

<b>Committee:</b> Strategic Development	<b>Date:</b> 4 <sup>th</sup> August 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Marie Joseph		<b>Ref No:</b> PA/09/00214	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

<b>Location:</b>	Employment Benefit Office, 307 Burdett Road, E14 7DR
<b>Existing Use:</b>	Former Employment Benefit Office
<b>Proposal:</b>	Demolition of existing building. Redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works.
<b>Drawing Nos:</b>	100AV00 Revision B, 100AP00 Revision F, 100AP01 Revision F, 100AP02 Revision E, 100AP03 Revision D, 100AP04 Revision D, 100AP05 Revision D, 100AP06 Revision D, 100AP07 Revision D, 100AP20 Revision E, 100AP30 Revision C, 100AP40 Revision B, 100AP50 Revision B, 100AS01 Revision B, 100AS02 Revision C, 100AS03 Revision D, 100AE01 Revision D, 100AE02 Revision D, 100AE03 Revision E, 100AE04 Revision D, Proposed folding façade details 20.04.2009.
<b>Associated Documents:</b>	Design and Access Statement prepared by Carey Jones Architects dated January 2009. Planning Supporting Statement prepared by Indigo. Environmental Performance Statement prepared by WSP dated January 2009. Flood Risk and Flood Defence Scoping Note prepared by WSP dated 26 <sup>th</sup> January 2009. Toolkit Viability Report prepared by Savills dated 4 <sup>th</sup> February 2009. Daylight, Sunlight and Overshadowing Report prepared by GIA dated January 2009.
<b>Applicant:</b>	Trillium (Prime) Property Group Ltd
<b>Owners:</b>	Trillium (Prime) Property Group Ltd
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	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 Borough of Tower Hamlets Unitary Development Plan (UDP), 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 is in line with the Mayor and Council's Policy, as well as the

Government Guidance which seeks to maximise the development potential of sites. The proposal makes efficient use of the site with a high-density residential development and as such accords 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.

- The proposed building is considered appropriate in terms of design, bulk and scale and would be in keeping with the surrounding context and immediate area. This is in line with saved policy DEV1 of the adopted UDP (1998) and policies CP4 and DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design within the Borough which respects the local context.
- The proposed ground floor commercial units would be in keeping with the existing street scene along Burdett Road and would have no discernable impacts upon neighbouring properties and their amenity's. This would be in accordance with Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007) which seek to safeguard the amenity's of residents of the Borough and mitigate against noise disturbance.
- The application provides family housing for which there is a substantial demand in the Borough, as shown by the Housing Need Survey (2004). As such, the proposal would comply with Policy 3A.5 of the London Plan (Consolidated with Alterations Since 2004) and Policy CP23 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) which seek to ensure an appropriate provision of family sized accommodation in the Borough.
- The quantity and quality of housing amenity space, child play space and communal space is acceptable and accords with Policies 3A.6, 3D.13 and 4B.1 of the London Plan (2008), Policies DEV1, DEV12 and HSG16 of the adopted UDP (1998) and policies DEV2, DEV3 DEV4 and HSG7 of the Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.
- 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.
- Contributions have been secured towards the provision of affordable housing, open space, transport, waterways, health care and education facilities in line with Government Circular 05/05, Saved Policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance: Core Strategy and Development (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- Transport matters, including cycle parking and servicing arrangements are acceptable and in line with Saved Policy T16 and Policies DEV16, DEV17 and DEV18 of the Interim Planning Guidance; Core Strategy and Development Control Plan (October 2007), which seek to ensure developments can be supported with the existing transport structure.
- The proposed development would relate well to the existing Canal Tow Path and

improve access links. This is in accordance with Saved Policies DEV46 and DEV48 of the Unitary Development Plan (1998) and Policies 4B.3 and 4C.11 of the London Plan which seek to enhance waterways and to improve public access.

### 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 secure the following planning obligations:

- a) To provide 37% of the residential accommodation as affordable housing measured by habitable rooms.
- b) To provide a tenure split of 70% social rented and 30% intermediate housing.
- c) Health contribution of £83,666
- d) Education Contribution of £98,736
- e) Highways Contribution of £22,000 to TFL
- f) Open Space Contributions of £32,598
- g) British Waterways contribution of £8,000.
- h) Car Free Agreement.
- i) Any other planning obligations considered necessary by the Corporate Director Development and Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power 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) Full time limit
- 2) Insulation measures and noise assessment
- 3) Travel Plan
- 4) Service Management Plan
- 5) Construction Management Plan
- 6) Landscaping
- 7) Green roof details
- 8) Child Play Space Details
- 9) Residential development to Lifetime Homes standard
- 10) At least 10% homes wheelchair accessible or easily adaptable
- 11) Renewable energy provision
- 12) Code for Sustainable Homes - Level 3
- 13) Insulation measures
- 14) Full specifications of plant and acoustic machinery
- 15) Full specifications of any proposed extractor systems
- 16) Hours of opening of ground floor units
- 17) Contaminated Land
- 18) Method Statement for waterside development
- 19) Full details of waterside elevation
- 20) Surface water drainage measures
- 21) Lighting and CCTV
- 22) Re-instatement of firemen plaque onto new building
- 23) Additional flood defence wall investigation

24) Any other condition(s) considered necessary by the Corporate Director of Development and Renewal or the Mayor of London.

### 3.4 Informatives

- 1) S278 Highways agreement
- 2) Requirement of crange or scaffolding
- 3) Additional Permission required for extraction to A3/4 unit

That if by 27<sup>th</sup> October 2009 any 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

### Proposal

- 4.1 This application seeks permission for the demolition of the existing building and the redevelopment of the site through the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works.
- 4.2 The residential units would comprise 22 x 1 bed, 20 x 2 bed, 10 x 3 bed and 4 x 4 bed units.
- 4.3 The proposed commercial floor space would comprise 3 units; Unit 1 (A3/A4) 258 square metres, Unit 2 (A1) 157 Square metres and Unit 3 (A1) 116 square metres.

### Site and Surroundings

- 4.4 The application site is the former Poplar Employment exchange building located at the junction of Burdett Road and Dod Street. The North Western boundary of the site abuts the towpath which runs alongside the Limehouse Cut. The site has an area of approximately 0.1 hectares and there is a slight lowering in gradient from the North Western to the South Eastern elevations of the site.
- 4.5 The site is located within the Limehouse Ward of the Borough and the nearest conservation area is the St. Anne's Church Conservation Area which runs along the opposite side of Burdett Road up to and including 318 Burdett Road.
- 4.6 The building is currently vacant and has been for the last three years with its services having been moved further along Dod Street. The building is brick built with a central 3 storey element facing onto Burdett Road and two 2 storey wings adjacent to the Limehouse Cut and Dod Street.
- 4.7 The surrounding area is characterised by a mix of uses. To the North West of the site, on the opposite side of the Limehouse Cut, is a newly approved residential-led mixed use redevelopment up to 9 storeys in height. To the North East along Dod Street is a small complex of office buildings known as the Limehouse Court Buildings which are up to 3 storeys in height. To the South East are the 6 storey residential blocks of Charlesworth House and Leybourne House. On the opposite side of Burdett Road to the South West is a royal mail depot and a supermarket which is single storey.
- 4.8 In the adopted Tower Hamlets Unitary Development Plan 1998 the site is located within an Industrial Employment Area. The site is also in a Flood Protection Area.

- 4.9 In the Council's Interim Planning Guidance 2007 the site has no specific employment designations, nor is the site is a flood risk zone.
- 4.10 Burdett Road is a Transport for London designated Red Route and a cycle route runs along Dod Street.

#### 4.11 PLANNING HISTORY

- 4.12 The Applicant sought pre-application advice on the proposal under reference PF/08/0025. No final advice letter was issued. The pre-app originally sought advice on a building of 6-12 storeys with 73 residential units and 880 sq.m of commercial floorspace.
- 4.13 A formal planning application for the following was submitted under reference PA/08/01796 and subsequently withdrawn in December 2008:

*Redevelopment of site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial space (Use Classes A1/A3/A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works.*

- 4.14 The application was withdrawn following concerns relating to:
- A lack of information relating to daylight and overshadowing on neighbouring properties.
  - The number of larger units within the scheme.
  - The amount of affordable units.
  - The overall design.
  - Concerns raised by the Environment Agency.

## 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:

Adopted Tower Hamlets Unitary Development Plan 1998 (as saved)

DEV1:	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV17	Street Furniture
DEV46	Protection of Waterway Corridors
DEV48	Development with Water Frontage
DEV49	Proposals for Moored vessels
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development and Sites of Nature Conservation Importance
DEV63	Green Chains and Walkways
DEV69	Efficient Use of Water
EMP1	Promoting economic growth and employment opportunities

EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Business Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
T26	Use of Waterways for Freight
ST34	Viability of District Centres
ST35	Reasonable Range of Local Shops
S7	Special Uses
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace

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

	Central Area Action Plan
CP1	Creating Sustainable Communities
CP2	Equality of Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP9	Employment Space for Small Businesses
CP11	Sites in Employment Use
CP15	Provision of a Range of Shops and Services
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP24	Special Needs and Specialist Housing
CP25	Housing and Amenity Space
CP28	Healthy Living
CP29	Improving Education Skills
CP30	Improving open-spaces
CP31	Biodiversity
CP33	Site of Nature Conservation Importance
CP34	Green Chains
CP36	The Water Environment and Waterside Walkways
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development with Transport
CP42	Streets for People
CP44	Promoting Sustainable Freight Movement
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP48	Tall Buildings
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency

DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Retail Development and the Sequential Approach
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
OSN3	Blue Ribbon Network

#### Supplementary Planning Guidance/Documents

Residential Space Standards  
Canal-side Development  
Riverside Walkways  
Designing Out Crime Parts 1 and 2

#### Spatial Development Strategy for Greater London (London Plan) 2004

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.9	Affordable Housing Targets
3A.17	Protection of social infrastructure
3A.23	Health Impacts
3A.24	Education Facilities
3B.1	Developing London's Economy
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.22	Improving conditions for cycling
3C.23	Parking Strategy
3D.10	Open Space Provision in UDPs
3D.13	Children's and Young people's play space
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.14	Sustainable Drainage

4A.19	Improving air quality
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Sustainable Design and Construction
4B.9	Tall Buildings - Location
4B.10	Large-scale buildings
4C.1	Blue Ribbon Network
4C.11	Improving access alongside Blue Ribbon Network

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing

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

## 6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

### 6.2 LBTH Biodiversity

No comment in respect of the proposed development.

### 6.3 LBTH Landscaping

No comment in respect of the proposed development.

### 6.4 LBTH Ecology Officer

No comment in respect of the proposed development.

### 6.5 LBTH Energy Efficiency Unit

No comment in respect of the proposed development

### 6.6 LBTH Education

The proposed dwelling mix is assessed as requiring a contribution towards the provision of 8 additional primary school places at £12,342 each, therefore totalling £98,736.

*[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £98,736 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*

### 6.7 LBTH Environmental Health

Land Contamination



- Contamination condition would be appropriate.

#### Noise and Vibration

- All units should be designed in accordance with the code of practice internally and externally.
- The developer must carry out a background noise assessment and should confirm the mitigation proposed for indoor noise levels, in particular those units sharing a party element with commercial premises.
- Hours of opening for the premises must be submitted.

*[Officer Comment: It is considered that the above matters can be dealt with by condition]*

#### Daylight and Sunlight

- The submitted Daylight/Sunlight Report prepared by GIA dated 23th Sept,2008 shows that there impact of VSC for Charlesworth House and Limehouse Building with losses above 20%.
- There are also losses of ADF and DDC well above 20% for Charlesworth House.
- There are losses of ADF and APSH are well above 20% for Limehouse Building.

*[Officer Comment: These concerns are covered within the body of the report. However, the majority of losses primarily relate to non-habitable rooms.]*

### **6.8 LBTH Highways and Strategic Transport**

Made the following observations:-

- Site in area with PTAL of 5 and good transport links
- Car free condition requested *[Officer Comment: This has been controlled within the S106 agreement.]*
- Area where car club could be set up
- No details of disabled parking provided *[Officer Comment: The footprint of the site is wholly taken up by the proposed building. Dod Street has parking bays on both sides which can be used by disabled drivers and are in close proximity to the development.]*
- Cycle parking exceeds minimum level and is acceptable
- Detail of cycle parking for commercial component scheme required
- No objection to servicing from Dod Street.
- Details of refuse collection arrangements required *[Officer Comment: This has been submitted by the applicant and reviewed by the Council's refuse department.]*
- Travel Plan required *[Officer Comment: This has been controlled within the S106 agreement.]*
- S278 works required *[Officer Comment: This has been controlled by condition.]*

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

- The proposed refuse areas and details submitted are acceptable.
- There is continuous parking on both sides of Dod Street at this location. This may require refuse and recycling vehicles to stop in the middle of the road obstructing traffic flow from Burdett Road. *[Officer Comment: No concerns have been raised in relation to this issue by the Council's Highways Department and a servicing bay is shown on Dod Street within drawing number 100AP01 Revision F.]*

### **6.10 LBTH Open Space**

- Contributions of £46,258 are sought in relation to open space.

- Contributions of £36,587 are sought in relation to leisure facilities.
- Contributions of £10,504 are sought in relation to library/idea store facilities.

*[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £32,598 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*

## 6.11 Greater London Authority

At Stage 1, the mayor advised:

As part of the Stage 1 consultation the Mayor advised that the issues of affordable housing, urban design, child play space, climate change, biodiversity and transport did not fully comply with the London Plan but the following remedies could address the deficiencies:

- Affordable Housing – The applicant should enter into discussion with the HCA to assess whether grant funding is likely to be given.
- Urban Design – The applicant should reconfigure the refuse store and affordable core to provide internal access.
- Child Play Space – The applicant should provide details of the designated play space including proposed play equipment. Details of any surrounding local play space which can be used should be submitted to be judged against the SPG. It may be necessary for the applicant to contribute towards improvements to local open space.
- Climate Change Mitigation – Baseline emissions should be provided, along with a comparison between the dwelling emission rate and target emission rate. The applicant should investigate improving the fabric U-values to reduce the CO<sub>2</sub> emissions from 245 tonnes p.a taking into account no regulated energy use. The applicant should confirm the scheme as a single heat network and that sufficient space has been put aside to have one single energy centre and what alternatives will be applied if a biomass boiler provision is not possible.
- Climate change adaptation – The applicant should explore rainwater attenuation using the Policy 4A.14 hierarchy. The applicant should explore using rainwater to flush the retail element toilets. Details of the living roof should be submitted.
- Biodiversity – Detailed submission on ground level landscaping, especially in front of the canal should be submitted.
- Transport – A delivery and servicing plan should be secured and monitored through a S106. The use of water for freight should be explored given the proximity to the canal.

The applicant subsequently submitted further information to the GLA following a meeting on May 6<sup>th</sup> 2009. The GLA provided a further response summarised as follows:

- Affordable Housing – The applicant has submitted a letter from Savills stating that it is not appropriate to enter into discussion with the HCA at this time. Provided the applicant commits to a minimum of 36% affordable housing through a S106 agreement the proposal would provide a suitable amount of housing.
- Urban Design – As requested the applicant has amended the proposal to allow internal access to the refuse stores.
- Child Play Space – Details of the child play space to be provided on site should be conditioned. The applicant has provided additional information relating to the location of nearby play space. The surrounding parks are therefore sufficient to supplement the on site play space and the applicant should enter into discussion with Tower Hamlets to financially contribute towards open space.
- Climate Change Mitigation - The applicant has submitted some text explaining the submitted energy strategy; this has been passed to the GLA energy specialist for

- consideration.
- Climate Change Adaptation – The applicant has confirmed it is happy to discharge surface water run-off directly into Limehouse Cut. The applicant has explained that this coupled with the 250 sq.m of green roof prevent further water attenuation measures. Provided the provision of the green roof and drainage of surface water directly into Limehouse Cut are secured by condition the proposed sustainable urban drainage measures are acceptable.
  - Biodiversity – The applicant has confirmed that the land fronting the canal is not in their ownership. Therefore these comments are not relevant.
  - Transport – The applicant confirmed it is happy to deal with these issues through conditions and S106.

#### 6.12 London City Airport

No objections subject to a informative relating to craneage.

#### 6.13 Primary Care Trust

The primary care trust seeks a total 'revenue' and capital contribution of £370,094.

*[Officer comment: The figure of £370,094 includes a revenue and capital contribution. However, two appeals in Tower Hamlets have shown that revenue contributions sought for current expenditure on health services, and not for the provision of a new health care facility in close proximity to a site, cannot be justified. As such, the Council can only justify a capital contribution for works directly related to the provision of health care facilities. As such, a contribution of £83,666 has been secured for the site.]*

#### 6.14 British Waterways

- No objections to the proposed development
- An active frontage to the canal would be appropriate.
- CCTV would be welcomed on the towpath.
- A contribution of £25,000 is sought for towpath improvements. *[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £8,000 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*
- Conditions relating to CCTV, Active canal frontage, a waterside method statement and feasibility study into moving freight by water should be imposed.

#### 6.15 English Heritage

- The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.
- An application to consider the former Labour Exchange for listed status has been made and will be considered in due course *[Officer Comment: This application was subsequently unsuccessful and is discussed within paragraph 8.7 of this report]*
- A request has been made to consider a small area, which includes the site for conservation area status. English Heritage would support this should the Borough be minded to designate this area as such.

*[Officer Comment: These issues are covered within the main body of the report.]*

#### 6.16 Transport for London

- Any future occupants should not be permitted to obtain parking permits *[Officer Comment: This has been controlled within the S106 agreement.]*
- A delivery and servicing plan should be submitted. *[Officer Comment: This has been controlled by condition.]*
- A construction logistic plan should be submitted. *[Officer Comment: This has been controlled by condition.]*
- A contribution of £50,000 is sought for:
  - i) The resurfacing of footpaths adjacent to the site following tree root damage
  - ii) The creation of staggered pedestrian crossings
  - iii) Upgrading of bus stops within the vicinity*[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £22,000 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*

#### 6.17 London Fire and Emergency Planning Authority

No objections to the proposed development.

#### 6.18 National Grid

No objections to the proposed development

#### 6.19 Environment Agency

- Further to previous comments on the scheme the Environment Agency have no objections to the scheme following amendments.
- The agreed basement floor level will be raised above 4.96 metres AOD (1 in 1000 Limehouse Cut flood level). *[Officer Comment: This amendment has been shown on plan 100AE02 Revision D ]*
- The basement design will include provision for an additional flood defence wall 600mm above the existing level if deemed necessary in the future. *[Officer Comment: This has been secured by condition.]*
- Details of the condition of the existing flood defence wall will be determined in liaison with British Waterways. *[Officer Comment: This has been secured by condition.]*
- Sliding glass panels to be incorporated in the cafe design allowing maintenance and access room to the flood defence wall. *[Officer comment: These details have been submitted on plan "Proposed folding façade details 20.04.2009"]*
- Details of a proposed green roof (biodiversity benefits) to be provided. *[Officer Comment: This has been secured by condition.]*
- Clarification on the proposed use of the 3rd basement room shown on the cross section plans. *[Officer Comment: This room is shown as a cycle store on drawing 100AS03 Revision D]*

### 7. LOCAL REPRESENTATION

- 7.1 A total of 1328 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via a site notice and within East End Life newspaper.

The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 6            Objecting: 6            Supporting: 0  
No of petitions received: 5 objecting containing 338 signatories in total

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:

- The retention and reuse of the existing building
- Other uses should be explored for the site
- The architectural interest of the existing building
- The historic interest of the existing building
- The demolition of the existing building
- The impact of the proposal upon the existing St. Anne's Conservation Area
- The group value of the existing building
- The inclusion of the site within the St Anne's Conservation Area
- The creation of an additional Limehouse Cut Conservation Area
- Loss of character of the Limehouse Cut
- Surplus commercial floorspace in the vicinity
- The scale and massing of the proposed building
- The height of the proposed building
- The overall appearance of the proposed building
- The materials of the proposed building
- Overdevelopment of the site
- The proposed building being out of keeping with the surrounding area

The following local groups/societies also made representations:

**The 20<sup>th</sup> Century Society**

Object to the proposal:

- The existing building should be retained due to its historic and architectural significance
- The existing building makes a positive contribution to the area
- The proposed development would be contrary to Saved Policy DEV2.3, 2.4 and LDF Policy CP4.

**Greater London Industrial Archaeology Society (GLIAS)**

Object to the proposal:

- The height of the proposed building is unacceptable
- The design of the proposal is unacceptable
- No evidence submitted to show that the proposals would be carried out with high quality specifications
- The existing building should be retained due to its historic and architectural merit.

**Save Britain's Heritage:**

Object to the proposal:

- The building is of architectural importance
- The building is of historical importance for the area
- The proposal would conflict with UDP Policies DEV2.3, 2.4 as well as LDF Policy CP4
- The proposed development would not respect the existing local context.

**Bishopsgate Library, Socialist History Society and Society for the Study of Labour History**

Object to the proposal:

- The building is of local and national significance for working class and labour history.
- The building should be retained due to its local and national significance and its proximity to neighbouring factories and warehouses which are also significant.

#### **Tower Hamlets Co-operative Party**

Object to the proposal:

- The scale of the building is unacceptable
- The building is of historical significance.

The following issues were raised in representations that **are non-material** to the determination of the application, and are not addressed within the next section of this report:

- The loss and restriction of views

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. The site as existing (Conservation/ retention of the building)
2. Land Use
3. Density
4. Design
5. Housing
6. Amenity
7. Transport and Highways
8. The site and relationship to the Limehouse Cut
9. Other issues

### **The site as existing:**

- 8.2 The site is located within the Limehouse Ward of the Borough, outside of any designated conservation areas. The nearest to the site is the St Anne's Church Conservation Area which is located over 100 metres away to the south west and this boundary is set to remain as such within the St Anne's Church Draft character appraisal which is to be referred to cabinet for formal adoption in November 2009.
- 8.3 A request from a member of the public to extend the St. Anne's Church Conservation Area to include the site and Limehouse Court buildings was received by the Council's Conservation Department on December 17<sup>th</sup> 2008 and was subsequently followed with a report on the buildings on January 20<sup>th</sup> 2009.
- 8.4 A letter was received by both the Council's Conservation Department and the case officer on April 3<sup>rd</sup> 2009 from English Heritage in response to the consultation letter for this application. English Heritage stated that *"If the Borough were so minded we would support designation as a Conservation Area."*
- 8.5 To date no designation has taken place and the Council's Conservation Department have confirmed that they are exploring the possibility of designating a new Conservation Area around 307 Burdett Road and the adjoining historic warehouses. As such, this application can only be considered in the context of its relationship to the nearest Conservation Area.
- 8.6 Furthermore, as the building is not located in a Conservation Area the Applicant does not require any permission from the Authority to demolish the building. Given the lack of control over the building's demolition the Council could not substantiate any reason for refusal based

upon a desire to see the retention of the existing building.

- 8.7 Concerns have been raised by objectors in relation to the loss of the building due to its architectural and historic importance. An application to list the building was submitted to English Heritage by a member of the public in April 2009. This application was unsuccessful and English Heritage considered that the building was not of sufficient special architectural or historic interest to merit listing. As such, it is considered that the Council is unable to control the building's demolition.
- 8.8 Objectors have stated that the demolition of the existing structurally sound building would be contrary to the objectives of sustainability. The Authority considers that a suitably designed building could also make a contribution to local sustainability objectives. A redevelopment of the site also allows more efficient use to be made of the land, and the incorporation of renewable energy technologies which could overcome objections on sustainable development grounds.

### **Land Use:**

- 8.9 This application seeks permission for 22 x 1 bed, 20 x 2 bed, 10 x 3 bed and 4 x 4 residential units with associated services and amenity space. The application also seeks permission for 3 commercial units totalling 658 square metres.
- 8.10 The application site is designated as an Industrial Employment Area in the adopted UDP. However, this designation has not been carried through into Interim Planning Guidance. As the more up to-date evidence based plan has removed the Industrial Land designation, and given the surrounding mixture of development, the designation in the UDP has been given little weight.
- 8.11 The existing site comprises 1084 square metres of B1 office floorspace which has been vacant since February 2006. The loss of this B class office floor space is considered under the criteria set out within Saved Policy EMP3 of the Unitary Development Plan. This states that the council will take into account:
- a) The length of time the space has been vacant (following active marketing)
  - b) The level of vacant office space within the area
  - c) The ability of the site to adequately be used for the full range of B1 uses
  - d) The ability of any proposed scheme to be accordance with other plan policies and the retention of a provision of services needed by residents.
- 8.12 No marketing information has been submitted with this application nor has any information been submitted relating to the level of vacant floorspace in the area. However, given the length of time the property has been vacant it is considered that the re-use of the site is preferable to vacant space. Also, the Council's Industrial Land Study (2006) identifies that the total stock of industrial land within the Borough is over 100 hectares with a total of 37 hectares recorded as vacant or underused. On balance, the introduction of a substantial level of commercial floorspace within a proposed mixed use scheme would be acceptable.
- 8.13 It is also accepted that older buildings tend not to provide the type of flexible and accessible floorspace required to meet the requirements of modern office use. Permission was granted under planning reference PA/05/01337 for 900 square metres of B1 office floorspace and 90 residential units at 303-305 Burdett Road 24 metres away from the site, and as such it is considered that there are more modern facilities within the immediate area to cater for the demand of such a use.
- 8.14 Burdett Road is characterised by both commercial and residential development. Whilst, some sites surrounding the site were previously in employment uses they have been granted planning permission for mixed uses, and an example of this is 303-305 Burdett Road which

was previously a warehouse (use Class B8). Both these sites were previously in industrial use and have now been granted planning permission for residential schemes. It is considered that this area of Burdett Road, is accepted as an area of mixed uses. It is not considered that the retention of solely employment uses on the site would be appropriate given the varied nature of the surrounding area.

- 8.15 The proposed scheme retains employment floorspace of 426 square metres and would create employment 34 full time employees. This is in accordance with Policy CP7 of the Interim Planning Guidance which seeks to retain and promote a wide range of employment uses within the Borough.
- 8.16 The proposed A3/A4 element is considered to be acceptable in this location. Burdett Road is characterised by a number of different retail uses including restaurants and takeaway premises. An extract flue has been proposed in relation to this use which is discussed in detail within the amenity section of this report.
- 8.17 In view of the above comments and that the site is not designated for industrial uses in the London Plan (2008) or the emerging LDF (2007), it is considered on balance that the provision of a mixed use scheme is acceptable. The scheme is therefore considered to be in line with saved policy EMP3 of the adopted UDP (1998), policy EE2 of the IPG (2007). A residential-led development of this brownfield site is supported.
- 8.18 In terms of a housing use it is noted that permission has already been given for residential uses along Burdett Road, and the area provides a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies 3A.1, 3A.3, 3A.5 of the consolidated London Plan 2008 as well as the Tower Hamlets Housing Needs Survey (2004).
- 8.19 Policy CP19 of the Interim Planning Guidance (October 2007) seeks to direct new residential development to brownfield sites appropriate for housing. Given the current redundant use of the site and the mixed character of the area, it is considered that the proposed residential units would be in accordance with this policy.

### **Density:**

- 8.20 Policy CP20 of the Interim Planning Guidance (October 2007) recognises the need to maximise residential densities on individual sites within the Borough taking into account other material considerations.
- 8.21 The application proposal has a density of 1,576 habitable rooms per hectare. The London Plan sets out a density range of 200-700 habitable rooms per hectare. However, given that the site is located in an area with good access to public transport with a PTAL level of 5 and is considered to be of an appropriate density in relation to the surrounding context. As such, the proposal accords with the aims of Policy 3A.3 in the London Plan and Policy CP20 of the Interim Planning Guidance (October 2007), as well as National planning guidance in PPS1: Sustainable Development and PPS3: Housing which stresses the importance of making the most efficient use of land and maximising the amount of housing.

### **Design:**

#### **The principle of a tall building and the design of the building:**

- 8.22 Good design is central to the objectives of national, regional and local planning policy. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP and IPG policies DEV1 and



DEV2.

- 8.23 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and use of materials. They also require development to be sensitive to the capabilities of the site and not result in overdevelopment or poor space standards.
- 8.24 In addition to this, Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:
- Respect its local context, including the character, bulk and scale of the surrounding area;
  - Contribute to the enhancement or creation of local distinctiveness;
  - Incorporate sustainable and inclusive design principles;
  - Protect amenity, including privacy and access to daylight and sunlight;
  - Use high quality architecture and landscape design; and
  - Assist in creating a well-connected public realm and environments that are easy to navigate.
- 8.25 The proposed scheme would be 11 storeys and measure 37 metres in height adjacent to the Limehouse Cut stepping down to a height of 6 storeys and 21.8 metres on the Dod Street elevation.
- 8.26 Burdett Road is characterised by building ranging greatly in height. 303-305 Burdett Road adjacent to the site on the opposite edge of the Limehouse Cut is 9 storeys in height. Furthermore, this site is in close proximity to Butler House (301 Burdett Road), an 11 storey residential block measuring 39.32 metres in height with an attached extension built on the site of the former Lovatt Arms 11 storeys high and 42.625 metres in height. Given these existing building heights, it is considered that the proposal would be in keeping with the existing street scene in accordance with Saved Policy DEV1 of the UDP (1998), Policy DEV2 of the Interim Planning Guidance (October 2007) and Policy 3A.6 of the London Plan.
- 8.27 At Stage 1 referral the Greater London Authority consider that the scale, massing and overall form of the building is appropriately informed by the local context and would provide a strong, clear frontage to Burdett Road.
- 8.28 The proposal is of a modern design and would be faced with glass balconies, powder coated aluminium panels, curtain wall glazing, render and ladder louvres. Following consultation with the Council's Urban Design Department further details have been submitted pertaining to the exact materials to be used, indicative elevation treatments and examples of existing uses of the materials on other developments. No further comments have been received to date following this further submission of details.
- 8.29 The GLA at Stage 1 referral suggested that the use of robust, high quality materials would ensure that the proposal would have a positive impact upon the surrounding townscape. As such, to ensure that an acceptable finish is achieved, a condition has been imposed for samples of the facing materials to be approved in writing before development commences.
- 8.30 The surrounding site area is made up of a variety of materials, ranging from contemporary mixed use schemes, more traditional uses of materials and industrial buildings predominantly more functional in design. Therefore, it is considered that the proposed materials would be in keeping with the existing street scene.
- 8.31 It is considered that the scale, materials, design and height of the building would be in

keeping with its surroundings. This would be in accordance with Saved Policy DEV1 of the UDP (1998) and Policies DEV2 of the Interim Planning Guidance (October 2007) which seek to ensure appropriate design.

- 8.32 There are no trees located on the application site. The Council's Landscaping Department have been consulted and have no objection to these proposals. No formal landscaping scheme has been submitted for the proposed amenity areas, a condition has been imposed to ensure a high specification of amenity in accordance with Saved Policy DEV12 of the UDP (1998) and Policy DEV13 of the Interim Planning Guidance (October 2007).
- 8.33 For these reasons the proposal would adhere to Saved Policies DEV1, DEV12 and DEV7 of the Unitary Development Plan (1998) and Policies DEV2 and HSG2 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) and Policy 3A.7 of the London Plan (February 2008) which seek to ensure appropriate design, amenity space and quality of developments within the Borough.

## Housing

### Affordable Housing

- 8.34 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing from all sources across the Borough, and specify that individual developments should provide a minimum 35% affordable housing.
- 8.35 This site provides 37% affordable housing on site through the provision of 56 residential units in the following mix when split into private, intermediate, and socially rented tenures:

**Table 1: Affordable Housing**

	Private	Intermediate	Social Rented
Studios	0	0	0
1 Bedroom	18	3	1
2 Bedroom	16	4	0
3 Bedroom	5	0	5
4 Bedroom	0	0	4
Total Units	39	7	10
Total Habitable Rooms	104	60 (total for both intermediate and social rented)	
<b>Total Number of Units</b>	<b>56</b>		
<b>Total Number of Affordable Units</b>	<b>17</b>		
<b>Total Number of Habitable Rooms</b>	<b>164</b>		

- 8.36 As shown in the table above the residential mix the proposal is made up of 39 private market units (70%) and 17 affordable units (30%). This equates to a split of 63% market and 37% affordable housing based on habitable room numbers.

- 8.37 It is therefore considered that the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.1, 3A.2 and 3A.5 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policy HSG2 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.

#### Tenure Mix

- 8.38 London Plan Policy 3A.9 promotes mixed and balanced communities by seeking a 70:30 split between social rent and intermediate tenures in affordable housing. In Tower Hamlets there is an identified need for a larger percentage of social rented units which is reflected in the 80:20 split between these tenures specified in IPG policies CP22 and HSG4. In terms of affordable housing split, the development represents a provision of 30% intermediate and 70% social rented housing. This falls between the London Plan requirements and those in the IPG and as such is considered acceptable.

#### Housing Mix

- 8.39 Policy HSG 2 of the Council's interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.
- 8.40 The number of family units on site equates to an overall provision of 25% of units with 3 or more bedrooms, with a provision of 16% being family sized affordable units. Given the high level of family housing provision in the social rented sector, it is considered that the overall mix responds well to local needs and is acceptable in terms of policy.

#### Amenity:

##### Residential Space

- 8.41 In regard to HSG13 (Residential Space) it is considered that there is an acceptable provision of internal residential space. The minimum space standards set out in the London Borough of Tower Hamlets Supplementary Planning Guidance: Residential Space (1998) are met by all applicable rooms with the exception of the following unit.:

06-03: 6<sup>th</sup> floor which is a two person one bed. unit - 43 square metres, (1.5sqm shortfall)

- 8.42 A total of 7 units out of 56 are considered to be 3-4 person properties and fall between the floorspaces required for such unit sizes. These sizes are considered to be acceptable given the nature of the accommodation and the identified shortfall is minimal. Furthermore, given that all of the above units will benefit from 12 square metres of private amenity space and additional communal amenity space, it is considered on balance that the proposal would accord with the relevant policy.
- 8.43 Policy HSG9 of the Interim Planning Guidance and Policy 3A.5 of the London Plan seek to ensure accessible homes within new developments in the Borough. A lift suitable for wheelchair users is proposed within both the private and affordable cores to give access to all floors of the building. All units will be built to lifetime homes standards, with 10% of flats wheelchair adaptable.

- 8.44 Amenity space is provided for all units in the form of balconies totalling 909 square metres and shown within the submitted Schedule of Accommodation. Amenity space is also provided in the form of a shared communal garden at sixth floor level totalling 454 square metres (including child play space) and can be accessed by both lift and stair cores. It is considered there would be an adequate supply of amenity space in accordance with Saved policy HSG16 of the UDP (1998), Policies CP25 and HSG7 of the Interim Planning Guidance (October 2007) and Policy 3A.6 of the London Plan.
- 8.45 London Plan Policy 3D.13 requires residential development to make provision for play and informal recreation, based on the expected child population. The Mayor's SPG sets a benchmark of 10sq.m of usable child space to be provided per child. The Council's Interim Planning Guidance sets a standard of 3sq.m per child. There is 200 square metres of child playspace proposed to be provided on site at sixth floor level. Following the calculation of child yields in relation to the scheme it is considered that the proposal would generate 25 children and a total 250 square metres would be required.
- 8.46 At Stage 1 consultation the GLA sought a justification for the 50m shortfall. The applicant has since submitted further information pertaining to child playspace including locations of neighbouring parks which the GLA have considered adequate.
- 8.47 To ensure appropriate equipment is installed in association with appropriate landscaping for children, a condition has been imposed for details to be approved in writing before development commences.
- 8.48 Furthermore, financial contributions have been secured for £32,598 towards the maintenance of open space within the Borough, to offset the 50m shortfall on site.
- 8.49 It is considered that this would be an adequate supply of amenity space in accordance with Saved policy HSG16 of the UDP (1998), Policies CP25 and HSG7 of the Interim Planning Guidance (October 2007) and Policy 3A.6 of the London Plan.

#### Residential Amenity

- 8.50 In terms of amenity, Policy DEV2 in the UDP and Policy DEV1 in the IPG seeks to ensure that development protects the amenity of existing and future residents.

#### Daylight and Sunlight:

- 8.51 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.
- 8.52 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. According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).
- 8.53 The following properties were assessed for daylight and sunlight:  
The Limehouse Building (303-305 Burdett Road) to the north west  
Charlesworth House to the south east  
Leyborne House to the south east

- 8.54 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).
- 8.55 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.
- 8.56 In accordance with BRE guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), No Skyline (NSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties. Following discussion with officer's further supplementary daylight and sunlight information was submitted on July 20<sup>th</sup> 2009.
- 8.57 Results from the assessment are as follows. Of the 354 windows facing the site, only 2 windows on 2 separate units of Charlesworth House would fall below the required VSC and ADF values, windows from the neighbouring Limehouse Building and Leybourne House do not fall below these values. These windows are located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building and the units benefit from a further 2 windows on the effected elevation.
- 8.58 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. 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.

Privacy:

- 8.59 It is not considered that the proposed scheme would have an adverse impact on the outlook of residents surrounding the site. The site is located a distance of 20 metres from the neighbouring residential building of Charlesworth House, 24 metres from the neighbouring mixed use scheme of 305 Burdett Road and 22 metres from the opposite side of Burdett Road. These distances are considered to be satisfactory to meet the requirements set out in DEV2 of the UDP which state that developments should have a distance of about 18 metres between opposite habitable rooms to reduce inter-visibility.
- 8.60 For the reasons stated above it is considered that the proposal would meet the required standards and adhere to Saved Policy DEV2 of the Interim Planning Guidance (1998) and DEV1 of the Interim Planning Guidance (October 2007) which seek to safeguard the amenities of the occupiers of the borough.

- 8.61 Both core entrances to the units are proposed from Dod Street and Burdett Road. These are in close proximity to the public highway and have good visibility therefore minimising safety and security issues for future occupiers in accordance with Policy DEV4 of the Interim Planning Guidance (October 2007).

#### Noise and Disturbance:

- 8.62 Extraction details have been submitted showing the position, size and routing of the flue in association with the A3/4 unit located on the ground floor. The proposed flue would measure 2.2 metres in length and 0.6 metres in width and would rise up adjacent to stair core A to terminate at roof level. The flue would be housed completely within the core of the building and therefore it is considered that any associated noise for future residents could be mitigated. To ensure this a condition has been imposed for the submission of all technical flue details before installation.
- 8.63 Burdett Road is comprised of a mixed use commercial and residential environment where a degree of additional noise and disturbance can be expected. Given the level of residential properties within the vicinity, there is the need to control commercial hours to acceptable times. Opening times along Burdett Road for other A3 uses have been restricted to 10:30pm and it is not considered there is justification to allow the subject site to open beyond this time.
- 8.64 It is therefore considered that through the insertion of conditions the proposed A3/A4 commercial unit would adhere to Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenity of residential occupiers within the Borough and minimise noise disturbance.

#### Refuse and Recycling

- 8.65 The refuse and recycling area is proposed on the ground floor of the site and can be accessed from both the private and affordable residential cores along Dod Street. Additional information pertaining to these stores has been submitted by the applicant. The proposed area would contain 9 bins for residential properties. 9 bins for the commercial premises are also located at ground floor level through a separate access. No further comments have been received from the Council's refuse department following consultation on these more detailed plans.

#### Transport & Highways

- 8.66 The site is situated within an area of high public transport accessibility with a Ptal rating of 5. The proposal includes no car parking spaces in accordance with policy DEV19 in the Interim Planning Guidance (October 2007) which seeks to minimise parking and promote sustainable transport. This car-free development will be endorsed within the S106 agreement which accompanies the application.
- 8.67 The scheme has been forwarded to both the Council's Highways Department and contributions have been secured for £22,000 for i) The resurfacing of footpaths adjacent to the site following tree root damage ii) The creation of staggered pedestrian crossings iii) Upgrading of bus stops within the vicinity. As such, it is considered that the scheme would adhere to Saved Policies T16 and T18 of the Unitary Development Plan (1998).
- 8.68 Access for servicing vehicles and coaches would be from Dod Street via a turning off of Burdett Road. The applicant has indicated that the servicing arrangements will be managed, but has not provided a Service & Delivery Plan or a Travel Plan for the development. The submission and implementation of Service and Delivery Plan and Travel Plan arrangements forms part of the proposed conditions.

- 8.69 TFL have also requested that, due to the sites location on a red route a construction management plan also be submitted. This also forms part of the conditions as recommended.
- 8.70 Cycle storage has been provided for 112 cycles. This would comply with saved policies T16 and T21 of the UDP.
- 8.71 No provision has been made for disabled users and associated parking spaces. However, Dod Street is lined on both sides by parking bays within which a disabled badge holder would be able to park.

#### The site and relationship to the Limehouse Cut

- 8.72 The Limehouse Cut forms part of the Blue Ribbon Network. Policies in chapter 4C of the London Plan seek the improvement of the capitals waterways. London Plan policy 4B.3 requires a high standard of design for water-side development. Saved UDP policies DEV46 and DEV48 seek to enhance waterways and include a requirement that, where possible, the public should have access to the waterside. Advice in Supplementary Planning Guidance: Canal-side development is also relevant.
- 8.73 The canal towpath runs adjacent to the site at a lower level. Pedestrian access to the canal is gained via steps adjacent to the bridge on the opposite side of Burdett Road. This is approximately 25m to the west of the application. A pedestrian crossing across Burdett Road allows these steps to be reached from the application site.
- 8.74 There is currently no access to the canal from the application site.
- 8.75 The proposed development would relate well to the canal as the introduction of a café / restaurant will add interest and vitality to the towpath. The public will enjoy marginally improved access to the canal-side, as it will be possible to reach the towpath through the open frontage in the A3/4 unit. Given the proximity of the site to the existing canal access there is not considered to be a deficiency of access to the canal in the area. For these reasons, the proposal is considered to accord with requirements of saved policies UDP DEV46 and DEV48 and London Plan policies 4C.11.
- 8.76 The submitted daylight / sunlight study does not contain an indication of the likely degree of permanent overshadowing of the canal. An excessive amount of permanent overshadowing can cause a decrease in water quality and biodiversity. In this case British Waterway and the Environment Agency have not raised any concerns in relation to this matter, it is also recognised that the canal would have been overshadowed to a degree by the existing buildings on-site and any likely overshadowing is considered acceptable.
- 8.77 British Waterways were consulted on the application and have stated that they have no objection to the proposal – subject to recommended conditions and a request for a financial contribution. £8,000 has been secured towards a Cycle Route Implementation & Stakeholder Plan (CRISP) for the Limehouse Cut.
- 8.78 The Environment Agency originally objected to the scheme on the following grounds:

REASON 1: An access strip along the canal side for river wall maintenance, improvement or renewal has not been provided in the proposed layout of the development.

REASON 2: The proposed development lacks an access point to the canal side from the public highway.

REASON 3: A buffer zone adjacent to the *Limehouse Cut* seeking to protect and enhance biodiversity is not provided in the proposed layout.

8.79 Following a meeting between the applicant and Environment Agency the following changes have been made to the scheme which is now considered to be acceptable and has been reflected in the plans:

- 1) Agreed basement floor level has been raised above 4.96 metres AOD
- 2) The basement design includes provision for an additional flood defence wall 600 mm above the existing level if deemed necessary in the future.
- 3) Details of the condition of the existing flood defence wall will be determined in liaison with British Waterways.
- 4) Sliding glass panels to be incorporated in the cafe design allowing maintenance and access room to the flood defence wall.
- 5) Details of a proposed green roof (biodiversity benefits) to be provided.

8.80 To ensure an appropriate finish a condition has been imposed relating to the design of the proposed green roof.

Energy:

8.81 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used and generated from renewable sources. The London Plan (2008) requires a reduction of 20% reduction in carbon dioxide emissions from on site renewable energy generation.

8.82 The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 requires that:

- All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
- Major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.

8.83 An Energy Efficiency section has been submitted within the Planning Statement which considers the potential options for offsetting carbon dioxide emissions through onsite renewables. A biomass facility has been incorporated into the scheme which is said to achieve more than the required 20% reduction.

8.84 The Greater London Authority had some outstanding concerns relating to this, in particular as to whether the 20% reduction stated had accounted for regulated and unregulated carbon emissions, the lack of an air quality assessment of the biomass boiler and the possibility of other carbon reduction methods following such an assessment.

8.85 An assessment of the boiler has now been carried out, and in addition to this the passive performance of the building has also been improved upon in terms of the U values of the floors, walls and windows bringing the development up to Code for Sustainable Homes Level 4. The proposed affordable housing would need to meet Code Level 3 of the code for sustainable homes in order to be in line with policy and therefore the development is considered to be in accordance with this. The GLA have assessed this additional information and now consider that the proposal would be in accordance with the appropriate London Plan Policies.

8.86 A condition will be placed on the planning permission requiring to require that measures are



implemented in accordance with the submitted strategy.

- 8.87 A condition has been imposed on the planning permission requiring that renewable energy technologies are installed prior to occupation.

### **Other Issues**

- 8.88 A plaque commemorating the death of firemen at the site has been removed from the existing building and put into storage following the proposed demolition of the building. A condition has been imposed to ensure that following development, the plaque will be re-erected on the new property.
- 8.89 A toolkit Viability Assessment was submitted with this application and proposed 37% affordable Housing provision and total contributions of £150,000. Due to the level of proposed contributions in relation to the level of contribution demand the assessment was sent for an independent analysis.
- 8.90 The analysis concluded that the scheme was also to provide further contributions and that the submitted toolkit had not taken into account the existing use value of the site and the proposed ground rents the scheme would provide. As such, the applicant proposed an increase in contributions to £245,000 which has been split as follows:
- Health contribution of £83,666
  - Education Contribution of £98,736
  - Highways Contribution of £22,000 to TFL
  - Open Space Contributions of £32,598
  - British Waterways contribution of £8,000.
- 8.91 It is considered that this would be in line with Government Circular 05/05, Saved Policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance: Core Strategy and Development (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

## **9.0 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.

