	<b>0</b>
<b>Total</b>	<b>15</b>	<b>45</b>	<b>7</b>	<b>20</b>	<b>56</b>	<b>151</b>	<b>78</b>	<b>216</b>

- 8.18 The application was submitted with a viability appraisal which was independently assessed on behalf of the Council, the viability expert advised that the development could support a level of 30% affordable housing which equates 22 affordable units on site and a commuted sum payment of £249,773.
- 8.19 A total of 22 of the 78 residential units within the proposal have been provided as affordable units, which represents a total on-site provision of 30% based on habitable rooms. The applicant has proposed a cash contribution of £250,000 towards affordable housing provision. This is the maximum reasonable amount of affordable housing and planning contributions whilst ensuring the scheme can be delivered and is viable.
- 8.20 Policy DM3 (3) of the MDD states that development should maximise the delivery of affordable housing on-site. Part (a) of the policy states that off-site provision will only be considered in circumstances that it is not practical to provide affordable housing on site.
- 8.21 There are specific constraints associated with the subject site; the site is located off a narrow road with the DLR and national rail lines running along the south of the site. This accordingly has an impact on the level of affordable housing the scheme can deliver, whilst being viable. The affordable units are to be provided within Site B, which accommodates 22 units consisting of 8 x 1 beds, 7 x 2 beds and 7 x3 beds.
- 8.22 The affordable rented accommodation would be let in accordance with the Councils Borough affordable rent level for E1 areas. The viability assessment submitted with the application was independently reviewed by external consultants which demonstrates that the scheme would not be able to produce an adequate number of new units if social rent levels were charged. The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.23 The proposed tenure mix within the affordable tenure is 69.9% affordable rent and 30.1% intermediate, which is in accordance with the Council's preferred split of 70/30.
- 8.24 Site A would be provided solely as private units and Site B as affordable units. Separate access cores would be provided for affordable and private tenures.
- 8.25 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

#### Dwelling mix

- 8.26 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			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	6	40%	30%	2	28.57%	25%	30	53.5%	50%
2 bed	3	22%	25%	4	57.13%	50%	13	23.25%	30%
3 bed	6	40%	30%	1	14.30%	25%	13	23.25%	20%
4 bed	-	-	15%	-	-		-	-	

8.27 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 40% (30%), two-bed 22% (25%) and three-bed 40% (30%). The proposed provision of a substantial number of larger family units 40% of three-bed units against a policy target of 30% is especially welcome and supported by Housing colleagues. It is considered that the over provision of three bedroom units mitigates towards the shortfall in four-bed units.

8.28 Within the intermediate tenure the mix would be: one-bed 28.57% (25%), two-bed 57.13% (50%) and three-bed 14.30% (25%). In the market sale tenure it would be: one-bed 53.5% (50%), two-bed 23.25% (30%) and 23.25% three-beds (20%). Officers note that the shortfall in the proportion of larger intermediate units assists with the viability of the proposal and thus enables for a larger proportion of family sized units to be provided within the affordable housing tenure.

8.29 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

8.30 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.”

8.31 All of the proposed units would meet or exceed the baseline floorspace standard. 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. The family sized affordable rent units would be provided with sizeable private amenity space.

8.32 All units within the affordable tenure will be dual aspect, 17 units within the private tenure will be dual, although all units are either south, west or east facing.

- 8.33 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.
- 8.34 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report highlights that all of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.35 Entrance areas have been designed with safety and security in mind. Access cores to the flats have similarly been designed and sited to ensure safety, security and passive surveillance. Defensible space has been provided for the ground floor units on both sites.
- 8.36 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

- 8.37 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.
- 8.38 Six wheelchair accessible homes are proposed, two units ( 1 x 2 bed and 1 x 3 bed) will be located within the affordable tenure and four units within the private tenure.
- 8.39 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. 3 accessible parking spaces would be provided throughout the development and allocated in accordance with need.

#### Private and communal amenity space

- 8.40 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.
- 8.41 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 units within the affordable tenure would have adequately sized balconies or terraces all meeting or exceeding the minimum standard. Within the private tenure, with the exception on one unit all units would benefit from balconies or private terrace, some of which substantially exceed the policy requirement.
- 8.42 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. The scheme provides 364sq metres of communal space for the private tenure however, no communal space is provided for the affordable tenure.
- 8.43 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 within the affordable tenure would not undermine the scheme.

#### Child play space

- 8.44 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.
- 8.45 Using the LBTH child yield calculations, the development is anticipated to yield 17 children (6 under 5s, 7 of 5-11 year olds and 4 of 12+ year olds) on Site B. Accordingly; 110sqm of on-site play space is required for under 5s and 6-10 year olds. Not including private amenity space, the application proposes a total of 118sqm of on-site play space.
- 8.46 For Site A the development is anticipated to yield 5 children (3 under 5s and 2 of 5-11 year olds). Accordingly; 50sqm of on-site play space is required for under 5s and 6-10 year olds. Not including private amenity space, the application proposes a total of 60sqm of on-site play space. The proposed play area is in accordance with policy requirement. Full details of play space facilities and equipment would be reserved by condition.
- 8.47 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 Stepney sports ground is located approximately 655 metres from the site.
- 8.48 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 Stepney sports ground within a short walking distance of the application site.

#### **Design**

- 8.49 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.50 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.
- 8.51 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.
- 8.52 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

- 8.53 The application has been put forward with two sites on Ratcliffe Cross Street opposite each other, Site A and Site B. Site A 1-9 Ratcliffe Cross Street is located on the eastern side of Ratcliffe Cross Street. To the east of the site are nos 2-4 Boulcott Street and the Dockers Club at 6 Boulcott Street, the south of the site backs onto a railway viaduct serving national rail and DLR stations and to the north the site adjoins No. 516 Commercial Road (1-23 Lavender House) a six storey residential development which, also fronts Commercial Road and 526 – 528 Commercial Road, which forms the boundary of the York Square Conservation Area.
- 8.54 The existing building is a vacant double height two storey warehouse, previously used as car body repair and vehicle painting workshop.
- 8.55 Site B Land to the south of 8-9 Ratcliffe Cross Street is a plot of vacant land located on the western side of Ratcliffe Cross Street. To the north and west of the site is no.

- 8-12 Ratcliffe Cross Street and to the south the railway viaduct. There is also a derelict building to the south-west corner which is not owned by the applicant.
- 8.56 The surrounding area is interesting in its diverse uses, different architecture and character, being close to the busy Commercial Road to the north and opposite Limehouse town centre.
- 8.57 This change of character is evident within Ratcliffe Cross Street itself, which is a narrow road intersected by the railway viaduct and terminated at its southern end by Cable Street. Lying directly to the east of the site is no's 2-4 Boulcott Street, a recently constructed five storey residential building with a sixth floor setback. Committee resolved to grant planning permission for a part 7 part 8 storey mixed use residential development at 6 Boulcott Street, the railway line runs east to west and to the south of the railway line lies a plot of undeveloped land with permitted outline permission for a part 7, part 8 storey mixed use residential development.
- 8.58 The main design constraint to development of the site is, first and foremost its proximity to the railway viaduct to the south and the narrow street.
- 8.59 The proposal for Site A is for a part 6 with a setback 7 storey rising to 8 storey residential development. The development rises in height from north to south providing a transition with the 6 storey being adjacent to the Lavender House and the 8 storey element to the south to achieve better sunlight and daylight and better outlook for residents. The massing of Site A has been well thought through by maximising the development potential whilst respecting the surrounding context so as not to dominate.
- 8.60 The development has been set back from the east by 18 metres to afford light to penetrate the courtyard space and allow for a higher number of dual aspect units. Communal amenity space has been provided at ground and first floor level east, the proposals also incorporates projecting and recessed balconies and terraces. An undercroft car and cycle parking and refuse store is provided to the northern end.
- 8.61 The west elevation of building fronts Ratcliffe Cross Street and will form the main elevation, at ground floor level the entrance and residential lobby has been slightly recessed to afford shelter and provide a point of access. Full height glazing is proposed for the residential lobby and main door, emerald green glazed wall tiles will be used at ground and first floor with patterned tiled floor, this will provide a prominent entrance point from the street.
- 8.62 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 industrial feel to the development, which ties in with the existing use of the site and surrounding properties. The block would be faced with a smooth blue/silver grey dark brick at ground and first floor creating a plinth base. The upper floor would consist of brickwork piers in beamish blend brick rising to stacked soldier course parapet with brickwork panels in lighter red brick set within brick frame. Pre-cast pigmented concrete panels would be beneath the windows to express the floor plate. In contrast the setback sixth storey will be fully glazed.
- 8.63 The windows would consist of double height glazing with full brick reveals, with bronze powder coated window and door frame, adding visual interest. A mix of projecting and recess balconies is proposed. The projecting balconies will be finished with anodized aluminium and timber handrails. The recessed balconies will consist of

pre-cast concrete frame. 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.

Site B, will consist of a T-shape building, whilst smaller in scale, similar architectural elements and devices have been employed to articulate the building with recessed and projecting balconies as Site A, providing continuity to the street scene. The building will be 7 stories in height with the children's play space provided at roof level enclosed with high wall for safety. An undercroft car and cycle parking and refuse store is provided to the western end.

- 8.64 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

- 8.65 Both sites would benefit from prominent entrances located on Ratcliffe Cross Street. The entrances will have a slight recess with PIR directional security lights. The crime prevention officer raised concerns regarding the entrance and cycle storage. The applicant has taken on board the concerns and has amended the scheme to include secure caged cycle enclosures and an additional security door has been included within Site A. Ratcliffe Cross Street can be characterised as an industrial street with limited pedestrian footfall. The proposed entrances as well as the glazed fenestration to the ground floor would 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.
- 8.66 The Crime Prevention officer has raised concerns regarding the proposed recessed undercroft and potential for anti-social activity. Whilst the concerns are noted, the recessed undercrofts have been proposed in accordance to advise provided by the Highways Officer, in order to comply with highways safety and also to aid in turning points for refuse vehicles. It is the view of Officers that the construction of the proposed development would introduce increase footfall within Ratcliffe Cross Street and the public highway would be well overlooked. Suitable measures such as external lighting strategy can mitigate security concerns. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.67 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour.
- 8.68 The applicant has responded positively to the advice provided by the Tower Hamlets Crime Prevention Design Advisor. Details of all Secured by Design measures as well as external lighting would be conditioned.

#### Landscaping

- 8.69 The landscape area to Site A is proposed to the rear in the form of a communal court yard. The court yard will contain a number of different areas; these consist of a raised court yard area with seating area and raised planters to accommodate herb garden. The ground level communal space will contain a play area, seating area and a small

terrace for the ground floor units. This area is to be screened from the communal garden by planting to retain the privacy of the residents but at the same time not completely blocking off the outside world to the ground floor units.

- 8.70 The landscaped court yard is accessed via the communal area of core at the ground floor level. The planting will consist of a mix variety, details of which will be conditioned to ensure that suitable species are selected to increase biodiversity.
- 8.71 Landscape area to Site B is proposed to the roof, in the form of play area and green roof. The play space will contain timber seating, perimeter planting and grip grooved treated timber decking.
- 8.72 The constraint site provides limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out and would be of a particularly high quality.

### **Amenity**

- 8.73 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.
- 8.74 The application site is surrounded by residential properties to the north and east. The east lies no.6 Boulcott Street has a current application approved at committee for an 8 storey residential development and no.2-4 Boulcott Street consist of recently constructed r a six storey residential development. To the north of the sitelies No. 516 Commercial Road (1-23 Lavender House) a six storey residential development and 526 – 528 Commercial Road

### Overlooking and privacy

- 8.75 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.

### Site A

- 8.76 In a dense urban context, such as this site must address the sensitive issue of overlooking onto existing properties. The windows in Site A on the eastern elevation are located more than 18 meters to the proposed windows of the building at 6 Boulcott Street and windows of recently completed development at 2-4 Boulcott Street, windows to the north elevation will be obscured glazed and will either serve as windows to circulation space or a secondary window to habitable rooms, windows to the west elevation face onto the public highway and windows to the south face onto the railway viaduct. It is considered that sufficient mitigation measures have been employed to the south elevation to ensure that the windows and use of rooms would not lead to significant impact in terms of overlooking and loss of privacy.

- 8.77 It is considered that 18m is an acceptable distance between new developments and existing properties. Within an urban setting, overlooking distances are often less than this to reflect the existing urban grain. Concerns have been raised by neighbouring properties to the north relating to the proposed amenity space at podium level and possible overlooking and impact on privacy. The proposal includes the erection of timber louvered privacy screens at 1.8 metres high to reduce any overlooking or loss of privacy from the proposed amenity space.

#### Site B

- 8.78 There are no residential properties located to the west or north of the site, notwithstanding, concerns have been expressed by land owners to the west of the site over a small part of the proposed development which backs on to and adjoins part of the site at 3 - 33 Caroline Street.
- 8.79 Whilst the site at 3 - 33 Caroline Street currently occupies a low-rise warehouse; the objector has advised that the land is likely to come forward for a residential development. The general concern is in regards to the windows on the western flank elevation of the site which is within close proximity of the boundary line facing on to the land at 3-33 Caroline Street. The placement and orientation of the proposed kitchen windows could prejudice future development on site and result in an unreasonable level of overlooking.
- 8.80 The subject windows, on all floors, serve kitchens and are secondary windows, as the kitchens have another window facing north onto land owned by the applicant. To mitigate the impact on the neighbouring site the plans have been amended omitting the windows on the western flank elevation.
- 8.81 It is considered that the provision of louvered screens, removal of windows and the distance between the development and the existing properties are acceptable in reducing intervisibility between windows.

#### Outlook and sense of enclosure

- 8.82 The distance between the development proposal at Site A and habitable rooms of adjoining properties to the east would be mostly at around 18 metres and outlook to these properties would not be significantly impacted. The development to the north of the site will be 6 stories in height, this mirrors the height of neighbouring building at No. 516 commercial Road (1-23 Lavender House). The proposed development will have a seventh storey set back and will rise to 8 stories building, furthermore the development is set back from the east elevation by 14 metres; thus reducing impact on the properties to the north of the site, as such the proposed massing would not result in an overbearing appearance or sense of enclosure. The outlook of these properties would not be restricted to an unacceptable level due to the separation distance and setback from the eastern elevation.
- 8.83 There are no residential properties located to the west or south of the site, to the south of the site is the railway viaduct and beyond that is a ware house and residential development located approximately 42 metres from the site. The outlook of these properties would not be restricted due to the separation distance.

#### Daylight and sunlight, overshadowing

- 8.84 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The

primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.

- 8.85 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.
- 8.86 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties to the east and north, No. 516 Commercial Road (1-23 Lavender House), 256-258 Commercial Road, 6 Boulcott Street (proposed development) and 8-12 Ratcliffe Cross Street. However, 8-12 Ratcliffe Cross Street is in industrial use and only the residential properties to the east no. 6 Boulcott Street directly opposite and No. 516 Commercial Road (1-23 Lavender House) to the north are therefore the most likely to be effected.

#### 1-23 Lavender House

- 8.87 Of the 15 windows surveyed 11 would be affected with VSC results of 61% – 76%. Of the windows surveyed only 5 windows serve primary living spaces, of the 5 windows 2 would however be significantly affected with VSC results of 75% and 76%. The resultant VSC is not uncommon in inner city locations and would not be considered unacceptable for only some of the rooms in a property.

#### 6 Boulcott Street

- 8.88 Of the 27 windows surveyed 18 would be affected with VSC results of 58% – 75%. All 18 windows are located within the lightwell of the development of the windows surveyed 12 windows be significantly affected with VSC results below 75%.
- 8.89 In terms of sunlight, the entire windows surveyed only one window at 1-23 Lavender House will suffer a whole year loss of sunlight to less than 80%. It is noted that all of the relevant windows with the exception of one receive in excess of 25% of available sunlight hours throughout the year. The overall sunlighting conditions including winter sunlighting at Lavender House would remain significantly above the BRE guidelines.

#### Conclusion

- 8.90 It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility.
- 8.91 The results of the Daylight and Sunlight tests also clearly demonstrate that the impact on the habitable rooms within 1-23 Lavender House No.6 Boulcott Street will be affected to a degree.

- 8.92 In conclusion, notwithstanding the above findings, it should be noted that the application site is located in a constrained urban environment and a degree of loss of daylight and sunlight is to be expected.
- 8.93 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by a narrow street with opposing properties in close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the character and nature of the area.

#### Noise and Vibration

- 8.94 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.
- 8.95 Site A will be located approximately 6.5 metres from the railway viaduct and Site B located approximately 1 metre from the railway viaduct. Due to the two site's proximity to the railway viaduct the level of noise and vibration to future residents are of concern.
- 8.96 This development will experience high levels of noise and vibration from the Railway and Commercial Road in close proximity and is considered to fall within a SOAEL (Significant Observable Adverse Effect Level) as defined by the NPL (Noise Policy for England) under the current Planning Framework; as such significant noise insulation and acoustic ventilation measures will need to be incorporated to ameliorate the likely noise impact on future residents.
- 8.97 A high degree of noise insulation and vibration isolation will be required, to meet the "good standard" of BS2333.
- 8.98 A Noise and Vibration Assessment by KP Acoustics accompanied the application. The contents of the report takes into account the glazing specification and the very high LAmax values.
- 8.99 In terms of vibration full analysis has been provided showing actual spectral amplitudes of the total vibration profile of the area (i.e. DLR and Viaduct) on the proposed site. This methodology is fully commensurate to all current Standards and it demonstrates that the current vibration profile due to all present vibration sources will not have any detrimental effect on the proposed development.
- 8.100 Whilst the noise and vibration report has been reviewed and accepted by the Environmental Noise Officer, further testing would be required post completion. In accordance with Officers request a condition will be secured for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.
- 8.101 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), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).



## **Transport, Access and Servicing**

- 8.102 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.
- 8.103 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.
- 8.104 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.
- 8.105 The site benefits from excellent access to public transport, being located approximately 242 metres to the west of the Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road. The site has a Public Transport Accessibility Level (PTAL) of 6/5.
- 8.106 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

- 8.107 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 126 (80 in Site A & 46 Site B) secured, 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

- 8.108 Policy DM22 sets out the Council’s parking standards in new developments. The application site falls mainly within PTAL 5/6.
- 8.109 Notwithstanding the above the development proposed 4 car spaces within Site A, 2 of which will be accessible parking. Site B will have 3 car parking spaces 1 of which will be accessible parking. This level of parking is considered acceptable and would not impact on the public highway.

- 8.110 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

- 8.111 Vehicle and cycle access to the sites will be via an undercroft, the undercroft at Site A has been recessed to allow sufficient room for service vehicles to manoeuvre.
- 8.112 Separate access is provided for pedestrians at both sites. It is noted that Site B does not currently benefit from a public footway. A footpath will need to be created via a S278 agreement.
- 8.113 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.

#### Servicing and refuse storage

- 8.114 Servicing will take place on site. The applicant has demonstrated that service vehicle can enter the site via the undercroft. Reverse in the area provided 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.
- 8.115 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.
- 8.116 The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with waste policy.

### **Sustainability and Environmental Considerations**

#### Energy efficiency and sustainability standards

- 8.117 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.
- 8.118 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.
- 8.119 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.

- 8.120 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.
- 8.121 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 53.6% reduction in CO2 emissions against the benchmark of Building Regulations 2010.
- 8.122 The applicant has advised that in accordance with the above policy a site-wide CHP system will provide energy to the residents the residential units.
- 8.123 The overall development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.124 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. It is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

#### Biodiversity

- 8.125 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.
- 8.126 The applicant proposes a green roof; details of which will be reserved by condition.

#### Land Contamination

- 8.127 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

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

#### **Health Considerations**

- 8.129 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.
- 8.130 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.

8.131 The application proposal would result in the delivery of much need affordable housing within in a brown field site. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

8.132 Health infrastructure contribution of £101,277 has been secured, to mitigate against the proposed development, it is considered that the proposal broadly accords with the abovementioned policies and would generally contribute to improved health outcomes and opportunities for active and healthy lifestyles.

### **Planning Obligations and CIL**

8.133 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).

8.134 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.

8.135 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.

8.136 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.

8.137 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.

8.138 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

8.139 This application is supported by a viability toolkit which details the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is viable for the proposal to deliver 30% affordable housing, of which £250,000 will be payment in lieu for affordable units and a full contribution of **£810,563.48**.

8.140 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£250,000** towards Affordable Housing
- b) A contribution of **£196,209.73** towards education.
- c) A contribution of **£15,318.96** towards employment, skills, training and enterprise initiatives.
- d) A contribution of **£89,593.94** towards community facilities.
- e) A contribution of **£101,277** towards Health.
- f) A contribution of **£23,992.38** towards street scene improvements.
- g) A contribution of **£120,919.68** towards public Open space
- h) A contribution of **£2,260.35** toward sustainable transport.
- i) **£10,991.44** towards monitoring fee (2%)

**Total £810,563.48**

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

- a) Affordable housing 30% by habitable room (22 units)  
69.9% Affordable Rent at East Thames levels (15 units)  
30.1% Intermediate Shared Ownership (7 units)
- b) Access to employment  
20% Local Procurement  
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement

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

**Local Finance Considerations**

8.143 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.

- 8.144 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.
- 8.145 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.
- 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 a percentage of 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 £119,148 in the first year and a total payment £714,889 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 of Human Rights 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, 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

## 10.0 SITE MAP

