

<b>Committee:</b> Strategic Development	<b>Date:</b> 2 <sup>nd</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.7
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Stephen Irvine		<b>Ref No:</b> PA/09/0203	
		<b>Ward(s):</b> Bow East	

## 1. APPLICATION DETAILS

- 1.1 **Location:** 2 Gladstone Place, London
- 1.2 **Existing Use:** Former Safeway store (retail) and ancillary car parking.
- 1.3 **Proposal:** Demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space.
- 1.4 **Drawing Nos:** PL(20)25 Rev A; PL(20)01 Rev D; PL(20)02 Rev D; PL(20)03 Rev D; PL(20)04 Rev C; PL(20)05 Rev C; PL(20)06 Rev C; PL(20)07 Rev C; PL(20)08 Rev B; PL(20)09 Rev B; PL(20)10 Rev B; PL(20)11 Rev B; PL(20)12 Rev B; PL(20)20 Rev D; PL(20)21 Rev D; PL(20)22 Rev B; PL(20)30 Rev D; PL(20)31 Rev C;
- 1.5 **Supporting Documents**
- Design and Access Statement by Stock/Woolstencroft
  - Heritage Assessment by Stock/Woolstencroft
  - Daylight and Sunlight Assessment by Nathaniel Litchfield and Partners
  - Archaeological Desk Based Assessment by CgMs Consultancy
  - Development Site Tree Report by Bartlett Tree Experts Ltd
  - Retail Statement by Goldquest Investments Ltd
  - Air Quality Assessment by Enviros Consulting
  - Noise Impact Assessment by Sharps Redmore Partnership
  - Outline Green Travel Plan by Paul Mew Associates
  - Transport Assessment by Paul Mew Associates
  - Landscape Design Statement by Standerwick Land Design
  - Addendum Landscape Information by Standerwick Land Design June 2008
  - Planning Statement by Nathaniel Lichfield and Partners
  - Sustainability & Energy Strategy Report Revision 2 by HOARE LEA
  - Code for Sustainable Homes Pre Assessment report and target rating by HOARE LEA Consulting Engineers
  - Building Sustainability Statement by HOARE LEA dated 20<sup>th</sup> June 2008
  - Report on results of pre application community involvement by LUCIS Communications Limited
- 1.6 **Applicant:** Goldquest Investment Ltd c/o Stock Woolstencroft

- 1.7 **Owner:** London Borough of Tower Hamlets
- 1.8 **Historic Building:** N/A
- 1.9 **Conservation Area:** N/A (Note: No part of the 'development' falls within the Roman Road Conservation Area. Whilst the north part of Gladstone Place forms part of the Conservation Area, it is an existing highway. Any proposed work to Gladstone Place constitutes highway improvement works, not development as defined under the Planning Acts).

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:

- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3
- The retail uses (Class A1) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location and amongst other things contribute to the regeneration of the Roman Road District Centre. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community and strengthen designated shopping centres.
- 2.4
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.5
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6
- The development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Further, the quantity and quality of housing amenity space and the communal/child play space strategy is also considered to be acceptable. As such, the amenity space

proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.

- 2.7 • The building height, scale, bulk and design is acceptable and in line Planning Policy Guidance 15, policies 4B.1, 4B.2, 4B.3 and 4B.5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.8 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • Contributions have been secured towards the provision of affordable housing, health, education, town centre regeneration, public realm, child playspace and open space improvements in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.
- A detailed screening opinion was undertaken and it was concluded that the development would not have significant effects on the environment. The proposal therefore accords with Schedule 3 of the Town And Country Planning Regulations 1999 (as amended)

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
  - 1. Affordable housing provision of 35% of the proposed habitable rooms with a 70/30 split

between rented/ shared ownership to be provided on site.

2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. The provision of £388,442 towards Roman Road district shopping centre regeneration works.
6. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
7. A contribution of £50,000 towards the provision of child play facilities in Victoria Park to meet the recreational needs of the 12-16 year old age group.
8. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
9. The provision of a north-south and east west-public walkway through the site
10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
11. TV reception monitoring and mitigation;
12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
13. Commitment towards Code of Construction Practice.
14. No more than 70% of the private residential units shall be occupied prior to the occupation of the commercial uses

That the Head of Development Decisions is delegated power to impose conditions on the planning permission to secure the following:

### 3.3 **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
  - Samples for all external materials to be submitted with detail specifications.
  - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
  - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a

green wall.

- All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
  - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
  4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
  5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
  6. Archaeological investigation.
  7. Investigation and remediation measures for land contamination (including water pollution potential).
  8. Full particulars of the following:
    - Surface/ foul water drainage plans/ works; and
    - Surface water control measures.
  9. Construction Environmental Management Plan, including dust monitoring
  10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
  11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
  12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
  13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
  14. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays and no working on Sundays or Public Holidays
  15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
  16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
  17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
  18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
  19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
  20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and

recycling facilities are required.

21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras throughout the site.
22. Provision of electrical charging points for vehicles.
23. Details of the highway works surrounding the site
24. Any other condition(s) considered necessary by the Head of Development Decisions

#### 3.4 Informatives

1. Section 106 agreement required.
  2. Section 278 (Highways) agreement required.
  3. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environmental Health Department Advice.
  6. English Heritage Advice
  7. Parking Services Advise – Traffic Management Order
  8. Metropolitan Police Advice.
  9. Transport Department Advice.
  10. Contact the GLA regarding the energy proposals.
  11. Contact Thames Water for water and sewage infrastructure advice
- 3.5 That, if by 2<sup>nd</sup> July 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

#### 4. PROPOSAL AND LOCATION DETAILS

- 4.1 This application follows the approval of planning permission for the site's redevelopment on the 28<sup>th</sup> November 2008 (PA/07/3277). The current application now incorporates the open space within the scheme rather than off site, however, the application drawings and supporting documents remain unchanged.
- 4.2 The development consists of 5 buildings. Buildings A to D are set around a podium level communal courtyard space, whilst the buildings Ei and Eii form two blocks within the western section of the site. The following provides an overview of the proposed buildings:
- *Building A:* A ten storey block at the centre of the site with two small, flexible units of retail floorspace at ground floor level (170sqm and 127sqm) and 71 residential units in the floors above. The proposed retail units will be accessed from Gladstone Place, whilst the residential entrance will be on the southern side of the building.
  - *Building B:* A five storey building, plus recessed upper floor, occupying the northern section of the site. The building will include the 2,390sqm supermarket unit at ground floor and basement level and 48 residential units above. The main entrance to the supermarket will be at its north western corner of the building, whilst the residential entrance will be from Cardigan Road to the east.
  - *Building C:* A three storey building, plus recessed upper floor fronting the western side of Cardigan Road. The building will accommodate the delivery/servicing bay for the supermarket at ground floor level and 27 residential units in the floors above. Vehicles will access the delivery bay via an entrance at the southern end of the building and will exit the bay further north. The vehicle entrance will also provide access to the car parking areas at basement and ground floor level. The residential entrance to the building will be situated within its south eastern corner and will include a concierge's

office.

- *Building D*: An L-shaped residential building of between four and six storeys within the southern and south western sections of the site. The southern section of the block will comprise a four storey building, plus recessed upper floor fronting Anglo Road. The building will step up to five storeys, plus a set back level fronting Gladstone Place. It will accommodate 37 residential units, including eight double height family units with front garden spaces at ground floor level and private gardens at podium level to the rear. The residential units above will be accessed via an entrance from Anglo Road at the south western corner of the block.

- 4.3 The Council has carried out a detailed EIA screening opinion and concluded that an EIA is not required. This matter is discussed further in sections 8.166-8.172 of the report.

### **Site and Surroundings**

- 4.4 The application site covers an area of approximately 0.758ha. It is currently occupied by a former supermarket building with a footprint of ca. 3,000sqm, including ancillary service area off Cardigan Road and two areas of pay and display car parking, which have been vacant since November 2005.
- 4.5 The site is located immediately to the south and west of the Roman Road Conservation Area, though no part of the development is within a conservation area. The site does not include any listed or locally listed buildings, though a neighbouring building (Passmore Edwards Public Library, No. 564 Roman Road) is grade II listed. The site is located in an area of archaeological significance.
- 4.6 The application site is located to the south of the Roman Road district shopping centre and ancillary markets. It is bounded by Gladstone Place to the north, Cardigan Road to the east, Anglo Road to the south, Cruden House to the south west and the Bow Neighbourhood Office/Ideas Store to the west. The predominant land uses to the north of the site are retail and commercial uses flanking Roman Road, whilst the areas to the south, east and west are principally residential in use.
- 4.7 The former supermarket building occupies the northern part of the site and presents blank unadorned frontages to Gladstone Place/Gladstone Walk and Cardigan Road. It is constructed of pale brick with metal seam upper sections and rises to a height of ca. 10m, stepping up to ca. 14m to the east. The building is adjoined to the south by an open loading bay/storage area which is enclosed by a 4m high brick wall. The supermarket was formerly accessed by pedestrians from Gladstone Place, whilst servicing was from Cardigan Road. The building relates poorly to neighbouring buildings and creates visually unattractive and intimidating alleyways to the rear of buildings fronting Roman Road and adjacent to the Bow Neighbourhood Office/Ideas Store.
- 4.8 The car parking areas occupy the southern and western sections of the site and together cover an area of ca. 5,000sqm. Parking within these areas is on a pay and display basis, though they appear to suffer from poor management/enforcement. Additionally, the areas are cluttered and visually unattractive. The open spaces also appear to have been subjected to fly tipping.

### **Planning History**

- 4.9 Permission was granted on the 28<sup>th</sup> November 2008 for the demolition of the existing buildings occupying the site and redevelopment to provide five buildings of between four

and ten storeys accommodating 2,687sqm retail floorspace and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped, public, communal and private amenity space. (PA/07/3277).

A claim has been lodged for judicial review against the decision to grant this permission but the Court has not determined whether or not permission should be granted for that claim to be heard in the Court.

4.10 The London Borough of Tower Hamlets planning records reveal that the earliest planning application for development at the site related to the construction of the supermarket and associated car parking areas in May 1978 (TH12789/92/07). Following this consent, a number of applications were submitted to vary the permissible delivery hours. The most recent application, PA/02/674, was approved by the Council permitting the following hours:

- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of planning permission.
- In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate delivery times.

4.11 The Council's records reveal no other recent applications relating to the site.

## 5. POLICY FRAMEWORK

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

### 5.2 Unitary Development Plan (as saved September 2007)

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST34	Shopping
ST35	Retention of Shops
ST37	Enhancing Open Space
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres



T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

### 5.3 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Proposals: C12 Development Site (Specific uses have not yet been identified)  
Archaeological Priority Area

Core Strategies: IMP1 Planning Obligations

CP1	Creating Sustainable Communities
CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP11	Sites in Employment Use
CP15	Range of Shops
CP16	Town Centres
CP18	Street Markets
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix
CP22	Affordable Housing
CP25	Housing Amenity Space
CP30	Improving the Quality and Quantity of Open Space
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development

HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON1	Setting of a Listed Building
CON2	Conservation Area

#### 5.4 **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements  
Archaeology and Development

#### 5.5 **The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

2A.1	Sustainability Criteria
2A.8	Town Centres
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and community facilities
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
3D.13	Children and Young People Play Strategies
4A.4	Energy Assessment
4A.7	Renewable Energy
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive Environment
4B.11	Built Heritage
4B.12	Heritage Conservation

#### 5.6 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPG24	Planning & Noise

- 5.7 **Community Plan** The following Community Plan objectives relate to the application:
- A better place for living safely
  - A better place for living well
  - A better place for creating and sharing prosperity
  - A better place for learning, achievement and leisure
  - A better place for excellent public services

## 6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **LBTH Cleansing**

- 6.2 No comments received. Notwithstanding, it is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities.

### **LBTH Education**

- 6.3 No comments received. However, in the extant permission, the education department identified a contribution towards 27 additional primary school places @ £12,342= £333,234. Given that the current proposal is identical to the extant permission, the same financial contribution will be secured by s106 agreement.

### **LBTH Energy Efficiency Unit**

- 6.4 No comments have been received on this current application. However, the same Energy Strategy was considered to comply with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH Interim Planning Guidance although the detailed information on the proposals are pending and shall be provided at the detailed design stage, via condition.

### **LBTH Environmental Health**

#### 6.5 Contaminated land

- 6.6 No objection, subject to appropriate conditioning. It is recommended that a condition be attached to ensure that the developer carries out a site investigation to identify potential contamination to make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets UDP (adopted December 1998): DEV 51 Contaminated Land. This will be secured by way of condition.

#### Air Quality

- 6.7 No comments have been received. However, in the extant permission, LBTH Environmental Health officers had no objection subject to appropriate conditioning.

#### Noise

- 6.8 • No comments have been received. However, in the extant permission, LBTH Environmental Health team had no objection subject to appropriate conditioning).

#### Sunlight/ Daylight

No comments received.

#### **LBTH Highways**

- 6.14 No comments received. However, in the extant permission, LBTH Highways did not raise objections subject to appropriate conditions.

#### **Greater London Authority (Statutory)**

- 6.15 The Greater London Authority have assessed the application and notes that the proposal "does not raise any strategic planning issues". GLA are note that: "*under article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to be consulted further on this application*" and that the Council may "*proceed to determine the application without further reference to the GLA*".

#### **Transport for London (Statutory)**

- 6.16 No comments were received from Transport for London.

#### **English Heritage (Historic Environment)**

- 6.17 The Council has not received any comments from English Heritage (Historic Environment). However, in the extant permission, English Heritage did not object to the development. Rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

#### **English Heritage - Archaeology**

- 6.18 The site is located within an archaeological priority area and as such an archaeological field evaluation is therefore recommended that a condition should be attached which requires details of an archaeological field evaluation and any subsequent archaeological mitigation to be submitted and approved by the Local Planning Authority.
- 6.19 (Officers comment: This will be secured by way of condition)

#### **Metropolitan Police**

- 6.20 No comments have been received from the Metropolitan Police. Notwithstanding, the applicant will be required to submit details on lighting, CCTV and fencing to be incorporated into the development. This will be secured by way of condition.

#### **Driffield Road Housing Association**

- 6.20 No comments received

#### **Tower Hamlets PCT**

- 6.21 No comments have been received. However, in the extant permission, it was agreed by committee that a capital planning contribution of £293,324 was acceptable. This contribution

will be secured in the S106 Agreement.

## **7. LOCAL REPRESENTATION**

7.1 A total of 1372 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. As mentioned above, the scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of individual responses: Objecting: 22 Supporting: 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:

### **7.4 Land Use**

- The proposed density is too high and will be in breach of GLA density guidelines by a wide margin and negatively impact on social and physical infrastructure of the area (i.e. roads, open space, Roman Road market, public transport, schooling, medical);
- The development will 'kill off' the Roman Road markets and existing shops;
- Inadequate provision of family housing;
- Insufficient provision of affordable housing;
- The proposed retail development is smaller than the previous Safeway store; and
- The area does not need more residential buildings.
- Granting permission would remove forever the opportunity to do something imaginative and life enhancing for Bow
- Inadequate consideration to the additional needs of 208 extra dwellings on medical and school facilities.

(Officers comment: Land use and density matters are considered in sections 8.2-8.25 of the report)

### **7.5 Design**

- The height, bulk, scale and design quality of the development will have a negative impact upon the context of the surrounding area, particularly the Roman Road Conservation Area;
- The development is gated and child play space is not accessible;
- Poor frontage design along Cardigan Road;
- Disruption to TV reception;
- Lack of play space; and
- Increased anti-social behaviour, particularly along Cardigan Road, Gladstone Walk and the proposed pocket park.
- Out of proportion and out of keeping with the area

(Officers comment: Design matters are considered in sections 8.44-8.65 of the report)

### **7.6 Amenity**

- Loss of daylight and sunlight;
- Disruption to TV reception

- Wind impacts;
- Overshadowing;
- Loss of privacy;
- Increased noise;
- Sense of enclosure/ loss of outlook ; and
- Deliveries should only occur after 10am Monday to Saturday and after 12 on Sunday (Officer Comment: The Council's Noise officer has recommended acceptable hours which have been conditioned appropriately).
- Increase in waste collection facilities and possible build of rubbish and litter requiring extra street cleaning and more heavy duty traffic. This raises concerns over safety and public health.

(Officers comment: Amenity matters are considered in sections 8.89-8.145 of the report)

#### 7.7 Highways

- Impact on the accessibility of Cardigan Road from Roman Road;
- Increased congestion;
- Lack of parking;
- Safety issue with the servicing arrangements to the supermarket
- The supermarket will have only a small service yard so articulated lorries will have nowhere to turn around in Cardigan Road
- Impact of the lorries on the surface treatment of Roman Road
- Increase in waste collection vehicles and possible build of rubbish and litter requiring extra street cleaning and more heavy duty traffic.
- Inadequate public transport;

(Officers comment: Highways matters are considered in sections 8.146-8.152 of the report)

7.8 The following issues were raised in representations, but they are not considered to be material to the determination of the application:

- Limited weight, scope and duration of the public consultation;
- The motive for the development is profit driven
- The development will result in loss of value to surrounding buildings;
- The Council is unable to legally require Tesco to occupy the retail unit (Officer Comment: The applicant has advised that Tesco's will be using the retail unit if planning approval is granted. Notwithstanding, tenants of the retail use cannot be conditioned by planning approval);
- The existing primary schools are already over subscribed. Proposals for specific extra places are needed

#### Environmental Impact Assessment

7.9 No decisions should be made until Environmental Impact Assessment for the development is carried out and the details made available for public consultation.

7.10 (Officers comment: A screening opinion for an EIA has been undertaken by the Council. An EIA is not required. This matter is considered in sections 8.166-8.171 of the report).

#### Other

7.11 It is recommended by a resident that a condition should be attached which requires that none of the residential units be occupied until the main A1 retail food premises is trading as

a supermarket.

7.12 (Officers comment: As part of the legal Agreement, the applicant will be bound not to occupy more than 70% of the private residential units prior to the occupation of the commercial units. The Council believes this is an acceptable request).

7.13 It is recommended by a resident that a condition is imposed that deliveries to the supermarket should be after 10am Mon-Sat and after 12 noon on Sundays.

7.14 (Officers comment: A condition will be attached to the permission which will state that:

*"No deliveries to the AI use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs, unless otherwise approved by the Council.*

*Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of policies DEV2, DEV50 and HSG15 of the Council's Unitary Development Plan (1998) and policies DEV1 and DEV10 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control".*

The delivery times as noted above in the wording of the condition was agreed by the Council in the extant permission. They are identical to the scheme granted on the 28<sup>th</sup> November 2008.

7.15 Residents of the new development should be excluded from applying for parking permits.

(Officers comment: It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.)

7.16 Residential street parking areas on Cardigan, Anglo and Vernon Road should be restricted to exclude service permits to help reduce some of the increased pressure on the existing car parking spaces.

7.17 (Officers comment: The Council does not consider this to be an appropriate condition to attach to a planning permission. Furthermore, such condition was not considered appropriate in the identical extant permission. Servicing matters are discussed in section 8.149-8.152 of the report)

7.18 Details of the landscaping in the public areas of the site including in particular the "green wall" softening the delivery area facing the Cardigan Road Conservation Area should be approved by the planning department.

7.19 (Officers comment: The applicant is required to submit details of all landscaping works and a Landscape Management Plan to the Local Planning Authority. The details such be submitted and approved in writing by the Local Planning Authority prior to the commencement of works on site. This will be secured by way of condition).

### **Supporting comments**

7.22 The proposal would bring benefits and welcomed enhancement and new life to a dying

Roman Road Market

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Highways
- Other

### **Land Use**

#### Principle of Residential-Led Mixed Use Development

##### *Residential Use*

8.2 The proposed development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use district centre location, which includes existing residential uses as well as local shops, services and employment opportunities. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.

8.3 In accordance with polices 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of the London Plan.

8.4 Further, there is no strategic land use designation over the site, in accordance with the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.

8.5 The current development represents low density use of the site, which does not accord with local and strategic objectives. Whilst there has been public objection to further residential development in the area, the proposed residential element to the scheme represents a more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the site, in accordance with policy DEV3 of the UDP.

##### *Retail Use*

8.6 The development will comprises 2,687sqm of retail floor space that is proposed to be utilised as a supermarket and two small flexible retail units. The site is located immediately to the south of the Roman Road district shopping centre, which covers the urban blocks on either side of Roman Road.

8.7 The main pedestrian access to the site is through Gladstone Place which fronts the district shopping centre. Gladstone Place is currently used to gain access to the Bow Idea Store, which is also located to the rear of the main shopping street. The entrance to the proposed



supermarket is located opposite the entrance to the Idea Store, and will be visible from the main street. The applicant proposes public realm improvements to Gladstone Place, providing a permeable route from the main street to the development, the Idea Store, and the existing residential properties to the south of the site.

8.8 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.

8.9 Annex A of PPS6 defines the main characteristics of different types of centres. It is to be noted, in particular for district centres, PPS6 states:

*“District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library”*

8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Policy 3D.1 identifies Roman Road as a district centre. Whilst the policy discourages retail uses outside the town centres, the policy encourages net additions to town centre capacity where appropriate to their role in the overall network. Further to this, the London Plan policy 3D.3 seeks to resist the loss of retail facilities and paragraph 3.276 states *“the existence of thriving local convenience shopping is important, especially for less mobile people and those on low incomes”*.

8.11 According to the Council’s UDP and IPG proposal maps, the site primarily falls outside and borders the district centre designation. However, the Council’s Borough-Wide Retail Capacity Study Appendices (which forms part of the evidence base used in formulating the IPG) paragraphs 1.41 and 1.42, state that the Roman Road District Centre is split into 3 parts, of which the application site is considered to be an ‘anchor’ for the Roman Road East part of the centre designation.

8.12 As mentioned earlier the site already contains up to 3000sqm of retail floorspace. Clearly the proposed development is not introducing retail floorspace to a new location, and therefore it is more appropriate to consider the proposal as replacement floorspace. In this respect, there is nothing that would prevent the existing store reopening and trading as a supermarket. Whilst a number of objections were received over the reduction of retail floor space, the applicant advised that the redevelopment provides the opportunity to create a unit which is better designed and more suitable to the needs of modern retailers.

8.13 Further to this, the applicant has undertaken a Retail Statement to assess the need for the development, in accordance with PPS6, at the request of the Council, following objections raised by the public. The assessment identifies that whilst the Roman Road district centre offers a range of goods and services, together with a street market; its role is undermined by the lack of a good supermarket, a high vacancy rate and a lack of national multiples. In the wider area there are no major food stores, and residents are forced to travel significant distances to undertake their main food shop. Given the current lack of a supermarket within the Roman Road district centre, there is a clear need for such a facility, in order for the centre to fulfil its role.

8.14 The loss of the former supermarket building has had a detrimental effect on local retail provision and viability in the Roman Road district centre. The Central Area Action Plan (issues and options paper) which was consulted on in April 2007, states that the Roman

Road East district centre is one of the key centres suffering from decline, particularly following the loss of its anchor foodstore. It notes that the local community would like to see another large retail provider operating in the centre as soon as possible.

- 8.15 The applicant has identified that the proposed development will generate approximately 149 new jobs in this area which will contribute to the growth and diversification of the local economy and act as a catalyst in the ongoing regeneration of this area, as sought by London Plan policy 3B.11 and UDP Policy EMP1.
- 8.16 A number of people have raised objection to the scheme where they believe the scheme will have a negative impact on the Roman Road markets and existing shops. The Retail Statement identifies that the market stall operators occupy a different role in the provision of convenience goods. As noted in the Council's Borough-Wide Retail Capacity Study, "*these markets provide a mix of convenience and comparison goods and specialise in ethnic foodstuffs*" and "*ethnic goods including textiles and fabric*" (para 1.193). The statement concludes that they "*sell a different range of niche goods which would be available from the proposed foodstore and are therefore unlikely to be directly impacted by it*". Further, the Statement suggests that the district centre may experience spin-off benefits as a result of the potential to promote 'linked trips'.
- 8.18 Where the development replaces an existing supermarket which forms a fundamental part of the regeneration of Roman Road district shopping centre, providing a valuable contribution towards local and strategic employment, retail and residential objectives, the scheme is considered acceptable in line with national, regional and local planning policies.

#### Density

- 8.19 The Site has a net residential area of approximately 0.75 hectares. The scheme is proposing 208 units or 614 habitable rooms. The proposed residential accommodation would result in a density of approximately 277 units per hectare and 819 habitable rooms per hectare (hr/ha).
- 8.20 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.
- 8.21 The applicant has stated that the site has a public transport accessibility level, or PTAL, of three. However, TFL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 250 to 450 habitable rooms per hectare for sites with a PTAL range of 2 to 3. The proposed density is therefore significantly higher than the GLA guidance and would appear, in general numerical terms, to be an overdevelopment of the site.
- 8.22 However, the density matrix within the London Plan and Council's IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.
- 8.23 Moreover, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Loss of privacy and outlook;
  - Small unit sizes

- Lack of open space and amenity space;
- Increased sense of enclosure;
- Increased traffic generation; and
- Impacts on social and physical infrastructure;

These issues are all considered in detail later in the report and were considered on balance to be acceptable.

8.24 Policies 3A.1, 3A.2 and 3A.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.

8.25 On review of these issues, a high density mixed use development is justified in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The proposal is of a high design quality and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education, town centre, public realm and open space improvements, have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with moderate access to public transport services, open space, town centre and other local facilities, whilst also providing a generous provision of retail space on site.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan. Also, a section 106 agreement will be implemented to prohibit any overspill parking from the residential development as well as monitor and mitigate any potential impact on TV reception.

## Housing

### **Affordable Housing**

8.26 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable.

8.27 Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.28 The proposal makes provision for 35% affordable housing by habitable rooms and as such

complies with Council policy.

Social Rented/ Intermediate Ratio

- 8.29 Against London Plan policy 3A.9 the GLA's affordable housing target is that 70% should be social rented housing and 30% should be intermediate rent.
- 8.30 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. A summary of the affordable housing social rented/ intermediate split is provided below:
- 8.31 The proposal provides 35% habitable rooms as affordable housing, which meets the Council's minimum target; 70% of those are for affordable social rented accommodation and 30% for intermediate housing. However the scheme meets the London Plan target of 70% of the affordable being for rent, and is therefore, on balance, acceptable.

Housing Mix

- 8.32 The scheme is proposing a total of 208 residential units.
- 8.33 Paragraph 20 of Planning Policy Statement 3 states that
- “key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.*
- 8.34 Pursuant to policy 3A.5 of the London Plan the development should:
- “offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.*
- 8.35 The GLA housing requirements study identified within the Mayor's Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.
- 8.36 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.
- 8.37 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

8.38

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	2			0			0	2	1.5	
1 bed	81	15	37.5	20	7	32	37.5	59	40.5	37.5
2 bed	76	2	5	35	11	50	37.5	63	43	37.5
3 bed	39	13	32.5	30	4	18	25	22	15	25
4 bed	4	4	10	10	0					
5 Bed	6	6	15	5	0					
<b>TOTAL</b>	<b>208</b>	<b>40</b>	<b>100</b>	<b>100</b>	<b>22</b>	<b>100</b>	<b>100</b>	<b>146</b>	<b>100</b>	<b>100</b>

8.39 The Council's Interim Planning Guidance requires 45% of social rented units to be suitable for family accommodation (3 bed or more). The proposal provides 58% family accommodation by unit numbers. The proposed development therefore exceeds the policy requirement of HSG 2 'Housing Mix'.

8.40 The Housing Department also finds the level of family accommodation in the intermediate housing mix (22%) and market housing mix (15%) to be acceptable. The resultant overall unit mix of approximately 24% family housing is also considered acceptable.

8.41 It is to be noted that the scheme also exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Tenure	Borough wide %	PA/09/203 %
<b>Social rented</b>	<b>21.7%</b>	<b>58%</b>
<b>Intermediate</b>	<b>9.7</b>	<b>18%</b>
<b>Market</b>	<b>1.7</b>	<b>15%</b>
<b>Total</b>	<b>6.8</b>	<b>24%</b>

8.43 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan, UDP and the Interim Planning Guidance in creating a mixed and balanced community.

### Design

8.44 The site is on the edge of Roman Road Conservation Area and behind Grade II listed Passmore Edwards Public Library. Gladstone Place forms punctuation along Roman Road street market and is home to the Bow Ideas Store. Conservation Area boundaries include the two storey terrace along Cardigan Road, which is the eastern edge of the application site. Building heights within the Conservation Area are consistent between 2-3 storeys and

rise towards the south with post-war modern housing estates. However, immediately to the west of the site is the Bow Neighbourhood Office/Ideas Store which comprises a modern, four/five storey red brick building and just beyond this is Brodick House; a 22 storey residential block.

- 8.45 There is objection to the proposed development where the residents are of the opinion that the proposed buildings do not reflect the scale or character of the surrounding area. However, the Council's Development and Renewal Department are of the opinion that the buildings height, scale, bulk and quality of design are appropriate for this location. This opinion is examined in detail below.

#### Bulk and Massing

- 8.46 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.47 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.48 Following concerns raised by the public over the height and bulk of the development, as well as officers original concerns over the impact on Cardigan Road terrace, the applicant has sought to address this by re-designing the eastern, western and southern elevations of the scheme, reducing its mass (in particular to blocks C and D) and amending elevation detailing by omitting projected balconies where possible. The general distribution of bulk and massing is now considered acceptable.
- 8.49 Objections to the scheme suggest that the scheme is a gated community. It must be noted that the podium play space area above the car park is not required by policy to be publicly accessible in accordance with private and communal amenity space requirements. Also, this design responds well to the constraints of the site, and in providing car parking space, to meet the needs of the residents and users of the retail space. Further, the proposed layout will provide better accessibility and safety for pedestrians, where the north - south and east west routes are to be improved and a series of plazas provided, that include public child play space.
- 8.50 Along Cardigan and Anglo Roads, the development will define the street edge with four/ five storey residential accommodation, including appropriate setbacks at the higher levels. When viewed from Roman Road, the proposed massing will generate sufficient interest with minimal impact on the setting of the Listed Building. With choice of sympathetic materials, brickwork and well proportioned windows; it will achieve adequate transition in character. Use of materials will be conditioned appropriately.
- 8.51 By re-introducing active retail at ground floor, Gladstone Place and Gladstone Walk will receive a fresh lease of life and has the potential to become a successful place. Further, the alignment of building E with Cruden House, including defined entrances, fits well within the context. Blocks A, B, C, D and E are generally well designed with appropriately sized units.
- 8.52 The site will continue to be serviced from Cardigan Road for proposed retail at ground floor and parking spaces. Whilst objections have been received over the lack of active frontage, this location is the only viable vehicular access point for the site, with limited impact on the

surroundings. With careful site management and articulation of ground floor gates, green wall and residential entrances; any impact on existing houses should be mitigated. The quality of external finishes and detailing is critical in ensuring promised design quality. Also, proposed CCTV and dedicated security point adjacent the car park entrance should mitigate the anti-social behaviour concerns along this frontage as raised by the public.

- 8.53 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context. The development presents a good opportunity to reinvigorate Gladstone Place and the Roman Road district centre. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

#### Tall Building

- 8.54 The London Plan defines a tall building as one that is significantly taller than their surroundings, has a significant impact on the skyline and is larger than the threshold sizes for the referral of planning applications to the mayor.
- 8.55 The IPG defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings, dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the London Plan and the IPG since the development was not referable to the mayor under the tall building criteria. Whilst the proposed development exceeds the height of the existing commercial development on the site, the majority of the development is between 5 and 6 storeys, apart from building A which is 10 storeys. There are buildings up to 4 storeys adjacent to the development to the north, south and west and a 22 storey building adjacent to the site to the west (Brodict House)
- 8.56 Notwithstanding, the development has been assessed against the tall building policies within the IPG given the concerns raised by the public. CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.57 The site is not within an identified tall building cluster. The design quality of the development will create a landmark that has the potential to act as a catalyst for the regeneration of the surrounding area. The height of Block A reflects the larger grain development to the west of the site. Also, the height of the building would guide legibility along Roman Road where the site will be an anchor for economic activity in the area.
- 8.58 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfies the relevant policy criteria as follows:
- The design is sensitive to the local and wider context.
  - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and public realm provision.
  - The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005). Nonetheless, the building is considered to provide an appropriate contribution to the skyline.

- Visually integrated into the streetscape and the surrounding area as a landmark building.
- Presents a human scaled development at the street level.
- Respects the local character and seeks to incorporate and reflect elements of local distinctiveness.
- On balance, there will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
- Incorporates principles of inclusive design.
- The site is located in an area with relatively good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses and public realm.
- The scheme would conform to Civil Aviation requirements.
- Whilst a TV reception report was not submitted, a s106 agreement will be secured to monitor and mitigate any impacts upon TV reception.

8.59 The Council's Design and Conservation Officer considers the proposal to be acceptable in terms of building height. Further, English Heritage raised no objection to the scheme.

8.60 On balance, in accordance with London Plan and the IPG, the proposal scores merit for its response to the context, evolution of form, distinct character, high design quality and generous public realm. The height of the building is therefore considered to be acceptable.

#### Built Heritage

8.61 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.62 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy CON1[1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.63 As mentioned earlier in this report, no part of the development is located in a conservation area. However, the site is adjacent to the Roman Road conservation area and the Grade II listed Passmore Edwards Public Library.

8.64 Notwithstanding, English Heritage has raised no objection to the proposal.

8.65 Also, the Councils Design and Conservation team has advised that the proposal would enhance the character of the Conservation Area along Roman Road and Gladstone Place in contrast to the existing development upon the site. The affect on Cardigan Road is



considered moderate; however, this can be mitigated at the detailed design stage for its external appearance. As mentioned earlier, the use of materials will be conditioned appropriately.

- 8.66 The proposal is therefore considered to be appropriate in accordance with PPG15, the London Plan and the IPG.

Amenity/Open Space

- 8.67 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

<b>Tenure</b>	<b>Proposed</b>	<b>SPG Requirement</b>	<b>Total (m<sup>2</sup>)</b>
Family Units	49	50sqm of private space per family unit	2450
Non-family units	159	50sqm plus an additional 5sqm per 5 non-family units;	209
Child Bed spaces	93	3sq.m per child bed space	279
<b>Total</b>	<b>208</b>		<b>2938</b>

- 8.69 Following is an assessment against the residential amenity space requirements under policy HSG7 of the Interim Planning Guidance (Oct 2007)

<b>Units</b>	<b>Total</b>	<b>Minimum Standard (sq.m)</b>	<b>Required Provision (sq.m)</b>
Studio	2	6	12
1 Bed	81	6	486
2 Bed	76	10	760
3 Bed	30	10	300
4 Bed	4	10	40
<b>TOTAL</b>	<b>193</b>		<b>1598</b>
<b>Ground Floor Units</b>			
3 Bed	9	50	450
5 Bed	6	50	300
<b>Total</b>	<b>15</b>		<b>750</b>
<b>Grand Total</b>	<b>208</b>		<b>2348</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>248</b> (50sq.m plus 198sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>2596sqm</b>

- 8.71 In total, the proposed development will provide 1,101sqm of communal amenity space and 2,131sqm of private amenity space within the site. It will also provide 986sqm enhanced public realm within the site boundary and 1,157sqm beyond the site boundary as a s106 contribution. In total, the development will provide 3,232sqm of private and communal amenity space and 2,143sqm of enhanced public realm.

- 8.72 The enhanced public realm will include a widened, hard landscaped pedestrian link

between Gladstone Place and Vernon Road, and improved connections to the north of the proposed supermarket along Gladstone Walk and to the north and south of building E. The public realm will be integrated with the proposed pocket park within the south western corner of the site. The area at podium level above the proposed parking area and supermarket will form a private and communal courtyard space, including private gardens, children's play space and a soft communal amenity area.

- 8.73 All of the proposed residential units, with the exception of a limited number of 1 bed apartments, will be served by private amenity space in the form of private gardens or balconies.
- 8.74 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site, including Victoria Park (approximately 400 to 500 metres to the north) and Mile End Park (approximately 750 metres to the west).
- 8.75 Taking account of the site's urban, district centre location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG, despite objections raised by the community.

#### *Child Play Space*

- 8.76 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. The applicant has not submitted an estimated child occupancy rate. Using the methodology within the Mayors SPG, this development will be home to 93 children (being 36 under 5 year olds; 35, 5 to 11 year olds; and 22, 12 to 16 year olds).
- 8.77 Using the Council's methodology for calculating child play space, the scheme will be home to 60 children. The methodology for this calculation is inline with the Council's capacity study for education. As this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.78 Whilst both the UDP Residential Standards SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 930sq.m recreation space.
- 8.79 The applicant has stated that 48sq.m of play space and 1,134 sq.m amenity space will be provided within the development. Two courtyard spaces are proposed in addition to communal space provided on the roof space of blocks B and D. This is in addition to a 232sq.m publicly accessible pocket park that is being provided by the development. The spaces have been designed so as to provide passive and active areas and amount to 1,414sq.m of play and recreational space.
- 8.80 The children's play space within the development will be designed for children under six and will include equipment such as climbing frame, sand pit and educational fixed toys. The passive spaces will include grassed area with seating. Whilst the applicant has indicated materials to be used and demonstrated on the plan the design of the courtyard spaces, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.81 The pocket park will act as a community facility, and will also provide play space for children

from the development up to 12 years old. By using more adventurous equipment, including climbing walls and a tree play fort.

- 8.82 Whilst specific facilities are provided for 0 – 5s and 6 – 11s age groups, the applicant has provided no details on provision for the 12 – 16 year olds.
- 8.83 With reference to facilities to be provided for 12-16 year olds, the parks department advised that they are proposing to provide a range of play facilities for children and young people within Victoria Park. In particular, they propose to locate new play facilities on the south side of the park near the bridges across the Canal which will provide adventure play facilities for older children, particularly for the 12 to 16 year old age group. In addition, they are intending to provide an adventure play trail to provide fun, challenge and exercise for this age group within the park.
- 8.84 The parks department has advised that there is a deficiency in appropriate play facilities for this age group and for older children in the north-east part of the Borough at present. As such, S106 funding to build and expand these facilities on the south-east side of Victoria Park is required.
- 8.85 Given that the viability of the proposed development is finely balanced, the planning department has determined that £50,000 from the previously identified S106 package should be diverted from the proposed Roman Road regeneration contribution towards the provision of these off-site play spaces. The applicant has agreed to this approach.
- 8.86 The proposal before the members to redistribute contributions towards child play space is considered to comply with both London Plan and Council policies.

#### *Summary*

- 8.87 It is clear that the open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Whilst not all of the units are provided with private amenity space, the development provides significant communal open space. The applicant is also proposing to improve public realm, including a new pocket park. The proposed child play space is also considered to comply with relevant national and local policies and guidance.
- 8.88 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate and adverse impact upon the surrounding open space areas.

#### Accessibility and Inclusive Design

- 8.89 The access statement indicates that 10% of the units will be wheelchair accessible in accordance with Council policy. The scheme should be conditioned appropriately to ensure that this is provided for. The scheme has also been conditioned to ensure the proposed disabled parking spaces are provided and maintained.
- 8.90 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.

#### Safety and Security

- 8.91 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.

- 8.92 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments. The scheme will also be conditioned appropriately to ensure a number of proposed mitigation measures are implemented in consultation with the Metropolitan Police.

## **Amenity**

### Daylight /Sunlight Access

- 8.93 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.94 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.95 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.96 The following properties were assessed for daylight and sunlight, particularly in response to objections received and where they are considered to represent worst case scenarios:
- No. 568a Roman Road (Emerson Building) to the north;
  - No's 36 to 60 Cardigan Road to the east;
  - 1 to 10 Dornoch House and Lord Cardigan Public House to the south; and
  - 11 to 16 Cruden House and Brodick House to the west.
- 8.97 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).
1. Daylight Assessment
- 8.98 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.99 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.100 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.

*a. Daylight Results: Impacts on Neighbouring Properties*

- 8.101 Overall, of the 109 windows assessed, 62 will comply with the VSC target levels. Given that a number of neighbouring windows will receive VSC levels below the relevant BRE target levels, ADF calculations have been undertaken. It is important to reiterate that the calculation of ADF provides a more rigorous and accurate assessment of the level of daylight received by a room than the calculation of VSC as it takes account of the size and reflectance of a room's surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s)
- 8.102 The ADF results show that 92 of the 105 rooms assessed (not including Brodick House) will comply with the respective BRE target levels (87% compliance). The rooms assessed that will receive interior daylight levels below the BRE guide levels represent isolated rooms within No.568a Roman Road (3 rooms) and Dornoch House (10 rooms). In the case of the majority of these rooms, the breach of the guide is marginal and not sufficient to realistically sustain a refusal. The majority of these rooms are kitchens and are within 0.5% of the respective target level (2%), and comply with the relevant target for living rooms (1.5%). In accordance with advice from Council's sunlight/daylight officer and the site's urban context, this impact on balance is considered acceptable.
- 8.103 Objections have been raised from residents of Dennis House to the north of Roman Road. However given the separation distance of approximately 50 metres, any impact is considered to be minimal and not requiring a detailed analysis.
- 8.104 The impacts of the development on the northernmost, east-facing ground floor level window within Brodick House that will be most affected by the development was assessed. This window represents the worst case scenario and the resultant VSC level resulting from the proposed development would be above the BRE guide level.

*b. Daylight Results: Impacts on Proposed Units*

- 8.105 The results of the interior daylight calculations undertaken for the 588 proposed main rooms and bedrooms within the development, demonstrate that 498 rooms will comply with the respective BRE interior daylight guide levels (85%). The windows that will receive levels of daylight below the BRE guide levels are principally situated beneath balconies, which in themselves have high amenity value.

2. Sunlight Assessment

- 8.106 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south.

*a. Sunlight Results: Impacts on Neighbouring Properties*

- 8.107 The results of the sunlight assessment demonstrate that all 53 of the south-facing neighbouring windows assessed will comply with the BRE annual sunlight guide levels (100% compliance). In addition, 49 of the 53 windows will comply with the BRE winter sunlight guide levels (92% compliance). Those that don't comply but one would be within 2% of the guide level.

*b. Sunlight Results: Impacts on Proposed Units*

- 8.108 The sunlight results for the 356 south-facing windows serving main rooms/bedrooms within the proposed units demonstrate that 216 windows will comply with the BRE annual and

winter sunlight guide levels (61% compliance). The windows that will receive levels of sunlight below the BRE guide levels are generally either situated directly beneath balconies or are at a low level overlooking the courtyard.

- 8.109 On balance, it is acknowledged that there will be a loss of daylight/sunlight to both proposed units on site and to a small number of existing neighbouring buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.110 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

*(c) Shadow Analysis*

- 8.111 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.
- 8.112 The applicants assessment confirms that the amenity areas surrounding the site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. Similarly, whilst objections have been received regarding the impact upon surrounding residential gardens, the applicants assessment shows that no garden will experience permanent shadow beyond the permitted limits indicated within the BRE guideline.
- 8.113 The assessment also considers the impacts upon the proposed areas of amenity space, including the public realm, podium deck, pocket park and the ground floor/ podium private garden areas. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area, as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

Privacy/ Overlooking

- 8.114 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The particular sites that may be impacted upon are addressed below. The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.115 • No. 568a Roman Road to the north

The positions of the windows in the north elevation facing No. 568a Roman Road have

been adjusted to ensure the opposing windows are offset and an instep in the face has been provided to ensure a setback distance of approximately 15 to 18 metres. Separation distances such as these are not uncommon in urban settings and are considered appropriate in this instance.

- 8.116 • No's 36 to 60 Cardigan Road to the east

The minimum separation distance between the eastern elevation and these neighbouring dwellings is a minimum of approximately 16m. The separation distance is generally in compliance with policy guidance and, in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.117 • Lord Cardigan Public House to the south

The minimum separation distance between the southern elevation of the development and the Lord Cardigan Public House is approximately 15m. It is understood that the first floor level of the public house is used for ancillary accommodation and is therefore considered to be commercial in type. As such, these rooms are not considered as habitable in line with Council policy. The 18m policy guidance therefore does not apply.

- 8.118 • 1 to 10 Dornoch House to the south

The minimum separation distance between the southern elevation and these neighbouring dwellings is approximately 17m. The separation distance is generally in compliance with policy guidance and in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.119 • 11 to 16 Cruden House to the west

There is a separation distance of approximately 23 metres between adjacent habitable windows. The separation distance exceeds the policy direction and is therefore considered acceptable.

- 8.120 • Impact of the development upon itself

The separation distance between windows within Block E is below the guideline distance, at approximately 16 metres. The opposing windows however have been offset to prevent direct overlooking and are therefore considered acceptable.

- 8.121 The separation distance between windows within Blocks A and E is below the guideline distance at approximately 14 metres. The only windows of concern are on levels 1 and 2. However, these are generally offset to prevent direct overlooking and are on balance considered acceptable.

#### Sense of Enclosure/ Loss of Outlook

- 8.122 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to

be sustainable.

#### Wind/ Microclimate

- 8.123 Members of the public have concerns regarding the potential impacts that may arise from wind. The applicant has not undertaken a Wind Assessment. Notwithstanding, potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme.
- 8.124 As mentioned above, the scheme is not considered to be a tall building. The GLA stage 1 report does not assess the development against the tall building policies, which must consider wind impacts. Further, there is no objection from the GLA regarding the height of the scheme or any impacts caused by wind. It is acknowledged that most developments that intensify the existing situation would materially affect the wind environment. However, any wind impacts caused by this development are considered to be appropriate for the scale of this development. Notwithstanding this, to address the public concern, the landscape condition should consider the resultant wind environment to the public realm.

#### Noise and Vibration

- 8.125 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.126 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.127 A supplementary noise assessment was submitted which considers impacts upon the surrounding environment during the construction phase and the operation phase. The main noise sources of concern would typically be as follows:
- Construction
  - Deliveries to the store
  - Service yard activity at the store
  - Car park activity associated with the store and the residential car park
  - Fixed plant associated with the store.
- 8.128 The Council's noise officer found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction and operation hours, delivery, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.
- 8.129 The applicant has advised that service vehicles (maximum size 16.5m articulated) will approach the service bay by driving north up Cardigan Road and turning left into the bay. The service bay doors will open as the lorry makes its approach and be closed once it is inside the service area and before any unloading has commenced.
- 8.130 The specification of the service bay doors will be defined during the detail design process. However, it is proposed that acoustically treated doors such as the Kone Insulated Roller shutter will be used for both service bay doors. As well as reducing acoustic transmittance, the doors have seals designed to dampen the rattling noise commonly associated with



roller shutter doors. Unloading will then take place within a fully enclosed and acoustically sealed enclosure.

- 8.131 For operational and safety reasons, access to the public and private car-parks at ground and basement level will be temporarily suspended whilst service vehicles are entering the loading bay. This will encourage service vehicles to promptly enter the service bay and the shutters to be closed before parking can resume.
- 8.132 Once unloading has finished the northern service doors will be opened, allowing vehicles to exit back onto Cardigan Road. On non-market days (Monday, Wednesday, Friday & Sunday) articulated lorries will exit north along Cardigan Road, turning left into Roman Road. Smaller vehicles may choose either to exit north or turn right on exiting the service bay and proceed south down Cardigan Road. On Market days all service vehicles – including articulated vehicles will exit right from the service bay turning to exit south on Cardigan Road. Vehicle tracking diagrams showing how this manoeuvre can be accommodated within the existing constraints of Cardigan Road were included within the transport assessment.
- 8.133 The Noise Impact Assessment submitted with the application contained detailed information regarding the anticipated noise reduction achieved by the proposed enclosed service bay, in contrast to the noise levels that would have occurred with the existing 'open' arrangement. In summary, continuous noise levels associated with unloading activity in the covered service yard will be reduced by 36% in comparison with the current open yard arrangement. Sudden or impact noise (e.g. dropped tailgate etc) will be similarly reduced under the new arrangement.
- 8.134 These figures do not take into account the introduction of specific additional noise reduction measures comprising the acoustic roller shutter described above. It is anticipated that these will enhance noise reduction by a further 20% above the conditions resulting from the operation of the existing service bay in its existing.
- 8.135 In addition, the delivery hours for the previous supermarket were restricted as follows:
- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of the permission.
  - In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate times.
- 8.136 LBTH Environmental Health Department identified more extensive delivery hours in considering the applicants noise report. However, given the residential nature of the surrounding environment and the previous planning approval history for the site as a supermarket, the applicant has agreed to operate the store in accordance with the previously approved delivery hours. Also, the applicant has agreed to enter into a s106 agreement to exclude delivery traffic from the locality of the store until the appropriate times.

#### Air Quality

- 8.137 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department.
- 8.138 In order to mitigate any potential impacts and to address concerns raised by the public, a

Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase, including dust mitigation measures.

- 8.139 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed by condition via a travel plan.

## **Highways**

### Access

- 8.140 The proposed development is bounded by Anglo Road, Cardigan Road and Gladstone Place. Cardigan Road, the main frontage to the site, is not well connected to the Transport for London Road Network (TLRN) as the A12 East Cross Route is 650m east and the A11 Bow Road 1000m south. The nearest section of the Strategic Road Network (SRN) is the A110 High Street, terminating at Bow Interchange, 1500m east of the site. Roman Road is part of the London Cycle Network but the route does not connect directly to the site. There are 3 bus routes within a 285m walk from the site; routes 8, 339 and S2. Bow Road Underground and Bow Church DLR stations are approximately 951m and 958m respectively south from the proposed development.
- 8.141 The public have raised objection to the impact of the scheme upon the transport system in the area. Whilst the applicants transport assessment identifies the site as having a PTAL score of three, TFL has advised that the site has a PTAL score of two. Notwithstanding, the accessibility level and current service is considered to be acceptable for the proposed development, particularly given the proximity of the development to the town centre and the proposed supermarket on the site.
- 8.142 Also, the public have raised objection to increased congestion within the surrounding streets. The LBTH highways department did not object to the scheme on these grounds, particularly given the existing trips generated by the existing use of the site as a car park and the previous retail development.
- 8.143 The public also objected to the scheme based on the impact of the development upon the accessibility of Cardigan Road from Roman Road. The applicant provided turning circle diagrams for this junction showing acceptable movement which neither TFL nor the Highways department have objected to.
- 8.144 Residents have raised concern regarding impacts associated with the construction traffic. As such, the scheme has been conditioned to provide an Environmental Construction Management Plan to mitigate any potential impacts.

### Parking

#### *Car parking*

- 8.145 The proposed car parking provision is 104 spaces which represents a reduction from the 140 spaces on site at present. 72 spaces will be for residential parking whilst a further two space will be used as car club spaces (this represents a parking ratio of 0.35 which is well below the maximum standard). The allocated residential spaces will include 7 disabled spaces.
- 8.146 The remaining 30 spaces are pay and display for the retail elements of the scheme, including 4 disabled spaces). A further 10 residential and 4 commercial motorcycle spaces

have been provided at the request of the LBTH Highways department.

- 8.147 The public have raised concern that the scheme provides insufficient parking spaces and as such, there will be an overspill from the development upon the surrounding street. Both TFL and the LBTH Highways Department have found the car parking provision for the residential and commercial elements of the scheme to be policy compliant. It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.
- 8.148 Also, the public are concerned that the removal of the existing car parking (ex-Safeway site) will have an impact on the success of the Roman Road markets. It must be noted that the existing car park was approved ancillary to the operation of the supermarket. It has been mentioned earlier in this report that the success of the district centre is dependant on the provision of a supermarket in this area. TFL has confirmed that the number of car parking spaces proposed for the commercial premises is acceptable.

#### *Cycle Parking*

- 8.149 Planned provision of 1 cycle parking space per residential unit complies with TfL's and the Council's cycle parking standards. The 21 spaces proposed for the commercial element of the scheme also meet the levels required (229 spaces in total). It is supported that the cycle parking will be secure and covered. The public has raised concern that the cycle parking areas will encourage thieves in this area. TFL have requested that the cycle parking spaces be covered by CCTV to discourage thieves. As such, to address TfL's comments and to address public concerns, the scheme should be conditioned appropriately.

#### *Taxi pick up/drop off area*

- 8.150 It is proposed that shoppers will exit the supermarket onto the new Gladstone Walk, which runs in an east-west direction along the northern boundary of the site. This position is roughly equidistant between Roman Road to the north and Cardigan Place to the east. With the market making Roman Road inaccessible to cars on 3 days of the week, a taxi rank position north of Gladstone Place has been discounted. This leaves the north end of Cardigan Road as the most viable location. Anglo and Vernon Road had previously been discounted due to the greater distance from the supermarket and the quieter nature of these streets.
- 8.151 Analysis has been undertaken of the current parking conditions on Cardigan Road. Currently there are double yellow lines located on the western side of Cardigan Road and to the north of Gladstone Walk. Further to this analysis, the applicant has had discussions with the Council's highways department and parking services who have confirmed that the double yellow lines are to remain in place.
- 8.152 Transport for London's Public Carriage Office (PCO) notice 44/06 confirms that Taxi's are permitted to drop-off and pick-up clients on double yellow lines if they do not impede the free flow of traffic or cause a safety hazard. Therefore the length of double yellow lines on the western side of Cardigan Road and north of Gladstone Walk may be used for taxi pickup/ drop-off. Utilising the existing double yellow lines in this location rather than creating a dedicated taxi-bay, will retain flexibility, add no additional parked cars on Cardigan Road and remove the need for further alterations to existing parking controls. The applicants transport consultant has also confirmed that there is adequate space on Cardigan Road for a taxi to turn on days when the market is active and exit south.

### Servicing and Refuse Provisions

- 8.153 Currently the site has two vehicular accesses onto Cardigan Road: One for the car parking and one for service vehicles. The car park access will be retained for the new development proposal and merged into a combined access for residents, visitors, delivery and service vehicles. The access will be widened to allow a private access into the basement car park for residents, and an opening into the pay and display parking area for shoppers.
- 8.154 As stated, delivery vehicles will also share this entrance with residents and visitors. Delivery vehicles will enter through this entrance, drive into an enclosed delivery area, service the site and then leave through a second exit onto Cardigan Road. A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.155 A condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.156 Provision for the storage of refuse for the residential and non-residential uses has been provided for. Amendments to the scheme have been made at the request of LBTH cleansing department to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and the introduction of managed refuse collection point for Blocks A and E. Objection has been raised by the public over any proposed loss of existing parking spaces on adjacent roads to meet servicing requirements. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. The Council's parking services has raised no objection to this proposal subject to a Traffic Management Order. It is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities is provided.

### **Other**

#### Biodiversity

- 8.157 Objection has been raised over the proposed removal of two existing trees along Anglo Street. The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The existing trees are not protected by a tree preservation order. Notwithstanding, the applicant is proposing to retain a number of the existing trees along the north-south public realm route. The scheme will be conditioned to include native species in the landscaping scheme, also, requiring the creation of brown/green roofs.

#### Flooding/ Water Resources

- 8.158 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.159 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

### Archaeology

- 8.160 PPG16 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Whilst the site is located within an Archaeological Priority Zone as specified within the UDP and the IPG, English Heritage is happy to accept appropriate conditioning of the scheme where planning approval is granted.

### Sustainability

- 8.161 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.162 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.163 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, GLA and objections made by the public the proposal has been revised as follows.
1. The proposed passive design and energy efficiency measures will represent a 5% reduction in the Building Emission Rate, for both the residential and retail schemes
  2. A single energy centre is proposed with a designated plant area within the basement area of the main block. This is detailed on the architectural drawings within the planning submission. A woodchip delivery pit will also be provided within the retail loading bay above to allow for biomass deliveries.
  3. A gas fired CHP system is now proposed to act as the lead boiler which has been sized to meet the domestic hot water load, the system has been provisionally sized to 80 kW<sub>e</sub> in conjunction with substantial thermal storage to cater for the predicted steady-state residential domestic hot water base load and should be able to provide a minimum 10% CO<sub>2</sub> reduction across the development, compared to a standard Part L compliant scheme.
  4. A woodchip biomass boiler is proposed to meet the renewable energy target and will be sized to operate during the heating season to provide heat which should further reduce the scheme's carbon emissions by approximately 15%. The size of the biomass boiler will be in the region of 200-300kW, dependent on detailed design analysis. During heating peaks the natural gas condensing boilers will fire to meet the maximum demand
  5. The original scheme proposed 35% of the residential elements of the scheme (affordable units) will achieve a Code Level 3 – Code for Sustainable Homes. To comply with the Sustainable Design and Construction policies set out in the London Plan and the LBTH Interim Planning Guidance an assessment against the Mayors sustainable Design and Construction SPG has been completed and the scheme will be extended to meet Code Level 3 – Code for Sustainable Homes for all of the residential units. The financial implication of this is yet to be assessed and shall be completed at the detailed design stage, if there are no financial implications affecting the viability of the scheme than the whole residential development shall meet Code Level 3.
- 8.164 Since the energy strategy for this development has been revised, the Council's Energy Efficiency Unit confirms that it now complies with the energy efficiency, renewable energy

and sustainable design and construction policies set out in the London Plan and LBTH IPG.

- 8.165 Whilst final comments have not yet been received from the GLA on the amended energy strategy, pursuant to the Energy Efficiency Unit's advice, the proposal is acceptable subject to conditions to provide the design details before the commencement of the development.

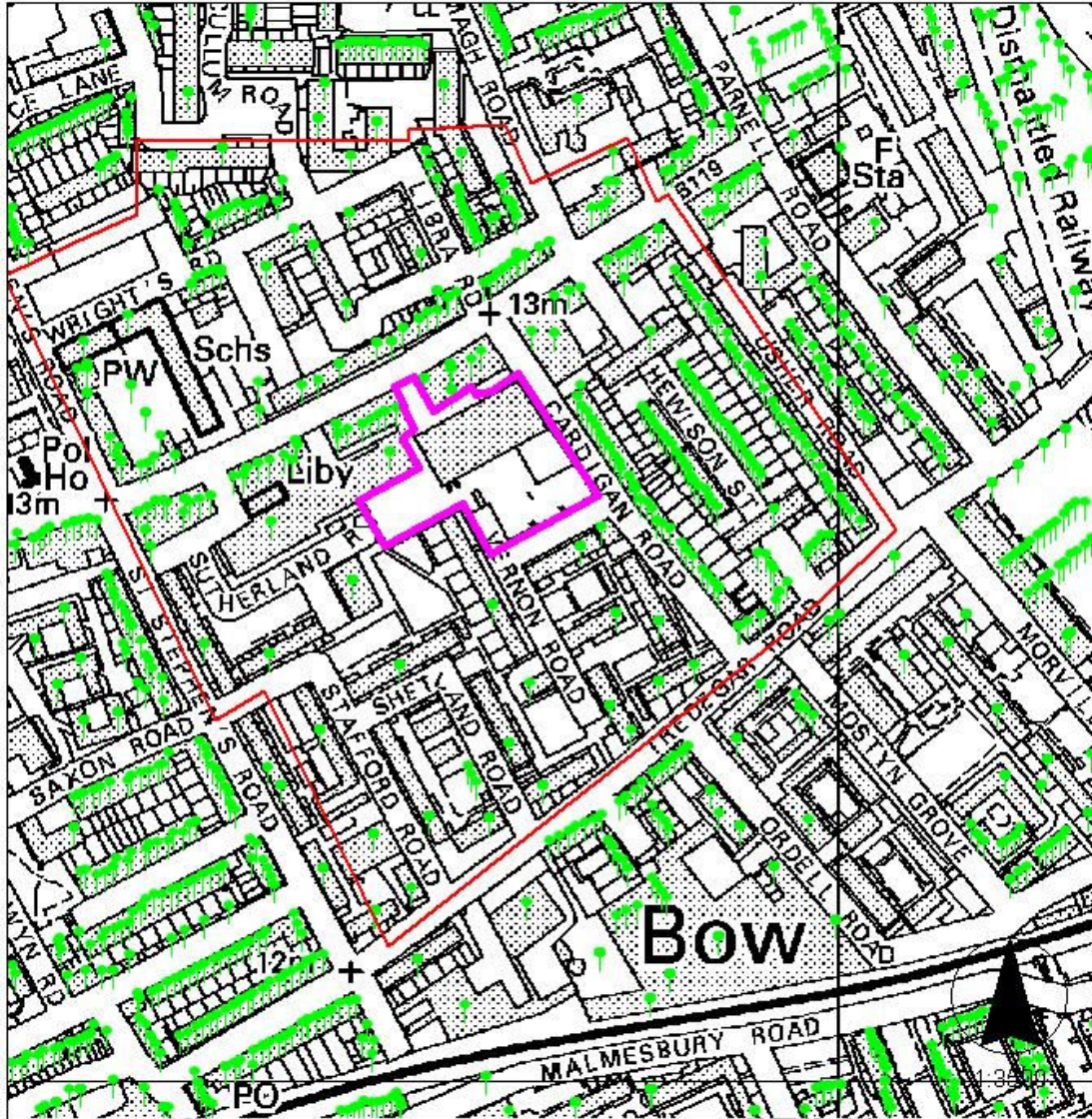
#### Environmental Impact Assessment

- 8.166 The Council considers that the proposed development does not require an Environmental Impact Assessment (EIA). The proposed development does not fall within Schedule 1 of the EIA Regulations. The proposal development is an 'Urban Development Project' within paragraph 10(b) of the EIA Regulations: the site area (0.758ha) exceeds 0.5ha.
- 8.167 The Council does not consider that the proposed development is EIA development because it is not considered that the proposed development is likely to have significant effects by virtue of factors such as its nature size or location.
- 8.168 In reaching this conclusion the Council has applied the selection criteria set out in Schedule 3 of the EIA Regulations and considered the characteristics of the development, Location of the development and characteristics of the potential impact, including those factors set out within that Schedule.
- 8.169 The Council has also taken into account Circular 02/99 paragraphs 43-44 and Annexe A, paragraphs A18 and A19, Indicative Thresholds and Criteria for Identification of Schedule 2 Development Requiring EIA.
- 8.170 No part of the proposed development is to be carried out in a sensitive area as defined under the EIA Regulations.
- 8.171 Taking account of all potentially significant effects including cumulative impacts; the Council has judged that the following most sensitive aspects of the development; intensification of development, historic environment, air quality, noise, daylight/sunlight, traffic, waste and construction generally.
- 8.172 The above factors are considered to be the primary sources of likely environmental impacts of the proposed development. The likely impacts are not of a size, or in a location, nor do they have characteristics, which would lead us in this case to determine them as significant and the Council judged that the proposed development is not likely to give rise to significant environmental effects.

### **9. Conclusions**

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

## Site Map



### Legend

- Planning Application Site Boundary
- Consultation Area
- Land Parcel Address

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