

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> November 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>  <b>7.3</b>
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Daniel Buffa		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/10/01486  <b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** Cutty Sark House, Undine Road, London

**Existing Use:** Residential 8 x private units

**Proposal:** Demolition of existing building and erection of two buildings (1 x 4-storey and 1 x 5-storey) to provide 26 residential units and associated landscaping.

**Drawing No's:**

- 1210\_DWG\_PL\_001
- 1210\_DWG\_PL\_011
- 1210\_DWG\_PL\_100 rev PL02
- 1210\_DWG\_PL\_101 rev PL04
- 1210\_DWG\_PL\_102 rev PL02
- 1210\_DWG\_PL\_103 rev PL02
- 1210\_DWG\_PL\_104 rev PL02
- 1210\_DWG\_PL\_105 rev PL02
- 1210\_DWG\_PL\_020 rev PL01
- 1210\_DWG\_PL\_200 rev PL01
- 1210\_DWG\_PL\_201 rev PL01
- 1210\_DWG\_PL\_202 rev PL01
- 1210\_DWG\_PL\_203 rev PL01
- 1210\_DWG\_PL\_210 rev PL01
- 1210\_DWG\_PL\_300 rev PL01
- 1210\_DWG\_PL\_400 rev PL01
- 1210\_DWG\_PL\_401 rev PL01
- 1210\_DWG\_PL\_402 rev PL01
- 1210\_DWG\_PL\_403 rev PL01
- 1210\_DWG\_PL\_404 rev PL01
- 1210\_DWG\_PL\_405 rev PL01
- 1210\_DWG\_PL\_406 rev PL01
- 1210\_DWG\_PL\_407
- 1210\_DWG\_PL\_408
- 1210\_DWG\_PL\_500 rev PL01

**Supporting docs:** Design and Access Statement, reference 1210\_REP\_PL\_001, dated July 2010;  
Noise Assessment, dated 18<sup>th</sup> June 2010;  
Flood Risk Assessment, dated 25<sup>th</sup> June 2010;

Statement of Community Involvement, dated July 2010;  
Transport Statement, dated 15<sup>th</sup> June 2010;  
Residential Travel Plan Framework, dated 15<sup>th</sup> June 2010;  
Arboricultural Survey and Constraints, dated 2<sup>nd</sup> September 2010;  
Planning Statement, dated July 2010;  
Ecology Survey, dated 29<sup>th</sup> June 2010  
Daylight and Sunlight Study (Neighbouring Properties), dated 5<sup>th</sup> July 2010;  
Daylight and Sunlight Study (Within Development), dated 5<sup>th</sup> July 2010;  
Air Quality Assessment, dated 23<sup>rd</sup> June 2010;  
Conservation Statement, dated July 2010; and  
Sustainability Report, dated June 2010

**Applicant:** Gateway Housing Association & LTC  
**Owner:** Gateway Housing Association & LTC  
**Historic Building:** N/A  
**Conservation Area:** Adjacent to Chapel End Conservation Area

## **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 adopted Core Strategy (2010), Unitary Development Plan 1998 (as saved September 2007), Interim Planning Guidance for the purposes of Development Control (2007), associated supplementary planning guidance, the London Plan 2008 (consolidated with alteration since 2004) and Government Planning Policy Guidance and has found that:

- The proposal makes efficient use of the site with a residential density range that accords with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010) and policy HSG1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing and mix of units overall and as such complies with policies 3A.5 and 3A.9 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP02 of the adopted Core Strategy (2010), saved policy HSG7 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies HSG2 and HSG3 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure that new developments offer a range of housing choices.
- The proposal would have no detrimental impact upon the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure, given the compliance with relevant BRE Guidance and proposed separation distances and as such accords with policy SP10 of the adopted Core

Strategy (2010), saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV1 and DEV2 of Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP09 of the adopted Core Strategy (2010), saved policies T16 and T18 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.3 to 4A.7 of the London Plan 2008 (Consolidated with Alterations since 2004), policy SP11 of the adopted Core Strategy (2010) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, education facilities and communities, leisure and cultural facilities in line with Government Circular 05/05 and tests contained in section 122 of the Community Infrastructure Levy Regulations 2010, policy SP13 of the adopted Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998) (as saved September 2007) and policy IMP1 of the Council's Interim Planning Guidance for the purposes of Development Control (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

- a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.
- b) A contribution of £148,300 towards mitigating the demand for local primary school places.
- c) A contribution of £ 6,136 towards library facilities in the borough.
- d) A contribution of £27,622 towards leisure facilities in the borough.
- e) A contribution of £47,342 towards mitigating the demand for local open space.
- f) 100% of development to be car free.
- g) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the

legal agreement indicated above and that, if within 6-weeks of the date of this committee (22<sup>nd</sup> December 2010) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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:

#### 3.4 **Conditions**

1. Three year time limit
2. Consent granted in accordance with Schedule of Drawings
3. Samples / pallet board of all external facing materials (including reveals and timber cladding) and typical details to be approved prior to commencement of works
4. Obscure glazing to all windows proposed within east flank elevation of western block.
5. Detail of landscaping scheme to include hard and soft landscaping, child play space, any gates, walls, fences and a Landscape Maintenance and Management Plan to be submitted, approved and implemented prior to occupation
6. Green and brown roofs to be implemented in accordance with plans
7. Details of cycle parking.
8. Construction Management Plan to be submitted, approved by the LPA and implemented prior to commencement
9. All residential accommodation to be completed to lifetimes homes standards plus at least 10% wheelchair accessible
10. Disabled parking bay to be designed and constructed in accordance with the standards described in the Department for Transport 'Inclusive Mobility' guidance.
11. All units shall have heat and domestic hot water supplied by Air Source Pumps.
12. Renewables shall be implemented in line with the Sustainability Report
13. Development shall achieve level 4 of the Code for Sustainable Homes
14. Development to be completed in accordance with submitted Flood Risk Assessment
15. Site investigation shall be carried out prior to commencement of development
16. If contamination is encountered at the site, development must cease and the contamination dealt with
17. Piling or other penetrative foundation designs must be approved by the LPA prior to commencement of development
18. Bat survey to be carried out prior to commencement of development and any re-siting of bat nest to take prior to commencement?
19. Hours of construction (08.00 until 17.00 Monday to Friday; 09.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
20. Schedule of Highway Works to be completed prior to occupation
21. Details of noise transmission/attenuation measures prior to commencement
22. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### 3.5 **Informatives**

- 3.6
1. Section 106 required
  2. Section 278 required
  3. Wheel cleaning facilities during construction
  4. Any other informative(s) considered necessary be the Corporate Director Development & Renewal

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

### **Proposal**

- 4.1 This application involves the demolition of the existing block known as Cutty Sark House, which comprises 8 x 2-bed flats. In its place two separate buildings would be erected, comprising 26 residential units (2 x 1-bed, 10 x 2-bed, 8 x 3-bed, 4 x 4-bed and 2 x 5-bed). The eastern block would be some 5-storeys high, with the fifth-storey set back from the rest of the building. It measures a maximum of 12m in width, 46m in depth and 15.4m in height. The western block is four-storeys in height and measures 10.2m in width, 23m in depth and 12.3m in height.
- 4.2 At the northern end of the site is a disabled car parking bay and cycle storage. Landscaping is proposed around the site. The facing materials proposed are reclaimed stock brick, untreated timber cladding and anodised aluminium framed windows.

### **Site and Surroundings**

- 4.3 This 0.245 hectare site is roughly triangular in shape. At present the site accommodates a single four-storey hipped roof block, comprising 8 x 2-bed self-contained flats. Around the block there is an area of tarmac which is laid out as 9 car parking spaces. The remainder of the site is grassed.
- 4.4 The site is bounded to the south by the adopted Spindrif Avenue and to the northwest by Undine Road, which is a private unadopted estate road. Located to the west is a site housing a gas governor and to the east the site is bounded by Docklands Light Railway Limited (DLRL) land.
- 4.5 Further to the south of the site, on the opposite side of Spindrif Avenue, lies the Chapel House Conservation Area. The conservation area is predominantly low rise and residential in nature, with most buildings being no more than two storeys in height. It has something of a 'garden city' feel. To the north of the site is the Clippers Quay residential estate where building heights are typically three to four storeys.
- 4.6 The site is located just some 20m to the west of Mudchute DLR station and has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility.

### **Planning History**

- 4.7 The following planning decisions are relevant to the application:
- PA/01/01155 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal against non-determination dismissed 05.07.2004
- PA/03/01475 Erection of two new blocks - 3 storey Block B and 4 storey Block C – and their use as 1 x one-bedroom, 12 x two-bedroom & 1 x three-bedroom flats together with 22 car parking spaces and associated landscaping. Appeal

against non-determination dismissed 05.07.2004

PA/09/02521 Demolition of existing building and erection of two buildings, one four storey and one four storey with setback, to provide 30 residential units with ancillary car parking and landscaping. Application withdrawn 29.01.2010.

## **5. POLICY FRAMEWORK**

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

### **5.2 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

### **5.3 Spatial Development Strategy for Greater London (London Plan)**

Policies:	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
	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.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
	6A.4	Planning Obligations Priorities

### **5.4 Core Strategy (2010)**

Policies:	SP02	Urban Living for Everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a blue and green grid
	SP09	Creating attractive and safe streets and spaces

SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking
SP13	Delivery and implementation

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

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrian needs in new Development
	OS9	Children's Playspace

#### **5.5 Interim Planning Guidance for the purposes of Development Control (2007)**

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	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 for Utility Infrastructure
	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

## 5.6 Supplementary Planning Guidance/Documents

Residential Space Standards  
Designing Out Crime Parts 1 and 2

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

## 6. CONSULTATION RESPONSE

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

### 6.2 Docklands Light Railway Limited (DLRL)

- Proposal includes fencing within 5m exclusion zone, which is unacceptable. Fencing should be removed from scheme
- **(Officer Comment - DLRL has to give the land owner 14 days prior notice before enforcing its exclusion zone and the proposed fencing is fully demountable. Obviously in the case of emergency access to the DLR would be gained by any means necessary, without the relevant notice period. However, when DLRL were asked whether or not the land in question played any role in the emergency plans for Mudchute Station no such confirmation was given. The development is located some distance from the DLR line - the proposed eastern block is the closest and is located some 25m from the lay-by line and 40m from the main line itself. Furthermore, between the site and the DLR line is a tall, robust fence and substantive vegetation, which would take much longer to circumvent than the proposed demountable fencing. On balance, it is not considered a refusal could be substantiated on the grounds that the rear fencing of the eastern block breaches the DLRL exclusion zone);**
- Noise from DLR should be mitigated against
- **(Officer Comment – a condition in respect of noise transmission has been recommended);**
- DLRL request surveys before and after development to assess level of impact on DLRL's radio signal.
- **(Officer Comment – No evidence of potential impact supplied);**
- Request S106 contribution of £20,000 for departure information system
- **(Officer Comment – This is not relevant to the development, therefore it does not comply with the Community Infrastructure Regulations 2010 tests and has not been sought).**

### 6.3 Environment Agency

No objection subject to conditions relating to:

- Compliance with Flood Risk Assessment and implementation of green roof;
- Potential contamination at the site;
- Details of any piling to be approved prior to commencement of development



*(Officer Comment – the requested conditions will be included if consent is granted).*

#### 6.4 English Heritage

Determine application in line with national, regional and local guidance.

#### 6.5 London Fire and Emergency Planning Authority (LFEPA)

- The plans do not allow comment on Fire Brigade issues
- *(Officer Comment – the layout of the site has not altered markedly since application PA/09/02521. The LFEPA had no objection to that scheme and it is considered the Fire Brigade could easily access the site in case of emergency).*
- Assume water supplies in this area will be adequate for fire fighting purposes.

#### 6.6 Thames Water

To date no comments have been received.

#### 6.7 Tower Hamlets Primary Care Trust

To date no comments have been received.

#### 6.8 National Grid

To date no comments have been received

#### 6.9 LBTH Highways

- The scheme should be car-free and details of cycle parking should be agreed prior to approval
- *(Officer Comment – a car free development will be secured in a legal agreement; cycle parking can be adequately dealt with by condition);*
- Serving/refuse arrangements are unclear. If refuse is to be collected from Undine Road agreement must be sought from landowner. Travel Plan suggests residents will utilise home deliveries, but no loading bay is allocated. Use of Spindrift Avenue for servicing would not be supported; distance from refuse store to road is more than 10m **(Officer Comment – The Council's Cleansing Section has not commented on the proposal. Precise details of refuse storage can be dealt with by condition);**
- Work on the highway subject to a S278 agreement
- **Officer Comment – can be secured by condition).**

#### 6.10 LBTH Education Department

S106 contribution of £148,300 sought.

*(Officer Comment – The contribution has been agreed by the developer)*

#### 6.11 **LBTH Communities, Localities and Culture**

- S106 contribution of £47,342 sought to mitigate impact on open space.
- S106 contribution of £6,136 sought to mitigate impact on libraries.
- S106 contribution of £27,622 sought to mitigate impact on leisure/community facilities (**Officer Comment** – *these contributions have been agreed by the developer*).

#### 6.12 **LBTH Biodiversity**

To date no comments have been received

#### 6.13 **LBTH Environmental Health**

To date no comments have been received

#### 6.14 **LBTH Landscaping**

To date no comments have been received

### 7. **LOCAL REPRESENTATION**

7.1 A total of 130 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The 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: 58      Objecting: 58      Supporting: 0  
No of petitions received: 1 objecting containing 57 signatories

7.2 The following local groups/societies made representations:

- Mudchute Park & Farm
- Clippers Quay Management Company (CQMC)

7.3 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:

#### **Design**

- Flat roof design out of keeping with surroundings/proposed materials incongruous;
- Massing, bulk and scale too much for site and surrounds, the two buildings are too close to one another and appear visually as one block, development too close to Undine Road;
- Overdevelopment/density too high. Loss of open space/impinges upon openness of area;
- Design not harmonious with adjacent conservation area or townscape nature of locality.
- Detracts from nearby Metropolitan Open Land and Sites of Nature Conservation;

- Development should occupy same footprint as existing building, but be built higher;
- Proposed development must take account of proposed security office and related flat on adjacent site;

**(Officer Comment – Please refer to section 8.11-8.13, and 8.19-8.20 of the report for further discussion on the above points).**

### **Amenity/Impacts**

- Additional pressure on infrastructure (schools, healthcare, utilities);
- Insufficient amenity space and child play space - application relies on private local park, which is not acceptable;
- Overlooking, loss of outlook/views, loss of light;
- Flood risk must be addressed and proposal does not comply with air quality standards;
- Noise from DLR will impact upon proposed development – submitted noise assessment is flawed.
- Additional noise disturbance from increased number of residents
- Current site is badly maintained and an eyesore. This would be worse with 26 properties on the site. Open refuse store unacceptable given vermin and foxes in area;

**(Officer comment – Please refer to section 8.32, 8.61, 8.66-8.67, 8.71, 8.79, 8.82, 8.85, 8.109 and 8.118 of the report for further discussion on the above points).**

### **Housing**

- No need for new housing locally at present and there is enough social housing in the area already;
- Existing block should be refurbished;
- Dwellings not HCA compliant, do not meet Lifetime Home standards or Mobility Housing Standards.

**(Officer Comment – Please refer to section 8.4 and 8.47 of the report for further discussion on the above points).**

### **Transport/highways/parking**

- Car free schemes do not work. Car parking should be provided, particularly given provision of family housing;
- Proposal would exacerbate already busy local roads and public transport already congested. The development offers no loading bays, which will cause obstructions to the roads. Vehicular access unsafe;
- Riverboat travel prohibitively expensive for occupants of social rented units.

**(Officer Comment – Please refer to section 8.95 and 8.105 of the report for further discussion on the above points).**

### **Ecology**

- Site should be allocated as Metropolitan Open Land and trees on site should be maintained;
- Impact on wildlife generally. There are numerous protected bird species in the area,

including robins. A bat survey should be carried out before planning permission is even considered.

**(Officer Comment – Please refer to section 8.111-8.112 of the report for further discussion on the above points).**

### **Health and safety/security**

- Many people pass the site on route to station – could be dangerous during construction. Noise nuisance during building work
- **(Officer Comment – these matters can be dealt with by way of a Construction Management Plan which is a recommended condition);**
- Plans would cause security issues for Clippers Quay. Children will play in Clippers Quay land and this will lead to anti-social behaviour
- **(Officer Comment - there is no evidence to substantiate this argument. It is not considered that there are any problems with the design of the development that would lead to increased anti social behaviour and criminal activity is a matter for the police);**
- Nearby open water a danger to children
- **(Officer Comment - there is no reason why the open water would be a greater danger to children occupying the proposed development than children already living nearby.**
- Proximity of the building to the gas governor could prove a safety risk
- **(Officer Comment – National Grid has been consulted on this matter but has not responded).**

### **Other matters**

- Proposal would contravene a Parliamentary Undertaking to landscape part of the site and the land cannot be developed. Area should be zoned as Metropolitan Open Land;
- Siting of proposal likely to lead to trespass and illegal parking on CQMC Land
- **(Officer Comment – there is a legal right of way over Undine Road. Any trespass is a matter for the courts. Illegal parking of CQMC land is a private matter for them to enforce against);**
- Impact on property values
- **(Officer Comment – this is not a planning matter)**
- Loss of right of way to DLR station
- **(Officer Comment – there is no public right of way through the site at present, even if it is used as such);**
- Applicants do not own all of the site
- **(Officer Comment – submitted information suggests the site is all in the applicants ownership and in any event even if an applicant does not own all or any of the site they can still apply for planning permission to develop the site);**
- Inaccuracies in the submission
- **(Officer Comment – there may be some minor mistakes in the submission, such as stating the development is located within PTAL4 and over-stating the sizes of some of the private amenity space. It is, however, possible to fully assess the proposal).**
- Compromises development potential of the CQMC gas governor site
- **(Officer Comment – adjoining site is undeveloped at present and there is no current planning application in);**
- Consultation by developer inadequate
- **(Officer Comment – the developer has submitted evidence of local consultation that is**

*considered adequate).*

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

- The Council did not erect a site notice along Undine Road
- **(Officer Comment - A site notice was put up along Spindrift Avenue, the application was advertised in East End Life and significant neighbour consultation was carried out. A large number of responses to the consultation have been received and it is considered the Council has wholly fulfilled its consultation obligations)**

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Design
3. Density
4. Housing
5. Amenity for future occupiers
6. Impact upon amenity of neighbours
7. Transport Impacts
8. Other planning matters

### **8.2 Land Use**

8.3 The existing four-storey residential block on the site is unremarkable and unprotected. The site has no specific designation under the adopted Unitary Development Plan (1998) (as saved September 2007) ("UDP") and the area surrounding the site is predominantly residential in character.

8.4 The provision of additional housing is a key aim of national, regional and local planning policy and the proposal to retain and maximise residential use at the site is acceptable in principle and accords with policies 3A.1, 3A.3 and 3A.5 of the London Plan 2008 (Consolidated with Alterations since 2004) ("London Plan") and policy SP02 of the adopted Core Strategy (2010) ("CS"), which seek to maximise the supply of housing.

### **8.5 Design**

8.6 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 CS policy SP10, saved policies DEV1, DEV2 and DEV3 of the UDP; and Interim Planning Guidance for the purposes of Development Control (2007) ("IPG") policies DEV1 and DEV2.

8.7 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.

8.8 In general terms, the form of the two blocks is relatively simple. The blocks are both

roughly rectangular in shape and would be constructed of stock brick and untreated timber cladding, with large aluminium framed openings. The elevations are interesting without being busy and the design is an improvement on the existing uninspiring block.

#### 8.9 Layout, height and scale

8.10 There have been numerous objections to the scheme stating that the proposal represents overdevelopment of the site. As will be discussed below the density of the development is considered acceptable, but working out the density of a scheme in policy terms is an arithmetical exercise and is not the only criteria for working out whether or not a scheme constitutes overdevelopment.

8.11 Other buildings in the area are predominantly two-storeys in height with pitched roofs, but there are other examples of four-storey buildings nearby, built in the same style as the existing Cutty Sark House, which is itself, of course, a four-storey hipped roof building.

8.12 The western block would be the visually more dominant of the two as it is located closer to the bend in Spindrift Avenue and is one storey taller. This is the part of the site that can best accommodate the height and the simple form of the buildings prevents them appearing unduly bulky in relation to their surroundings.

8.13 Whilst the buildings are positioned close to one another, with only 6.6m separation between them at the top end of the site, views are available between the buildings and the site layout provides a well defined pedestrian route through the site, which is clearly separated from the residential entrances. The buildings are set back some 6m from Spindrift Avenue, which provides sufficient breathing space and prevents the buildings appearing over-dominant. The set back from Undine Road is less, a minimum of 1.5m from the buildings themselves. However this is sufficient to prevent the buildings feeling too close or oppressive so as to be considered unacceptable.

8.14 Within the context of the site, which is bounded by open land to the east and west, the layout, height and scale of the scheme are, on balance, considered acceptable and to comply with CS policy SP10, saved UDP policy DEV1 and IPG policy DEV2.

#### 8.15 Openness of site/impact upon the Conservation Area

8.16 To the south of the site is the Chapel House Conservation Area. In assessing planning applications adjacent to conservation areas the Council must assess the impact the development is likely to have upon the setting of that conservation area. Indeed, the previous appeal on the site was partly dismissed for this reason.

8.17 PPS5 provides guidance on the approach to development in and adjacent to conservation areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group. National guidance is carried through to the local level by CS policy SP10. IPG policy CON2 re-asserts that development in or affecting the setting of conservation areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.

8.18 Policy HE10 of PPS5 states that the wider benefits of development must be considered

when assessing applications that affect the setting of a heritage asset. In this case the heritage asset is the Chapel House Conservation Area and the wider benefits of the development are the provision of 26 affordable homes.

- 8.19 The proposal is clearly not a carbon copy of development in the Chapel House Conservation Area, and nor need it be. What is carried through with this scheme, however, is the use of brick as the primary facing material and the clean, strong lines. The flat roofs proposed are not typical locally, but neither would they appear as incongruous and the separation of the blocks is enough to retain sufficient openness so as not to impinge upon the setting of the conservation area. The proposed blocks are certainly better designed than the existing single block.
- 8.20 The proposal covers the full width of the site, but for a 0.5m set-in from its western boundary. As such the proposal relies somewhat on adjacent land – to the east owned by the DLRL and to the west by Clippers Quay Management Company – to give it something of an open setting in the street scene. However, those sites are currently undeveloped and this scheme must be assessed on its own merits given the existing circumstances of the site and surrounds. It is therefore considered that the site would retain a sufficiently open feel.
- 8.21 On balance, and taking into account the wider benefits of provision of 26 affordable homes, it is considered the proposal would retain a sufficient degree of openness so as not to impinge upon the site or surrounding area or harm the setting of the adjacent Chapel House Conservation Area. As such the proposal complies with CS policy SP10, IPG policy CON2 and advice and guidance in PPS5.
- 8.22 Permeability and security
- 8.23 Saved UDP policy DEV1 and IPG policy DEV4 require development to consider the safety and security of users. Regard should also be given to the principles of Secure by Design. However, these matters must also be balanced against the requirements to promote site permeability and inclusive design.
- 8.24 The proposal provides a pedestrian route and courtyard through the site but still allows for sufficient defensible space to the front of the residential units to prevent any loss of security.
- 8.25 The Crime Prevention Officer mentioned that the scheme should be open at ground floor level to maximise views to and from the development. This matter can be addressed through landscaping and boundary treatment conditions, to prevent planting and fencing obscuring views of the buildings.
- 8.26 A further point raised by the Crime Prevention Officer was that boundary fencing to the rear gardens of the eastern block should be sufficiently high to prevent easy unlawful access to the properties. This matter can be easily addressed by a boundary treatment condition.
- 8.27 Subject to conditions, it is considered that the layout of the development will allow for a permeable and secure site. The proposal is therefore considered to accord with the requirements of saved UDP policy DEV1 and IPG policy DEV4.

## 8.28 **Density**

- 8.29 National planning guidance, set out in PPS1: Sustainable Development and PPS3: Housing, stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan policy 3A.3, which requires development to maximise the potential of sites, and policy 4B.1, which details design principles for a compact city. CS policy SP02 and IPG policy HSG1 also seek to maximise residential densities on individual sites, subject to acceptable environmental impacts and local context.
- 8.30 Table 3A.2 of the London Plan, which is associated with policy 3A.3, sets density ranges for areas, which are dependent on their setting and Public Transport Accessibility Level (PTAL). This site is located within an urban setting and the PTAL is 3, indicating average accessibility to public transport.
- 8.31 In areas of PTAL 3 the target density range set by Table 3A.2 is 200-450 habitable rooms per hectare. The application site area is some 0.245 hectares and 98 habitable rooms are proposed. The density of the development therefore equates to 400 habitable rooms per hectare.
- 8.32 This is comfortably within the set density range and overall the development would make the most efficient use of the land. The proposed mitigation measures, including financial contributions towards local education, open space, libraries and leisure, ensure that the development has no significant adverse impacts on local infrastructure and accords with London Plan policy 3A.3, CS policy SP02 and IPG policy HSG1.

## 8.33 **Housing**

- 8.34 This section of the report considers the acceptability of the housing provision on the site in terms of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units. The application proposes a total of 26 residential units
- 8.35 Affordable Housing
- 8.36 London Plan policies 3A.8 and 3A.9 state Boroughs should seek the maximum reasonable amount of affordable housing. CS policy SP02 sets an overall strategic target for affordable homes of 50% and requires all sites providing 10 or more homes to provide 35%-50% affordable homes.
- 8.37 The scheme provides 100% affordable housing, which exceeds the level set by CS policy SP02. 100% affordable housing provision is not necessarily appropriate on all sites, but in this case, given the large amount of private housing locally and the proposed tenure mix, which is discussed below, 100% affordable housing provision is acceptable.
- 8.38 Tenure mix – social rent : intermediate ratio
- 8.39 London Plan policy 3A.9 and CS policy SP02 seek a tenure split within the affordable housing units of 70:30 in favour of social rented units. In terms of habitable rooms the proposed tenure split is 63% for social rent and 37% for intermediate shared ownership.



8.40 The proposal, therefore, falls short of the required percentage of social rented units. However, given the scheme provides 100% affordable units a slightly higher percentage of intermediate accommodation than would usually be required will help to provide a mixed and balanced development. The tenure mix is thus considered acceptable and complies with the aims of London Plan policy 3A.9 and Core Strategy policy SP02.

8.41 Mix of dwelling sizes

8.42 The Council's housing studies have identified that there is a significant deficiency of family housing within the borough. This shortfall is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes, including an appropriate amount of family accommodation.

8.43 Core Strategy policy SP02 requires that 45% of social rented units should be for families. IPG policy HSG2 sets targets for the breakdown of the social rented units. The proposed unit breakdown, in comparison to policy, is as follows:

- 2 x 1-bed units (12.5%) against a policy target of 20%;
- 6 x 2-bed units (37.5%) against a policy target of 35%;
- 2 x 3-bed units (12.5%) against a policy target of 30%;
- 4 x 4-bed units (25%) against a policy target of 10%; and
- 2 x 5-bed units (12.5%) against a policy target of 5%.

Whilst there is an under provision of 3-bed units, overall the proposal provides 50% family housing, in excess of the policy target. The overall mix of social rented units is satisfactory and complies with the aims of Core Strategy policy SP02 and IPG policy HSG2.

8.44 Core Strategy policy SP02 requires an overall target of 30% for family housing and IPG policy HSG2 sets a target of 25% family accommodation for market and intermediate housing. No market housing is provided. The breakdown of the proposed intermediate units is as follows:

- 4 x 2-bed (40%);
- 6 x 3-bed (60%).

Whilst this does not represent a truly even split of unit types, it does offer a healthy proportion of family housing and when the whole scheme is viewed in the round it provides an appropriate mix of units.

8.45 Lifetime Homes/Wheelchair provision

8.46 London Plan policy 3A.5, Core Strategy policy SP02 and IPG policy HSG9 all require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

8.47 This scheme provides three wheelchair accessible units (11%) and provides a designated disabled car parking space. Furthermore, each unit has been designed to comply with Lifetime Homes standards. A letter of objection claimed that the proposed development

would not meet these standards but a condition will be used to ensure that all of the units are fully Lifetime Homes compliant.

8.48 The scheme is acceptable in terms of provision of wheelchair accessible units and Lifetime Homes standards and therefore complies with London Plan policy 3A.5, Core Strategy policy SP02 and IPG policy HSG9.

8.49 **Amenity for future occupiers**

8.50 Standard of accommodation

8.51 London Plan policies 4B.1, Core Strategy policy SP10 and saved UDP policy DEV1 set out general principles of good design. London Plan policy 3A.6 seeks quality in new housing provision. UDP policy HSG13 requires new development to make adequate provision of internal residential space. Supplementary Planning Guidance: Residential Space sets minimum space standards for new development.

8.52 Internal floorspace

8.53 The Area Schedule within the submitted Design and Access Statement shows that in all cases the flats and maisonettes meet or exceed the internal space requirements of the adopted supplementary planning guidance.

8.54 Daylight/sunlight

8.55 The submitted 'Daylight and Sunlight Study (Within Development)', dated 5<sup>th</sup> July 2010, considers light levels within the proposed development. Windows on the ground and first floor only were tested, on the basis that if these rooms pass BRE requirements then so will those on upper floors. This reasoning is considered acceptable. The study shows that all rooms will receive sufficient natural light to pass BRE ADF targets, and therefore levels of internal lighting within the proposed development are considered acceptable.

8.56 Since the study was commissioned the western block has been moved in from the west edge of the site by 0.5m and provision made for a 1m high fence. This minor change is not significant enough to result in the need to revise the study.

8.57 Privacy

8.58 A key concern with the withdrawn scheme (PA/09/02521) was the inter-visibility between habitable rooms in the proposed blocks, which at the northern end of the site are separated by just 8m. This matter has been addressed by reworking the layout of the units in the western block so that no habitable rooms have windows in the east elevation facing towards the eastern block. Consequently there is now no direct overlooking between the proposed units and an adequate level of privacy is provided

8.59 The amended plans, which set the western block in from the west boundary by 0.5m and provide boundary fencing, ensure that the ground floor units of those blocks would not be unduly overlooked by people walking across the adjoining site.

8.60 Noise and Vibration

8.61 The application is accompanied by a Noise Assessment produced by SKM Enviro, dated 18<sup>th</sup> June 2010. This notes that the site predominantly experiences noise from movements of the adjacent Docklands Light Railway. The report further notes that with appropriate attenuation measures it is possible to attain an internal noise level at or below the relevant British Standard. A condition will be drafted and attached to the decision, if granted, to ensure such attenuation measures are incorporated into the development.

8.62 Residential Amenity Space

8.63 Saved UDP policy HSG16 requires that new development should make adequate provision of amenity space. IPG Policy HSG7 sets minimum space standards for the provision of private, communal and child play space in new developments. London Plan policy 3D.13 on the provision of child play space is also relevant.

8.64 IPG policy HSG7 states that ground floor family units (3-bed and above) should provide 50m<sup>2</sup> private amenity space and ground floor non-family units should provide 25m<sup>2</sup> private amenity space. On the upper floors family/non-family units should provide 10m<sup>2</sup> and 6m<sup>2</sup> private amenity space respectively.

8.65 The breakdown of units is as follows:

Category	HSG7 Policy Standard	Number of units	Policy Requirement (sq.m)	Proposed provision (sq.m)
Ground floor units with 3 or more beds	50	8	400	412
Ground floor units with less than 3 beds	25	1	25	0
Other one-bed units	6	2	12	14
Other 2 or more bedroom units	10	15	150	176
TOTAL		26	587	602

8.66 In overall terms the private amenity space provision complies with policy requirements. A more in depth look at the figures shows that some of the ground/first floor family maisonettes provide less than 50m<sup>2</sup> private amenity space and some provide well in excess of 50m<sup>2</sup>. However, the larger social rented family units have the largest gardens and the shortfall below policy requirements for the smaller family units is on balance acceptable, particularly given the close proximity of Millwall Park.

8.67 One ground floor 2-bed flat and one first floor 2-bed flat provide no amenity space at all.

The originally submitted plans showed detached private amenity space areas for both of these units, however, the plans were amended at the request of Officers to remove these areas as they would have been remote from the properties, and in all probability would become neglected. Two further 2-bed units provide 7m<sup>2</sup> private amenity space, against a policy target of 10m<sup>2</sup>. All other flats are provided with private amenity space that exceeds policy requirements.

- 8.68 On balance, given the larger family units have the largest private gardens and the close proximity to Millwall Park, the provision of private amenity space is considered adequate and to comply with the aims of saved UDP policy HSG16 and IPG policy HSG7.
- 8.69 Several letters of objection mentioned that the proposal provided insufficient child play space. IPG policy HSG7 requires development of 10 units or more to provide 50m<sup>2</sup> communal amenity space for the first 10 units, plus a further 5m<sup>2</sup> for every 5 additional units thereafter. Where 10 or more child bed spaces are provided 3m<sup>2</sup> child play space should be provided for every child bed space.
- 8.70 The communal amenity space proposed is set out below:

	LBTH Policy Requirement	Proposed within scheme
Communal Open Space	70 sq.m	270m <sup>2</sup>
Child Play Space	60 sq.m	

- 8.71 The above figure of 270m<sup>2</sup> reflects the proposed soft landscaped communal areas within the development, discounting the paths and routes through the site. There is no specific area designated for child play space on the site, but this matter could be adequately dealt with in a landscaping condition.
- 8.72 Overall the provision of communal amenity space is in excess of IPG policy HSG7 and is considered acceptable.
- 8.73 **Impact upon amenity of neighbours**
- 8.74 Daylight and Sunlight
- 8.75 Policy SP10 of the Core Strategy and saved policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants.
- 8.76 The submitted 'Daylight and Sunlight Study (Neighbouring Properties)', dated 5<sup>th</sup> July 2010, considers the impact of the development on existing properties surrounding the development site.

- 8.77 Daylight is normally calculated by three methods – the vertical sky component (VSC), No Sky Line (NSL) and the average daylight factor (ADF). The submitted study shows that a small amount of neighbours will suffer from a very minor loss of light. Nevertheless, all affected rooms still meet BRE VSC, NSL and ADF targets. Given this compliance, the impact of the development on daylight to neighbouring properties is considered acceptable.
- 8.78 Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight). The submitted report demonstrates that all neighbouring windows and open spaces will receive sufficient sunlight to comply with BRE guidance.
- 8.79 The submitted study shows that the development will have a minor impact on some neighbours in terms of loss of light. However, the study also demonstrates that these losses do not exceed recommendations given in BRE guidance. Given the minor nature of the impact upon sunlight/daylight and the compliance with BRE guidance any impact is acceptable in terms of CS policy SP10, UDP policy DEV2 and IPG policy DEV1.
- 8.80 Overlooking/loss of privacy
- 8.81 Policy SP10 of the CS, saved UDP policy DEV2 and IPG policy DEV1 seek to protect residential amenity in terms of overlooking/loss of privacy.
- 8.82 A number of objections received mention that the development would overlook neighbouring properties. The proposed development would be located a minimum of 21m from No.1 Undine Road and 15m from Nos.1-8 Falcon Way, the closest properties to the development. Given the orientation of the proposed blocks and the reasonable separation distances, it is not considered that the proposal would have a material impact in terms of overlooking between habitable rooms.
- 8.83 The proposal is therefore considered acceptable in terms of overlooking and complies with CS policy SP10, saved UDP policy DEV2 and IPG policy DEV1.
- 8.84 Noise disturbance
- 8.85 Saved UDP policy DEV50 states that the Council will consider the level of noise from a development as a material consideration. Given that the proposal is wholly for residential use within a predominantly residential area, there would be no undue noise impacts arising from the proposed use
- 8.86 Some disturbance is inevitable during the construction phase of the development, however. A conditioning limiting work to standard hours will be included on the decision to ensure any such disturbance is not unreasonable.
- 8.87 **Transport Impact**
- 8.88 The site has a Public Transport Accessibility Level (PTAL) of 3, indicating average public transport accessibility. The site is located just 20m to the west of Mudchute DLR station, which offers good links to the rest of the Isle of Dogs, Canary Wharf and London generally.

- 8.89 National guidance on transport provision is given in PPG13: Transport. London Plan polices 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23. CS policy SP09 and IPG policies DEV16, DEV17, DEV18 and DEV19 (2007) in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.
- 8.90 Saved UDP policy T16 (1998) requires that consideration is given to the traffic impact of operational requirements of a proposed use and saved UDP policy T18 (1998) seeks to ensure priority is given to the safety and convenience of pedestrians.
- 8.91 The application is supported by a Transport Statement and a Residential Travel Plan Framework produced by CampbellReith, both dated 15<sup>th</sup> June 2010.
- 8.92 Car parking
- 8.93 Many of the objectors to the application mentioned that the development should provide car parking spaces. In line with Council policy no car parking has been provided, but for one disabled bay to the north of the site. The developers will sign up to a S106 car free agreement if planning permission is granted preventing occupiers of the development from obtaining a car parking permit.
- 8.94 Several of the objectors mentioned that whilst car-free agreements are admirable in principal, they rarely function well in practice, as residents of 'car-free' developments often own cars and park illegally.
- 8.95 This is a matter best dealt with through enforcement. It is for the Council to control parking on the adopted highway of Spindrift Avenue, and the Clippers Quay Management Company to control parking on the privately owned Undine Road.
- 8.96 Given the location of the site, so close to Mudchute DLR, it is considered that a car-free development is appropriate for the site and would comply with CS policy SP09 and IPG policy DEV19.
- 8.97 Cycle Parking
- 8.98 The application proposed 40 cycle parking spaces. These are provided within the rear gardens of the residential dwellings, in the basement of each building and towards the north of the site. The precise type of stand has not been confirmed, but this matter can be adequately dealt with by way of condition.
- 8.99 The proposed cycle parking provision complies with London Plan policy 3C.22 and is considered acceptable.
- 8.100 Servicing/deliveries
- 8.101 There is no provision for the parking of servicing/delivery vehicles on the site. Therefore, servicing would have to take place from the surrounding highways network, as is the case in most locations. It is unlikely that vehicles would park on the bend of Spindrift Avenue, so the best place for servicing would be from the privately owned Undine Road.

- 8.102 Several objectors have mentioned that rights to use Undine Road for these purposes would not be given. However, no information has been provided to demonstrate that such use of Undine Road is not allowed, and regardless, this is a matter for the developer to agree with the owner of the road.
- 8.103 Servicing and deliveries from the surrounding road network are considered safe and acceptable in planning terms.
- 8.104 Impact on local transport infrastructure
- 8.105 The proposal is only for 26 residential units and it is not considered it would have any undue impact upon the capacity of the local road or public transport networks.
- 8.106 **Other planning matters**
- 8.107 Air quality
- 8.108 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application has been accompanied with an Air Quality Assessment prepared by ACCON UK, dated 23<sup>rd</sup> June 2010. The study considers these potential impacts.
- 8.109 The study concludes that development of the site should not be constrained by air quality matters. Given the site is in an existing residential area, it is not considered there are likely to be air quality problems with the development. Any excessive dust or debris during the construction phase can be controlled by conditioning a construction management plan.
- 8.110 Biodiversity
- 8.111 Several objectors mentioned that many different species of bird are found locally, along with foxes and bats. The submitted Ecology Survey, dated 29<sup>th</sup> June 2010, states that a bat survey should be undertaken before work at the start commences. It is considered this matter can be adequately dealt with by way of condition, and appropriate action taken if/when bats are found on site.
- 8.112 The application proposes a green and brown roof. It is considered that the green and brown roof will maintain the ecological value of the application site and the surrounding area and therefore accords with London Plan policy 3D.14.
- 8.113 Renewable Energy and Energy Efficiency
- 8.114 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation.
- 8.115 The proposals aim to reduce carbon dioxide emissions by 28.64%. Air Source Heat

Pumps and photovoltaic panels are proposed to help the development achieve Code for Sustainable Homes Level 4. Conditions will be attached to ensure Code 4 is achieved.

8.116 Flood Risk

8.117 The site is located within flood zone 3. The application has been accompanied by a Flood Risk Assessment produced by Hyder, dated 25<sup>th</sup> June 2010, which the Environment Agency were consulted on.

8.118 Amongst the measures taken to prevent flood risk are setting the ground floors of the proposed buildings at or above 3.56 AOD and inclusion of a green roof. The Environment Agency has no objections to the scheme, subject to conditions, which will be included on the decision notice.

8.119 Subject to the relevant conditions the proposal complies with advice given in Planning Policy Statement 25: Development and Flood Risk, London Plan policies 4A.12 and 4A.13, saved policies U2 and U3 of the adopted Unitary Development Plan and policy DEV21 of the Council's Interim Planning Guidance and is considered acceptable.

8.120 S106 Contributions

8.121 Policy SP13 of the Core Strategy, policy DEV4 of the adopted UDP and Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007 say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

Section 122 of the Community Infrastructure Levy Regulations 2010 states that any s106 planning obligations must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

The proposed heads of terms are:

8.122 Financial contributions

- a) A contribution of £148,300 towards mitigating the demand for local primary school places.
- b) A contribution of £47,342 towards mitigating the demand for local open space.
- c) A contribution of £27,622 towards leisure facilities in the borough.
- d) A contribution of £ 6,136 towards library facilities in the borough.

8.123 Non-financial contributions



- 8.124 a) Twenty-six units (100% of the development) is secured as affordable housing, with a tenure split of 63% social rent to 37% intermediate in terms of habitable rooms.  
b) 100% of development to be car free.

8.125 Objections to the application have been received stating that the development would put an unacceptable strain on local infrastructure. However, it is considered that the above contributions would sufficiently mitigate any such impact.

8.126 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the tests in the Community Infrastructure Regulations 2010.

#### 8.127 **Other matters**

#### 8.128 Designation as Metropolitan Open Land

8.129 Several objections received mentioned that the site should be designated as Metropolitan Open Land. At present it is not designated as such, and this application must be determined on the current designation. Furthermore, as set out in policy 3D.10 of the London Plan, for a parcel of land to be designated as Metropolitan Open Land, it must satisfy the following criteria:

- Contributes to the physical structure of London by being clearly distinguishable from the built-up area;
- Include open air facilities, especially for leisure, recreation sport, arts and cultural activities and tourism which serve the whole or significant parts of London;
- Contain features of historic, recreational, nature conservation or habitat interest, of value at a metropolitan or national level;
- Form part of a green chain and meets one of the above criteria.

8.130 The site is separated from Mudchute Park and Farm by the DLR line, so does not form part of a green chain, and is simply not large enough or used in a way that would warrant inclusion in the first three categories.

8.131 For this reason it is not considered that significant weight can be given to possible future designation of the land as Metropolitan Open Land.

#### 8.132 Parliamentary Undertaking on part of the site

8.133 A large number of objections received mentioned that there is a Parliamentary Undertaking on the site stating that when the DLR was extended a strip of land to the east of the site was to be landscaped. The objectors feel that this obligation has never been fully discharged.

8.134 When dismissing the previous appeals on this site, the Inspector noted that *'the status of the DLR undertaking to the Council is a matter that both parties accept as being*

*satisfactorily resolved and thus not material to the consideration of these appeals*'. It remains the case that the matter has been resolved to the satisfaction of the Council, and it can be afforded only little weight during the consideration of this application.

#### 8.135 **Conclusions**

- 8.136 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.