

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal Case Officer: Richard Murrell	Title: Deferred Item Ref No: PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent) Ward: 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 Brookesley 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, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P0/30 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 REVB, P13/03, 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. Improvements and Repairs – R/01 REVC, R/02 REVB, R/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REVC, R/08 REVB, R/09 REVB, R/10 REVA, R/11 REVB, R/12 REVB, R/13 REVB, R/14 REVB, R/15 REVB, R/16 REVB, R/17 REVA, R/18 REVA, R/19 REVB, R/20 REVB, R/21 REVB, R/22 REVB, R/23 REVB, R/24 REVA, R/25 REVA, R/26 REVA, R/27 REVB and R/28 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 7th 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 10th September 2008)
 - Noise Assessment (Prepared by Enviro Consulting Limited Dated October 2008)
 - Air Quality Assessment (Prepared by Enviro 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
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 £224, 122 towards the provision of future health and social care facilities.

b) Provide a contribution of £320, 892 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 rights for new houses in Brokesley Street
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 (including sewerage to Brokesley Street)
23. Obscure glazing to rear window of site 14

24. Energy Strategy to be implemented as approved
25. 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

- 3.4 That the Committee resolve to GRANT Conservation Area Consent subject to:

Conditions

Time Limit

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

- 3.5 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. BACKGROUND

- 4.1 This application was originally reported to Members of the Strategic Development Committee on 2nd April 2009. There was insufficient time to hear the application and it was deferred until 13th May 2009. At the May committee Members resolved that consideration of the application be deferred to allow time for additional information to be prepared in relation to the matters discussed in the meeting. Each of the matters raised by Member's is discussed under the 'CONSIDERATIONS' section of the report below.

- 4.2 The following background documents are appended to this report

Committee Report dated 15th April 2009 and addendum,
Addendum report dated 13th May 2009.

5. CONSIDERATIONS

- 5.1 Members requested additional information in relation to the following matters.
- 5.2 *How the shortfall of finance between the estimated £12.5m total cost of estate regeneration improvements and the likely sum of £8.2m to be generated by the development will be managed, and confirmation that the scheme will continue to be viable.*
- 5.3 This question was put to Eastend Homes have confirmed that cross subsidy is not the only revenue source for this proposal. The remaining revenue required will be funded from the Eastend Homes business plan.
- 5.4 *Consultation to obtain the comments of appropriate Officers from the Directorates of Children's Services and Communities, Localities and Culture regarding the potential loss of children's play space.*

And

The total area of open space that will be built upon.

- 5.5 Open-space calculations are given at sections 8.149 – 8.157 of the main committee report. Additional comments from the Council's Cultural Services section have been received in relation to the provision of child-play space. It was stated that the level of provision meets Council Interim Planning Guidance on play space and no further comments would be made. It was noted comments on the value or design of the play-space should be sought from the Council's landscape team.
- 5.6 Children's Services were re-consulted on the issue of child play space specific issue and stated that they had no comments to make.
- 5.7 The existing the estate has no dedicated areas of child-play space. The current areas of open grassland are ill defined and there is no demarcation to provide areas for the use of children of different ages, or for the exercise of dogs.
- 5.8 In terms of play provision the scheme would create:-
- An external ball court
 - A community hall (which could be used for indoor sports)
 - 5 areas of 'younger' child play-spaces.
- 5.9 The younger children play spaces would comprise safety surfacing and play equipment. They would be enclosed by railings and located in areas that are well overlooked from nearby dwellings.
- 5.10 The level of Children's playspace meets the LBTH policy minimum. The possibility of including addition areas of space could be further investigated. This would be carried out during the discharge of the landscape condition process. The views of the Council's landscape section would also be sought at this stage in regard to the detailed design of the children's play equipment.
- 5.11 The remaining open-areas would be contoured and re-landscaped. Mature trees would be retained and supplemented by additional shrub beds and wild-grass planting. Areas of path, pavement and benches would also be introduced to encourage residents of all ages to make use of the amenity space.
- 5.12 In overall terms the quality of the existing amenity spaces would be significantly improved which would be of benefit to existing and future residents.
- 5.13 Possible alternative proposals for the redevelopment of 1-14 Brokesley Street, including construction details, such as type of brickwork proposed.
- 5.14 Officer's have re-assessed if it would be desirable to retain/convert the existing bedsits rather than demolish them and build replacement townhouses. Currently there are 14 bedsits arranged over 2 storeys, with each floor providing 7 units. Each of the units is approximately 5.3m wide by 7.15m deep, giving a floor area of 38 square meters. The existing units are in a poor state of repair and do not comply with accessibility or lifetimes homes standards.
- 5.15 The refurbishment of the units would only prolong the life of a fundamentally sub-standard form of bed-sit accommodation that does not meet current identified housing needs.
- 5.16 The possibility of converting the units to provide larger accommodation within the existing building envelop has also been considered. This could be achieved by combining two bedsits into a two storey house. However, the units would still be substandard in terms of compliance with Lifetime Homes standards. Each of these flats would be approximately 76

square meters in size. This would allow the accommodation to be used as 2 bedroom 4 person units. The re-build option is considered to respond better to housing need as it creates large 8 bedroom family units.

- 5.17 In terms of design it is not considered that the current building makes any meaningful contribution to the quality of the streetscene. The proposed replacement terrace is of a traditional appearance and would sit well within the Conservation Area. The applicant has confirmed that the proposed materials include yellow London stock brick, white painted timber windows and cast-iron rain water goods. A condition would ensure that samples of these materials be submitted for approval to ensure that they are of a suitable quality for use in a Conservation Area.
- 5.18 The possibility of reduction in height of proposed development at the corner of Eric Street/Hamlets Way.
- 5.19 The scale of development at the corner of Eric Street and Hamlets Way has been significantly reduced during the course of the application. When submitted the scheme proposed a long 7 storey building extending along Hamlets Way, with 5 storey 'wings' returning along Eric Street. This scale of building was considered excessive and following negotiations the scale of the building was reduced to provide a 4 storey block at the junction of Eric Street and Hamlets Way. In terms of scale this complements the adjacent 4 storey block along Eric Street. Along the Hamlets Way frontage the building was reduced to a maximum of 6 storeys. This is lower than other buildings along Hamlets Ways such as the 10 storey Beckley House or the 7 storey Loweswater House.
- 5.20 A further reduction in height is not considered necessary to achieve an acceptable urban design outcome, but it would result in a decrease in the amount of housing units and cross-subsidy that can be generated.
- 5.21 Further information on proposals for car-free residential units.
- 5.22 Adopted Council policy and London Plan policy places considerable emphasis on encouraging more sustainable forms of transport. Council policy sets a maximum standard for car-parking provision in new residential development of one space per unit. In areas close to public transport, such as this site, Officers would encourage a minimal provision of car-parking. Where possible policy would prioritise the provision of open-space rather than more surface car-parking.
- 5.23 To promote more sustainable modes of transport and reduce congestion in the Borough it is also the Council's established policy not to issue on-street parking permits to occupiers of new development. Developers are required to enter into a legal agreement accepting this prior to planning permission being granted. This restriction does not apply to blue disabled badge holders, who can still apply for permits. This agreement would apply to parking on the adopted highway running through the estate.
- 5.24 Non-adopted roads and the estate car-parks are private and managed by Eastend Homes. Currently Eastend Homes have issued 76 car-parking permits and 49 garage permits to existing residents. The application proposes to provide 91 spaces and 62 garages. This is sufficient to re-provide spaces for existing residents with permits. Thirteen of the additional spaces are for designated wheelchair units, and two will be visitor spaces.
- 5.25 The Developer will also be providing a car-club facility which would allow residents without access to their own car / parking space access to a vehicle.
- 5.26 Why only a net addition of 19 new affordable housing units are proposed to be provided.

- 5.27 The number of units proposed appears low because the net housing figures take into account the loss of 29 affordable bedsits / flats. In total the scheme would deliver 48 new affordable housing units.
- 5.28 The amount of affordable housing provided is calculated on the basis of habitable rooms, rather than units, as this allows larger family sized units to be provided. It total 35% of the habitable rooms proposed are affordable, in accordance with policy.

6. CONCLUSIONS

- 6.1 At the request of Members the wording of condition 22 is amended to clarify that the survey should include details of sewerage for Brokesley Street. The recommendation is otherwise unchanged.
- 6.2 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent 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.