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Application for Planning Permission

Reference	PA/19/02379
Site	Former Bow Common Gas Works, Bow Common Lane
Ward	Bromley South
Proposal	<p>In Outline, with all matters reserved, for a comprehensive phased mixed-use development comprising demolition of existing buildings and structures, for the following uses:</p> <ul style="list-style-type: none">• Residential (Class C3);• Business uses including office and flexible workspace (Class B1);• Retail, financial and professional services, food and drink uses (Class A1, A2, A3 & A4);• Community, education and cultural uses (Class D1);• A sixth form centre (Class D1);• Assembly and leisure uses (Class D2);• Public open space including Bow Common and public realm;• Storage, car and cycle parking;• Formation of new pedestrian and vehicular access and means of access and circulation within the site together with new private and public open space and site preparation works; and• Sustainable energy measures. <p>In Full, for a comprehensive phased development comprising demolition of existing buildings and structures, and residential (Use Class C3) flexible residential facilities and commercial uses (Use Classes A1, A2, A3, A4, B1, C3, D1 and D2) together with public open space; public realm works and landscaping; car and cycle parking; servicing arrangements; sustainable energy measures; formation of new pedestrian and vehicular access and means of access and circulation within the site; and site preparation works.</p>
Summary Recommendation	Grant Planning Permission subject to conditions and a legal agreement
Applicant	St William
Architect/agent	Studio Egret West / Quod
Case Officer	Kevin Crilly

Key dates

Application validated 30/10/2019
First Public consultation 19/11/2019
Second Public Consultation 13/08/2020

1. BACKGROUND

- 1.1 This application for planning permission was considered by the Strategic Development Planning Committee on 2nd December 2020. A copy of the original report is appended.
- 1.2 The application was deferred by Members requesting that officers and the applicant review the mechanisms within the proposal to ensure the delivery of a mix of housing types within the future phases of development. The committee expressed concern that there was no certainty over the provision of larger house types suitable for families at the outline planning stage.
- 1.3 The Committee also requested that further consultation is carried out with the Cemetery Park to address outstanding concerns particularly in relation to light pollution.

2. CONSIDERATION OF THE COMMITTEE'S REASONS FOR DEFERAL

- 2.1 The following section of the report looks at each of the issues raised by committee members in more detail.

Housing Mix

- 2.2 With regards to the housing mix Members raised concerns with regards the lack of market sector family units within Phase 1 and the lack of certainty in relation the mix of housing types to be delivered within the future phases of the development (in the outline stage). To address these concerns officers have recommended a number of additional controls through planning conditions and Section 106 planning obligations to ensure that the Council retain an appropriate level of control over the housing mix being sought in the reserved matters applications for future phases of the scheme whilst also providing a level of flexibility in line with the Local Plan policy requirements.
- 2.3 The Committee raised no objections to the proposed affordable housing mix. However, for completeness the report also sets out how this would be managed in the future phases.

Private Housing Mix

- 2.4 Policy D.H2 part 3 includes a requirement to deliver a mix of unit sizes across all tenures and includes a table which outlines a need for 30% x 1 bed units, 50% x 2 bed units and 20% x 3-4 bed units within the private tenure. Notwithstanding this prescriptive requirement, the supporting text to the policy states that a degree of flexibility in the private unit mix is permissible in some circumstances. The extract of the policy wording (para. 9.37) is included below.

Where a development proposes to deliver at least 35% affordable housing (to use the fast track approach) and in exceptional circumstances (e.g. where applications propose to deliver a significantly higher quantum of affordable housing than 35%, whilst meeting the required affordable housing tenure mix, and/or propose to deliver significant social infrastructure on-site), we will consider a different housing mix, having regard to the following factors:

- a. *The proposal must meet the tenure split requirements outlined in Part 1.*

- b. *Proposals will be expected to meet our affordable housing product requirements outlined in paragraphs 9.29 and 9.30.*
 - c. *Greater unit mix flexibility can be applied to the market tenure unit mix, as opposed to the unit mix for affordable housing. However, the scheme must still provide a significant proportion of family housing in the market tenure and proposals will be expected to meet our unit mix requirements to deliver family housing in the affordable tenures.*
- 2.5 The policy allows for some flexibility when considering the private mix tenure, especially where proposals are delivering 35% affordable housing or more, a policy compliant tenure split and significant social infrastructure. All of these clauses apply to the Bow Common Gas Works site.
- 2.6 Bow Common Gas Works could also be considered to represent exceptional circumstances in the context of its site-specific constraints and significant upfront costs required to remediate the site to bring it forward for development. On the basis that it still able to deliver on all of the site allocation requirements despite the complex nature of this site, some flexibility should be considered appropriate in this instance.
- 2.7 Members should also note that the proposed development at Bow Common Gas Works will take approximately 12 years to be delivered in full. In that time it is reasonable to expect that planning policy may change and be updated. Already, policy at a national and regional level (the GLA) is moving towards less prescriptive unit mixes and enabling proposals to be considered on a case by case basis based on current housing need. To this end, it is appropriate that there is the flexibility and ability to update the planning controls over the course of time where needed.
- 2.8 To provide some certainty in relation to the delivery of family units within the private tenure a condition has been recommended. The draft condition proposes a target range for all unit sizes within the private tenure only. The proposed ranges are intended to allow for some flexibility to be built into the permission whilst still striving to meet policy requirements.
- 2.9 The proposed private tenure housing mix condition is set out below:

The housing mix in the outline phases of the development shall be provided in accordance with the private residential mix set out as follows unless otherwise agreed in writing with the Local Planning Authority.

Private Residential Mix

Unit size	Proposed range
1 bed	20-40%
2 bed	40-60%
3 and 4 bed	10-20%

Reason: To ensure that the development takes account of Local Plan Policy D.H2 'Affordable housing and housing mix' and delivers an appropriate mix of housing within the private tenure. In assessing the detailed mix for Reserved Matters coming forward for an outline phase, consideration will be given to the following:

- a. *Meeting the affordable housing tenure split requirements;*
- b. *Meeting the affordable housing product requirements;*
- c. *Maximising the delivery of family affordable rented housing;*
- d. *On-site provision of social infrastructure in accordance with the Site Allocation 2.1 requirements (provision of a sixth form centre and 1ha consolidated open space);*
- e. *Changes in local housing need and market conditions; and*
- f. *Site accessibility and connectivity.*

- 2.10 The condition is intended to apply to the outline part of the development to allow flexibility on a phase by phase basis. This would allow for some flexibility in the delivery of housing across the outline phases, as would be expected given that the final design for these phases has yet to be developed.
- 2.11 This also means that family homes can be delivered with some flexibility where it is deemed appropriate. For example, there may be some phases that are better suited to a higher proportion of 1 and 2 bed units and others that may be better suited for family homes perhaps owing to their location with respect to the proposed open space or the school. Alternatively, it could also account for the requirements of a particular phase, (i.e. for viability reasons) where a phase is delivering a significant piece of social infrastructure namely the school or open space, it may be necessary for a higher proportion of smaller units to be delivered.
- 2.12 The addition this condition would achieve a balance between securing an appropriate mix , in line with local plan policies (and the supporting text) and future flexibility, by ensuring there would be a minimum of 10% and up to 20% family sized accommodation in the market tenure. It would also meet the six national policy tests for the use of planning conditions

Affordable Housing Mix

- 2.13 With regards to the housing mix within the affordable element of the scheme this would be controlled through the Section 106 legal agreement. The s106 would include the obligation to provide 35% affordable housing across the development as a whole as well as require the submission of an Affordable Housing Statement to the Council for approval for each phase of the development detailing the level of affordable housing being delivered in each phase as well as details of the housing mix.
- 2.14 The Affordable Housing Statement has been defined within the daft s106 as set out below.

Affordable Housing Statement

Means a statement submitted in relation to a Phase which details the number, size, mix and tenure mix of the Affordable Housing Units to be delivered in the relevant Phase provided that in any such statement:

- a) The proposed size mix of any London Affordable Rent Housing Units and Tower Hamlets Living Rent Housing Units shall be formulated having regard to planning policy requirements at the time of submission unless otherwise agreed with the Council; and*
 - b) The proposed size mix of any Intermediate Housing Units shall be formulated having regard to need and affordability and planning policy requirements at the time of submission.*
- 2.15 These obligations within the s106 would ensure the development as a whole delivers on the 35% affordable housing requirement as well as ensuring that the unit size mix would be assessed against the Councils policy requirements for the affordable tenure.

Impacts on Tower Hamlets Cemetery Park

- 2.16 The Committee noted the concerns of the Friends of Tower Hamlets Cemetery Park (FoTHCP) particularly regarding the potential impact of light pollution on the Cemetery Park during construction as well as the end development and the mitigation package. Following the Committee, officers have engaged with both the applicant and the Friends of Tower Hamlets Cemetery Park to discuss how best to address these concerns.

Lighting Strategy

2.17 In terms of the impact of light pollution officers have recommended the condition shown below.

*Prior to the commencement of above ground works of any phase of development, details of the proposed lighting strategy for the operational use of that phase shall be submitted and approved in writing by the Local Planning Authority, **in consultation with Friends of Tower Hamlets Cemetery Park**. It shall include:*

a) Details of lighting; including type, specification, hours of operation and lux numbers; and

b) A demonstration of how the sensitive light strategy will avoid unacceptable lighting of the adjoining Tower Hamlets Cemetery Park (LNR/SINC).

Reason: To ensure a positive relationship between the development, surrounding development and the Tower Hamlets Cemetery Park in line with policies S.DH1, D.SG4, D.DH6 and D.DH8 of the Local Plan (2020).

2.18 As part of this condition the applicant would be required to engage with the Friends of Tower Hamlets Cemetery in designing the lighting strategy and officers would consult with the FoTHCP before discharging the condition. This would ensure that any proposed lighting within the development is designed appropriately and would limit any impact or light spill on the Cemetery Park.

Construction Impacts

2.19 Similarly, in relation to the impact of construction on the Cemetery Park officers would recommend the inclusion of the condition detailed below. This is a condition that is included with all large-scale developments and requires the applicant to provide detailed information in relation to the potential construction impacts as well as mitigation measures.

Prior to the commencement of works permitted by this planning permission, a Construction Environmental Management & Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plans shall aim to minimise the amenity, environmental (including ecological) and road network impacts of the demolition and construction activities and include the details of:

- a. Telephone, email and postal address of the site manager and details of complaints procedures for members of the public;*
- b. Dust Management Strategy to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions;*
- c. A strategy for minimising impacts upon the Cemetery Park following consultation with the Friends of Tower Hamlets Cemetery Park;***
- d. Measures to maintain the site in a tidy condition in terms of disposal/storage of waste and storage of construction plant and materials;*
- e. Scheme for recycling/disposition of waste resulting from demolition and construction works;*
- f. Ingress and egress to and from the site for vehicles;*
- g. Proposed numbers and timing of vehicle movements through the day and the proposed access routes, delivery scheduling, use of holding areas, logistics and consolidation centres;*

- h. *Parking of vehicles for site operatives and visitors;*
- i. *Travel Plan for construction workers;*
- j. *Location and size of site offices, welfare and toilet facilities;*
- k. *Erection and maintenance of security hoardings including decorative displays and facilities for public viewing;*
- l. *Measures to ensure that pedestrian access past the site is safe and not obstructed;*
- m. *Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.*
- n. *Implement all measures relevant to construction as per the Environmental Statement (ES).*

The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety and to preserve the amenity of the area in accordance

- 2.20 It should be noted that an additional clause (part C) has been included requiring that the applicant consult with FoTHCP to ensure the impacts on the Cemetery Park are minimised. This would ensure that in considering the management of the construction on site the impact on the Cemetery park is properly considered and includes a dialogue with the FoTHCP to highlight any specific concerns or issues prior to works commencing.

Mitigation Package

- 2.21 St William has agreed to a financial contribution of £375,000 towards off-site mitigation measures to Tower Hamlets Cemetery Park that alongside the provision of new habitats delivered on the application site will appropriately address the impacts of the development. The mitigation measures will include the following:

- Biodiversity and habitat management;
- General site management;
- Site capacity improvements; and
- Wayfinding and local connection improvements.

- 2.22 The original proposed contribution of £350,000 was calculated through a costing exercise carried out by a number of specialist consultants. The Ecology Consultancy priced the mitigation and management services schedule provided by FoTHCP and this was shared with and reviewed by FoTHCP. The schedule is not intended to be exhaustive and there will be flexibility in the exact detail of the mitigation measures put forward given the 12 year delivery period for the development.

- 2.23 St William have increased the financial contribution to £375,000 in acknowledgement of the potential need for further arboricultural management highlighted by FoTHCP at the SDC meeting. In addition, it is understood that the annual budget the FoTHCP spends on maintaining the park is approximately £31,000. Therefore, £375,000 broadly represents 12 years of budget (the life span of the development programme). As noted above, this costing exercise was carried out in consultation with the FoTHCP so that they had a clear understanding of how the figure had been arrived at.

- 2.24 It is envisaged that the details of the mitigation and management measures will be determined through the Landscaping and Ecological Management Plan (LEMP) which would be secured by condition.

- 2.25 The financial contribution would be secured through the s106 agreement and would be payable to the Council prior to the implementation of the first phase of the development. The Council would then allow the FoTHCP as custodians of THCP to draw down against this contribution when implementing agreed mitigation measures outlined within the LEMP. This means there would be no legally binding obligation on the FoTHCP or ongoing liability. Their role is purely one of consultee and contractor. This ensures that there would not be an unmanageable burden impressed upon the FoTHCP whilst ensuring the financial contribution was focussed on the relevant mitigation works.

Other issues

- 2.26 Members queried the distribution of wheelchair units within Phase 1 of the development. Local Plan Policy D.H3 (paragraph 9.44) explains that 10% of all new units across all tenures should be wheelchair user dwellings.
- 2.27 Member should note that the condition detailed below is recommended and would ensure that the development would secure the necessary details relating to the wheelchair units in consultation with officers. This would include confirming the location or allocation of the wheelchair units as well as the specific details/design of the proposed wheelchair units.

For each Phase of development, all of the approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable', except for 10% of the residential units which shall comply with the optional requirement M4(3)(2) 'wheelchair user dwellings'.

The wheelchair user residential units approved within the affordable rented (formerly known as social rented) tenure shall comply with requirement M4(3)(2)b. All other wheelchair user units (intermediate and private tenures) shall comply with the optional requirement M4(3)(2)a.

Prior to the commencement of above ground works for each Phase, the following details shall be submitted to and approved in writing by the local planning authority:

- a. Details of how the proposed allocation of wheelchair user units has taken into account the requirements of the relevant policy and the needs of the Borough;*
- b. Drawings and a schedule confirming the location of the wheelchair user dwellings within that Phase;*
- c. 1:50 detailed drawings of the affordable rented wheelchair user units (i.e. those required to meet optional requirement M4(3)(2)b).*

Prior to occupation of the relevant residential units, these units shall be fully fitted out in accordance with the approved details, unless otherwise agreed with the local planning authority.

Any lifts shown on the approved drawings shall be installed and in an operational condition prior to the first occupation of the relevant residential access cores. The lifts shall be retained and maintained in an operational condition for the lifetime of the development.

3. RECOMMENDATION

- 3.1 The issues raised at the previous committee meeting have been considered and are addressed in this report. In light of our consideration, officers do not wish to change their original recommendation to GRANT planning permission, subject to the conditions outlined in the original report the obligations within the S106 agreement as detailed in the original report and subject to

(a) additional conditions within this report in relation to:

- private tenure housing mix in future phases of the development;
- provision of wheelchair housing in accordance with local needs;
- lighting strategy; and
- construction impacts.

(b) updated planning obligations to require a financial contribution of £375,000 towards mitigation of the impacts of the development on Tower Hamlets Cemetery Park.