

<b>Committee:</b> Strategic Development	<b>Date:</b> 2 <sup>nd</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.4
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Richard Murrell	<b>Ref No:</b> PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent)
	<b>Ward:</b> Mile End East

## 1. APPLICATION DETAILS

**Location:** The Eric and Treby Estates, Treby Street, Mile End, London.

**Existing Use:** Housing estate

**Proposal:** Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.

**Drawing Nos/Documents:** Drawing Numbers:  
Site Plans - P0/01 REV F, P0/02, P0/03 REVB, P0/04 REVB, P0/05 REVF, P0/06 REVC, P0/07 REVA, P0/08 REVA, P0/09 REVC, P0/10 REVB, P0/11 REVB, P0/12 REVC, P0/14 REVB, P0/15 REVD, P0/16 REVD, P0/17 REVC, P0/18 REVC, P0/19 REVC, P0/20, P0/21, P0/22 REVB, P0/25, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P030 REVC, P0/31 REVC, P0/32 REVB, P0/33 REVC, P0/34 REVC Site 1 - P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REVC, P1/06 REVB, P1/07, P1/08, P1/09, P1/10 Site 2A and 2B - P2/01 REV E, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REV D, P2/06 REV D, P2/07 REV D, P2/08 REV C, P2/09 REVC, P2/10 REV C, P2/11 REVC, P2/12 REV B, P2/13 REV B, P2/14 REVB, P2/15 REV A, P2/16 REV A, P2/17 REV A, P2/18 REVA, P2/19 REV A, P2/20 Site 4 - P4/01 REVC, P4/02 REVC, P4/03 Site 7 - P7/01 REVE, P7/02 REVD, P7/03 REVD, P7/04 REVB Site 8 - P8/01 REVD, P8/02 REVD, P8/03 REVA Site 9 - P9/01 REV C, P9/02 REV C, P9/03 Site 10 - P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07 Site 11 - P11/01 REVC, P11/02 REVD, P11/03 REVC, P11/04 REVC, P11/05 REVD, P11/06 REVD, P11/07 REVA, P11/08 REVA, P11/09 REVA, P11/10 REVA, P11/11 REVA Site 12 - P12/01 REVB, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06 Site 13 - P13/01

REVC, P13/02 REVC, P13/03 REVA Site 14 - P14/01 REVC, P14/02 REVC, P14/03 REVA, P14/04 REVA Site 15 - P15/01 REVD, P15/02 REVD, P15/03 REVD, P15/04 REVD, P15/05 REVD, P15/06 REVC, P15/07 REVC, P15/08 REVC, P15/10 REVA, P15/11 REVA, P15/12 REVA, P15/13 REVA

Supporting Documents:

- Planning and Regeneration Statement (Prepared by Leaside Regeneration dated October 2008)
  - Conservation Statement (Prepared by Leaside Regeneration dated October 2008)
  - Report on the availability of Natural Daylighting and Sunlighting (Prepared by calfordseaden dated October 2008)
  - Report on Daylight and Sunlight (Addendum prepared by calfordseaden dated January 2009)
  - Report on Daylight Availability (Further information prepared by calfordseaden dated March 2009)
  - Environmental Report (Prepared by Herts and Essex Site Investigations dated 7<sup>th</sup> March 2008)
  - Archaeological Assessment (Prepared by Sutton Archaeological Services dated October 2007)
  - Transport Assessment (Prepared by Peter Brett Associates dated September 2008)
  - Lighting Design Proposal (Prepared by David Wood Architects dated 19 September 2008)
  - Energy Statement (Prepared by Whitecode Design Associates dated June 2008)
  - Statement of Community Involvement (Prepared by Leaside Regeneration dated October 2008)
  - Flood Risk Assessment (Prepared by Amec dated - September 2008).
  - Aborigicultural Impact Assessment (Prepared by D F Bionominque Ltd dated 10<sup>th</sup> September 2008)
  - Noise Assessment (Prepared by Enviros Consulting Limited Dated October 2008)
  - Air Quality Assessment (Prepared by Enviros Consulting October 2008)
  - Phase 1 Desk Top Study Report (Prepared by Herts and Essex Site Investigations dated September 2008)
- Applicant: East End Homes Ltd.  
Ownership: Various

**Applicant:**

**Ownership:**

**Historic Building:**

**Conservation Area:**

Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### 2.1 PA/08/02239 – Full Planning Permission

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

- The proposal will facilitate estate wide improvements and bring existing homes up to

Decent Homes Plus standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which support the principle of estate regeneration proposals.

- The proposal would result in an estate with a density of 410 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing (35%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 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.
- On balance the loss of open-space to new built development is acceptable given the priority placed on the estate regeneration objectives, the improvements to existing landscaping and the delivery of affordable housing. The development is therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2, 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.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- The scale, design and detailed architectural design of buildings in, or near, Conservation Areas is considered sensitive to the character of these areas and as such accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.
- The impact of the development on the amenity of neighbours in terms of loss of light,

overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

- It is considered that, on balance, the benefits of the scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Eric and Treby Estate as a whole which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

## 2.2 PA/08/02240 Conservation Area Consent

- The demolition of the existing building on Brokesley Street is acceptable because it does not significantly contribute to the architectural and historic character of the area. As such its removal, and replacement with an acceptable building, would enhance the character of the Tower Hamlets Cemetery Conservation Area and accord with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, IPG policy CON2 advice in PPG15: Planning and the Historic Environment.

## 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

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

### Financial Contributions

- a) Provide a contribution of **£232, 125** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£333, 234** towards the provision of primary school places.

### Non-financial Contributions

c) Affordable Housing (35%)

d) Clause requiring £8.2M (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Eric and Treby Estate to bring existing units up to Decent Homes Plus Standard

e) Car Free Development for all new units

f) Employment Initiatives to use reasonable endeavours to employ local people during

the construction and end user phases of the development.

g) Travel Plan to encourage sustainable travel to and from the development by residents.

h) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

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

#### **Conditions**

1. Time Limit
2. Contaminated land survey
3. Samples / pallet board of all external facing materials
4. Full details of landscaping specifying the use of native species
5. Community Centre (Class D1) provided prior to occupation of 50% of units
6. Construction Management Plan
7. Service Plan Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Control of development works (restricted hours of use for hammer driven piling or impact breaking)
10. All residential accommodation to be completed to lifetimes homes standards
11. At least 10% of homes wheelchair accessible or easily adaptable
12. Design and method statement for foundations to accommodate London Underground Tunnels
13. Noise mitigation measures for proposed dwellings
14. Energy Implementation Strategy for existing units and new build
15. Sustainable Homes Assessment - minimum Code 3
16. Water source control measures implemented in accordance with submitted Flood Risk Assessment
17. Scheme to dispose of foul and surface water
18. Remove PD for new dwellings
19. Restriction on hours of operation of ball court until 9.00pm
20. Detail of enlarged windows
21. Completion of ecological assessment of site
22. Water Infrastructure survey
23. Obscure glazing to rear window of site 14
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. Contact Thames Water
2. Contact Building Control
3. S278 Highways Agreement
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.5 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

## **Conditions**

1. Time Limit
2. No demolition until planning permission granted for replacement buildings. Demolition and rebuild as part of one development.

3.4 That, if within 1 month from the date of any direction by the Mayor the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

### **Proposal**

4.1 The application seeks to facilitate the comprehensive regeneration of the Eric and Treby Estates. The proposal includes:-

- The demolition of 29 existing dwellings
- The erection of 13 buildings between 2 and 7 storeys in height
- The provision of 181 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 40 x 3 bed flats and 9 x 5 bed flats
- 35% of the new units will be designated as affordable housing
- 100% of the new units will be in the social rent tenure
- The provision of a new community centre including external ball court (310 square metres).
- The provision of a new management offices (365 square metres)
- Provision of commercial unit (85 square metres)
- Reduction in off-street car-parking from 126 spaces to 91 spaces
- Reduction in number of garages from 150 to 62

4.2 A full description of each new build site is given under the Design and Amenity Section of the report.

4.3 The application also proposes refurbishment and improvements works to the rest of the estate comprising:-

- Refurbishment of existing dwellings to Decent Homes Plus Standards
- New entrance canopies to Ennerdale House, Derwent House, Beckley House and 31 – 39 Brokesley Street
- Installation of new stairways to Windermere House
- Installation of new windows, cavity wall insulation, replacement cladding
- Improvements to building entry points, rationalisation of entrances and provision of door entry systems
- New lighting and signage
- Improvements to refuse storage and disposal systems
- Introduction of play facilities
- Improvements to landscaping and walkways

4.4 Following comments received during the course of the application amended plans were submitted in February 2009. The amendments included:-

- Overall reduction from 209 new units to 189 units
- Reduction in height of building 2A from 7 storey to 6 storey

- Amendment building 7
- Removal of proposed building 5
- Introduction of commercial use at base of building 8
- Reduction in height of building 11 from 9 storey to 7 storey
- Reduction in height of building 15 from 7 to 6 storeys along Hamlets Way.
- Decreased amount of car-parking
- Increased amount of retained open-space

4.5 In response to further consultation responses final amendments were made and submitted to the Council in March 2009. These amendments comprised

- Removal of site 6 from scheme
- Reduction in number of units from 189 to 181 units
- Alterations of fenestration site 7.

### **Site and Surroundings**

4.6 The Eric and Treby Estate occupies an area of 5.8 hectares. The site is approximately rectangular in shape with the majority of the estate contained between Burdett Road and Southern Grove, with an extension to the East to include properties on Brokesley Street. The site is bisected by Hamlets Way.

4.7 The site itself is predominately residential with the exception of a small parade of shops along Hamlets Way. Around the site there are a variety of uses including residential, offices along Southern Grove, the East London Tabernacle on Burdett Road and shops and cafes along Mile End Road.

4.8 The existing buildings on-site comprise a mixture of more modern estate blocks built in the latter part of the 20<sup>th</sup> century, and older Victorian terraces along Ropery Street, Eric Street, Mossford street and Brokesley Street. The estate is currently dominated by the 19 storey Ennerdale House, which stands significantly higher than surrounding buildings at the junction of Southern Grove and Hamlets Way. Beckley House at 11 storeys is the second tallest building on the estate and is also located along Hamlets Way. The other buildings around the estate range from 2 to 7 storeys.

4.9 Two parts of the site fall within designated Conservation Areas. Brokesley Street is located towards the western edge of the Tower Hamlets Cemetery Conservation Area. The boundary of this area runs north to south behind the Victorian dwellings on the west side of Brokesley Street then returns along Hamlets Way to Southern Grove.

4.10 The Ropery Street Conservation is located towards the south-west of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way, with buildings on the Western side within the designated area. Further to the South all buildings on Ropery Street are within the area.

### **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:

#### **Unitary Development Plan 1998 (as saved September 2007)**

- |     |            |  |
|-----|------------|--|
| 5.2 | Proposals: | None                                     |
| 5.3 | Policies:  | ST1 Deliver and Implementation of Policy |
|     |            | ST12 Cultural and Leisure Facilities     |

ST15	Encourage a Wide Range of Activities
ST23	Quality of Housing Provision
ST25	Provision of Social and Physical Infrastructure
ST26	Improve Public Transport
ST28	Restrain Private Car
ST30	Safety and Movement of Road Users
ST34	Provision of Quality Shopping
ST37	Improve of Local Environment
ST41	Provision of Adequate Space for Local Business
ST43	Use of High Quality Art
ST49	Provision of Social and Community Facilities
ST51	Public Utilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV9	Minor Works
DEV12	Landscaping
DEV15	Retention/Replacement of Mature Trees
DEV27	Minor Alterations in Conservation Areas
DEV28	Proposals for Demolition in Conservation Areas
DEV30	Additional Roof Storeys
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
EMP1	Employment Uses
EMP6	Employing Local People
EMP8	Small Businesses
HSG4	Loss of Housing
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Development
HSG15	Preserving Residential Character
HSG16	Amenity Space
T8	New Road
T10	Traffic Management
T16	Impact on Traffic
T18	Pedestrians
T21	Pedestrians
OS7	Loss of Open Space
OS9	Children's Play Space
OS13	Youth Provision
SCF11	Meeting Places

### **Interim Planning Guidance for the purposes of Development Control**

#### 5.4 Proposals:

5.5 Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling and Mix Type
	CP22	Affordable Housing
	CP23	Efficient Use and Retention of Existing Housing



	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Waste Management Plan
	CP40	Sustainable Transport Network
	CP41	Integrating Transport with Development
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
5.6	Policies:	
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality and Air Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclable Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capability of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	CON2	Conservation Areas
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions
	HSG4	Varying the Ratio of Social Rented to Intermediate Housing
	HSG5	Estate Regeneration Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating the Provision of Affordable Housing
	SCF1	Social and Community Facilities
	OSN2	Open Space
	PS1	Noise
	PS2	Residential Water Refuse and Recycling Provision
	PS3	Parking
	PS4	Density Matrix
	PS5	Lifetime Homes

## 5.7 Supplementary Planning Guidance/Documents

Residential Space  
Designing Out Crime  
Landscape Requirements

## 5.8 Spatial Development Strategy for Greater London (London Plan)

- 2A.1 Sustainability Criteria
- 2A.2 Spatial Strategy for Development
- 2A.6 Areas for Intensification
- 2A.7 Areas for Regeneration
- 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
- 3A.11 Affordable Housing Thresholds
- 3A.13 Special needs and Specialist Housing
- 3A.15 Loss of Housing and Affordable Housing
- 3A.17 Addressing the Needs of London's Diverse Population
- 3A.18 Protection and Enhancement of London's Infrastructure
- 3A.19 The Voluntary and Community Sector
- 3A.20 Health Objectives
- 3A.23 Health Impacts
- 3A.24 Education Facilities
- 3B.3 Mixed Use Development
- 3C.1 Integrating Transport and Development
- 3C.2 Matching Development to Transport Capacity
- 3C.3 Sustainable Transport in London
- 3C.14 Enhanced Bus Priority
- 3C.16 Road Scheme Proposals
- 3C.20 Improving Conditions for Busses
- 3C.21 Improving Conditions for Walking
- 3C.22 Improving Conditions for Cycling
- 3C.23 Parking Strategy
- 3C.3 Maintaining and Improving Retail Facilities
- 3D.8 Realising the Value of Open Space and Green Infrastructure
- 3D.11 Open Space Provision
- 3D.12 Open Space Strategies
- 3D.13 Play and Informal Recreation Strategies
- 3D.14 Biodiversity and Nature Conservation
- 4A.1 Tacking Climate Change
- 4A.2 Mitigating Climate Change
- 4A.3 Sustainable Design and Construction
- 4A.4 Energy Assessment
- 4A.5 Provision of Heating and Cooling Networks
- 4A.6 Decentralised Energy; Heating, Cooling and Power
- 4A.7 Renewable Energy
- 4A.9 Adaptation to Climate Change
- 4A.12 Flooding
- 4A.13 Flood Risk Management
- 4A.16 Water Supplies and Resources
- 4A.18 Water Sewerage and Infrastructure

4A.19	Improving Air Quality
4A.20	Reducing Noise
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.9	Tall Buildings
4B.10	Large Scale Buildings

## 5.9 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

## 5.10 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 the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### 6.3 LBTH Cultural Services

Support estate regeneration programme. Request following financial contributions to mitigate for increased pressure on local resources:-

6.4 Increased use of open space - £148, 392

Loss of open space - £17, 404

Leisure facilities - £131, 641

Library facilities - £33, 696

6.5 *(Officer comment: Requests for financial contributions are considered under Main Issues section of report. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards open space improvements were required. It is noted the scheme already delivers considerable improvements to the quality and usability of the existing open-spaces around the estate.)*

### 6.6 LBTH Crime Prevention Officer

- Has had detailed discussions with Applicants regarding scheme.
- Generally supportive though concerns raised over 1.5m height of fence around southern boundary of play space 8, which should be increased to 2.4m.

6.7 *(Office comment: Security measures must be balanced against other factors. An increase in*

*the height of the fence would have a negative impact on the outlook from the neighbouring flats.)*

#### 6.8 **LBTH Education**

Assessed scheme as requiring a contribution towards the provision of 27 additional primary school places @ £12,342 = £333,234.

*(Officer comment: This is secured through S106 agreement)*

#### 6.9 **LBTH Energy Efficiency**

- Basic energy assessment completed of existing and new dwellings.
- CO2 emissions reductions of 44.07% from the existing dwellings as a result of refurbishment,
- Total CO2 emissions reductions of 22.6% from the baseline in the new build dwellings
- Total CO2 emissions reductions of 24.78% in the estate from the refurbished and new build dwellings (i.e. no Net increase in CO2 emissions as a result of regeneration).
- Attempts to comply with current energy efficiency and renewable energy policies must be demonstrated.
- Feasibility of a CHP system must be investigated in more detail
- Feasibility of 20% on-site renewable energy technologies required
- Financial detail of improvements to existing stock to justify not complying with energy efficiency and renewable energy policies.
- No sustainability statement has been provided. Compliance with Code for sustainable homes Level 3 required.

6.10 *(Officer comment: Energy Efficiency is discussed in detail under main issues section of report.)*

#### **English Heritage (Statutory Consultee)**

##### 6.11 Historic Buildings and Areas Section

- Brokesley Street is situated within the Tower Hamlets Cemetery Conservation Area. The western side of the street is made up of Victorian terraced houses which stand in stark contrast to the post-war terraces of houses and flats on the eastern side of the street such as the existing nos. 1 to 14 Brokesley Street, the subject of this current Conservation Area Consent application.
- The Conservation Statement submitted with the application states that 'It is considered that the proposals will .... improve the vista when looking down the street, by providing a well designed elevation which echoes the principles of the Victorian terracing opposite ....'
- We disagree with this statement. Whilst the height of the proposed replacement might be more in keeping with the substantial Victorian terraces, it appears to us that the proportions and form of the proposed terrace are radically different. The proposed terrace appears mean and sparsely detailed when compared with the handsome, richly detailed terrace opposite and the twin mid Victorian terraces which mark the entrance to Brokesley Street from Bow Road.
- You may wish to obtain large scale elevations of the proposed terrace, at this

stage, so that a more informed assessment can be made.

6.12 *(Officer comment: Comments relate to new build site 10. This is discussed under Main Issues)*

6.13 Archaeology Section

- Reviewed submitted archaeology desk based assessment. Stated that no further consideration of archaeological matters required.

6.14 **LBTH Environmental Health**  
Contamination

- Submitted Environmental Report has been reviewed. Additional sampling is required and confirmation of remediation measures proposed.

6.15 *(Officer comment: This would be secured by condition)*

6.16 Daylight/Sunlight

- Satisfied with submitted Daylight / Sunlight study in terms of impact on neighbours. Recommend increase in size of bedroom window for specific units located behind balconies on sites 2a and 15 to ensure adequate internal day-lighting.

6.17 *(Officer comment: This would be secured by condition)*

6.18 Noise and Vibration

- Parts of site fall within Noise Exposure categories B and C. Noted detail of window glazing and ventilation systems required to ensure reasonable internal noise levels not compromised on facades facing roads.

6.19 *(Officer comment: This is discussed under main issues. Details of specifications would be required by condition.)*

6.20 **Environment Agency (Statutory Consultee)**

- No objection subject to condition requiring compliance with surface water control measures outlined in submitted Flood Risk Assessment.

6.21 *(Officer comment: A suitable condition would be imposed on any permission)*

6.22 **Greater London Authority (Statutory Consultee)**

Stage One response received. The following issues were considered:-

6.23 Housing

- Cross subsidy from intensification of the site and private sales to facilitate refurbishment acceptable.
- Scheme does not propose 50% affordable housing. Financial assessment required to justify proposed level of affordable housing.

6.24 *(Officer comment: A toolkit appraisal has been submitted which demonstrates that it is not viable to deliver more than 35% affordable housing. The toolkit shows a deficit and as such any increase in affordable housing would have a direct impact on the funding available to*

*facilitate the upgrade of the estate.)*

- 6.25 - Scheme proposes 100% social rent affordable units. Further justification required for not providing Intermediate units in line with London Plan policy.

6.26 *(Officers are satisfied that the provision of social rent units corresponds with Borough Housing Need priorities. This issue is further discussed in Main Issues section of report)*

- 6.27 - Dwelling mix is considered acceptable  
- Quality of residential accommodation is acceptable  
- Density is on lower side of London Plan policy which is acceptable given need to provide amenity space  
- Urban Design, No objections raised  
- Amenity Space, No objection raised  
- Playspace, Level of child-play space and provision of community centre acceptable.

6.28 Transport

- Discussions with London Underground required to assess impact on tunnels required  
- Future residents should not have access to car-parking spaces  
- Construction Plan, Service and Delivery Plan and Travel plan required by condition or S106 agreement.

6.29 *(Officer comment: Suitable conditions would be imposed on any planning permission)*

- 6.30 - Financial contribution to improve local streetscene on Mile End Road and Burdett Road required  
- Recommend car-free agreement, welcome car-club spaces, require Delivery and Service Plan and Construction Logistics Plan

6.31 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*

6.32 Energy

- Scheme does not comply with London Plan energy policy.  
- Potential for communal heating system needs to be considered  
- Potential for Combined Heat and Power needs to be considered  
- Potential for District Heating system needs to be considered  
- Further information on cooling requirements required  
- Further information on renewable energy required  
- Sustainable Urban Drainage, living roofs and walls should be considered.

6.33 *(Officer comment: Matters relating to Energy are discussed in the Main Issues section of the report).*

6.34 Employment

- Details of measures to provide training and employment opportunities to local community during construction required.

*(Officer Comment: A commitment to use local labour in construction would be secured*

*through S106 agreement.)*

**6.35 Noise**

- Conditions to mitigate noise impacts for dwellings in noise sensitive locations, particularly along Burdett Road, required.

6.36 *(Officer comment: Suitable conditions would be imposed on any planning permission)*

**6.37 LBTH Highways**

- Site in area with PTAL of 6b and 6a with good access to public transport.
- New units car-free acceptable, should be secured in S106
- Reduction in existing car-parking acceptable
- Refuse and site servicing acceptable subject to use of materials to delineate carriageway on shared surfaces.
- Required visibility splays are achieved.
- Level of cycle parking acceptable
- Impact of increased trips on highway network acceptable
- Impact on public transport acceptable
- Request Section 278 agreement
- Travel plan required by S106 agreement

6.38 *(Officer comment: Highways issues are discussed in the Highways section of this report.)*

**6.39 Natural England (Statutory Consultee)**

- Recommend assessment of site ecology undertaken
- No detail of biodiversity enhancements / measures should be secured
- Opportunities to improve access / quality of adjoining Sites of Importance for Nature Conservation should be sought.

6.40 *(Officer comment: Officer's are satisfied that the proposed landscaping works will introduce new habitat, which is likely to lead to improved biodiversity. The submitted toolkit appraisal has shown that the scheme would not be viable if additional contributions for off-site biodiversity enhancements were required. A further ecological survey would be required by condition.)*

**6.41 Olympic Delivery Authority (Statutory Consultee)**

No objection

**6.42 LBTH Primary Care Trust**

- Requested a financial contribution to compensate for the additional burden on local health-care services. A £783,042 revenue contribution and a £232, 125 capital contribution has been requested.

6.43 *(Officer Comment: LBTH Planning only seek the capital portion of the contribution as Officers are of the opinion that without a more rigorous policy framework and detailed justification on the shortfall in local healthcare provision, it is not possible to seek revenue contributions at this time. The Capital contribution would be secured in the S106 agreement.)*

**6.64 Thames Water**

- Developers responsibility to ensure acceptable surface water drainage
- Public sewers cross application site
- Water supply infrastructure inadequate. Requested a condition requiring a Water Supply Infrastructure Assessment

6.65 *(Officer comment: Suitable conditions and informatives would be imposed on any permission)*

**6.66 Transport for London (Statutory Consultee)**

- Satisfied with trip generation assessment
- No impact on bus services
- Consider cycle parking acceptable
- Seek financial contribution for streetworks along Mile End Road/Burdett Road junction
- Request Delivery and Servicing Plan produced
- Request Construction Logistics Plan produced including consideration of use of water based freight
- Request detailed Travel Plan

6.67 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*

**7. LOCAL REPRESENTATION**

7.1 A total of 1467 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications were also publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.2 No of individual responses: 34            Objecting: 34            Supporting: 0  
 No of petitions received: 2

7.3 The following local groups/societies made representations:

The East London Baptist Church

- Object to sites 6 and 7
- Proposal will block light to South and North elevations
- The crèche, rear hall and sports hall will lose light
- The crèche and rear hall have no other sources of light except flank windows
- Loss of views of south elevation has detrimental impact on streetscene.
- Increased residents will cause parking pressures

*(Officer comment: It should be noted that site 6 has now been removed from the scheme)*

7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in subsequent sections of this report:

7.5 Land use and housing



- Insufficient 4/5 bedroom houses
- Community centre not needed
- Too many social rent properties will detract from mix in area
- Loss of accommodation for elderly
- Funding for estate regeneration should not require new buildings

#### 7.6 Design and Amenity

- Resulting estate density too high
- Loss of open-space / building should not take place on open-space
- Loss of children's play areas (particularly in relation to site 1)
- Buildings too high / too large (particularly site 10, 11 and 15)
- Loss of sunlight, daylight
- Buildings overbearing
- Loss of privacy
- Too many buildings, hemmed in feel
- Damages concept of original Architect's estate layout
- Increased noise and disturbance from children playing (particularly in relation to play area opposite Conniston House)
- New buildings likely to suffer from vandalism
- Disturbance from construction noise

#### 7.7 Highways and parking

- General lack of parking provided / increased congestion
- Lack of parking for users of East London Tabernacle
- Cycle parking tokenistic
- Highway safety risk from increased congestion
- Risk for children making their way from proposed family dwellings on Brokesley Street to proposed play areas.
- Traffic obstruction from deliveries

#### 7.8 Sustainability

- Buildings should be refurbished, not demolished.

#### 7.9 Crime and safety

- New buildings likely to attract vandalism and additional crime

#### 7.10 Infrastructure Impacts

- Lack of healthcare and education resources
- Cumulative impacts with other estate regeneration projects / St Clements Hospital needs to be considered.
- Existing sewerage inadequate / Low Water Pressure

7.11 *(Officer comment: A condition requested by Thames Water would require the prior completion of a Water Supply Infrastructure Assessment)*

#### 7.12 Comments specifically in relation to Site 10

A large number of objections were received in relation to proposed building at site 10. The issues raised were

- Properties should be refurbished, not demolished
- One bed flats for elderly are required, family houses detracts from mixture of available housing types

- Lack of parking provided / increased congestion / pressure for spaces
- 1950s terrace part of streetscene and history of area
- Sightlines spoiled by increased height
- Planning permission has previously been refused for a roof extension along terrace
- Poor design, plain, does not follow Victorian character, materials not traditional
- Detracts from Conservation Area
- Additional height results in loss of light / overshadowing, street is narrow, unacceptable window to window distances
- Extra social tenants unbalances existing housing mix
- Family housing should be closer to play areas
- Too high density
- Should be made greenspace

7.13 Comments specifically in relation to site 11

7.14 A petition with 33 signatures from occupiers of Loweswater House was received in relation to proposals for site 11. The issues raised are:-

- Loss of privacy
- Loss of landscaped play areas
- Overcrowding
- More traffic
- Open-space overshadowed
- Poor appearance. oppressive impact

7.15 Residents Ennerdale House Petition

7.16 A petition was received containing 60 signatures from residents of Ennerdale House. The issue raised relate to:-

- Object to building on open-space
- Buildings too close together, loss of daylight and sunlight
- Too dense
- Additional public rented housing required, not luxury flats

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

- 7.18 - Laws prevent building on open space (*Officer comment: Planning issues associated with building on open-space are discussed under main issues. Compliance with other areas of legislation is not a planning matter.*)
- 7.19 - Eastend Homes held resident meetings at inconvenient times (*Officer comment: The Applicants held a long running series of meetings and workshops with residents prior to the submission of the applications. These are detailed in the submitted Statement of Community Involvement. These meetings are in addition to statutory consultation requirements, which have been carried out by the Council.*)
- 7.20 - Likely increase in service charges for leaseholders (*Officer comment: This is a private matter between tenant and landlord.*)

7.21 The following procedural issues were raised in representations, and are addressed below:

- 7.22 - The submitted drawings are inaccurate and do not correctly show extensions to the rear of 644 – 648 Mile End Road. *(Officer comment: Amended drawings have been submitted. The submitted drawings are sufficient to allow a full assessment of this aspect of the proposal to be made).*
- 7.23 - The submitted sunlight and daylight study is inaccurate *(Officer comment: The study has been reviewed by the Council's specialist Environment Health Officers who consider it acceptable.)*
- 7.24 - Inadequate consultation, Letters were not received. *(Officer comment: Records show that letters were dispatched. Site and Press Notices were also posted.)*
- 7.25 - Difficulty accessing internet drawings *(Officer comment: For the convenience of some residents plans are made available on the Tower Hamlets website. Hard copies of the documents are also available to view at the Council's offices.)*

7.26 Following the submission of amended plans in February 2009 a 2<sup>nd</sup> round of consultation took place. The following responses were received

7.27 No of individual responses: 5 Objecting: 5 Supporting: 0

7.28 No of petitions received: 0

7.29 The following additional issues were raised:-

- Continued concern over sunlight / daylight impacts in relation to site 15
- Storey height of site 15 should be limited to 4 storey
- The proposal has not changed, original comments still stand
- Loss of privacy to properties on Eric Street
- Proposed car-bays unattractive
- Plans inaccurate *(Officer comment: Amended accurate plans have now been submitted).*
- Daylight / Sunlight study inaccurate *(Officer comment: Additional study work was later submitted)*
- Insufficient consultation / some documents submitted after consultation letters sent. *(Officer comment: Additional sunlight / daylight studies have been submitted after the second round of consultation. Site 6 was also removed from the scheme following discussions with Officers. The removal of the building was not subject to further consultation as it would not have any impact on neighbouring residents).*

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Estate Regeneration
2. Land Use

3. Density
4. Housing
5. Design and Neighbour amenity (including impact on Conservation Areas)
6. Amenity Space
5. Parking and Highways
6. Sustainability
7. Impacts on local infrastructure / S106

### **Principle of Estate Regeneration**

- 8.2 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes Plus standard to ensure that homes are in a good state of repair.
- 8.3 The Decent Homes Standard is defined by the Department of Communities and Local Government (DCLG) as a home which is 'warm, weatherproof and has reasonably modern facilities'. The Decent Homes Plus Standard goes beyond these requirements and includes works such as improved security, lift replacement and thermal comfort works.
- 8.4 As part of the Tower Hamlets Housing Choice Programme the Eric and Treby Estate was transferred to Eastend Homes in 2004. In order for Eastend Homes to facilitate the regeneration of the Eric and Treby Estate and bring the existing homes up to Decent Homes Plus standard, a comprehensive redevelopment is proposed. The application includes the provision of additional housing in new blocks across the application site, which increases the housing density of the estate. The increase in density is required in order to generate sufficient value from market development to support the refurbishment of the existing dwellings and the provision of new affordable housing. This accords with the requirements of IPG policy CP23, which seeks to improve all existing housing stock to a minimum of decent homes plus standard.
- 8.5 The application proposes the erection of 13 buildings providing 181 new residential units to facilitate the following estate regeneration improvements:-

Works	Cost (£)
New Kitchens and bathrooms	1,092,859
New Bathrooms	617,347
Central heating	1,140,975
Roof repairs	529,241
Thermal insulation improvement	1,697,086
Windows	448,169
Structural Repairs	465,320
Communal Area Improvements	258,949
Repair/Renew Entrance Doors	275,745
Balcony upgrading	414,960
Improvements to electrical and water services	1,947,596
Refuse Improvements	94,730
Environmental Works including Security/Lighting, Landscaping, Car Parking, Paving, Play equipment	2,209,296
New communal stairs and entrances including access control	270,000
Door Entry Systems Works	321,029
Repair/Renew Lifts	799,333
<b>Total</b>	<b>12,582,633</b>

- 8.7 The development would generate £8.2M towards this upgrade works.
- 8.8 In overall terms the principles and objectives set out in regional and local policies for estate regeneration schemes are achieved through this proposal. The proposal maximises the development potential of the site whilst upgrading the existing housing and communal areas. The planning issues are considered in detail below.

### **Land Use**

- 8.9 The existing land use of the site is predominantly residential. There are no specific land use designations in the adopted UDP or IPG. The application proposes additional housing, a community centre, housing offices and a small commercial unit.

#### Principle of additional housing

- 8.10 The application proposes 181 new units of accommodation. Taking into account the loss of 29 existing units this results in a net gain of 152 additional dwellings.
- 8.11 The provision of additional housing to facilitate the regeneration of the estate accords with the aims of London Plan Policy 3A.3 and IPG policies CP19 and CP20, which seek to maximise the supply of housing; and the aims of IPG policy CP23, which seeks to improve all existing housing stock to decent homes plus standard.
- 8.12 Housing issues are discussed in more detail in the Housing Section of this report.

#### Principle of community centre and offices

- 8.13 On the ground floor of site 1, the application proposes a new community centre (310 square metres) and office space (365 square metres). The centre would comprise a community hall, external ball court, meeting room and kitchen. The applicant has indicated that the office space would be used by Eastend Homes Housing Management Team.
- 8.14 London Plan Policy 3A.18 requires that in areas of major development and regeneration, adequate facilities should be provided for social infrastructure and community facilities. Saved policy SCF11 of the UDP encourages the provision of new meeting places, policy SCF1 in the IPG requires that consideration is given to the need for social and community facilities within redevelopment proposals.
- 8.15 There is currently no community centre on the estate. The proposed community centre, ball court and offices are well located around the base of a prominent estate building. The proposed facilities will be of considerable benefit to residents and are acceptable in land-use terms.

#### Principle of commercial space

- 8.16 The amendments to the application introduced a small shop / office unit (85 square metres, use classes A1, A2 or B1) on the ground floor of site 8. This use provides an active frontage to the Burdett Road / Wentworth Mews junction, contributes to the mix of uses in the area and is acceptable in terms of saved UDP policy DEV3 and policy CP1 of the IPG - which seek to provide a range of uses in the local environment.

### **Density**

- 8.17 London Plan policy 3A.3 links housing density to public transport availability which is expressed in a Public Transport Accessibility Level (PTAL). The site is located in an urban area and has a PTAL of 6a/6b. The London Plan states that the appropriate density for residential use should be within a range of 200-700 habitable rooms per hectare.
- 8.18 The existing estate has a density of 326 habitable rooms per hectares. The proposal

would result in a scheme with a density of 410 habitable rooms per hectare.

- 8.19 The proposed density is within the range recommended in the London Plan. The density is considered appropriate in terms of local context, design principles, amenity impacts and infrastructure impacts. It is therefore considered acceptable in terms of London Plan policy 3A.3 and IPG policies CP20 and HSG1.

### **Housing**

- 8.20 The application proposes the erection of 13 new buildings at various sites around the estate providing 181 new residential units. Taking into account the demolition of 29 existing units there is a net gain of 152 housing units. Interim Planning Guidance policy sets out the Council's objective to ensure that all residents in Tower Hamlets have access to decent homes in decent neighbourhoods, as part of an overall commitment to tackle social exclusion.

#### Principle of demolition of housing units

- 8.21 The proposals involves the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road. It is noted that the demolition of buildings at 106 – 128 and Hamlets Way and 1 – 7 Burdett Road has already taken place.
- 8.22 The housing units lost are replaced with an additional number of better quality units and as such there is no conflict with the objectives of UDP policy HSG4 and IPG policy CP23, which seeks to prevent the loss of housing.
- 8.23 The redevelopment of the sites at a higher density, with modern buildings incorporating sustainable design technologies also accords with the aims of over-arching sustainability objectives and IPG policy CP1.

#### Affordable Housing

- 8.24 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing.
- 8.25 IPG Policy HSG5 relates specifically to estate regeneration schemes. It states that the Council may consider varying its requirements towards additional affordable housing where it can be demonstrated that the provision of market housing on the estate is necessary in order to cross subsidise the works being undertaken.
- 8.26 The proposal would provide 19 entirely new additional affordable housing units, and would also replace the 29 affordable units lost through demolition. It total the scheme would provide 48 affordable units, which equates to 35% of all of the habitable rooms proposed. The application has been accompanied by a toolkit assessment which demonstrates that it would not be viable to provide any additional affordable housing. The scheme meets the 35% minimum affordable housing required by policy CP22 and is therefore acceptable.
- 8.27 It is noted that in this case the Applicant has not sought to make use of the provisions of HSG5 to allow a reduction in the level of affordable housing to facilitate estate regeneration cross subsidy.

### Tenure Mix

- 8.28 London Plan policy 3A.9 promotes mixed and balanced communities by seeking a 70:30 split between social rent and intermediate tenures within affordable housing. In Tower Hamlets there is an identified need for a larger percentage of social rented units which is reflected in the 80:20 split between these tenures specified in IPG policies CP22 and HSG4.
- 8.29 The application seeks to provide 100% social rented accommodation in the affordable housing, and in this respect does not comply with requirements of the above policies. However, it is noted that the Council's Housing Section have not objected to the absence of intermediate units in the scheme. Given the particular need for additional social rented units in the Borough, the mix of tenures is considered acceptable.

### Housing mix

- 8.30 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policies CP21 and HSG2 in the IPG specify that a mix of unit sizes should be provided to reflect local need and to contribute to the creation of balanced and sustainable communities. Policy HSG2 provides target percentages for dwelling sizes in affordable and market housing.
- 8.31 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by IPG policy HSG2.

Unit Size	Total Units	Affordable: Social Rent			Market		
		Units	%	Target	Units	%	Target
Studio	19	0	0	0	19	14.3	25
1 bed	61	2	4	20	59	44.4	25
2 bed	52	13	27	35	39	29.3	25
3 bed	40	24	50	30	16	12	25
4 bed	0	0	0	10	0		
5 bed	9	9	19	5	0		
Totals	181	48	100	100	133	100	100

- 8.32 In the social rent tenure the application exceeds HSG2 targets for the provision of larger units with 69% of units having 3 or more bedrooms. In particular it is noted that the scheme includes the provision of nine 5 bedroom terraced dwelling houses, with generous gardens, which is a valued form of family accommodation that can be difficult to provide on other sites.
- 8.33 In the market tenure only 12% of the units have 3 bedrooms, which is below the target of policy HSG2. However, given the high level of family provision in the social rent sector the overall housing mix responds well to local needs and is acceptable in terms of policy.
- 8.34 The range of housing types provided is considered to make good re-provision of the type of units lost through the demolition.

#### Standard of accommodation

- 8.35 UDP policy HSG13 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes.
- 8.36 The proposed flats are well laid out with adequate room sizes. The flats benefit from acceptable outlook and would offer a reasonable standard of accommodation. The Council's Environmental Health Officer has raised concerns about the level of interior daylight for proposed new flats behind walkways on sites 2a and 15. To ensure these flats receive adequate light it is recommended that the size of the windows be increased to 1510mm x 1810mm. This would be secured by condition, and with this amendment the proposed flats would be acceptable.
- 8.37 The application has been accompanied by a Noise Survey which includes an assessment of whether the proposed flats would suffer from unreasonable levels of noise. This particularly relates to those flats located on Burdett Road and Southern Grove, as these roads generate greater levels of traffic noise. The study concludes that part of the development is located within Noise Exposure Contour C. In these locations planning permission should only be granted where alternative sites are not available, and where appropriate mitigation can be provided. Officers consider that there are no realistic alternative locations for additional housing and conditions can require the use of suitable glazing to ensure internal noise levels are acceptable. With the imposition of conditions requiring appropriate survey work and mitigation measures the development would be acceptable.

#### Wheelchair and accessible accommodation

- 8.38 London Plan policy 3A.5 and Interim Planning Guidance policy HSG9 require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.
- 8.39 It total 13 wheelchair accessible units are proposed and a further 5 could easily be converted for wheelchair users. This equates to 10% of the total housing provision and is considered acceptable.
- 8.40 All of the units would be constructed to Lifetimes Homes standards and the details of this would be required by condition.

#### **Design & Neighbour amenity**

- 8.41 The main design issues for Members to consider relate to the scale and appearance of the proposed buildings, the relationship to the existing buildings, and the impact of the buildings on designated Conservation Areas.
- 8.42 In terms of amenity, the main issues Members must consider are the impact of the proposed buildings on the neighbouring occupiers in terms of potential loss of light, overshadowing or increased sense of enclosure.

#### General design principles

- 8.43 Good design is central to the objectives of national, regional and local planning policy. 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 policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; and IPG policies DEV1 and DEV2.
- 8.44 These policies require new development to be sensitive to the character of the surrounding



area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site and that it should not result in overdevelopment or poor space standards.

- 8.45 Policy CP4 of the IPG seeks to ensure new 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.
- 8.46 Policy DEV4 in the IPG seeks to ensure safety and security in new development. This can be achieved by incorporating principles such as ensuring building entrances are visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.
- 8.47 Some of the proposed buildings are significantly higher than neighbouring buildings. Therefore consideration has also been given to the requirements of IPG policy DEV27, which details specific criteria that are relevant to the assessment of tall buildings.

#### Impact on Conservation Areas

- 8.48 Parts of the Eric and Treby Estate fall within designated Conservation Areas. Brookesley Street is found towards the Western edge of the Tower Hamlets Cemetery Conservation Area. Proposed building 10 is located within this area. The Ropery Street Conservation is located towards the South West of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way.
- 8.49 The application proposes the erection of a new building at site 10 and improvement works to 31 – 39 Brookesley Street, both of which are within the Tower Hamlets Cemetery Conservation Areas.
- 8.50 Building site 14 is located within the Ropery Street Conservation Area. Site 15 is located on the edge of the Ropery Street Conservation Area.
- 8.51 In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Planning Policy Guidance Note 15: Planning and the Historic Environment provides advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.
- 8.52 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.
- 8.53 UDP policy DEV28 sets criteria that must be taken into account when assessing proposal to demolish buildings in Conservation Areas.

#### Summary design issues

- 8.54 A detailed consideration of the design of each proposed building is given below. In overall terms the proposed buildings are considered to respond well to the constraints of each individual site, and provide a cohesive approach to the renewal of the estate. The landscaping works take the opportunity to improve the quality of the existing open-spaces and introduce dedicated areas of children's play-space.

- 8.55 In general the application has attempted to site buildings on redundant areas of surface parking and hard-standing. In some cases building does take place on existing open-space, and this issue is discussed in more detail under the amenity section of this report.
- 8.56 The larger buildings (sites 2, 15 and 11) would be sited along Hamlets Way. This is one of the wider roads which bisects the estate. Existing tall estate blocks including Ennerdale House and Beckely House are already located on this road and it is considered an appropriate location for larger scale buildings.
- 8.57 In more sensitive locations, such as those within Conservation Areas, the scale of buildings has been limited and a traditional design employed. The development of sites along Burdett Road would help to strengthen the street frontage and remove unsightly garages.
- 8.58 Outside of Conservation Areas the proposed buildings use common design themes and a consistent pallet of materials. This includes the use of brick, small areas of render, balcony systems and green-glazed bricks around entrance doors. The result helps to tie the estate buildings together helping to create a sense of place.
- 8.59 In overall terms the proposed buildings complement the existing buildings around the estate and, when combined with the landscaping works, will lead to a significant improvement in the quality of the local environment for residents.

#### Daylight and Sunlight

- 8.60 In terms of amenity, Policy DEV2 in the UDP 1998 and Policy DEV1 of the IPG seeks to ensure that development where possible, protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.
- 8.61 In accordance with BRE Guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties. Further addendums to this report were also submitted.
- 8.62 The VSC quantifies the amount of skylight falling on a vertical wall or window. For a room with non-continuous obstructions there is the potential for good daylighting provided that the VSC, at the window position 2m above ground, is not less than the value for a continuous obstruction of altitude 25 degrees. This is equal to a VSC of 27%.
- 8.63 The VSC calculation can be related to the ADF which, in addition to the amount of skylight falling on a vertical wall or window, considers the interior daylighting of the building. The calculation takes into account the thickness of the glazing, size of the window, reflectance and total area of room surfaces.
- 8.64 Sunlighting has been measured using sunlight availability indicators or sunpath indicators. The British Standard recommends that at least 25% of annual probable sunlight hours be available at the reference point, including at least 5% of annual probable sunlight hours in the winter months.
- 8.65 The calculations have been based on a sample of rooms in the blocks that are likely to be most affected by the proposal.

#### Summary sunlight and daylight issues

- 8.66 The report demonstrates that there are some instances where the VSC is below the levels set out in the BRE guidance. However, in nearly all situations the affected rooms would still have sufficient ADF. Given the urban context of the site, it is considered that the resultant

levels of daylight can be accepted.

- 8.67 Levels of sunlight to some properties have also been reduced, however, on balance the impact is also considered to be acceptable given the urban context.
- 8.68 The Council's Environmental Health Section has reviewed the Daylight and Sunlighting Report and considers that the report satisfactorily demonstrates that there will be no significant impact with regard to daylight/sunlight on existing residents.

### **Site specific design and amenity considerations**

- 8.69 In total 13 new buildings are proposed. The main issues in relation to each of these buildings are considered in turn:-

#### **Site 1**

- 8.70 Site one is located at the junction of Southern Grove and Hamlets Way. It currently comprises grass open-space and an area of hard-standing (which used to be a playground). The site wraps around the foot of Ennerdale House – a 19 storey Tower, to the North is Derwent House – a 6 storey block.
- 8.71 The proposed building can be separated into two components. Firstly, a single storey component which wraps around the base of Ennerdale House. This will provide 365 square metres of office space. The applicant has indicated that this will be used by their housing management team.
- 8.72 The second component would be a four storey block fronting Southern Grove. The block is sited in-between Ennerdale House and Derwent House. It is linked to the single storey part of the building which provides the office space. Part of the ground floor of this building would be used to provide a community centre. The centre would comprise a 190 square metre main hall, an outside ball court and associated facilities. The housing offices, community centre and ball court would all be accessed via a shared entrance from Southern Grove.
- 8.72 The remainder of the ground floor of the block, and the upper floors, would provide 9 affordable housing units including one wheelchair maisonette with parking space.
- 8.73 In design terms the proposed building helps to create a strong frontage to Hamlets Way and Southern Grove, and encloses the areas of open-space to the rear. At a maximum of 4 storeys the block relates well to the 6 storey Derwent House. In overall terms the design is considered acceptable.
- 8.74 In terms of amenity the main impact would be on the occupiers of flats in the South-east corner of Derwent House and the lower floors of Ennerdale House. The reductions in daylight and sunlight pass ADF targets and are considered acceptable. Occupiers of neighbouring properties could suffer from noise and disturbance associated with the use of the external ball court. A condition would prevent the use of this facility after 9.00pm which would preserve residential amenity.

#### **Site 2a –**

- 8.75 Site 2 is located on the North side of Hamlets Way to the West of Ennerdale House. It currently comprises surface car-parking and hard-standing. Part of Derwent House runs North-South towards the application site. This part of Derwent House is 4 storeys in height.

- 8.76 The application proposes a part 4, part 6 storey building. The building is arranged in an L-shape, with the longer 6 storey frontage to Hamlets Way and a shorter 4 storey return to the Derwent House spur. The building would provide 36 private flats. The building would enclose an area of public amenity space to the rear.
- 8.77 The building has simple rectangular form with one change in height which is comparable to existing buildings on the estate. The six storey height is considered acceptable along Hamlets Way and the reduction to 4 storey helps to tie the proposal into the existing development matching the height of the Derwent House spur. In design terms the building is considered acceptable.
- 8.78 Site 2a is sufficiently far from Derwent House (opposite to North) and Beckley House (to south) for there to be no significant impact in terms of loss of daylight or sunlight.

#### Site 2B

- 8.79 Site 2B comprises a raised pedestrian walkway linking Hamlets Way to Maplin Street. There are garages underneath the raised walkway. To the West is the 5 storey block of Windemere House. The ground floor of this block also comprises garages. The garages are accessed from Maplin Street. Currently a change in land-levels means that this access terminates in a dead-end at its southern-end. To the East is an area of open space used by residents of Derwent House, and then the 4 storey Derwent House block itself.
- 8.80 The application proposes the erection of 11 residential units in a block approximately following the line of the existing raised walkway. The block would be part 2 and part 4 storey. The scheme includes removing the existing dead-end to create a new 'street' running from Hamlets Way to Maplin Street (this would be a shared pedestrian/vehicle surface. A barrier would prevent vehicles using the street as a through route).
- 8.81 The scale and bulk of the building is considered acceptable given the scale of the neighbouring buildings. The proposed residential units would be arranged so that they are accessed from the new street, with ground floor windows adding activity to an area that currently benefits from little natural surveillance. At first floor level the flats are arranged with habitable windows facing East, away Windemere House. This arrangement ensures that there is no loss of privacy to the occupiers of these properties.
- 8.82 In terms of loss of daylight and sunlight the proposed building would have some impact on the occupiers of Windemere House. However, there are no habitable rooms at ground floor level on this property, and the reductions to the first floor level are not excessive given the context of the application site.

- 8.83 Site 3 (There is no site 3)

#### Site 4

- 8.84 Site four comprises a ground floor undercroft area beneath Coniston House. The majority of the area has no specific use, though there are some pram stores. The application proposes to infill this area to create 4 affordable units. The flats would be accessed via an entrance deck on the North side of Coniston House.
- 8.85 The in-fill would make more beneficial use of the available space. There has been no objection to the loss of the pram stores. The proposed façade treatment complements that used on the existing building above and in overall terms is acceptable. This proposed building has no impacts in terms of day lighting or sunlight.
- 8.86 Objectors have raised concerns about potential noise and disturbance from the proposed

play area to the North of this site. This is an open-area and there would be no control on the hours of use. Officers consider that in a residential area, a degree of noise associated with children playing is acceptable.

8.87 Site 5 – Omitted from amended submission

Site 6

8.88 Following discussions with Officer's site 6 has been removed from scheme now recommended for approval.

Site 7

8.89 Site 7 is rectangular in shape and fronts Burdett Road. It is located just to the North of the East London Tabernacle and to the South of flats 1 – 30 Wentworth Mews. The site was previously occupied by three single storey bungalows – which have now been demolished.

8.90 The application proposes a four storey block providing 8 affordable housing units. The flats are arranged two per floor accessed from a central stairwell. The ground floor units benefit from rear gardens and the upper floors have balconies.

8.91 The scale and form of the block is appropriate in relation to the adjoining buildings. The building infills the existing gap in the frontage along Burdett Road and is acceptable in design terms.

8.92 The main amenity impact would be on the occupiers of the flats in Wentworth Mews. Wentworth Mews has garages on the ground floor. At first floor level and above habitable room windows face the application site. The proposed building is located to the south of these windows and they will therefore suffer a loss of sunlight and daylight. However, a distance of 9.5m separates the proposed building from Wentworth Mews. This is considered sufficient to ensure that the occupiers of this property do not suffer from any unreasonable loss of light or outlook and is acceptable.

8.93 Windows serving offices are located in the North flank of the Tabernacle, facing the application site. These windows will experience some loss of light, however given the non-residential use and the location to the south of the proposed development there would not be any significant detrimental impact on the occupants.

Site 8

8.94 Site 8 is rectangular in shape and is located at the junction of Burdett Road and Wentworth Mews. Flats 1-30 Wentworth Mews are located to the South of the site. Flat 1c Wentworth Mews is located on the opposite side of the Mews. The site currently comprises a surface parking court. There is a change in level of approximately 600mm between the site level and the Burdett Road pavement.

8.95 The application proposes a 4 storey block. The block would comprise a commercial unit on the ground floor (uses A1, A2 or B1) and 6 private residential units above. The residential unit and commercial units would be accessed from Burdett Road. The commercial unit would also have a service bay to the rear, which would be accessed from Wentworth Mews.

8.96 In design terms the incorporation of a commercial unit helps to add activity to the Burdett Road / Wentworth Mews junction and complements the commercial units found on the ground floor of 1c Wentworth Mews. The block itself follows the style of block 7 and is considered to relate well to the neighbouring buildings and is acceptable.

8.97 The main impact of the proposal would be on the occupiers of the flats 1-30 Wentworth

Mews, just to the South of the site. The ground floor of this building comprises garages. Upper floors are residential with windows serving habitable rooms facing the application site. These windows appear to serve kitchens and bedrooms. A distance of approximately 4m separates the proposed building from these windows.

- 8.98 Due to the orientation of the existing building these windows already receive little daylight or sunlight. The proposed building will cause a further reduction in available light; however with the exception of the kitchen window of 2 Wentworth Street all pass ADF targets. On this basis the impact on amenity is acceptable. It is also noted that the occupiers of the flats will continue to enjoy light and outlook from living windows to the rear.

#### Site 9

- 8.99 Site 9 is located at the junction of Eric Street and Wentworth Mews. The site is adjacent to the Wentworth Arms public house, a three storey Victorian building. Coopers Court, an elderly peoples home, is located on the opposite side of Eric Street. The site is currently occupied by single storey garages that are accessed from Eric Street.

- 8.100 The application proposes a 4 storey building adjacent to the public house. The building would provide 4 affordable flats. The building would be flush with the building line of the public house along Eric Street, and would slightly higher in height. Large balconies would be provided on the SE corner of the upper floors introducing additional activity to a poorly overlooked corner of the estate. The building does appear large in relation to the modestly proportioned Wentworth Arms. However, there are relatively few viewing angles where this is noticeable and in overall terms the design makes good use of an area of dead space and is acceptable.

- 8.101 The proposed building is sufficiently far from neighbouring buildings for there to be no significant impacts in terms of loss of light or overshadowing. There are no windows in the flank walls of the Wentworth Arms Public House and any potential overlooking would be at an oblique angle and as such would not result in any significant loss of amenity.

#### Site 10

- 8.102 Site 10 comprises 1 – 14 Brokesley Street. This is a two storey block of flats that are currently vacant. The site is located within the Tower Hamlets Cemetery Conservation Area. The existing one-bed flats were constructed in the late 1950s in a style characteristic of this time. On the opposite side of Brokesley Street is an attractive terrace of Victorian dwellings. The Council's Conservation Appraisal notes that residential townscapes, including Brokesley Street, contribute to the character of the Conservation Area.

- 8.103 The application proposes replacing the existing flats with a terrace of 8 x 5 bedroom dwelling-houses with rear gardens. The dwellings would be in the social rent tenure.

- 8.104 Members will note from the Recommendation section of this report that they are asked to consider two separate matters in relation to the development on this site. Firstly, because the existing flats are located in a Conservation Area, Conservation Area Consent is required for their demolition. This consent is a stand-alone application (reference PA/08/2240), and its merits are considered below. Secondly, Members must consider whether the proposed terrace, which forms part of the larger estate regeneration planning application, is acceptable in terms of planning policy.

#### *Conservation Area Consent*

- 8.105 The existing flats are not considered to have any historical significance and do not make any significant positive contribution to the quality of the Conservation Area. Objectors have noted that they reflect the evolution of the character of the area; however Officers do not consider that on its own this warrant their retention. It is considered that the demolition of

the flats, and the erection of a suitable replacement, would accord with the requirements of saved UDP policy DEV28 and IPG policy CON2, as it would improve the character of the conservation area.

- 8.106 A condition would be placed on any permission to ensure that the demolition of the flats was tied to the construction of a replacement building – to prevent an undeveloped site blighting the Conservation Area.

*Planning Permission for replacement terrace dwellings*

- 8.107 The proposed terrace would be three storeys in height and would have a flat roof hidden behind a corniced parapet. The terrace would be constructed from yellow London stock brick with painted timber windows and cast-iron rainwater goods.
- 8.108 A large number of objections have been received in relation to the design of the proposed terrace. English Heritage also raised concerns about the proportions of the building and the relative lack of detailing.
- 8.109 It is acknowledged that the proposed terrace does not slavishly replicate the form or rich architectural detailing seen on the Victorian dwellings opposite. However, it does not necessarily follow that the design is poor. The terrace would be a modern addition to the street and would be seen as such.
- 8.110 The parapet line of the proposed terrace is approximately 1m higher than the parapet (not the top of the ridge) of the Victorian dwellings opposite. From ground level this difference in height would not have any significant impact on streetscape views. The scheme would not harm the appearance of the terraces along the street and is acceptable in terms of saved UDP policy DEV30, which seeks to preserve rooflines of uniform character.
- 8.111 The use of traditional materials helps to tie the building into the historic character of the area and ensures that the terrace is a sensitive addition to the streetscene. In overall terms Officers' are satisfied that the proposed terrace will enhance the character and appearance of the Conservation Area and that it is acceptable in terms of relevant design policy.
- 8.112 The main amenity impacts from the proposal relate to potential loss of light, overshadowing and increased sense of enclosure. The proposal would have an impact on properties to the North. This includes first floor flats at 642 – 648 Mile End Road. There are also residential flats located in a converted office/storage located in the rear yard area of 642 – 648 Mile End Road. These properties have been shown on the amended plans submitted with the application.
- 8.113 These properties would suffer from a loss of daylight and available sunlight. However, on balance the impact does not significantly exceed the current situation and the impact is considered acceptable.
- 8.114 The properties on the opposite side the road comprise 77 Brokesley – a converted warehouse and the terrace of 71 – 75 Brokesley, a terrace of dwellings. The submitted study shows that there will be little loss of daylight to these properties. There will be some loss of morning sunlight, however the effect would be transitory and on this basis is acceptable.

Site 11

- 8.115 Site 11 is located on the South side of the junction between Southern Grove and Hamlets Way. The site abuts Loweswater House, which is 7 storeys in height. Ennerdale House is 19 storeys in height and is located on the opposite side of Hamlets Way. To the West is the 11 storey Beckley House. The site currently comprises surface parking and open

space. The boundary of the Tower Hamlets Cemetery Conservation Area runs along opposite side of Southern Grove to the East of the application site.

- 8.116 The application proposes the erection of 7 storey building. The building would have a rectangular footprint with the long edge providing a 28.6m frontage to Hamlets Way. The building would provide 27 private flats. The flats benefit from private balconies and access to a large communal roof terrace.
- 8.117 The main body of the building (excluding the lift core which projects above) is approximately 3.6m higher than the adjoining Loweswater House. The additional height is justified given the location on the building at the junction of two of the estate's larger roads. The longer frontage to Hamlets Way is well articulated with contrasting materials, windows and balconies helping to break up any appearance of bulk. The scale and design of the building sits well with the neighbouring Loweswater House would preserve the setting of the Tower Hamlets Cemetery Area and is acceptable.
- 8.118 In terms of amenity impacts, it is noted that Loweswater House is located to the South of the development and as such would not suffer any loss of sunlight. West facing windows, at 90 degrees to the proposed building would lose some daylight. However, the losses do not result in ADF levels below BRE guidelines and the impact is therefore acceptable in an urban environment. The relatively oblique angle between proposed habitable room windows / balconies and Loweswater House ensures that there would be no significant loss of privacy for existing occupiers.
- 8.119 A distance of 20m separates Ennerdale House from the proposed building which is sufficient to ensure that there is no significant loss of light or loss of privacy implications.

#### Site 12

Site 12 is a rectangular plot of land fronting English Street. It is currently used to provide surface car-parking. The site is located adjacent to the south-east corner of Beckley House, and directly to the south is 2 – 36 English Street, a 4 storey block of flats. An electricity sub-station is located in the corner and this would be unaffected by the proposal.

- 8.120 The application proposes the erection of a 4 storey block providing 4 private flats. The dual aspect units would be arranged one per floor. The ground floor unit is a wheelchair unit and would have an associated car-port. The proposed building would be separated from the English Street block by the single storey substation.
- 8.121 In design terms the proposed building sits slightly forward of, and is slightly higher than, the existing English Street block. This adds a degree of visual variation along the length of street and helps the block to act as a terminating point to the streetscene. In overall terms the design is acceptable.
- 8.122 The main amenity impacts would be on the occupiers of the flats to the north-west of the development in Beckley House. Habitable room windows would suffer a loss of daylight however the resultant ADF values exceed BRE guide lines and are therefore considered acceptable. There would be some loss of sunlight to the private garden at the base of Beckley House and to balconies higher up. However, any impact would be limited to the morning hours and as such the overall impact on the amenity of the occupiers is considered acceptable. The rear windows of the proposed building have been angled to prevent overlooking back towards windows in the south wall of Beckley House preventing any significant loss of privacy.

#### Site 13

- 8.123 Site 13 is located towards the northern end of English Street. It currently comprises single



storey garages and hard-standing. To the North is the 4 storey block of 2 – 36 English Street, to the west the flank wall of 1 – 27 Treby Street and to the South the 3 storey 38 – 48 English Street. The application proposes a 4 storey block comprising 4 flats. The ground floor flat is a wheelchair unit with associated parking bay. The flats are arranged one per floor and have a single aspect over English Street.

- 8.124 In design terms the proposed block follows the building line and general scale of development along English Street which results in an acceptable appearance. When viewed in conjunction with site 12 the development will provide complementing 'bookends' to 2 – 36 English Street resulting in a consistent streetscene.
- 8.125 In terms of amenity the main impact will be on habitable room windows to the West. There would be a reduction in daylight however the resulting ADF values exceed BRE targets and are considered acceptable. There would be some loss of morning sunlight to the rear of 1 – 27 Treby Street, however, the impact is transitory and is therefore acceptable. The single aspect over English Street prevents any loss of privacy to these occupiers.

#### Site 14

- 8.126 Site 14 comprises a vacant plot located at the corner of Ropery Street and Eric Street. Ropery Street comprises 2 storey Victorian terraces. The dwellings abutting the site on Eric Street were constructed circa 1970s and are 3 storeys in height.

The site is located within the designated Ropery Street Conservation Area. The Conservation Area largely comprises terraced dwellings. The Council's Conservation Area Appraisal describes how the uniformity of these terraces contributes to the special character of the area.

- 8.127 The application proposes a part 2, part 3 storey block providing 4 social rent residential units. The design of the proposed corner building seeks to provide a link between the two styles of development that abut the site. Along Ropery Street the building would be 2 storeys and would follow the style of the adjoining Victorian terrace. As the building nears the corner it rises to three storeys to tie in with the established storey height along Eric Street.
- 8.128 The building follows the scale of the adjoining properties, incorporates traditional design features and utilises appropriate materials. As such it is considered a sensitive addition to the terraced street-scene that enhances the character of the Ropery Street Conservation Area and is acceptable.
- 8.129 The impact on neighbouring amenity in terms of potential loss light and overshadowing is considered acceptable as resultant ADF levels do not fall below BRE targets. A condition would ensure that the bathroom window in the East elevation is obscure glazed to prevent overlooking into the bedroom window of 1 Ropery Street and with this safeguard the potential impacts on privacy are acceptable.

#### Site 15

- 8.130 Site 15 is the area of land located at the junction of Eric Street and Hamlets Way. It was previously occupied by a two storey residential building with a large area of open-space in front. The building has recently been demolished. To the South of the site are two parallel 4 storey residential blocks, one of which fronts Eric Street and the other Treby Street. The area in-between these blocks are private gardens. Further to the North, on the opposite side of Hamlets Way, is another 4 storey residential block.

- 8.131 To the West, on the opposite side of Eric Street, is a two storey terrace of Victorian Dwellings. These dwelling are located in the Ropery Street Conservation Area, the boundary of which runs along the centre of Eric Street.
- 8.132 The application proposes a stepped building rising to a maximum of 6 storeys along Hamlets Way. The building would provide 56 private residential units. The building would have an approximate U shape, with the higher and longer component fronting Hamlets Way and two arms returning to the South to meet the existing blocks on Eric and Treby Streets.
- 8.133 The building would be 4 storeys in height adjacent to the existing 4 storey block fronting Eric Street. This portion of the development has a façade without any balconies and would be finished in a buff coloured brick. In terms of scale the proposal relates well to the existing development. The uncluttered design and materials ensure that the building is considered to preserve the setting of the Ropery Street Conservation Area.
- 8.134 The height of the building steps up to a maximum of 6 storeys along Hamlets Way. This is considered acceptable along Hamlets Way as this wider road can accommodate buildings of a larger scale. The frontage along Hamlets Way is well articulated which helps to reduce any impression of excessive bulk. The materials used will tie in well with the other new buildings further to the East. The final part of the building is the 5 storey arm returning to link the building to the existing 4 storey development on Treby Street. The centre of the U-shape is used to provide a communal garden area. In overall terms the design of the building is considered acceptable.
- 8.135 The main impact of the development would be potential loss of sunlight and daylight to properties on the opposite side of Hamlets Way, and properties on the opposite side of Eric Street. The submitted daylight study notes that while the levels of loss may be noticeable the resultant levels do not exceed BRE ADF guidelines, and are therefore acceptable.
- 8.136 The distance and ‘across the road’ relationship ensures that neighbouring residents would not suffer from any unreasonable loss of privacy from windows on the building’s frontages. To the rear overlooking would only be possible from relatively oblique angles, which would ensure that there was no direct overlooking into the rear rooms of 36 – 66 Eric Street or 2 – 32 Treby Street.

#### Other improvement works

- 8.137 The other estate-wide improvement works including new entrances, landscaping, installation of street furniture, street-lighting and cladding would all help to improve the appearance of the estate and are acceptable in design terms.
- 8.138 The introduction of new entrance to 31 – 39 Brokesley Street would help to announce the building on the street and would preserve the character of the Tower Hamlets Cemetery Conservation Area.

#### Design and amenity conclusion

- 8.139 Overall, the proposed buildings are considered acceptable in terms of design and amenity. The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the UDP and policies DEV1, DEV2 and DEV27 of the IPG which seek to ensure buildings are of a high quality design and suitably located. The proposed buildings sensitively designed and are considered to enhance the character and appearance of the Ropery Street and Tower Hamlets Cemetery Conservation Areas.
- 8.140 The impact of the development on the amenity of neighbours in terms of loss of light,

overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, the scheme accords with policy DEV2 of the UDP and policy DEV1 of Council's IPG. Given the acceptable design and amenity impacts, the application is not considered an overdevelopment.

### **Amenity space**

- 8.141 The application seeks to improve the quality and usability of the existing open-spaces across the estate. This includes the provision of a new ball court and the provision of 6 dedicated child-play areas. Existing grassed areas would be landscaped with the addition of planting and seating.

### **Estate-wide**

- 8.142 In terms of defining open space, the Mayor's Best Practice Guidance on Preparing Open Space Strategies provides a clear definition for both Public and Private forms of open space. Public Open Space is defined as

*“public parks, commons, heaths and woodlands and other open spaces with established and unrestricted public access and capable of being classified according to the open space hierarchy, which meets recreational and non-recreational needs”.*

- 8.143 Private open space is defined as

*“open space to which public access is restricted or not formally established but which contributes to local amenity or wildlife habitat or meets or is capable of meeting recreational or non-recreational needs, including school and private playing fields”.*

- 8.144 The guidance also states that private residential gardens or incidental areas such as road verges or streets (unless these form part of a link in the open space network) should not be included.

- 8.145 Saved UDP policy OS7 states that planning permission will not normally be given for any development that results in the loss of public or private open-space having significant amenity value.

- 8.146 Policy OSN2 in the IPG states that given the existing deficiency of open-space the Council will not permit any further loss of the Borough's open space resource. London Plan policy 3D.8 states that the Mayor will work with strategic partners to protect, promote and improve access to London's network of open-spaces. The policy also notes that poor quality is not in itself a reason to justify the loss of open-space.

- 8.147 Policy HSG16 in the UDP requires that all new housing developments include an adequate provision of amenity space. IPG policy CP25 states that all new housing developments should provide high quality private and communal amenity space for all residents and policy HSG7 provides specific minimum standards for new residential developments.

### Public Open Space

- 8.148 Quality, quantity and access to open space are key components to the delivery of sustainable communities. The existing open-spaces on the estate comprise relatively large grassed areas.

8.149 The table below details existing and proposed levels of public open space:-

As existing	10, 744m <sup>2</sup>
Lost to new building footprint and ancillary spaces	- 1, 734m <sup>2</sup>
Gained from conversion of hard-standing / existing surface parking	+ 890m <sup>2</sup>
Net loss of open-space to built development	844m <sup>2</sup>

8.150 The application also proposes to re-allocate some areas of existing public space as private gardens for existing residents. These areas comprise:-

Number 10 and 11 (space lost to provide private gardens)	Loss of 182m <sup>2</sup>
Number 12 (space lost to provide communal garden)	Loss of 495 m <sup>2</sup>
Overall net loss public open-space	2, 411m <sup>2</sup>

8.151 The application proposes the reconfiguration and upgrade of the open space throughout the estate. The calculations show there will be an loss in the provision of open space across the estate of 844 sq m. Whilst it is acknowledged that the population density will increase as a result of the proposal, it is considered that the proposed open space provision is acceptable given that there will be a significant improvement in quality of the amenity areas. It should be noted that the figures do not take into account the increase in provision of private gardens, private communal gardens and roof terraces which contribute to improving the living environment for existing and new residents.

8.152 The private gardens would be provided around the edge of two areas of public open space to the West of Windermere House (existing open space numbers 10 and 11 on submitted plan F528/PO/07 Rev A). Residents of Windemere House requested the provision of these gardens during the Developer's community consultation events, and they would be seen as a considerable benefit of the scheme. The creation of the gardens would rationalise the existing boundary of the areas of public space, and is not considered to have any significant impact on the openness, overall quality or function of these spaces.

8.153 The scheme also proposes the re-allocation of existing public open space to the rear of site 7 as a private communal garden (marked as existing open space number 12 on submitted plan F528/PO/07 Rev A). This space would be linked with existing areas of hard-standing to the rear of the Tabernacle to form one enlarged open-space. As this space is surrounded on all sides by rear gardens it is not considered appropriate to make this generally accessible to the public. Accordingly it would be allocated as a private communal garden for the benefit of all existing and proposed residents occupying the dwellings around the space. The area of hardstanding given over to this private communal garden amounts to 765 sq m.

8.154 The application seeks to gain some additional replacement public open-space by reclassifying an existing communal garden as public open-space. This area (numbered 8

on submitted plan F528/PO/07 Rev A) is located in-between Derwent House and the raised pedestrian footway. This area is currently fenced off for the exclusive use of residents of Derwent House, and as such is technically classified as private communal open space. The scheme proposes making this space available for the use of all estate residents, and accordingly 848 sq m would be re-classified as public open space. An additional 132 sq m is gained from an area of hardstanding, providing an area of public open space comprising 980 sq m.

- 8.155 The proposed public open space provision has been given very careful consideration. It is accepted that any loss of open space is contrary to the objectives of open-space policies. However, the objectives of these policies must also be balanced against the improvements made to the quality and usability of the existing open-spaces, the provision of affordable housing and the overall objectives of the estate regeneration.
- 8.156 The application also makes provision of 375 square meters of 'private' communal space in the form of roof terraces on buildings 2, 11 and 15. Site 15 also has a ground level communal courtyard of 320 square metres. In total this comprises 695 square metres of space which provides some compensation for the loss of the public open space.
- 8.157 In overall terms the regeneration of the estate, it is considered that the proposal will lead to a significant and tangible improvement in living conditions for residents, which on balance is considered to outweigh policy objectives to retain open-space.

#### Child Play Space

- 8.158 London Plan Policy 3D.13 requires residential development to make provision for play and informal recreation, based on the expected child population. The Mayor's SPG sets a benchmark of 10sq.m of useable child play space to be provided per child. The guidance also notes that under 5 child play space should be provided on site. The Council's Interim Planning Guidance sets a standard of 3 square metres per child.
- 8.159 The existing estate currently has no dedicated areas of child play space. To application includes the provision of playspace for the expected child yield for both the existing and proposed units of accommodation.
- 8.160 The table below details the estates child play space requirements. The space requirement is based on the IPG 3 square metre per child standard.

Unit Size	Market Units				Affordable			
	No. of Units	Child Yield	Total Yield	Space required (sqm)	No. of Units	Child Yield	Total Yield	Space required (sqm)
Studio	21	0.036	0.756	2.268	27	0.059	1.593	4.779
1 bed	87	0.036	3.132	9.396	103	0.059	6.077	18.231
2 bed	149	0.228	33.972	101.916	149	0.49	73.01	219.03
3 bed	125	0.564	70.5	211.5	103	0.912	93.936	281.808
4 bed	8	0.742	5.936	17.808	6	1.221	7.326	21.978
5 bed	3	0.742	2.226	6.678	11	1.221	13.431	40.293
6 bed	0	0.742	0	0	2	1.221	2.442	7.326
<b>Totals</b>	<b>393</b>		<b>116.552</b>	<b>349.566</b>			<b>197.815</b>	<b>593.445</b>
<b>Grand Total</b>				<b>943</b>				

8.161 The application proposes to create 960 square metres of dedicated child-play space. The spaces include a ball court and five play areas targeted for younger children. The proposed playspace will provide dedicated facilities for children of a variety of ages. The amount of provision exceeds the Council's IPG standard of 943 square metres and as such is considered acceptable.

#### Private amenity space

8.162 Policy HSG16 of the UDP requires the provision of adequate amenity space in new housing development. Interim Planning Guidance policy HSG7 sets specific minimum standards for housing developments based on the size of the proposed dwelling.

8.163 The application provides private amenity space in the form of balconies and terraces. Almost all of the flats benefit from access to private amenity space. The only exceptions are the flats on the upper floors of site 14, which is because balconies would be out of character with the Ropery Street Conservation Area.

8.164 In some cases the proposed terraces are smaller than policy would require however in other places the standards are exceeded. For the most part this is a reflection of the trade-offs made when designing the building layouts. In total the application proposes 2912 square metres of private amenity space. IPG policy HSG7 would require the provision of 2865 square metres of space. The private amenity space provided is considered acceptable in quality, and exceeds the policy standard in terms of quantity.

#### **Parking and Highways**

8.165 Policy 3C.1 of the London Plan seeks to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel by car and to locate high trip generating development in locations with high levels of transport accessibility and capacity. Policy 3C.2 further requires proposals for development to be considered in terms of existing transport capacity. The Mayor seeks to ensure that on-site car parking at new developments is the minimum necessary.

8.166 Saved policy T16 of the UDP states that new development proposals will be assessed in relation to the ability of the existing and proposed transport system to accommodate the additional traffic that is likely to be generated. Saved policy T18 states that priority will be given to the safety and convenience of pedestrians in the management of roads and the design of footways.

8.167 Policies CP41 and DEV19 of the IPG seek to ensure the integration of new development with transport, recognising that this is fundamental to achieving more sustainable patterns of travel in Tower Hamlets. Maximum car parking and minimum cycle parking standards are detailed in IPG Planning Standard 3.

#### Car Parking

8.168 There are currently 126 car-parking spaces and 150 garages located around the estate. The application proposes to retain 61 of the existing car-parking spaces, and to provide 30 additional spaces, giving a total of 91 spaces. Sixty-two of the garages would be retained. There are also 181 on-street parking bays controlled by Council issued permit or meter payment.

8.169 Of the 30 new spaces, 13 are covered spaces associated with the wheelchair accessible housing. This meets the 10% wheelchair standard space required by IPG policy DEV19.

8.170 The new residential units would be 'car-free' and occupiers would not be eligible to apply for Council issued car-parking permits. This would overcome the objections made by residents relating to problems associated with increased pressure for car-parking spaces.

- 8.171 The level of car parking provision is well below the maximum levels specified in by IGP policy DEV19. The site is located in an area with a high PTAL level and the overall reduction in the amount of car-parking accords with sustainability objectives and as such is acceptable.
- 8.172 The submission of a complete Travel Plan would be secured in a S106 Agreement to ensure compliance with IPG policy DEV18.

#### Cycle Parking

- 8.173 London Plan policy 3C.22 and Interim Planning Guidance Policy DEV16 require the provision of adequate cycle parking for new residential development. The application makes provision of cycle parking for all new residential blocks at a ratio of one stand per dwelling. The stands are located in communal stores, private sheds or stands in front of the property. Ideally all cycle stores should be located within buildings, however on some sites this has not proved possible due to site constraints. In overall terms the amount of cycle parking meets policy minimums and is considered acceptable.

#### Access, Servicing and Highway Safety

- 8.174 The application includes details of proposed refuse stores and servicing arrangements for new and existing dwellings. These have been reviewed by the Council's Highway Section and are considered acceptable.
- 8.175 Objectors have raised concerns relating to the distance from proposed dwellings on Brokesley Street to the play areas within the estate. It is noted that the proposed dwellings have back gardens, which would allow safe play areas for younger children. The distance to play areas within the main estate is not far and Officer's consider that the journey can be safely made by older children or under parental supervision.
- 8.176 In overall terms the proposal is not considered to have any adverse impacts on highway or pedestrian safety and complies with the requirements of UDP policies T16 and T18.

#### **Sustainability**

- 8.177 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 which requires that:
- 8.178 All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;  
Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.179 The application has been accompanied with a detailed Energy Strategy. This strategy details how insulation improvements to the existing dwellings can deliver a substantial carbon saving. The study also considers the feasibility of introducing a district heating system and on-site renewable energy technologies.
- 8.180 The study acknowledges that the integration of renewable technologies into the scheme is technically possible. However, practical and financial constraints limit the opportunity to introduce a large scale renewable energy component.

- 8.181 The following feasibility reasons for not providing a district heating system have been provided by the applicant:
- 8.182 Residents will remain in their homes whilst improvement works are carried out. The change from the current provision of individual boilers to a district heating system would be very disruptive.
- 8.183 Some units have been purchased under the right to buy scheme and as such it would not be possible to require leaseholders to connect to the district heating scheme.
- 8.184 The buildings are spread across the estate which would make the provision of a single district heating system difficult and costly to implement.
- 8.185 As a result of these constraints, the proposal seeks to make energy savings across the estate as a whole. The existing estate buildings are old and significant improvements to energy consumption can be made, for instance by introducing cavity insulation and installing new condensing boilers. In addition to improvements to existing dwellings, the new development will be designed to meet Sustainable Code 3 requirements.
- 8.186 Overall, the refurbished scheme will achieve a total reduction in carbon emissions for the existing stock of 44.07%, a total reduction of 22.6% in the new build and a total reduction from the baseline (existing and new build) of 42.29%. There will be a reduction in carbon emissions from the estate in its present condition of 27.48%, despite the increase in number of housing units. (Note since the submission of the Energy Strategy the number of proposed units has been reduced).
- 8.187 Officers consider that it is more cost effective investing in refurbishment to deliver a carbon reduction by upgrading the existing stock rather than installing costly renewable technologies. The alternative is that money spent on achieving Decent Homes Plus standard would instead be spent on renewable technology for the new build. There are larger carbon savings per pound for the refurbishment works than there are for the renewable elements.
- 8.188 The comments made by the Council's Sustainability Officer and the GLA Stage One response have been noted. It is accepted that the proposal does not meet the Energy criteria set out in the London Plan. Nevertheless, in this case greater weight has been placed on policy objectives to provide affordable housing and to upgrade housing to Decent Homes Plus standards and given the financial constraints of the scheme the proposal is acceptable.

#### Biodiversity and Trees

- 8.189 London Plan policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Saved UPD policy DEV57 states that the Council will not permit developments that cause unjustifiable harm to designated sites of Nature Conservation Importance or Green Chains. Saved UDP policy DEV12 requires the provision of landscaping and policy DEV15 seeks the retention or replacement of mature trees.
- 8.190 Policy CP31 of the IPG states that the Council will seek to ensure the protection, conservation, enhancement, and effective management of the Borough's biodiversity.
- 8.191 Tower Hamlets Cemetery is designated as a Site of Metropolitan Importance for Nature Conservation. Mile End Park is a Site of Borough Importance. The scale of the development is such that the proposal would not have any significant adverse impacts on



these designated areas.

- 8.192 The proposed landscaping works would improve the range of habitats around the estate which would promote biodiversity. The comments from Natural England regarding the need for further ecological assessment, enhanced mitigation and financial contributions to improve the SINC have been considered. However, the submitted toolkit assessment has shown that additional contributions would be at the expense of other estate improvement works. It is considered that the proposed landscaping works provide sufficient biodiversity improvements and in this respect the proposal is acceptable.
- 8.193 The application has been accompanied with an Arboricultural Assessment. The scheme does not propose the removal of any trees with significant amenity value, and in overall terms the impact on trees is considered acceptable.

#### Air Quality

- 8.194 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 8.195 The application has been accompanied by an air quality assessment. This considers the likely impact of the construction phases of development. It is concluded that a Construction Management Plan could mitigate for any potential adverse impacts, for instance by ensuring that dust suppression measures are implemented. This would be secured by condition.
- 8.196 Once completed the development would be 'car-free' which would ensure that the scheme does not have any adverse impacts on air quality. The development is therefore considered to comply with relevant air quality policies.

#### Flood Risk

- 8.197 Interim Planning Guidance DEV21 seeks to ensure developments do not lead to increased risk from flooding. The site is located in Flood Risk Zone 1 (lowest risk) a Flood Risk Assessment has been submitted because the development site exceeds 1 hectare in size.
- 8.198 The submitted Flood Risk Assessment has been reviewed by the Environment Agency who has raised no objection subject to the imposition of a condition relating to surface water drainage. A condition would be imposed on any permission and as such the development would be acceptable.

#### Site Contamination

- 8.199 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by a Phase 1 Desk Based Assessment of Ground Conditions to assess whether the site is likely to be contaminated.
- 8.200 The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

#### Impacts on local infrastructure and other planning issues

- 8.201 A toolkit has been submitted with the application. It compares the potential revenue from the site with the potential costs of the development. The figures input into the toolkit appear low in terms of market value. However, the developer costs are substantially lower than the standard toolkit values. Other costs are generally at the standard level or below and no

exceptional developer's costs have been input into the toolkit.

- 8.202 The toolkit demonstrates the financial constraints of the scheme and shows that the scheme would generate 8.2M in cross-subsidy for the upgrade of the existing properties on the estate to Decent Homes Plus standard.
- 8.203 Any additional requirements such as increased s.106 contributions or the incorporation of additional renewable energy would have a direct negative impact on the funding available for the upgrade of the estate.
- 8.204 Overall, the scheme provides 35% affordable housing in accordance with Council policy and provides a comprehensive refurbishment of the existing estate to bring the existing homes up to Decent Homes Plus standard. Contributions have been sought towards the provision of future health and social care facilities (£232, 125) and the provision of primary school places (£333, 324).
- 8.205 It is considered that on balance the benefits of a scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision and the absence of other mitigating financial contributions.
- 8.206 Mitigation for other developments in the vicinity of the site is considered on a case by case basis and it is not considered that the cumulative impacts of this development would result in any significant adverse impacts.

## 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.