

Committee: Strategic Development	Date: 4 th August 2009	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Amy Cooper		Ref No: PA/09/0562	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

1.1 **Location:** 100 Violet Road, London, E3 3QH.

Existing Use: Manufacture of clothing with ancillary parking and servicing area.

Proposal: Demolition of existing 2190sqm (GIA) building currently used for clothing manufacture (Use Class B1c), and redevelopment to provide buildings of between five and nine-storeys for mixed-use purposes including 73 residential units (Class C3) (1 x studio; 20 x 1 bedroom; 36 x 2 bedroom; 16 x 3 bedroom), 1,300 sqm (GIA) of floorspace for the manufacture of clothing (Use Class B1c) and 100 sqm (GIA) of flexible commercial floorspace (Classes A1/A2/A3/A4/A5) or Gymnasium (Class D2), with associated roof terraces, landscaping, access and Servicing.

Drawing Nos: 3082 PL 01 P2; 3082 PL 02 P3; 3082 PL 03 P4; 3082 PL 04 P3; 3082 PL 05 P3; 3082 PL 06 P3; 3082 PL 07 P3; 3082 PL 08 P3; 3082 PL 09 P3; 3082 PL 10 P3; 3082 PL 11 P3; 3082 PL 12 P3; 3082 PL 20 P2; 3082 PL 21 P2; 3082 PL 22 P2; 3082 PL 23 P2; 3082 (PL)30 P1; 3082 PL 23 P2.

Supporting Documents

- Design and Access Statement by Stock/Woolstencroft
- Planning Application Drawings by Stock/Woolstencroft
- Daylight and Sunlight Assessment by GIA
- Planning Statement by Barton Willmore
- Socio-Economic Assessment by Barton Willmore
- BREEAM Industrial Pre-assessment by Gifford
- Energy Assessment by Gifford
- Supplementary Energy Report by Gifford
- Transport Assessment prepared by Barton Willmore
- Phase 1 Geo-environmental assessment prepared by Barton Willmore
- Air Quality Assessment prepared by Barton Willmore
- Landscape Assessment prepared by Barton Willmore

Applicant: Mr M Azam

Owner: Mr M Azam

Historic Building: N/A

Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007). These Policies seek to maximise intensity of use compatible with local context.
- 2.3
- The proposal is considered appropriate in relation to the residential amenity of the site. The impact of the development in terms of daylighting and sunlighting, overshadowing, sense of enclosure, outlook, privacy and noise is acceptable given the compliance with relevant BRE Guidance and the urban context of the site. This is in line with Saved Policy DEV1 and DEV2 of the adopted UDP (1998) and DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- 2.4
- The commercial space acceptable in principle as it will provide a suitable provision of jobs in a suitable location. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community.
- 2.5
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.6
- The density of the scheme would not result in the overdevelopment of the site, or any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.7
- The quantity and quality of housing amenity space and the communal/child play space is considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.

- 2.8 • The building height, scale, bulk and design is acceptable and in with policies 4B.1, 4B.2, 4B.3 and 4B.5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3 and DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.9 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 2.10 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.
- 2.11 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.12 • Contributions have been secured towards the provision of affordable housing, health, education and highways improvements in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
 - A. **Any direction by the Mayor of London.**
 - B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - 1. Affordable housing provision of 35% of the proposed habitable rooms with a 78/22 split between social rented/ shared ownership to be provided on site.
 - 2. A contribution of £120,768 to mitigate the demand of the additional population on health care facilities.
 - 3. A contribution of £123,420 to mitigate the demand of the additional population on education facilities.
 - 4. A contribution of £30,000 towards the provision of traffic calming measures and a new pedestrian crossing toward the northern end of Violet Road, to provide an improved pedestrian environment for additional demand on the local highway network.

4. Completion of a car free agreement to restrict occupants applying for residential parking permits.
5. TV reception monitoring and mitigation;
6. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
7. Commitment towards Code of Construction Practice.

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

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

3.5 **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples for all external materials to be submitted with detail specifications.
 - All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment and layout, planting, finishes, levels, walls, fences, gates and railings, entrances and seating. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels,
 - 1.8m screens to balconies serving the north-west and south-west units, details of obscure glazing to the northern elevation of the building, and
 - The design of the ground floor elevations of commercial units including shopfronts;
3. Parking –1 disabled car parking space, one servicing space and 71 non-residential bicycle parking spaces.
4. Investigation and remediation measures for land contamination (including water pollution potential).
5. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
6. Construction Environmental Management Plan, including dust monitoring
7. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
8. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
9. Commercial - hours of operation and service deliveries.
10. Commercial – details of extraction equipment and noise reports.
11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays and no working on Sundays or Public Holidays
12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
13. All residential accommodation to be built to Lifetime Homes standard, including at least 9.6% (7 units) of all housing being wheelchair accessible.
14. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.

15. Delivery and Service Management Plan, including management details for the car park and service/delivery area. Management details of the refuse and recycling facilities are required.
16. Construction Logistics Plan
17. Lighting details.
18. CCTV details.
19. Obscurely glazed non-opening windows on southern elevation, and eastern elevation of northern tower.
20. Any other condition(s) considered necessary by the Head of Development Decisions

3.7 **Informatives**

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.

3.5 That, if by the decision date specified in the PPA, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (legal services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

4.1 The proposal is for the redevelopment of the site, facilitated by the demolition of all existing buildings on-site, to provide a residential-led mixed use scheme comprised of a new building reaching between 5 and 9 storeys. The development is proposed to accommodate 73 new residential units, light industrial floor space at ground and basement, and flexible commercial floorspace within the A-class or gymnasium at ground level. Associated amenity space, children's playspace, servicing area and disabled parking is also included.

4.2 The details of the scheme are as follows:

- 73 new residential units;
- Affordable housing provision which equates to 35% of total habitable rooms, with a 68:22 split between social rented and intermediate tenures.
- Residential design which achieves level 4 for the Code for Sustainable Homes Criteria, as well as 10% wheelchair accessible units;
- Incorporation of renewable energy technologies including photovoltaic panels and wind turbines, to reduce carbon emissions by 9%
- Incorporation of three mini combined heat and power units to reduce carbon emissions by 19%;
- A total of 1473sqm of amenity space comprising:
 - 82sqm of communal amenity space at 6th floor podium level;
 - 1216sqm of private amenity space – each residential unit has private external space in the form of either a terrace or balcony;
 - 175sqm of children's playspace located at 6th floor podium level;
- 1300sqm (GIA) of floorspace for the manufacture of clothing (use class B1c) which is to be a re-provision of the existing business on site
- The provision of one disabled parking space at ground floor level;
- The provision of 71 cycle parking spaces; and
- Refuse and recycling facilities.

4.3 In design terms the scheme is comprised of a 5 – 6 storey linear building, which is broken up by two 7 to 9 storey projecting elements. The projecting elements serve to articulate the building, incorporating a silver/metallic rainscreen cladding with cool white obscurely

glazed privacy screen to balconies giving interest and variety to the elevation. The 5-6 storey linear element is comprised of red stock brickwork with galvanised steel balconies.

Site and Surroundings

- 4.4 The application site covers an area of approximately 0.18ha. It is currently occupied by a two storey commercial building which sits hard up against the eastern (front) boundary onto Violet Road. The existing building is located to the north of the site, and there is an existing vehicular access with servicing and parking area to the south.
- 4.5 The site is not located within a Conservation Area, nor does it contain a Listed Building.
- 4.6 The application site is located to the north and west of the Caspian Wharf development – a 9 storey, mixed-use residential led scheme which is currently under construction.
- 4.7 Three EDF substations adjoin the site - two immediately to the west, and a third immediately to the north-east.
- 4.8 Sites to the north and north-west contain 4 storey residential buildings.

Planning History

- 4.9 An outline application was submitted in 2000 for the demolition of existing buildings, and erection of three storey building to provide 12 light industrial (Use Class B1) units, 2 x three storey buildings containing 6 live/work units and 1 four storey building containing 18 residential flats. This application was subsequently withdrawn.
- 4.10 The Council's records reveal no other recent applications relating to the site.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan (as saved September 2007)

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST34	Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space

T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

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

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

Core Strategies: IMP1 Planning Obligations

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

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density
HSG2	Housing Mix

HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing

5.4 **Supplementary Planning Guidance/Documents**

Designing Out Crime
Residential Space
Landscape Requirements

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

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

5.6 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning & Noise

5.7 **Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely
A better place for living well
A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6. **CONSULTATION RESPONSE**

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

LBTH Cleansing

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

LBTH Design and Conservation

- 6.3 Following negotiations the proposal is supported in design terms.

LBTH Education

- 6.4 £123,420 towards education, to be secured by s106 agreement.

LBTH Energy Efficiency Unit

- 6.5 Considers the Energy Strategy to be acceptable, and recommends appropriately worded conditions to ensure carbon dioxide reductions are capable of being achieved on site.

LBTH Environmental Health

Contaminated land

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

Air Quality

- 6.7 No objection subject to appropriate conditions.

Noise

- 6.8 No comments received.

Sunlight/ Daylight

- 6.9 Following revision of the scheme the Daylight and Sunlight impacts are considered appropriate given the urban context of the subject site. This is further expanded upon within the amenity section of this report.

LBTH Highways

- 6.10 After significant negotiations relating to disabled parking, cycles parking and servicing, no objection subject to appropriate conditions, financial contribution of £30,000, and a s278 agreement.

LBTH Housing

- 6.11 Initial objection relating to mix and proportion of affordable housing. However the revised scheme is considered acceptable.

LBTH Landscape

- 6.12 No response received.

LBTH Policy

- 6.13 Initial objection relating to original affordable housing and mix; however the scheme was revised to comply with policy. Re-provision of commercial floorspace supported.

Greater London Authority (Statutory) (OFFICER COMMENT: The proposed scheme has been revised since Stage 1 response was received from the GLA)

- 6.14 The Greater London Authority considers this application is referable to the Mayor under category 1C of the Schedule of the Order 2008: 'Development which comprises or includes the erection of a building more than 30 metres high, outside the City of London.'

- 6.15 The mix of uses and regeneration potential of the scheme is supported.

- 6.16 Concern raised regarding the original affordable housing proposal (which was 26% of habitable rooms), and number of family sized units (13%). (OFFICER COMMENT: The proposal has been revised to comply with LBTH IPG policy, as outlined within the housing section of this report).

- 6.17 Concern raised regarding the density of the originally proposed scheme (OFFICER COMMENT: As outlined within the body of this report, the density of the proposed scheme has been reduced).

- 6.18 Broad approach to site layout, massing and urban design supported, proposing modern materials and designs to create a building that responds to the emerging context and urban scale. All north facing units are dual aspect, which is supported.

- 6.19 Concern regarding the higher aspects of the northern block, and it's relationship with lower scale residential buildings to the north (OFFICER COMMENT: Since these comments were received the northern tower element and main building have each been reduced by one storey)

- 6.20 Concern regarding sixth floor communal amenity space, and its usability. (OFFICER COMMENT: As outlined in the amenity section of this report, the amenity areas have been revised since these comments were received. Communal amenity and place space re-provided at sixth and fifth floor levels)

- 6.21 Recommendation made that long central corridor be removed, and the scheme reconfigured internally to increase security, provide a better communal area and increase the number of dual aspect units. It was also suggested that further windows be incorporated into the southern elevation to provide additional light to the internal areas. (OFFICER COMMENT: The option of introducing two separate cores has been explored, however it is desirable to have two means of escape in the event of a fire. None of the single aspect units within the scheme are north facing, and the arrangement is thus considered acceptable in this respect. Additional windows have now been incorporated into the southern elevation).

- 6.22 Concern raised regarding the originally proposed 99sqm of children's playspace, which fell short of the guidance within the GLA's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'. (OFFICER COMMENT: Scheme revised to provide additional playspace at sixth floor level, as further outlined in the amenity section of this report).
- 6.23 The proportion and layout of wheelchair accessible units acceptable, however no disabled parking proposed. (OFFICER COMMENT: Revised scheme includes one disabled parking space).
- 6.24 Further clarification required regarding Energy and Sustainability (OFFICER COMMENT: Expanded upon in Energy section of this report).

ODA

- 6.25 Response received – no comment.

Transport for London (Statutory)

- 6.26 Car-free scheme supported, however it was suggested that two disabled parking spaces be provided on-site. (OFFICER COMMENT: One disabled parking space has been incorporated into the revised scheme, which is considered acceptable by LBTH Highways Section).
- 6.27 Cycle parking provision supported. (OFFICER COMMENT: Cycle parking provision has been amended, as expanded upon within Highways section of this report).
- 6.28 The development will benefit from streetscape improvements secured with the consented Caspian Wharf development, however TfL requested additional financial contribution for 'improved conditions of walking'. (OFFICER COMMENT: Case officer had further dialogue with TfL regarding this point, and was advised that TfL were not seeking financial contributions, but rather that would support the Council receiving contributions for such).
- 6.29 Construction Logistics Plan and Delivery & Servicing Plan should be secured by condition. (OFFICER COMMENT: Conditions attached).

Metropolitan Police

- 6.30 Concern raised regarding the undercroft vehicular access, and potential for crime to take place in servicing area. (OFFICER COMMENT: Low-scale gates have been incorporated into the revised plans, which is expanded upon within the Highways section of this report).
- 6.31 CCTV and lighting to be incorporated into the development. This will be secured by way of condition.
- 6.32 Violet Road elevation appears secure.

Tower Hamlets PCT

- 6.33 £120,768 contribution toward healthcare, to be secured in the S106 Agreement.

7. LOCAL REPRESENTATION

- 7.1 A total of 321 neighbouring properties within the area shown on the map appended to this

report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of individual responses: Objecting: 1

Supporting: 0

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

7.3 Design

- The building turns its back on Violet Road;
- Insufficient landscaping to Violet Road;
- Landscaped area purely for new residents, as opposed to general public;
- Insufficient set back from Violet Road – pedestrian experience and noise levels for new residents;
- Quality of materials – should relate to historic fabric of the area; balconies will look harsh;
- Height;
- Canyonisation of Violet Road.

(Officers comment: Design matters are considered in design section of this report)

7.4 Amenity

- Insufficient set back from Violet Road – pedestrian experience and noise levels for new residents;
- Concern regarding location of refuse bins, appearance within the streetscene.

(Officers comment: Amenity matters are considered in the Amenity section of this report)

7.5 Highways

- Queried location of refuse storage

(Officers comment: Highways matters are considered in the Highways section of this report)

7.6 S106

- Proposal should include S106 financial contributions toward the following:
 - Gentrification of bridge;
 - Street furniture;
 - New, sound absorbing tarmac .

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

- Limited weight, scope and duration of the public consultation.

(Officers comment: Consultation beyond that which is statutorily required of the Council has been carried out)

7.8 Security

- Security concerns relating to under-croft.

8. **MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Highways
- Other

Land Use

Principle of Residential-Led Mixed Use Development

- 8.2 The scheme proposes a re-provision of the existing clothing manufacturing business which is currently on site. This will be located at ground and basement level. Although the scheme will result in a loss of 890sqm (GIA) of light industrial/warehousing floorspace, the applicants have demonstrated that they are currently operating with a floor area surplus to requirements, and the employment density of 15 jobs will remain the same. The Council's policy section considered the employment aspects of the development acceptable.
- 8.3 A further 100sqm flexible commercial floorspace is proposed at ground floor level, to accommodate A1, A2, A3, A4, A5 or D2 use. All of these uses are considered appropriate for the location, and it is recommended appropriate conditions are attached to secure further details of the final use to be implemented.
- 8.4 The proposed development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use area, which includes existing and approved residential and commercial uses nearby. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.
- 8.5 In accordance with policies 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of the London Plan.
- 8.6 Further, there is no strategic land use designation for the site, identified in either the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.
- 8.7 The current development represents a low density use of the site, which does not accord with local and strategic objectives. The proposed residential element to the scheme represents a more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the

site, in accordance with policy DEV3 of the UDP.

Retail Use

- 8.8 The development will comprise 100sqm of flexible retail floor space at ground floor level. The site itself does not lie within a designated shopping frontage, however Chrisp Street district shopping centre is located approximately 750 metres south of the subject site.
- 8.9 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.
- 8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Whilst policy discourages retail uses outside the town centres, the site falls substantially outside any district centre designation, and as such it is not considered the proposed ground floor flexible retail-space will have a detrimental impact on the vitality and viability of the Chrisp Street market.

Density

- 8.11 The Site has a net residential area of approximately 0.18 hectares. The scheme is proposing 73 units, and therefore the proposed residential accommodation would result in a density of approximately 405 units per hectare.
- 8.12 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.
- 8.13 The applicant has stated that the site has a public transport accessibility level, or PTAL, of four, taking into account improved services from Langdon Park DLR station. However, TfL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 70 to 170 units per hectare for sites within a PTAL of 2; and within PTAL 4, a maximum of 260 units per hectare. The proposed density is therefore significantly higher than the GLA guidance and would appear, in general numerical terms, to be an overdevelopment of the site.
- 8.14 However, the density matrices within the London Plan and Council's IPG provide a guide to development and, are part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.
- 8.15 Moreover, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and

- Impacts on social and physical infrastructure.

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

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

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

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

Housing

Affordable Housing

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

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

8.20 The proposal makes provision for 35% affordable housing by habitable rooms and as such complies with Council policy.

Social Rented/ Intermediate Ratio

- 8.21 Against London Plan policy 3A.9 the GLA's affordable housing target is that 70% should be social rented housing and 30% should be intermediate rent.
- 8.22 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. A summary of the affordable housing social rented/intermediate split is provided below:
- 8.23 The proposal provides 35% habitable rooms as affordable housing, which meets the Council's minimum target; 78% of those are for affordable social rented accommodation and 22% for intermediate housing. The proposed split therefore falls between the 80% social rent target of the Council's IPG, and the 70% social rent target of the London Plan. This is considered acceptable.

Housing Mix

- 8.24 The scheme is proposing a total of 73 residential units.
- 8.25 Paragraph 20 of Planning Policy Statement 3 states that
- "...key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people".*
- 8.26 Pursuant to policy 3A.5 of the London Plan the development should:
- "offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation".*
- 8.27 The GLA housing requirements study identified within the Mayor's Housing SPG, provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.
- 8.28 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide any prescribed targets.
- 8.29 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	1	0	0	0	0		0	1	2	
1 bed	20	3	17	20	1	20	37.5	16	32	37.5
2 bed	36	8	44	35	2	40	37.5	26	52	37.5
3 bed	16	7	39	30	2	40	25	7	14	25
4 bed		0	0	10	0			0		
5 Bed		0	0	5	0			0		
TOTAL	73	18	100	100	5	100	100	50	100	100

8.30 The unit mix for the social rent tenures sees a 17% provision of one bed units against a policy target of 20%, a 44% provision of two bed units against a policy target of 35% and a 39% provision of three bed units against a policy target of 30%. It is considered that the mix for the social rent units is acceptable. Whilst there is a slight under provision of 1 beds, however the scheme compensates for this with above target provisions of 2 and 3 bed units.

8.31 The unit mix for the intermediate units see a 20% provision of one bed units against a target of 37.5%, a 40% provision of two beds against a target of 37.5% and a 40% provision of three bed units against a target of 25%. There is an under provision of 1 beds, but again a healthy provision of 2 and 3 bed accommodation, which on balance is considered acceptable.

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

Tenure	Borough wide %	PA/09/562 %
Social rented	21.7%	39%
Intermediate	9.7%	40%
Market	1.7%	14%
Total	6.8%	22%

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

Design

8.35 The subject site does not lie within a Conservation Area, nor does it contain a Listed Building. Immediately to the south and west of the subject site lies the Caspian Wharf development sites, which reach to a maximum of 9 storeys. To the north and north-west if the site is a four storey residential development, with 2-3 storey EDF substations to the

west.

- 8.36 There is one objection to the proposed development, where a resident is of the opinion that the proposed building is too high, turns its back on Violet Road with insufficient setback and landscaping, proposes inappropriate materials, and will contribute to the canyonisation of Violet Road. However, the Council's Development and Renewal Department are of the opinion that the buildings height, scale, bulk, layout and quality of design is appropriate for this location. This opinion is examined in detail below.

Bulk and Massing

- 8.37 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and DEV2 of the UDP and the IPG.
- 8.38 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.39 Immediately to the south of the site, the Caspian Wharf development reaches between 5 and 9 storeys. The southern tower of the proposed building reaches 9 storeys in height, and sits below the corner tower of Caspian Wharf.
- 8.40 Following concerns raised by the GLA and neighbours over the height of the building, as well as officers original concerns over the impact on Violet Road and Glaucus Street properties, the applicant has sought to address this by re-designing the northern elements of the scheme, reducing its mass by removing one storey from the northern tower, and one storey from the northern-most elevation immediately south of 64-68 Violet Road. The general distribution of bulk and massing is now considered acceptable, with the building now stepping down from south to north in order to appear congruous with its northern neighbours.
- 8.41 Objection to the scheme suggests that the building does not propose sufficient setback from Violet Road, and turns its back on the principle street. Officers have considered this objection, however it is noted that the scheme proposes an average set back of 4.3 metres from the back edge of the pavement, with lightwells and acceptable levels of soft landscaping across the front of the site. The southern tower projects further forward – an average of 1.5 metres from the back edge of the pavement, however this feature does not extend down to ground level. The existing arrangement on site sees the flank wall of the building hard up against the pavement edge. Considering the existing building line on site, and the substantial proposed setback, officers are of the opinion that the setback is appropriate and acceptable in this location, and will not lead to a canyonisation effect along Violet Road.
- 8.42 Another matter raised in letters of objection indicated the building itself turned it's back on Violet Road. However, the introduction of an active retail/commercial frontage at ground floor is supported, as it will serve to create a relationship with pedestrians on Violet Road. Entrances to the two residential blocks are well defined at each end of the building, and the proposed shopfronts are contemporary with appropriately placed entrances.
- 8.43 When viewed from Violet Road, the proposed massing will generate sufficient interest, whilst appearing congruous with the established pattern of development – both as-built and

consented.

- 8.44 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design policies. The site layout and contribution to public realm responds well to the urban context, and the development presents a positive opportunity to activate and regenerate the Violet Road frontage. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

Materials

- 8.45 Policies DEV1 of Council's UDP, and DEV2 of the IPG seek to ensure that new development takes into account the character of the surrounding area with relation to the use of materials.
- 8.46 Objection was raised on the basis of the proposed materials, indicating that they should complement the historic nature of the surrounding area, with additional specific reference to the proposed balconies. The base of the proposed building incorporates red brickwork to match recently approved development in the area, together with the broader context of the area such as the Spratts Building – a large scale factory/warehouse to the south of Limehouse Cut. The two projecting tower elements are proposed with metallic silver aluminium cladding with matching screens of part obscure glazed panels which add layering and reflectivity to these elements. The result of this contrast in materials is to create the appearance of lightweight additions, contrasting with the solid brickwork.
- 8.47 Each residential unit is proposed with a balcony, constructed of galvanised steel with mesh infill panels.
- 8.48 The general palate of materials is considered acceptable and appropriate, and will serve to provide a high quality contemporary development. However, to ensure these high quality materials are delivered, it is recommended a condition is attached to secure the submission of material samples for consideration by officers.
- 8.49 The proposal is therefore considered to provide an acceptable scheme in terms of design, bulk, mass and scale, in accordance with, the London Plan and the IPG.

Amenity

Floor Space

- 8.50 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the Adopted UDP 1998, and SPG 'Residential Space' set the minimum internal floor space standards.

The internal floor area of each proposed flat exceeds the minimum standards set out in the above documents, and are therefore considered acceptable.

Amenity Space

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

<u>Tenure</u>	<u>Proposed</u>	<u>SPG Requirement</u>	<u>Total (m²)</u>
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Family Units	16	50sqm of private space per family unit	800
Non-family units	57	50sqm plus an additional 5sqm per 5 non-family units;	97
Child Bed spaces (according to the ES calculations)	62	3sq.m per child bed space 10sq.m as specified in London Plan	187 620
Total			1,084

Policy HSG7 of the Interim Planning Guidance provides standards for amenity space as follows:

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	1	6	6
1 Bed	20	6	120
2 Bed	36	10	360
3 Bed	16	10	160
4 Bed	-	10	-
5 Bed	-	10	-
TOTAL	73		646
Grand Total			646
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	110
Total Housing Amenity Space Requirement			756

- 8.53 In total, the proposed development will provide 82sqm of communal amenity space and 1,216sqm of private amenity space within the site.
- 8.54 Whilst the provision of communal amenity space (82sqm) falls below the guidance in the Council's UDP (97sqm) and IPG (110sqm), the shortfall is considered to be acceptable on balance with the provision of 1,216 private amenity space. All of the proposed residential units will be served by private amenity space in the form of terraces or balconies.
- 8.55 Through negotiations with officers the private amenity space and children's play space provision was increased, whilst the communal amenity was decreased. This was due to the fact that as originally proposed there was a clear conflict of private and communal space on the first floor terrace area, to the rear of the building. Revisions have seen this area turned into private space for the units along the rear elevation at first floor level, and the layouts have been re-configured so as to provide 2 and 3 bedroom units only along the terrace.
- 8.56 The communal amenity space is proposed at 6th floor level, with playspace immediately adjacent. The amenity area can be accessed from both stair cores, and includes buffer space adjacent to habitable room windows. The closest public open space to the site is Wyvis Street Open Space, approximately 250m to the south-east of the site as the crow flies, which space is made up of green space and play area. Furze Green Open Space and Fern Street Open Space are located approximately 500m to the west and north west.

- 8.57 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site.
- 8.58 Taking account of the site's urban location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG.

Child Play Space

- 8.59 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. Using the methodology within the Mayors SPG, this development will be home to 26 children.
- 8.60 Using the Council's methodology for calculating child play space, the scheme will be home to 21 children. The methodology for this calculation is inline with the Council's capacity study for education. However as this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.61 Whilst both the UDP Residential Standards, SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 262sq.m recreation space.
- 8.62 The applicant has stated that 175sq.m of playspace will be provided within the development. One area is provided at sixth floor podium level, with further under 5's playspace at fifth floor level. This equates to 6.7sqm per child.
- 8.63 The children's play space within the development will be designed for children under five, although the specifics of the design and equipment have not been provided. Whilst the applicant has indicated materials to be used and demonstrated within the originally submitted landscape plan, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.64 Whilst specific facilities are provided for 0 – 5 age group, the applicant has provided no details on provision for the 5 – 16 year olds. The Mayor's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation' recommends that playspace for children aged 5 – 11 should be within 400 metre walking distance of home, and facilities for 12 years+ should be within 800 metres of home.
- 8.65 The Furze Street public open space includes a play space area and landscaped open space, and is located approximately 500 metres, or 8 minutes walk from the subject site. Additionally, there is a pocket park of open space within the existing residential development 80 metres to the north of the site.
- 8.66 There are also existing facilities available at Langdon Park, which include 5 a-side courts, netball/tennis courts, and indoor community facilities. This site is approximately 600 metres, or 12 minutes walking distance from the site.
- 8.67 Within the applicant's submission it is noted that children from this scheme will have access to publicly accessible play space opposite the subject site, within the Caspian Wharf development. The play and open space associated with this development will be completely publicly accessible. It is envisaged that part of the funding secured from the S.106

agreement will go towards providing a pedestrian crossing to facilitate this access.

Summary

- 8.68 It is clear that the private amenity provision exceeds the minimum requirement of the Council's housing SPG and the Interim Planning Guidance. Whilst the communal amenity space provision falls short of the recommended minimum, the quality of the space, acceptable internal areas of flats and access to public open space to the north west of the development is considered to provide sufficient amenity. On balance the proposed child play space considered to comply with relevant national and local policies and guidance.
- 8.69 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition.

Accessibility and Inclusive Design

- 8.70 The revised mix provides 9.6% (7 units) of the units as wheelchair accessible, which is considered acceptable with relation to Council's policy suggesting 10%. This is comprised of 2 x three bed five person units for social rent, and 1 x two bed three person unit for intermediate housing. In the private sale element there is to be a provision of 2 x three bed five person units, and 2 x two bed three person units. The scheme has also been conditioned to ensure the proposed disabled parking space is provided and maintained.
- 8.71 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.

Safety and Security

- 8.72 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.73 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments, and appropriate conditions. These include measures such as low-scale gates, CCTV and lighting.

Daylight /Sunlight

- 8.74 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylight and sunlight conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.75 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.76 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties. Following discussion with officers, the mass of the building originally proposed was reduced, and a further supplementary daylight and sunlight report was submitted, dated 10th July 2009.

8.77 The following properties were assessed for daylight and sunlight:

- 46 – 42 Violet Road to the north;
- 64 – 68 Violet Road;
- 93 – 95 Glaucus Street to the north-west;
- 1-15 Glaucus Street to the north-west;
- 17-31 Glaucus Street to the north-west;
- Caspian Wharf Block C to the south;
- Caspian Wharf Blocks A and D to the east; and
- Public open space to the north.

8.78 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

1. Daylight Assessment

8.79 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

8.80 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.81 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.

a. Daylight Results: Impacts on Neighbouring Properties

8.82 Results for 46-62 Violet Road, 64-68 Violet Road, 1-15 Glaucus Street and 17-31 Glaucus Street showed compliance with BRE guidance. However, there are some failures with relation to the Caspian Wharf sites, and 93-95 Glaucus Street.

93-95 Glaucus Street

8.83 Of the 6 windows assessed, 5 will comply with the VSC target levels. The one window which fails does so by only 3.82%, and provides light to a dual aspect living/kitchen area which has another window on the western side of the building. On balance, it is therefore considered that the daylight to this property will not be unduly detrimentally affected by the proposed development.

Caspian Wharf Block C

8.84 This development recently obtained planning permission, however construction works have not begun. Of the 77 windows facing the site, 26 would experience reductions of VSC beyond BRE guidance. Of the 26 that fail, 6 provide light to rooms with dual aspect – oriented either north-west, or north-east. Thus reductions to these windows are considered acceptable on balance. Of the remaining 20 windows, the failures exceed the BRE by 2.3% – 15.4%, however all but 6 windows pass the NSL, and all but 5 of the windows pass the ADF test. On balance, it is therefore considered that the daylight to this property will not be unduly detrimentally affected by the proposed development.

Caspian Wharf Blocks A and D

8.85 This development is currently under construction, and sits across the road from the subject site. It would not be possible to develop 100 Violet Road, and fully utilise the site without having a daylight and sunlight impact on this development. Street to street frontages such as this will always have daylight and sunlight implications in an urban context such as that being considered. This street to street relationship was considered acceptable when the original Caspian Wharf development was approved, particularly with the relationship between Block C on the western side of Violet Road, and Blocks A and D opposite, on the eastern side. However the proposal being considered incorporates a further setback from the pavement edge than that approved at Block C Caspian Wharf, and is also lower in height in order to limit the daylight and sunlight implications.

8.86 Results from the assessment are as follows. Of the 234 windows facing the site, 123 (or 52%) would experience reductions of VSC beyond BRE guidance. Of those that fail the VSC, 69 (56% of those which fail) also fail the NSL, and 19 windows (or 15%) also fail the ADF test.

8.87 However, in order to holistically consider these figures, it is useful to assess the failures in terms of unit numbers and rooms. There are 48 units which have west facing habitable room windows. None of the units will experience all windows failing all three tests of VSC, NSL and ADF. Of the 182 rooms which face the site, just 16 (8.8%) fail all three BRE tests.

8.88 On balance, it is considered that the losses in daylight and sunlight to this development are not beyond those which would normally be expected with a street to street relationship. Blocks A and D of Caspian Wharf have not yet been completed, and thus when occupants take ownership they will be aware of the development being considered.

b. Daylight Results: Impacts on Proposed Units

8.89 The results of the interior daylight calculations undertaken for the habitable rooms which received the least amount of light. Only one bedroom failed to reach the target ADF value of 1%. However, this room is located beneath a balcony on the lowest level, and benefits from a balcony itself. This in itself adds amenity value, and the arrangement is therefore considered acceptable.

2. Sunlight Assessment

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

a. Sunlight Results: Impacts on Neighbouring Properties

- 8.91 The results of the sunlight assessment demonstrate that any south facing neighbouring windows within 46-42 Violet Road, Glaucus Street properties and Caspian Wharf Block C will comply with the BRE annual sunlight guide levels (100% compliance).
- 8.92 In Caspian Wharf Blocks A and D, 128 of the 229 windows assessed do not comply, however of these, only 17 provide light to living rooms, which are considered the most important in the BRE guidance. Of this 17 it was found that in most instances the retained sunlight levels are determined by the overhanging balcony features which stretch the full width of the façade.; however winter sunlight is still unable to meet guidelines. This is by and large a product of the low position of the sun during winter months and local obstructions such as neighbouring buildings blocking the availability of sunlight. Overall the retained sunlight is considered fairly good.
- 8.93 At 64 – 68 Violet Road one of the 24 windows relevant for assessment fails to achieve the suggested BRE. The one remaining window is located on the ground floor, however this window is already below the guidance levels and the actual loss represents a minor reduction of 1% in the winter months when the sun is lower in the sky and further obstructed by neighbouring properties.

b. Sunlight Results: Impacts on Proposed Units

- 8.94 There are no primary habitable room windows within 90degrees of due south, and on this basis the sunlight to proposed units is considered acceptable.
- 8.95 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

(c) Shadow Analysis

- 8.96 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.
- 8.97 The applicants assessment confirms that the amenity area to the north-west of the subject site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area (2.55%), as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

Privacy/ Overlooking

- 8.98 The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.99 • No. 64 – 68 Violet Road and 17-31 Glaucus Street to the north

The positions of the windows in the north elevation facing No. 64 – 68 Violet Road have been designed to guide views out onto the open space to the west. Others, nearer the front of the building have been conditioned with obscure glazing to prevent overlooking into windows of the adjoining property to the North of the site. On the western elevation the closest window is from a living room, which at an oblique angle is located 17 metres from the rear of 17-31 Glaucus Street. Further, the roof terrace and balcony of the north-western first floor unit is within half a metre of the northern boundary. As such, it is recommended a condition is attached to this consent securing details of a minimum 1.8 metre high obscurely glazed screen to ensure overlooking is not an issue.

- 8.100 Separation distances such as those proposed are not uncommon in urban settings and are considered appropriate in this instance.

- 8.101 • EDF substation and bulk supply centre to the west

These two sites are not in residential use, and therefore privacy/overlooking are not a material consideration with relation to the current use. However, it is possible (although not necessarily likely) that these sites could come forward for development in the future. In this respect, the majority of habitable room windows are set off the boundary by just under 8 metres. A similar set back from the adjoining property could be achieved, which would likely create an acceptable relationship. However, the northern rear projection extends to within 1 metre of this boundary, and does include some secondary habitable room windows. Bearing this in mind, it is recommended that a condition is attached to this permission ensuring these windows are obscurely glazed and non-opening, so as not to blight the future development potential of these sites. The separation distance is generally compliant with policy guidance and, in consideration of the urban setting, the setback distance on balance is considered acceptable.

- 8.102 • Caspian Wharf block C to the south

There are no directly facing habitable room windows between the proposed building and Caspian Wharf Block C. However, there are proposed west facing balconies within 4 metres of the approved west facing balconies of this building, and approved north facing balconies within 16 metres. As such, again it is recommended that a condition is attached to this consent securing details of a minimum 1.8 metre high obscurely glazed screen to ensure overlooking is not an issue.

- 8.103 The southern flank wall of the proposed development has incorporated some flank wall secondary windows to living rooms. Again, these windows do not directly face neighbouring habitable room windows, and it is recommended that they are conditioned to be obscurely glazed and non-opening.

- 8.104 • Caspian Wharf blocks A and D to the east

The minimum separation distance between the eastern elevation and these dwellings which are currently under construction is approximately 17m. The separation distance is generally in compliance with policy guidance and considering the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.105 • Impact of the development upon itself

The scheme proposes habitable room windows adjoining playspace and communal amenity

space, together with directly facing habitable room windows between the two projecting elements. The closest directly facing relationship is 12 metres. However, both of these units are dual aspect, and both rooms to which these windows relate have primary habitable room windows facing out to the east. Other windows which lie within 13 metres of each other have been designed to draw the eye to the west, away from the sensitive relationship.

- 8.104 On balance the separation distances proposed are considered acceptable.

Sense of Enclosure/ Loss of Outlook

- 8.105 Unlike sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to be sustainable.
- 8.106 Additionally, whilst the outlook from neighbouring properties will change, it is considered that the high quality design and materials will ensure that the new building will represent a positive contribution to levels of outlook.

Wind/ Microclimate

- 8.107 Potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme. Nevertheless, the applicants have carried out a wind assessment with regards to the proposed building.
- 8.108 Objection from a local resident was raised on the basis of the front building line, and impacts on amenity and usability for pedestrians.
- 8.109 The assessment found that in general pedestrian safety will not be affected as a result of the new development, and the pedestrian safety analysis shows that the wind speeds would be reduced through the implementation of the proposed scheme. This is because the proposed building with a narrower footprint allows more dissipation of wind flow along Violet Road.
- 8.110 The study of pedestrian comfort shows that the proposed development will not significantly affect the activities along streets or in open areas, and as for pedestrian safety, conditions will actually be improved from the current arrangement.
- 8.111 The analysis shows that the new development is likely to improve the wind environment by reducing the wind velocities in the surrounding areas of the site. The results of the study show that the massing of the existing building causes wind turbulence, and the new development assists in reducing this.
- 8.112 The report does go on to recommend soft landscaping and trees along the streets and open areas as part of the landscape strategy. This has been incorporated into the scheme, details of which will be secured by condition.

Noise and Vibration

- 8.113 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.114 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.115 One basis for objection surrounded the amenity of future occupants with relation to noise levels.
- 8.116 The hours of operation for the commercial unit are proposed as 08:00am – 19:00pm Monday to Sunday. It is recommended a condition is included to restrict deliveries for the commercial units as follows:
- Sundays and bank holidays between the hours of 10.00hrs and 14.00hrs; Monday to Saturday between the hours of 07.30hrs and 18.00hrs.
- It is also recommended a condition is attached securing the submission of a 'Service Management Plan' in order to further control the potential impacts to existing and future residents.
- 8.117 Flexible retail space is being proposed at ground floor level – falling within either A1 (retail), A2 (financial and professional services); A3 (Restaurants and Cafes); A4 (Drinking establishments); A5 (Hot food takeaways) or D2 (gymnasium). Use as A1 or A2 is unlikely to result in amenity concerns, and thus it is standard practice not to restrict hours for these uses. However, A3, A4, A5 and D2 can result in noise issues, and it is therefore recommended that, should either of these uses be implemented the hours are restricted by condition as follows:
- A3/A4/A5 - 08:00am to 23:00pm, Monday to Saturday;
 - 08:00am to 22:00pm on Sundays or Bank Holidays.
- D2 - 06:00am to 23:00pm, Monday to Saturday;
 - 08:00am to 22:00pm on Sundays or Bank Holidays.
- 8.118 Officers also recommend that conditions regarding the submission of extraction details and noise assessments should be submitted if A3/A4/A5 or D2 uses are implemented.
- 8.119 With relation to road noise, the new units will be required to adhere to building regulations in this respect, and thus the relationship between residential units and the road is considered acceptable.

Air Quality

- 8.120 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department, provided further details are secured by conditions. These relate to:
1. The source of the traffic data used in modelling;
 2. Mitigation measures – design and operation of mechanical ventilation, and mitigation measures to be installed prior to occupation;
 3. D1 stacking height for the gas boiler.

Highways

Access

- 8.121 The scheme is proposed as car free, and as such it is important to ensure there are good public transport links to the site. The subject site has four bus routes operating within the vicinity, with the closest bus stops on Violet Road within two minutes walking distance of the site. The D8 (from Violet Road), 323 (from Devons Road Station), 309 (from Broomfield Street) and 108 (accessed from Blackwall Tunnel Northern Approach) can all be reached and provide transportation to Stratford, Isle of Dogs, Canning Town, Mile End, Bethnal Green and Lewisham. The closest DLR stations are Devons Road (350 metres from the site) and Langdon Park (600 metres from the site) within 10 minutes walking distance from the site.

Parking

Car parking

- 8.122 The scheme is proposed as car-free, aside from one servicing space, and one disabled car parking space.

Cycle Parking

- 8.123 TfL and LBTH seek a minimum of one cycle parking space per residential unit. The scheme proposes the inclusion of 71 cycle parking spaces. Detailed specifications have been submitted to the Council's Highways section to assess the layout and area of the cycle parking facilities, and the arrangement has been found to be acceptable. Whilst the number of spaces does not meet the 1 to 1 guidance, the Council's Highways section consider that the proposed cycle parking provision is acceptable.

Servicing and Refuse Provisions

- 8.124 The existing vehicular entrance to the site is proposed to be retained and widened. As noted previously, this entrance is for servicing, refuse and disabled parking only. There is no private parking associated with the scheme.
- 8.125 A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.126 A condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.127 Objection was raised regarding the refuse provision and its appearance within the streetscene. Provision for the storage of refuse for the residential and non-residential uses has been provided for. These are located behind the proposed gate, and details of refuse collection will be included within the service and delivery management plan. Adequate management should serve to ensure that the refuse arrangements will not have a detrimental impact on the public realm. Notwithstanding this, the Highways section is satisfied that the gate is set back from the back edge of the pavement sufficiently, to ensure that vehicles will not overhang the pavement should they have to wait for access.
- 8.128 Following negotiations, officers have secured a further £30,000 contribution toward the

provision of a new pedestrian crossing and traffic calming measures toward the north of the site. This is in order to improve pedestrian safety for the increase in pedestrian footfall within the area.

Other

Flooding/ Water Resources

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

Sustainability

- 8.131 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 8.132 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.133 The applicant submitted an energy and sustainability strategy. Following the initial submission and Stage 1 response from the GLA, amendments were made to the scheme, and further clarification was provided with relation to the following:

Baseline Carbon Dioxide Emissions

The baseline emissions for the development have been estimated to be 471 Tones CO₂ per annum, based on Building regulations approved modelling software - IESVE software.

Energy Efficiency

A number of energy efficient design measures are proposed, including energy efficient lighting, a highly air tight building envelope and improved U-values beyond the minimum requirement of the current building regulations (2006) requirement. The energy strategy does not make any firm commitments and outlines the measures as assumptions, therefore these measures will need to be confirmed at the detailed design stage via condition. The proposed energy efficiency measures are expected to make 7% CO₂ emissions reduction from the calculated baseline, however it is recommended that details are secured by condition.

Cooling

The residential element of the scheme will not be cooled, and it is suggested by the applicant that an Air Source Heat Pump system is used for the commercial element. However, such specifics can be agreed by way of condition.

Combined Heat and Power

The scheme proposes 3 mini CHP units, which are estimated to reduce carbon emissions by 19%. The GLA suggested that these be revised to one single CHP unit for simplicity of operation and maintenance. The applicant has acknowledged this, and it is suggested that

the details surrounding this point will be investigated, and can be dealt with by condition.

To be in compliance with energy policy 4A.6, the CHP system should serve all thermal loads (domestic and non-domestic) of the proposed development.

A detailed CHP study should be provided which should include load profiles and demonstration that the potential of the CHP system has been maximised. Furthermore, a schematic drawing of the plant room / energy centre should be provided showing the layout of the plant room and its location within the development, the plant room / energy centre should be designed and future proofed and be able to connect to a larger decentralised energy network in the vicinity should one become available in the near future. Again, these details can be dealt with at the detailed design stage, and thus addressed by way of condition.

Renewable Energy

The proposal includes the installation of photovoltaic (PV) panels, and wind turbines on the roof the building. The applicants have confirmed that the arrangement of turbines and PV panels will provide a reduction of carbon emissions by 9%. The applicants have also confirmed that in the development stages of the scheme, consideration was given to the type of building and whether it was appropriate for wind turbines and PV's. It is recommended that the details and emission reductions be secured by condition.

Sustainability

The applicant has included a sustainability strategy and a Code for Sustainable Homes pre-assessment demonstrating the residential element of the development achieves Code Level 4.

For the non residential element of the development a BREEAM industrial pre-assessment has been provided demonstrating the commercial element of the development achieves an 'Excellent' rating.

- 8.134 The Council's Energy Efficiency Unit is satisfied with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG, provided further details are submitted by way of a condition.

Environmental Impact Assessment

- 8.135 The Council considers that the proposed development does not require an Environmental Impact Assessment (EIA). The proposed development does not fall within Schedule 1 of the EIA Regulations. The proposal development is an 'Urban Development Project' within paragraph 10(b) of the EIA Regulations: the site area (0.758ha) exceeds 0.5ha.
- 8.136 The Council does not consider that the proposed development is EIA development because it is not considered that the proposed development is likely to have significant effects by virtue of factors such as its nature size or location.
- 8.137 In reaching this conclusion the Council has applied the selection criteria set out in Schedule 3 of the EIA Regulations and considered the characteristics of the development, Location of the development and characteristics of the potential impact, including those factors set out within that Schedule.
- 8.138 The Council has also taken into account Circular 02/99 paragraphs 43-44 and Annexe A, paragraphs A18 and A19, Indicative Thresholds and Criteria for Identification of Schedule 2 Development Requiring EIA.

- 8.139 No part of the proposed development is to be carried out in a sensitive area as defined under the EIA Regulations.

Additional points of Objection

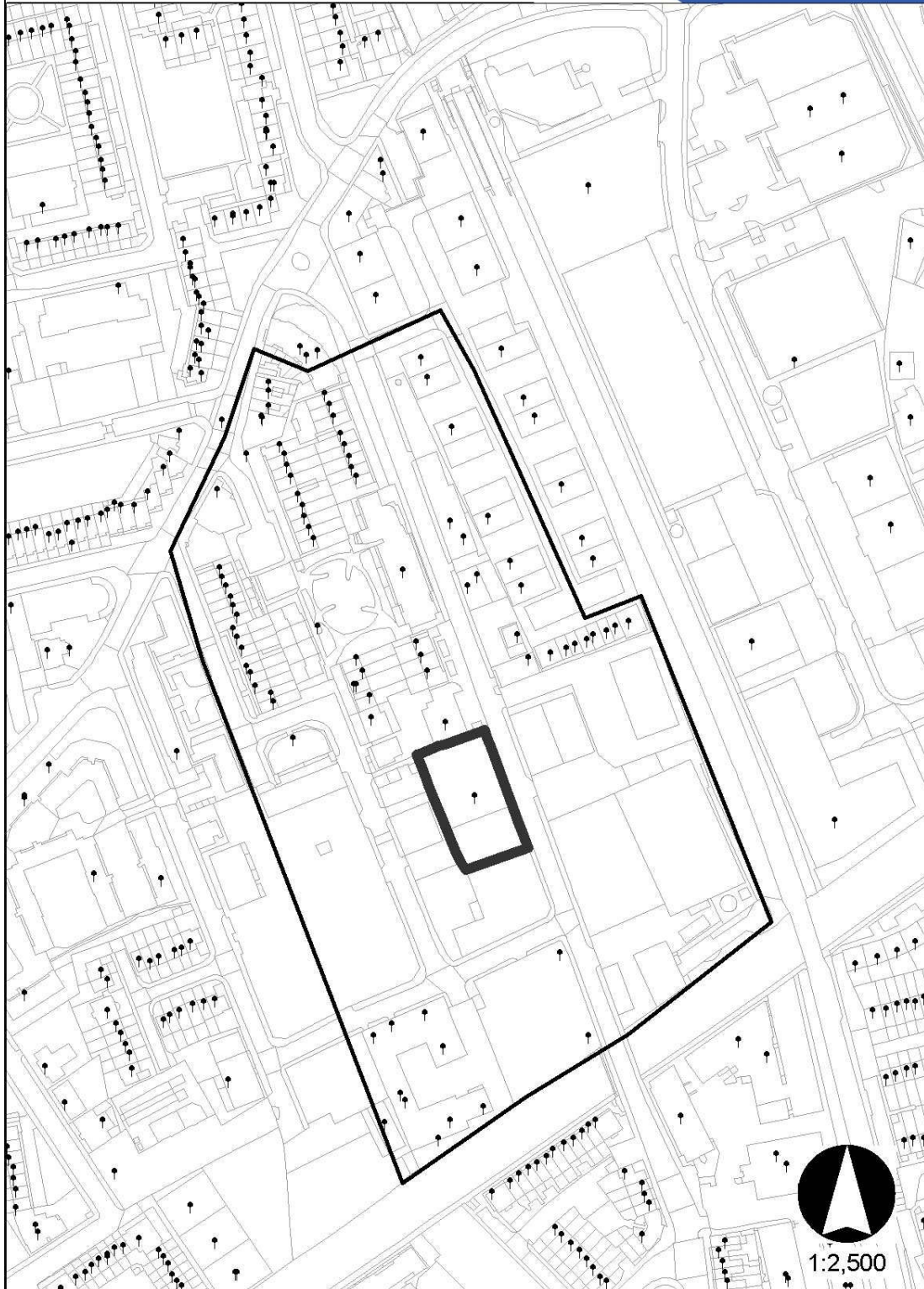
S106 Contribution

- 8.140 Objector suggested that contribution should be made toward street furniture, gentrification of the bridge to the south, and new sound absorbing tarmac. The Councils Highways Section have visited the site and taken into consideration contributions which have already been secured for improvements as part of the Caspian Wharf development. Improvements have been secured for the public realm surrounding the subject site and toward the southern end of Violet Road. Considering this, the contribution of £30,000 has been secured for improvements toward the north of Violet Road, where it is most needed.
- 8.141 Taking account of all potentially significant effects including cumulative impacts; the Council has judged that the following most sensitive aspects of the development; intensification of development, historic environment, air quality (an Air Quality Management Area, AQMA), noise, daylight/sunlight, traffic, waste and construction in general, are considered to be material considerations but their impacts are not of a size, or in a location, or have characteristics, which would lead us in this case to determine them as anything other than those anticipated for a development of this type, within the borough.

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.

Planning Application Site Map



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288