

<b>Committee:</b> Strategic Development	<b>Date:</b> 9 December 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Reserved Matters Application for Decision	
<b>Case Officer:</b> Devon Rollo		<b>Ref No:</b> PA/10/02283	
		<b>Ward(s):</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

**Location:** **Ocean Estate and LIFRA Hall site, London, including the 5 following development sites:**

Land bound by Shandy Street, White Horse Lane, Trafalgar Gardens, Masters Street and Duckett Street, Ocean Estate, London (Site E)

Land bound by Dongola Road, Duckett Street, Ben Jonson Road and Harford Street, Ocean Estate, London (Site F)

Land at Essian Street, Ocean Estate, London (Feeder Site 2)

LIFRA Hall site at the junction with Ben Jonson Road and Carr Street, London (Feeder Site 3)

Land at 85 Harford Street, Ocean Estate, London (Feeder Site 4)

**Proposal:** Submission of reserved matters for the LIFRA Hall site, Halley Street (Feeder Site 3) in accordance with condition A4 for approval of 'appearance' and 'landscaping' associated with the erection of a building up to 10 storeys comprising 70 Class C3 residential units following the granting of Outline Planning Permission ref. PA/09/2584 dated 23rd March 2010.

**Drawing Nos:** 2884B\_L\_0100 Rev A; 2884B\_L\_0101 Rev A; 2884B\_L\_0103 Rev A; 2884B\_L\_0105 Rev A; 2884B\_L\_0106 Rev B; 2884B\_L\_0110 Rev A; 2884B\_L\_0150 Rev A; 2884B\_L\_0200 Rev A; 2884B\_L\_0201 Rev A; 2884B\_L\_0210 Rev A; 2884B\_L\_0211 Rev A; 2884B\_L\_0220 Rev A; 2884B\_L\_0221 Rev A; 2884B\_L\_0222 Rev A; 2884B\_L\_0223 Rev A; 2884B\_L\_0300 Rev A; 2884B\_L\_0500 Rev A; 2884B\_L\_0501 Rev A; 2884B\_L\_0502 Rev A; 2884B\_L\_0503 Rev A; 2884B\_L\_0504 Rev A; 2884B\_L\_0505 Rev A; 2884B\_L\_0506 Rev A; 2884B\_L\_0507 Rev A; 2884B\_L\_0508 Rev A; 2884B\_L\_0509 Rev A; 2884B\_L\_0510 Rev A; 2884B\_L\_0511 Rev A; 2884B\_L\_0512; 2884B\_L\_0513; 2884B\_L\_0514; 2884B\_L\_0515; 2884B\_L\_0516; 2884B\_L\_0600; 2884B\_L\_0601; 2884B\_L\_0602; 2884B\_L\_0603; 2884B\_L\_0700; 2884B\_L\_0701; 2884B\_L\_0702; 1243/012 Rev A; and 1243/013 Rev A

**Supporting Documents:** Design and Access Statement dated 15/10/2010  
Feeder Site 3 Impact Statement dated October 2010  
Feeder Site 3 Planning Report Dated October 2010  
Ecological Mitigation and Enhancement Plan dated October 2010  
Landscape Management Strategy Option 1 dated 15/09/2010  
Internal Daylight and Sunlight Report dated 15/09/2010

**Applicant:** Bellway Homes Limited  
**Owner:** London Borough of Tower Hamlets  
**Historic Building:** No  
**Conservation Area:** No

## 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 Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- It is considered that the proposed appearance of the development on the Land at the LIFRA Hall site at the junction with Ben Jonson Road and Carr Street, London (Feeder Site 3) would provide a high quality environment and accord with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies SP02, SP10 and SP12 of the CS, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG, which seek to ensure high quality design and appearance of developments.
- It is considered that the proposed landscaping associated with the development on the Land at LIFRA Hall site at the junction with Ben Jonson Road and Carr Street, London (Feeder Site 3) would provide a high quality environment and accord with policies 3D.14, 3D.15, 4A.11, 4B.1 and 4B.3 of the London Plan, policies SP04 and SP10 of the Core Strategy, policies DEV1 and DEV12 of the UDP 1998 and policies DEV2 and DEV13 of the IPG 2007, which seek to ensure high quality design and appearance of landscaping in developments.

## 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** approval of the reserved matters.

## 4. INTRODUCTION

### Background & Site Description

4.1 The Ocean Estate is generally bounded by the Regent's Canal on the east, Mile End Road along the north boundary and the Stepney Green Conservation Area to the west. The southern edge is defined partly by Ben Jonson Road and Stepney Green towards the west and by Halley Street towards the east.

4.2 Outline Planning Permission was granted for a redevelopment involving the erection of a total of 819 residential dwellings (Class C3) and up to 1300sq.m of built floorspace for flexible non residential uses (Classes A1, A2, A3 & D1) over 5 different development sites

(as described in the proposal description above) (ref. PA/09/02584) on the 23<sup>rd</sup> of March 2010.

4.3 The application involved 5 development sites on the Ocean Estate and the adjacent LIFRA Hall site. These sites are:

- Land bound by Shandy Street, White Horse Lane, Trafalgar Gardens, Masters Street and Duckett Street, Ocean Estate, London (Site E)
- Land bound by Dongola Road, Duckett Street, Ben Jonson Road and Harford Street, Ocean Estate, London (Site F)
- Land at Essian Street, Ocean Estate, London (Feeder Site 2)
- LIFRA Hall site at the junction with Ben Jonson Road and Carr Street, London (Feeder Site 3)
- Land at 85 Harford Street, Ocean Estate, London (Feeder Site 4)

4.4 This particular application relates to the development the LIFRA Hall site, Halley Street, London (Feeder Site 3). This site is located at the junction of Ben Jonson Road and Carr Street. The site is currently occupied by the LIFRA Hall building, which fronts onto Ben Johnson Road and Halley Street and also has a fenced site frontage along Carr Street. Halley Primary School is located to the west of the site with frontage to both Halley Street and Ben Jonson Road. Opposite the site across Halley Street, Carr Street and Ben Johnson Road, to the south, east and west respectively is residential housing.

## 5. PROPOSAL

5.1 This reserved matters application seeks approval of appearance and landscaping for the development on the LIFRA Hall site, Halley Street, London (Feeder Site 3), in accordance with the layout, access and scale, as approved by the Outline Planning Permission PA/09/2584 dated 23/03/2010, which allowed for the creation of 70 class C3 residential dwellings on the site, through the erection of a building up to 10 storeys.

## 6. POLICY FRAMEWORK

6.1 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:

### **The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)**

3A.6	Quality of New Housing Provision
3D.8	Realising the value of Open Space and Green Infrastructure
3D.13	Children and young peoples play and informal recreation strategies
3D.14	Biodiversity and Nature Conservation
3D.15	Trees and Woodlands
4A.1	Tackling Climate Change
4A.3	Sustainable Design and Construction
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls

4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention and protection
4B.8	Respect Local Context and Communities
4B.9	Tall Buildings – Locations
4B.10	Large Scale buildings – Design and impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.13	Historic Conservation-led regeneration

**London Borough of Tower Hamlets Core Strategy 2025 – Development Plan Document (2010)**

SP02	Urban Living for Everyone
SP04	Creating a Green and Blue Grid
SP09	Creating Attractive and Safe Streets and Place
SP10	Creating Distinct and Durable Places
SP11	Working Towards a Zero-Carbon Borough
SP12	Delivering Placemaking

**London Borough of Tower Hamlets Unitary Development Plan 1998 (as saved September 2007)**

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV9	Control of Minor Works
DEV12	Provision of Landscaping in Development
DEV55	Development and Waste Disposal
HSG16	Housing Amenity Space
OS9	Children's Playspace

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

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessible and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV8	Sustainable Drainage
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV16	Walking and Cycling Routes and Facilities
DEV19	Parking for Motor Vehicles
DEV27	Tall Buildings Assessment
HSG7	Housing Amenity Space

**The London Plan Spatial Development Strategy for Greater London Consultation Draft Replacement Plan (October 2009)**

3.5	Quality and Design of Housing Developments
3.6	Children and Young People's Play and Informal recreation facilities
5.3	Sustainable Design and Construction
5.9	Overheating and Cooling

5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
7.1	Building London's Neighbourhoods and Communities
7.2	An inclusive Environment
7.3	Secure By Design
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall Buildings and Large Buildings
7.8	Heritage Asses and Archaeology
7.9	Heritage-led Regeneration
7.19	Biodiversity and Access to Nature
7.21	Trees and Woodlands

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation

### **Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

- A Great Place To Be
- Healthy Communities
- Prosperous Communities
- Safe and Supportive Communities

## **7. LIMITATION OF MATTERS TO BE CONSIDERED**

- 7.1 In December 2009, East Thames Consortium lodged with the Council as Local Planning Authority an Outline Planning Application for the redevelopment of five sites, as part of the overall regeneration proposals for the Ocean Estate.
- 7.2 The key objective from the Ocean regeneration scheme is to provide sufficient subsidy to deliver refurbishment of the Estate's existing housing stock to Decent Homes Plus standard and significant improvements to approximately 21 hectares of the Estate's urban and green environment across Stepney.
- 7.3 The Decent Homes Standard is defined by the Department for Communities and Local Government (DCLG) as a home which is 'warm, weatherproof and has reasonably modern facilities.'
- 7.4 On the 4<sup>th</sup> of March 2010 the Outline Planning Application was presented to the Strategic Development Committee, where Members resolved to grant Outline Planning Permission for the proposals. On the 23<sup>rd</sup> of March 2010 the Council as Local Planning Authority granted Outline Planning Permission for the scheme, following the agreement and signing of an acceptable S106 legal agreement.
- 7.5 Outline Planning Permission differs from Full Planning Permission in that the legislation dictates that some or all of those matters to be considered in the planning decision can be reserved for later approval. These are known as 'reserved matters'. The matters that were reserved within the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) were the matters of appearance and landscaping.

- 7.6 All other matters, such as the principle of the land use proposed, affordable housing provision, scale, layout and access, were addressed in the Outline Planning Permission and cannot be reconsidered in relation to the assessment of this application. Matters that can be considered in relation to this application are restricted to those that relate to appearance and landscaping only.
- 7.7 For background information the committee report presented to the Strategic Development Committee is provided as an appendix to this report.

## **8. CONSULTATION RESPONSE**

- 8.1 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:

### **Development Design and Conservation**

- 8.2 Development, Design and Conservation have confirmed that they are happy with the brick samples and metal cladding for balcony. They have confirmed that they have no objections to make to the external appearance or the landscaping schemes for the proposed development.

### **Transportation and Highways**

- 8.3 Council's Transportation and Highways Team have raised no objection to matters related to the appearance and landscaping of the development. They have raised concerns related to a stand alone but linked application for a cycle storage building and substation.

### Officer's Comments

- 8.4 These concerns are required to be addressed as part of that application and relate to head height within the cycle store and the substation doors opening over the pavement. Whilst this is not a matter to be considered as part of this application, it can be confirmed that the cycle store building was amended to have sufficient head height and the doors have been amended on the substation so as not to swing over the highway. Planning Permission was granted for the development on 25/11/2010 under delegated powers with no objections having been received.

### **Landscaping Section**

- 8.5 Council's Landscaping Section has reviewed the proposed landscaping and associated landscaping management plan and has accepted that the proposals are acceptable.

### **Access Officer**

- 8.6 Council's Access Officer has confirmed that she has no comments on the application and has raised no objections to the matters of appearance and landscaping

### **Waste Policy and Development**

- 8.7 Council's Waste policy and Development Team has confirmed that there is appropriate provision within the development for the storage of waste and recycling that will be produced by the residential units within Feeder Site 3. They have raised no objections to the appearance and landscaping proposals.

## 9. LOCAL REPRESENTATION

9.1 A total of 4,621 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. A petition signed by 331 signatories has been received. The matters raised in the petition are as follows:

- Initially nearly one thousand signatories from the locality objected to the outline planning application
- A verbal representation to the planning committee was made against the approval of the Outline Planning Permission by residents at the Town Hall but residents concerns were not listened to.
- The development will significantly change the physical environment/structure of the locality as a whole
- This massive redevelopment will have an adverse effect on the environment at large
- It will worsen the overcrowding currently prevalent in the locality and frustratingly there is not any social housing proposed in the development apparently. Lack of full and comprehensive consultation.
- It will obstruct the natural daylight and free air to the properties next to the site.
- It will increase and put significant pressure on the local schools, post office, health centre and GP Practices.
- It will create vehicle congestion and parking problems in the local area.
- This redevelopment will deprive our children of open space for play and games
- This redevelopment will also deprive the community of facilities and provision for children and families and mothers run in the LIFRA Hall at present
- It will obstruct views which residents deserve to enjoy and would be detrimental to the appearance and horizon of the locality and is also a massive potential over development.
- If the redevelopment is accomplished, then the over-subscribed school can not be extended if the need arises in the future. Health and safety concerns associated as it is on the boarder line of the school boundary.
- There will not be a space for community facilities such as engagements, birthday parties, Eid parties, meetings, parents/toddler groups, community groups, Mendhi etc for the locality.
- It will infringe our right to privacy (close to the site) and also will result in an absolute loss of free air.

### Officer's Response

9.2 The matters raised in this petition are mostly related to matters approved under the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584), and are not related to the reserved matters of appearance and landscaping that are the subject of this application. As previously stated the land use, affordable housing provision, scale, layout, and access were all approved under the Outline Planning Permission and therefore cannot be revisited as part of the assessment of this application.

9.3 Whilst it is acknowledged that there was a significant level of opposition to the Outline Planning Application the committee did make a resolution to approve the application and Outline Planning Permission was granted on the 23<sup>rd</sup> of March following the signing of the S106 legal agreement.

9.4 Matters raised by the petition that do relate to the matters of appearance and landscaping are addressed within the MATERIAL PLANNING CONSIDERATIONS section of this report below.

## 10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The planning issues raised by the application that the committee must consider are limited to:
1. Appearance; and
  2. Landscaping

### **Appearance**

- 10.2 In assessing the appearance of a building a number of matters need to be taken into consideration. The architectural quality of the visual appearance is one of the key factors, but not the only matter to be considered. Decision makers must also recognise the need for usability of the development for its intended purpose, impacts that the location of outdoor space and window openings have on adjacent occupiers and the internal amenity of the development. In this assessment these factors need to be weighed appropriately against one another and any reasonable alternative possibilities.

### External design and Materials

- 10.3 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies SP02, SP10 and SP12 of the CS, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG seek to ensure development is high quality in design.
- 10.4 The architectural design of the building has been developed from the scale and layout approved in the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584). A plinth base has been created by the use of a different brick colour at the ground and first floor level. Through the use of the glazed elements in combination with the brick location more slender proportions have been created to the upper elements of the building. Offset balcony elements increase the sense of vitality to the façade.
- 10.5 Overall the external design has been demonstrated to be appropriately thought out, involving accepted and proven design principles. The design is considered to be an appropriate response to the existing context, providing a bold and confident architectural building on a prominent and visible corner site.
- 10.6 Materials proposed for the elevations are robust and high quality, which will result in less need for maintenance and maintain the quality appearance of the building. The use of brick as the main material for the building is strongly supported, due to its high quality and long life. The use of brick is considered appropriate as it is common throughout the residential and industrial building of the area. The colours of the materials are considered appropriate in that they create a simple palette which adds to the architectural quality of the building.
- 10.7 Overall the external design and materials are considered to be high quality and would produce an acceptable architectural appearance to the building which would maintain the overall quality of the appearance of the area and be in accordance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies SP02, SP10 and SP12 of the CS, policies DEV1, DEV2 and DEV3 of the UDP and policies DEV1 and DEV2 of the IPG.

### Internal Amenity

- 10.8 Policy SP02 of the CS, policies DEV1 and DEV2 of the UDP and policies DEV1 and DEV2 of the IPG seek to protect the amenity of the future occupiers of a development. In assessing the amenity of the occupiers it needs to be demonstrated that adequate space is provided for their living needs, room sizes are adequate for their intended purposes, daylight received is appropriate and the level of privacy provided is acceptable. These matters relate to the appearance of the building as the internal layout of the development



is a key consideration in the location of window openings and balconies.

- 10.9 In terms of the level of daylight received by the proposed units and the resulting internal amenity, the location and size of windows, as well as the size of proposed rooms, are all factors in this matter.
- 10.10 The applicant has provided a Daylight and Sunlight Report for the proposed development assessing the daylight levels for the proposed units against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the daylight levels in terms of the Average Daylight Factor (ADF) tests use in the BRE guidelines.
- 10.11 The Daylight and Sunlight Report demonstrates that all of the proposed units would meet or exceed the minimum level of daylight required to provide an adequate level of daylight to future occupiers of the development and would have acceptable levels of sunlight. It is therefore considered, in terms of daylight and sunlight to the future occupiers, that the development would accord with policy SP02 of the CS, policies DEV1 and DEV2 of the UDP and policies DEV1 and DEV2 of the IPG.
- 10.12 The development on Feeder Site 3 is a single building in a square shape. The design of the building means that there is no direct overlooking between opposite habitable rooms within the development. As such an appropriate level of privacy is provided within the development and units of the development would not be afforded unreasonable views into other units within the development.
- 10.13 It is therefore considered that the proposed development would be acceptable in terms of policies SP02 and SP12 of the CS, policy DEV2 of the UDP and policy DEV1 of the IPG in terms of privacy.
- 10.14 Policy HSG 13 of the UDP seeks to ensure that all new housing developments have adequate provision of internal residential space in order to function correctly. The Council's Supplementary Planning Guidance Note – Residential Space, provides guidelines on the acceptable size of developments related to the number of intended occupants and the individual rooms related to their intended use. The proposed development on Feeder Site 3 has been demonstrated to meet the guideline individual room size in most cases. The exceptions are the second bedrooms in one of the unit types and the main bedroom in another. These are 0.1m<sup>2</sup> and 0.6m<sup>2</sup> below the guideline respectively. The small shortfall in room size from the guideline is considered acceptable due to that the regular shape of the rooms. As they have no entrance halls or hidden corners the usability of the room is good and will maintain a high level of function. Furthermore, in each of these cases the overall unit size meets the guidelines.
- 10.15 It is therefore considered that the development accords with HSG13 of the UDP and would provide adequate internal residential space in order to function correctly and therefore provide acceptable internal amenity.
- Privacy to adjoining occupiers
- 10.16 The protection of privacy to adjoining occupiers of a proposed development is primarily dictated by three factors. These factors being the location of balconies or windows providing views into the adjoining occupiers, location of windows or balconies providing views out of the proposed development and the distance between the developments.
- 10.17 Issues of privacy/overlooking need to be considered in accordance with policies SP02 and SP12 of the CS, policy DEV2 of the UDP and policy DEV1 of the IPG, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.

- 10.18 As the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) reserved the matter of external appearance for a later submission (the subject of this application), the location of windows and balconies was not known at that stage. Therefore, it was not possible to fully assess whether the impact on privacy. However, sufficient detail was provided in the application to assess the development is appropriately designed to avoid significant overlooking and loss of privacy.
- 10.19 As the details of this Reserve Matters application include the discharge of the reserved matter of appearance, the details of balconies, terraces and the windows are now known and the impact on privacy can be fully assessed.
- 10.20 The Council's UDP states that "*A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people.*" It also states that this figure will be applied as a guideline.
- 10.21 The distance between the dwellings proposed on Feeder Site 3 and the nearest habitable rooms in the existing dwellings on the opposite side of Halley Street and Ben Jonson Road exceeds 18m. Applying the guideline of the UDP, it is therefore considered that development would not cause adverse impact on privacy of existing residential properties.
- 10.22 However, the proposal would introduce a number of windows to habitable rooms looking towards the east from the eastern elevation of the building. On the opposite side of Carr Street is a 2-3 storey flat building, with windows to habitable rooms and balconies in the western elevation fronting Carr Street. These windows would be overlooked by the development from a distance of approximately 12-17m. This reflects the distance approved in the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) and given the urban location on balance this is considered acceptable, particularly as the units are separated by a public highway, which would afford views into the properties in any case.
- 10.23 It is therefore considered that the proposed development would adequately maintain the privacy of existing residential properties and would be acceptable in term of policies SP02 and SP12 of the CS, policy DEV2 of the UDP and policy DEV1 of the IPG.

#### Impacts on Conservation and Heritage Values

- 10.24 Policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy SP10 of the CS, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG, seek to preserve the historic assets of the city.
- 10.25 As detailed in the assessment of the Outline Planning Application, the development sites are neither Listed nor within Conservation Areas. However, Feeder Site 3 is located near to the Regents Canal Conservation Area.
- 10.26 The Outline Planning Application was reviewed by Council's Conservation Officer who stated that the development would not be harmful on the setting of the Conservation Areas. The high quality of materials used and the architectural quality of the external appearance are considered to ensure that the external appearance does not create significant harm to the setting. It is also considered that the refurbishment works proposed within the estate as part of the overall regeneration scheme will make a positive contribution to the wider area and benefit the Conservation Areas through improved appearance of buildings and improved landscaping.
- 10.27 It is therefore considered that the proposals are acceptable in terms of policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy SP10 of the CS, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG.

#### **Landscaping**

#### Layout of landscaping and Proposed planting

- 10.28 Policies 3D.14, 3D.15, 4A.11, 4B.1 and 4B.3 of the London Plan, policies SP04 and SP10 of the Core Strategy, policies DEV1 and DEV12 of the UDP 1998 and policies DEV2 and DEV13 of the IPG 2007, which seek to ensure high quality design and appearance of landscaping in developments.
- 10.29 The layout of the landscaping within the development has been designed with a key factor being the provision of private outdoor space to the larger ground floor unit. This provides appropriate defendable space for the ground floor units as well as providing for private amenity space and indoor outdoor living for these larger maisonette units. The private garden spaces are separated from the communal areas and public areas by buffer planting and fencing.
- 10.30 Communal outdoor space has been provided away from the main traffic route of Ben Jonson Road, adjacent Halley Street. The communal space is also separated from the public spaces on the surrounding highways by fencing and planting.
- 10.31 A living brown roof is provided to the roof of the development.
- 10.32 The layout of the landscaping is considered to be well thought out, providing a balance between maximising the usable private garden space for the ground floor units and providing communal space for the enjoyment of all occupiers of the development. Given that the site is in close proximity to high quality public outdoor space at Mile End Park, it is considered that the proposed maximisation of private garden space is appropriate.
- 10.33 The planting provision around the perimeter of the site is considered appropriate and would provide a sensible buffer between the communal and public spaces and make the communal space more inviting to use by residents.
- 10.34 The planting proposed provides a suitable mix of plants for the urban location. The proposed planting has been reviewed by the Council's Landscape Officer who has confirmed the suitability of these plants for the Tower Hamlets environment and considers that the landscaping is appropriate.
- 10.35 The planting provides a mix of types and sizes of planting which will in turn provide a high quality and varied vegetated environment as part of the landscaping proposals. The mix of hedge planting with trees contribute to the enhancement of the streetscape and provides a soft landscaped edge for pedestrians while enhancing the privacy for residents within the units.
- 10.36 A Landscape Management Strategy has been submitted with the application which outlines the key responsibilities and objectives for the landscape management within the site. A Management Company will be appointed to maintain the landscaping. This has been reviewed by Council's Landscape Officer and considered as acceptable.
- 10.37 Overall it is considered that the proposed layout of landscaping and proposed planting would ensure a high quality design and appearance for the developments in accordance with policies 3D.14, 3D.15, 4A.11, 4B.1 and 4B.3 of the London Plan, policies SP04 and SP10 of the Core Strategy, policies DEV1 and DEV12 of the UDP 1998 and policies DEV2 and DEV13 of the IPG 2007.

#### Parking

- 10.38 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policy SP09 of the CS and policies DEV17 and DEV19 of the IPG.

- 10.39 The submission of the original Outline Planning Application detailed that on the predominantly private market housing feeder sites, including Feeder Site 3, no car parking provision would be made, other than capacity for disabled parking spaces and these sites would be considered to be car free.
- 10.40 While the assessment of the Car Parking Management Plan secured under the S106 Legal agreement is separate from the approval of the reserved matters, the provision of the disabled parking spaces on the highway would maintain an acceptable area for landscaping and communal amenity within the site.

#### Cycle Parking and Facilities

- 10.41 Policy 3C.22 of the London Plan 2008, policies SP09 and SP12 of the CS and policy DEV16 of the IPG, seek to provide better facilities and a safer environment for cyclists.
- 10.42 The proposals approved within the granted Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) provide provision for 1 cycle space per unit. These will be provided in dedicated storage areas and are therefore only accessible to residents.
- 10.43 During the working up of the appearance and internal layout for the development on Feeder Site 3, the applicant identified a need for more space to adequately provide for the required cycle storage at the ground floor level. Therefore, the applicant submitted a separate application proposing a new building incorporating the secure cycle storage and a required sub station for the development. The provision incorporated within this building is in accordance with Council's standards and is considered to provide adequate cycle storage. Planning Permission was granted for this development under delegated powers. Separately a condition of consent was imposed on the Outline Planning Permission to ensure the layout of the cycle storage is acceptable and this will also need to be discharged for the development.
- 10.44 Taking into consideration the proposal of Planning Permission dated 26/11/2010 (ref. PA/10/2279) for the cycle storage, on Feeder Site 4 storage for 70 cycles has been provided in the communal bike store. Furthermore, there is provision for seven visitor's stands also. This accords with the Council's standards and is in accordance with the provision cycle storage capacity approved in the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584).

#### Play Areas /External Amenity Space

- 10.45 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policies SP02, SP04 and SP12 of the CS, policies DEV12 and HSG16 of the UDP and policy DEV13 of IPG and promote the good design of public places and the provision of green spaces. Furthermore, London Plan 2008 policy 3D.13, policy SP02 of the CS, policy O9 of the UDP and policy HSG7 of the IPG and require the provision of appropriate child play space within residential developments.
- 10.46 As detailed in the assessment of the Outline Planning Application the development provides amenity space for all users and has the potential to provide private gardens and private balconies and/or terraces to the vast majority of all the new units.
- 10.47 The outline planning application was only an application for outline planning permission and the matters of external appearance and landscaping were reserved for later assessment. As such it was not possible to provide final details of the private amenity space provided for each new unit within the assessment of the outline planning application.
- 10.48 The details submitted for the discharge of the reserved matters of appearance and landscaping on Feeder Site 3 now allow for the assessment of this matter for this site. All of the ground floor maisonettes have private gardens. Units on the upper levels of the

development also have access to outdoor areas in the form of balconies off living rooms, providing an improved usability and capability for indoor outdoor living. Details of this provision are provided in table 10.1 below.

Unit	Unit type	Area of Private Amenity Space (m <sup>2</sup> )	Type of provision
1	2 Bedroom	15.60	Garden
2	2 Bedroom	20.92	Garden
3	2 Bedroom	20.90	Garden
4	2 Bedroom	21.60	Garden
5	2 Bedroom	25.80	Garden
6	2 Bedroom	37.87	Garden
7	2 Bedroom	37.27	Garden
8	2 Bedroom	36.36	Garden
9	2 Bedroom	38.88	Garden
10	1 Bedroom	15.00	Balcony
11, 26, 41, 56	2 Bedroom	12.60	Balcony
12, 27, 42, 57	1 Bedroom	4.60	Balcony
13, 28, 43, 58	1 Bedroom	10.40	Balcony
14, 29, 44, 59	1 Bedroom	6.20	Balcony
15, 30, 45, 60	1 Bedroom	13.00	Balcony
16, 31, 46, 61	1 Bedroom	5.20	Balcony
17, 32, 47, 62	2 Bedroom	10.40	Balcony
18, 33, 48, 63	1 Bedroom	4.60	Balcony
19, 34, 49, 64	2 Bedroom	12.60	Balcony
20, 35, 50, 65	1 Bedroom	4.60	Balcony
21, 36, 51, 66	1 Bedroom	10.40	Balcony
22, 37, 52, 67	2 Bedroom	13.00	Balcony
23, 38, 53, 68	1 Bedroom	5.20	Balcony
24, 39, 54, 69	2 Bedroom	10.40	Balcony
25, 40, 55, 70	1 Bedroom	4.60	Balcony

Table 10.1 – The private amenity space provided for each unit on Feeder Site 3

- 10.49 The approval of the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) fixed the layout of the development in accordance with the details of the scale, type of units proposed and housing mix. Therefore, with the scale and layout approved through the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) planning permission, the quantum of amenity space was also effectively approved. The proposals submitted under the details of this reserve matters application for appearance and landscaping on Feeder Site 3 are considered by officers to provide the most appropriate mix of private and communal amenity space for the development. The private amenity space is considered to have been appropriately maximised to the access with ground floor, including the larger family units, and where possible balconies have been provided for the upper level units. The communal amenity space has been provided with access from all units, and is of a usable size, whilst maintaining a maximisation of the private amenity spaces where possible.
- 10.50 In addition to the amenity space provided onsite, the S106 legal agreement of the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) secured a financial contribution of £9.4million towards the landscaping and public realm improvements throughout the wider estate, including the provision of a new Ocean Green linear park adjacent to Mile End Road.

- 10.51 On balance, it is considered that the outdoor space provision within the new build component of the development, is acceptable and generally in accordance with policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy SP02 of the CS, policies DEV12 and HSG16 of the UDP, policy DEV13 of IPG.
- 10.52 The Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) approved approximately 670m<sup>2</sup> of play space provision for children and teenagers within Sites E and F. However, the proposals for Feeder Sites 3 do not provide any onsite play space provision.
- 10.53 Nevertheless, the ground floor 2 bedroom units on Feeder Site 3 provides doorstep play area in the form of private gardens and the nearby canal provides a large area of open space where important interaction with nature can take place (i.e. feeding ducks and swans). Furthermore, Mile End park is located a short walking distance from the site, providing play facilities, sports grounds and open space. The assessment of the Outline Planning Application detailed that due to the small footprints of the Feeder Sites, there is limited potential for onsite play areas on these sites and that based on the indicative unit mix of these sites, the Feeder Sites have relatively low child yields in relation to Sites E and F where the new specialised children's place space is proposed. It is considered that the details provided for the discharge of the reserved matters of appearance and landscaping are in accordance with the approved scheme of Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584).

#### Biodiversity

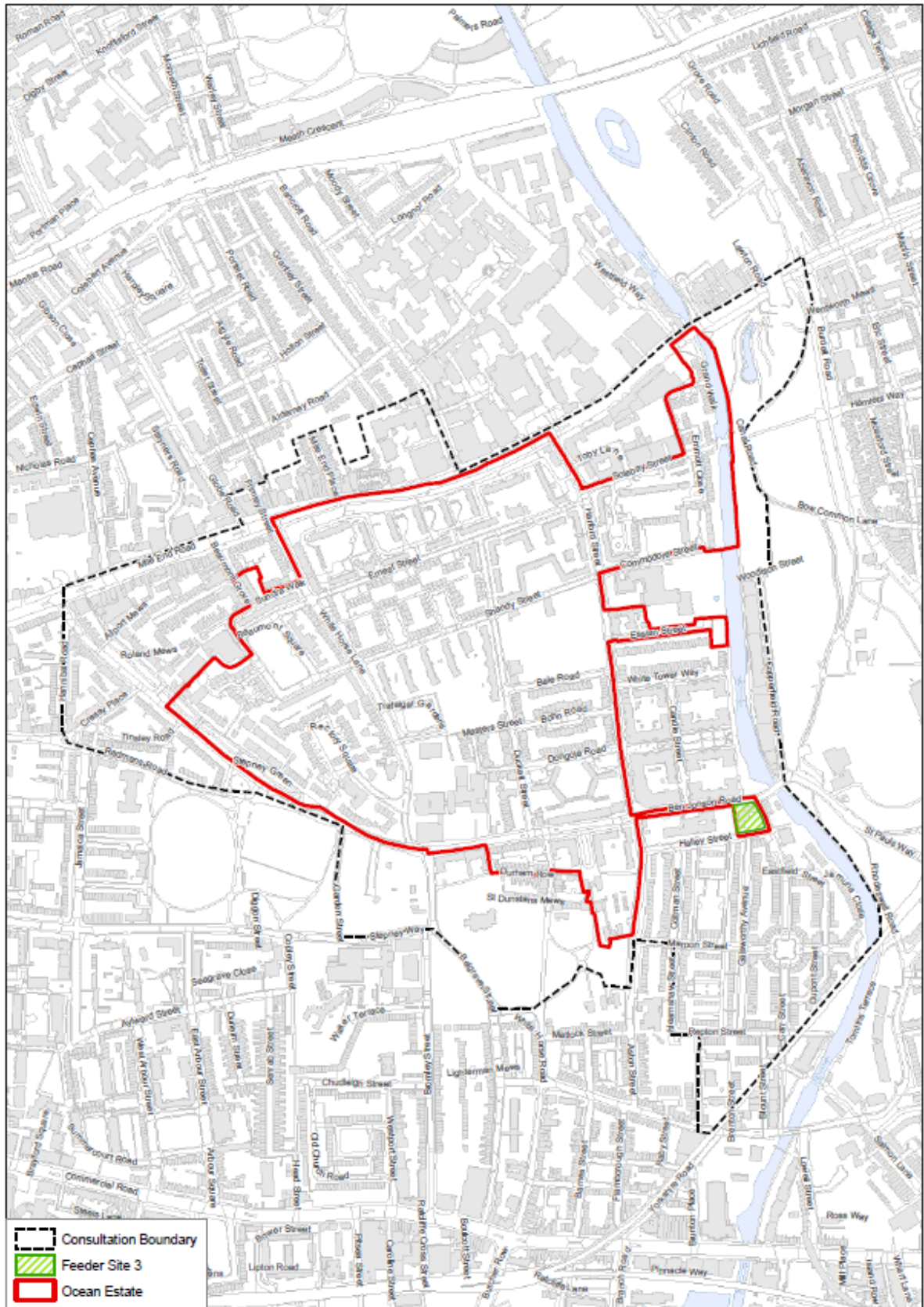
- 10.54 Policy 3D.14 of the London Plan 2008, policy SP04 of the CS and policies DEV57 and DEV61 of the UDP seek to protect and enhance biodiversity and natural habitats.
- 10.55 A condition of consent was imposed on the Outline Planning Permission, dated 23 March 2010 (ref PA/09/02584) that biodiversity measures recommended in the ecological report provided in support of the application were provided in the completion of the development. In compliance with this condition the applicant has included a living roof (brown roof) to the building and bird and bat boxes. The living roof would provide habitat for invertebrates and in turn provide a feed source for higher order species in the food chain. The bird and bat boxes provide valuable roosting and nesting spots within the urban environment where suitable natural alternatives are often not available.
- 10.56 The provision of living roofs are not considered to be an incongruous feature within the urban environment and is supported as a design feature to increase biodiversity and also inter alia help reduce energy use in buildings and reduce water runoff from sites. It is therefore considered that the living roof and bird and bat boxes are appropriate within the appearance and landscaping of the development.

#### **Conclusion**

- 10.57 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.



11. Site Plan



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**Agenda Item 7.1 - APPENDIX 1**



<b>Committee:</b> Strategic Development	<b>Date:</b> 4 March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Devon Rollo		<b>Ref No:</b> PA/09/02584	
		<b>Ward(s):</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

### Location:

**Ocean Estate and LIFRA Hall site, London, including the 5 following development sites:**

Land bound by Shandy Street, White Horse Lane, Trafalgar Gardens, Masters Street and Duckett Street, Ocean Estate, London (Site E)

Land bound by Dongola Road, Duckett Street, Ben Jonson Road and Harford Street, Ocean Estate, London (Site F)

Land at Essian Street, Ocean Estate, London (Feeder Site 2)

LIFRA Hall site at the junction with Ben Jonson Road and Carr Street, London (Feeder Site 3)

Land at 85 Harford Street, Ocean Estate, London (Feeder Site 4)

### Existing Use:

Residential housing estate, offices, retail units, community uses and vehicle parking.

### Proposal:

Outline Planning Permission for a total of 819 residential dwellings (Class C3) and up to 1300sq.m of built floorspace for flexible non residential uses (Classes A1, A2, A3 & D1) as follows:

#### Site E –

The demolition of existing buildings and redevelopment, involving the erection of buildings up to 9 storeys in height, to provide for up to 462 residential dwellings (Class C3) with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

#### Site F –

The demolition of existing buildings and redevelopment, involving the erection of buildings up to 7 storeys, to provide for up to 240 residential dwellings (Class C3) and up to 1300sqm of built floorspace for flexible non-residential uses (Classes A1, A2, A3 and D1), with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works in connection with the regeneration of the Ocean Estate.

#### Feeder Site 2 –

The demolition of existing buildings and redevelopment, involving the erection of a building up to 7 storeys, to provide for up to 24 residential

dwellings (Class C3), with associated car parking, private and communal amenity spaces, and landscaping works in connection with the regeneration of the Ocean Estate.

**Feeder Site 3 –**

The demolition of existing buildings and redevelopment, involving the erection of buildings up to 10 storeys, to provide for up to 70 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces and landscaping works in connection with the regeneration of the Ocean Estate.

**Feeder Site 4 –**

The demolition of two existing buildings and the conversion of one building for the redevelopment, involving the erection of buildings up to 3 storeys, to provide for up to 23 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces and landscaping works in connection with the regeneration of the Ocean Estate.

**Drawing Nos:** 011 Rev P1; 013 Rev P1; 014 Rev P2; 015 Rev P2; 016 Rev P2; 017 Rev P2; 018 Rev P3; 019 Rev P2; 025 Rev P1; 180 Rev P2; 181 Rev P2; 182 Rev P1; 200 Rev P2; 201 Rev P2; 202 Rev P2; 203 Rev P2; 204 Rev P2; L040 Rev P1; L041 Rev P1; L042 Rev P1; L043 Rev P1; L044 Rev P1; L045 Rev P1; L046 Rev P1; 021 Rev P1; 022 Rev P1; 023 Rev P1 and 024 Rev P1.

**Supporting Documents:** Design and Access Statement Volume 1 (Rev P2 27/01/10)  
Impact Statement (dated 18 December 2009)

**Applicant:** East Homes  
**Owner:** London Borough of Tower Hamlets;  
Numerous Leaseholders; and  
Numerous Freeholders

**Historic Building:** No  
**Conservation Area:** Stepney Green 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 Unitary Development Plan, the Council's Interim Planning Guidance (2007), the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal will facilitate estate wide improvements and bring existing homes up to Decent Homes standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005), policy HSG5 in the Council's Interim Planning Guidance (2007) and policy SP02 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), which support the principle of estate regeneration proposals.
- The proposal would result in an estate with a density of 207 units per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004).

- The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004), policy which seeks to ensure that the maximum intensity of use is compatible with local context.
- The proposal provides an acceptable amount of affordable housing (26% of the uplift, 48% overall) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to ensure that new developments offer a range of housing choices.
- The quantity and quality of housing amenity space, communal space and open space is acceptable and accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998, policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to provide and improve housing amenity space and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of the Council's Interim Planning Guidance (2007) and policies SP02, SP10 and SP12 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), for the purposes of Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) and policy SP09 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to ensure developments can be supported within the existing transport infrastructure.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the general compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policies SP02 and SP10 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- It is considered that, on balance, the benefits of the scheme which will facilitate the upgrade of the estate, outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Ocean Estate as a whole, which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to reduce carbon emissions and the impact on climate

change.

- Planning contributions have been secured towards public realm improvements, transportation improvements and education, requirements for local labour use and a green travel plan, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

#### Financial Contributions

- Provide a contribution of **£9,403,500** for landscaping and environmental improvements to Ocean Estate. (Of this £696,500 will be ring fenced for a new public park on Mile End Road as part of the High Street 2012 initiative, which will in turn secure a further £696,500 of funding from the London Development Agency.)
- Provide a contribution of **£320,892** for the provision of educational facilities in the borough
- Provide a contribution of **£270,000** to Transport for London towards Transport for improvements to Bus capacity on the 309 service.
- Provide a contribution of **£105,608** for Local Highway Improvements on Ben Jonson Road

#### Non-financial Contributions

- Affordable Housing (33%)
- Car Free Development for all new units
- Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
- Green Travel Plan to encourage sustainable travel to and from the development by residents.
- Provision of public access to the public open space
- Servicing Management Strategy
- Car Parking Strategy
- Code of construction management
- Electric Vehicle Charging Provisions

3.2 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

#### **Conditions**

- 1) Time Periods for submission of Reserved Matters
- 2) Phasing Plan

- 3) Reserved Matters submission for Landscaping
  - 4) Reserved Matters submission for Appearance
  - 5) Scheme of protective fencing measures around trees to be retained
  - 6) Lifetime Homes
  - 7) 10% Wheelchair Unit Provision
  - 8) Biodiversity mitigation and enhancement measures
  - 9) Habitat Management Plan
  - 10) Carbon Emissions/Energy Savings Measures
  - 11) Sustainable Homes Level 4
  - 12) BREEAM level Excellent
  - 13) Land contamination
  - 14) Cycle parking details
  - 15) Electric vehicle charging points
  - 16) CCTV details
  - 17) Lighting spill plans
  - 18) petrol/oil interceptors
  - 19) noise insulation
  - 20) details of plant and ventilation systems
  - 21) micro-climate assessment
  - 22) Bin store details
  - 23) Site Waste Management Plan
  - 24) Surface water drainage/flooding
  - 25) Schedule of works on the Highways
  - 26) Water Supply
  - 27) Canal buffer zone details
- Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 1) S106 agreement
  - 2) S278 agreement
  - 3) Thames water infrastructure requirements
- Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.3 That, if by 21<sup>st</sup> of March 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

## **4. BACKGROUND**

4.1 The Ocean Estate was built in the 1950's and is now recognised as amongst the 10% most deprived estates in England, according to the Index of Deprivation. As such, regeneration of the estate is considered an urgent priority for the Council.

4.2 The applicant has identified the main concerns with the estate as:

- Currently approximately 96% of rented dwellings fail one or more of the four criteria that define the Decent Homes Standard.
- Problems with physical conditions of the blocks, including non-operational lifts, inadequate security to both blocks and individual homes, poor thermal and Acoustic insulation and poor quality public open space.
- Limited choice of accommodation with flats up to 3 bedrooms without gardens or private outdoor spaces, apart from small balconies.
- A low quality environment and non-tenure with low levels of home ownership
- A high incidence of crime and anti-social behaviour.

- 4.3 At its Cabinet meeting on 4 April 2007, the Council agreed to adopt a Regeneration Partnership Approach to deliver transformational change at the Ocean Estate in Stepney. This approach was aimed to secure existing funding from the Government sponsored neighbourhood renewal programme New Deals for Community (NDC) in order to retain and refurbish existing housing stock in the Council's ownership and control (with tenants remaining on secure Council tenancies). External partnership funding, namely from private development, was envisaged as essential in order to deliver both the refurbishment programme and build new mixed tenure homes on the estate, including new affordable family homes for Borough residents.
- 4.4 The key objective from the Ocean regeneration scheme is to provide sufficient subsidy to deliver refurbishment of the estates existing housing stock to Decent Homes Plus standard and significant improvements to approximately 21 hectares of the estates urban and green environment across Stepney.
- 4.5 Due to the value of the regeneration project costed at £200 million, the Council was obliged to comply with European regulation on procurement and undertake a competitive bidding process. This commenced in April 2008 and following 18 months of Competitive Dialogue, the Council procured the 'lead developer/RSL' consortium known as the East Thames Consortium (ETC) comprising East Thames Housing, Bellway Homes and Firstbase. However, since property recession in early 2009, it was recognised that Ocean regeneration scheme also required a significant amount of public subsidy, valued at approximately £40 million, to plug the funding gap originally intended to be supported by private development.
- 4.6 ETC, as it is commonly known as, will undertake the redevelopment of Urban Blocks E and F and the development of three feeder sites replacing them with dwellings for affordable rent, shared ownership / shared equity creating and market homes making up some 819 new units in total. The land value generated by the scheme together with public subsidy from the Homes & Communities Agency (HCA) and NDC monies will help refurbish 781 existing Council tenanted homes internally, with a further 1223 existing homes benefiting from external and environmental works across the entire regeneration area.

## **5. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 5.1 The applicant seeks an outline planning permission for the construction of a total of 819 residential dwellings (Class C3) over 5 development sites. In addition within one of the development site the applicant proposes to provide up to 1300sq.m of built floorspace for flexible non residential uses (Classes A1, A2, A3 & D1). The development is proposed to take place across the 5 development sites as follows:
- 5.2 Site E –  
The proposals on this site involve the demolition of all the existing buildings and redevelopment of the site, involving the erection of buildings up to 9 storeys in height, to provide for up to 462 residential dwellings (Class C3) with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works.
- 5.3 Site F –  
The proposals on this site involve the demolition of all the existing buildings and redevelopment of the site, involving the erection of buildings up to 7 storeys, to provide for up to 240 residential dwellings (Class C3) and up to 1300sqm of built floorspace for flexible non-residential uses (Classes A1, A2, A3 and D1), with associated car parking Central Heating Plant (CHP), private and communal amenity spaces, alterations to the existing highway network and landscaping works.



- 5.4 Feeder Site 2 –  
The proposals on this site involve the demolition of all the existing buildings and redevelopment of the site, involving the erection of a building up to 7 storeys, to provide for up to 24 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces, and landscaping works.
- 5.5 Feeder Site 3 –  
The proposals on this site involve the demolition of all the existing buildings and redevelopment of the site, involving the erection of a building up to 10 storeys, to provide for up to 70 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces and landscaping works.
- 5.6 Feeder Site 4 –  
The proposals on this site involve the conversion of the existing education building fronting Harford Street, the demolition of all other existing buildings on the site and the redevelopment of the site, involving the erection of buildings up to 3 storeys, to provide for up to 23 residential dwellings (Class C3), with associated car parking, private and communal amenity spaces and landscaping works.
- 5.7 The application is an Outline Planning Permission application that is seeking approval for matters of Layout, Scale and Access. The application reserves the matters of Appearance and Landscaping to be assessed as Reserved Matters applications at a later date.

### Site and Surroundings

- 5.8 The application site is an irregular boundary shape generally following the properties identified within the Ocean Estate. The application site is generally bounded by the Regent's Canal on the east, Mile End Road along the north boundary and the Stepney Green Conservation Area to the west. The southern edge is defined partly by Ben Jonson Road and Stepney Green towards the west and by Halley Street towards the east. Figure 4.1 below shows the application site outlined.



Figure 4.1 – Site location plan showing development sites.

5.9 Within the application site area there are five development sites where new build development will take place. These sites, described below, are shown in orange in figure 4.1 above.

- Land bound by Shandy Street, White Horse Lane, Trafalgar Gardens, Masters Street and Duckett Street, Ocean Estate, London (Site E). Site E is currently being subject to demolition activities but is predominantly occupied by medium rise residential tower blocks up to 9 stories in height.
- Land bound by Dongola Road, Duckett Street, Ben Jonson Road and Harford Street, London (Site F). Site F is occupied by a mix of residential and non-residential units. To the Southern side of the site on the ground floor facing Ben Jonson Road are a number of retail shops and a Health Centre.
- Land at Essian Street, London (Feeder Site 2). Feeder Site 2 is located adjacent the canal and is a vacant site.
- Land at junction with Ben Jonson Road and Carr Street, London (Feeder Site 3). Feeder site 3 is currently occupied by the Lifra Hall, adjacent to Halley Primary School.
- Land at 85 Harford Street, London (Feeder Site 4). Feeder site 4 is currently occupied by

5.10 The application site is characterised by post war residential development, generally in the form of medium rise tower blocks. The surrounding area is characterised as a primarily residential area with element of mixed-use, including shops offices and community facilities.

### **Planning History**

5.11 There is no relevant planning history to this application.

## **6. POLICY FRAMEWORK**

6.1 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:

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

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPS 6	Planning for Town Centres
PPG 13	Transport
PPG 22	Renewable Energy
PPG 24	Planning and Noise

### **The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)**

2A.1	Sustainability Criteria
2A.7	Areas for Regeneration
2A.8	Town Centres
2A.9	The Suburbs: Supporting Sustainable communities
3A.1	Increasing London’s Supply of Housing

3A.2	Borough Housing Targets
3A.3	Maximising the Potential of Sites
3A.4	Efficient Use of Stock
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.9	Affordable housing Targets
3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed Use Schemes
3A.11	Affordable Housing Thresholds
3A.15	Loss of Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and enhancement of Social Infrastructure and Community facilities
3A.26	Community Strategies
3A.27	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments
3A.29	Supporting Neighbourhood Plans
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.16	Road Scheme Proposals
3C.17	Tackling congestion and reducing traffic
3C.19	Local transport and public realm improvements
3C.20	Improving conditions for buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.25	Fright Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.9	Green Belt
3D.13	Children and Young Peoples Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.19	Improving Air Quality
4A.28	Construction, Excavation and Demolition Waste

4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4C.1	The strategic importance of the Blue Ribbon Network
4C.3	The Natural Value of the Blue Ribbon Network
4C.6	Sustainable growth priorities for the Blue Ribbon Network
4C.10	Increasing sport and leisure use on the Blue Ribbon Network
4C.11	Increasing access alongside and to the Blue Ribbon Network

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

#### Proposals:

LSP	Local Shopping Parade
CA	Conservation Area: Stepney Green

#### Policies:

ST1	Effective and Fair Planning Service
ST12	Availability and Accessibility
ST15	Expansion and Diversification of Local Economy
ST23	Quality of Housing Provision
ST25	Provision of Social and Physical Infrastructure
ST26	Improve Public Transport
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
ST35	Retention of Local Shops
ST37	Attractive Environment
ST49	Social and Community Facilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV17	Siting and Design of Street Furniture
DEV18	Art and Development Proposals
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV 69	Efficient Use of Water
EMP6	Employing Local People
HSG4	Loss of Housing
HSG6	Accommodation Over Shops
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Developments
HSG15	Preserving Residential Character
HSG16	Amenity Space
T8	New Roads
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network

T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S4	Changes of Use in Local Parades
S5	Changes of Use
S9	Improvement and Enhancement
S10	Requirements for New Shopfront Proposals
S11	Use of Open Grills
S13	Shop Window Displays for Non A1 Uses
O7	Loss of Open Space
O9	Children's Play Space
O13	Youth Provision
SCF11	Meeting Places

### **Interim Planning Guidance for the purpose of Development Control(October 2007)**

#### Proposals:

CA	Conservation Area: Stepney Green
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#### Core Strategies:

CP 1	Creating Sustainable Communities
CP 3	Sustainable Environment
CP 4	Good Design
CP 5	Supporting Infrastructure
CP 11	Sites in Employment Use
CP 15	Provision of a Range of Shops
CP 16	Vitality and Viability of Town Centres
CP 19	New Housing Provision
CP 20	Sustainable Residential Density
CP 21	Dwelling Mix and Type
CP 22	Affordable Housing
CP 23	Efficient Use and Retention of Existing Housing
CP 24	Specialist Needs and Specialist Housing
CP 25	Housing Amenity Space
CP 27	High Quality Social and Community Facilities to Support Growth
CP 30	Improving the Quality and Quantity of Open Spaces
CP 31	Biodiversity
CP 38	Energy Efficiency and Production of Renewable Energy
CP 39	Sustainable Waste Management
CP 40	A Sustainable Transport Network
CP 41	Integrating Development with Transport
CP 42	Streets for People
CP 43	Better Public Transport
CP 46	Accessible and Inclusive Environments
CP 47	Community Safety
CP 48	Tall Buildings

#### Policies:

DEV 1	Amenity
DEV 2	Character and Design
DEV 3	Accessibility and inclusive Design
DEV 4	Safety and Security
DEV 5	Sustainable Design
DEV 6	Energy Efficiency and Renewable
DEV 7	Water Quality and Conservation
DEV 8	Sustainable Drainage
DEV 9	Sustainable Construction Materials
DEV 10	Disturbance from Noise Pollution
DEV 11	Air Pollution and Air Quality

DEV 12	Management of Demolition and Construction
DEV 13	Landscaping and Tree Preservation
DEV 15	Waste and Recyclables Storage
DEV 16	Walking and Cycling Routes and Facilities
DEV 17	Transport Assessments
DEV 18	Travel Plans
DEV 19	Parking for Motor Vehicles
DEV 20	Capacity of Utility Infrastructure
DEV 22	Contaminated Land
DEV 24	Accessible Amenities and Services
DEV 25	Social Impact Assessment
DEV 27	Tall Building Assessment
HSG 1	Determining Residential Density
HSG 2	Housing Mix
HSG 3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG 4	Varying the Ratio of Social Rented to Intermediate Housing
HSG 5	Estate Regeneration Schemes
HSG 7	Housing Amenity Space
HSG 9	Accessible and Adaptable Homes
HSG 10	Calculating Provision of Affordable Housing
EE 2	Redevelopment/Change of Use of Employment Sites
RT 1	Primary Shopping Frontage
RT 4	Retail Development and the Sequential Approach
SCF 1	Social and Community Facilities
OSN 2	Open Space
CON 2	Conservation Areas

**Core Strategy 2025 – Development Plan Document (Submission Version December 2009)**

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking

**Supplementary Planning Guidance/Documents**

Designing Out Crime (Part 1 & 2) – SPG 2002  
 Residential Space – SPG 1998  
 Landscape Requirements – SPG 1998  
 Shop Front Design – SPG 1998  
 Flexible Design in Business Use (B1) – SPG 1998

**Community Plan – One Tower Hamlets**

The following Community Plan objectives relate to the application:

A Great Place To Be  
 Healthy Communities  
 Prosperous Communities  
 Safe and Supportive Communities

## **7. CONSULTATION RESPONSE**

7.1 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:

### **LBTH Access Officer**

7.2 Lifetime Homes Standards need to be complied with. There is also mention of the Wheelchair Housing Standards and that 10% of the dwellings will need to be designed as suitable for use by wheelchair users and across all tenures. Compliance must also be made with Part M of the Building Regulations. Landscaping should include provisions for mobility impaired.

#### Officer Comments

7.3 Conditions requiring the development to meet lifetime homes standards and a minimum provision of 10% wheelchair designed units are recommended. Matters relating to the landscaping will be addressed in the assessment of reserved matter applications.

### **LBTH Biodiversity/Ecology**

7.4 The mitigation and enhancements proposed are good. The recommended green roofs should be implemented and the compilation of a 10 year Habitat Management Plan is an excellent way forward.

#### Officer Comments

7.5 It is recommended that a condition be imposed requiring the implementation of the mitigation and enhancement measures detailed within the applicant's Biodiversity Study. This would include the provision of green roofs and a habitat management plan.

### **LBTH Education**

7.6 The proposed mix for net increase in dwellings is assessed as leading to a contribution towards 26 additional primary school places at £12,342 = £320,892. This would attract an additional cost on the education system and a financial contribution of this value is requested.

#### Officer's Comments

7.7 A financial contribution of £320,892 towards education has been agreed to by the developer in the Heads of Terms for a Section 106 Agreement in order to mitigate the impact of the additional housing units on the education system.

### **LBTH Energy Efficiency Unit**

7.8 To comply with planning policy requirements the two energy centres will need to be connected together as part of one energy network.

7.9 The proposals for the Feeder Sites set out in the supplementary energy paper are a regression on the original proposals for micro CHP as detailed in Sustainability Statement (with Energy Statement) dated 18th December 2009. FS2, FS3 and FS4 will need to provide its own micro CHP and FS3 will need to link in to the adjacent development, the feeders sites will need to achieve a minimum of 44% CO2 reduction and achieve code level 4. Electricity

based heating systems (i.e. Air Source Heat Pumps) will not be acceptable.

- 7.10 The current proposals do not include on-site renewable energy generating technologies. The Supplementary Energy Strategy Paper dated 15<sup>th</sup> February 2010 investigates the application of renewable energy technology in place of the proposed CHP. The investigation should have been into the application of renewable technologies alongside the proposed CHP system to collectively minimise the emissions of carbon dioxide.
- 7.11 Policy 4A.3 of the London Plan seeks development to meet the highest standards of sustainable design and construction. The Sustainability Statement sets out the commitment of the applicant to achieve:
- Residential element - Code for Sustainable Homes Level 4; and
  - Commercial element - BREEAM Excellent.
- 7.12 The application should be conditioned for the development to be completed to achieve BREEAM 'Excellent' ratings and a "Code Level 4" rating and certificates provided to the Local Authority. This is to ensure consistency with the Consolidated London Plan (2008) Policies 4A.3 and local planning policies DEV5 Sustainable Design (interim planning guidance).
- 7.13 Conditions have been recommended in order to ensure sufficient carbon reduction savings from the proposed development are achieved.

#### Officer's comments

- 7.14 Discussions with the applicant are ongoing in order to confirm acceptance of the changes to their proposed energy strategy. Members will be updated prior to the consideration of the proposal at the Strategic Development Committee (SDC) via an addendum report.
- 7.15 Conditions are recommended to be included on the application to ensure that the development meets acceptable carbon emission savings.

#### **LBTH Environmental Health**

##### *Land Contamination*

- 7.16 The site and surrounding area have been subject to former industrial uses, which have the potential to contaminate the area. It is understood ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks. A condition of consent is therefore recommended.

##### *Environmental Health - Noise & Vibration*

- 7.17 In the event that the development provides a D1 use, it would need to provide adequate sound insulation between the D1 use on the ground floor and the residential units above.

##### *Daylight/Sunlight*

- 7.18 The submitted daylight and sunlight report shows that, in terms of BRE guidelines Feeder Site 2 and Feeder Site 4 are compliant for daylight and sunlight. The report also shows compliance in terms of overshadowing on Feeder Site 3. The report shows that there is an impact in terms of neighbouring properties for Sites E, F and Feeder Site 3, where the BRE criteria are not met.

#### Officer's Comments

- 7.19 Matters regulated under the Housing Act 2004 and Building Regulations are considered to be controlled under their respective statutory processes and should not be controlled under the Planning Acts. Therefore, no comment on these matters is undertaken within this report.



- 7.20 Conditions are recommended to be included on the consent relating to land contamination.
- 7.21 The daylight and sunlight assessment in relation to BRE guidelines is discussed in Section 8 of the report.

### **LBTH Highways**

- 7.22 The main Highways issue is the consequence of not providing off-street servicing, which leads to a circuitous routes around the block generating considerable concern for two-way traffic being compromised, obstruction to general free flow of traffic and consequent road safety risk being increased. The 'autotracks' of refuse/servicing lorries on the roads around the site show examples where there would need to be modifications to the proposed on-street parking on one or both sides of the public highway. Concern is also raised regarding the ability to control servicing bays on the highway.
- 7.23 Disabled car parking for residents and visitors has been provided to standard which is welcomed. Likewise, car club provision is welcomed. Details to be agreed as is on-site recharging facilities for electric vehicles. Cycle parking has been provided to numerical standards and should be conditioned and re-enforced in the Travel Plan.
- 7.24 The following issues have not been adequately addressed:
- comprehensive swept path analysis,
  - definition/plans of changes made to footways and pedestrian crossing facilities,
  - submission of a Construction Management Plan (framework),
  - car parking management strategy and Service Management Plan (framework).

### Officer's Comments

- 7.25 Matters of servicing are dealt with in detail in section 9 of this report (paragraphs 9.83 - 9.89). While ideally developments should be serviced from onsite, the nature of the site and the development means that onsite provision is not appropriate. Any onsite servicing provision would result in a reduction in the amenity space and public open space provided for residents and the public.
- 7.26 S106 requirements and conditions of consent are recommended to include the need for a Car Parking Management Strategy, Servicing Management Strategy, Construction Management Plan and cycle parking provision details. The Car Parking Strategy and Servicing Management Strategy will require swept path analysis to be shown and appropriate location of car parking spaces to ensure conflict with the safe and efficient operation of the highway is minimised.
- 7.27 Travel Plans requirements will form part of the S106. Electric vehicle charging points will be detailed within the Car Parking Strategy also.

### **LBTH Waste Management**

- 7.28 No objections received

### **British Waterways**

- 7.29 British Waterways generally welcomes the refurbishment and works to improve the Ocean Estate. British Waterways consider that the development should contribute towards improvements to the canal side environment and have suggested a number of improvement options outside the scheme.
- 7.30 British Waterways generally resist the creation of new public walkways on the offside (the

non-towpath side). In this case, due to operational requirements, British Waterways will concede to the walkway connection providing that vehicle access is created for the maintenance of the lock and water space immediately in front of the site.

- 7.31 British Waterways draw attention to the canyoning effect of continuous high rise buildings on the canal. The reports submitted do not assess the impact on the ecology of the canal in terms of overshadowing. Brown and green roofs, boxes and bird boxes may be beneficial.
- 7.32 British Waterways would like to discuss landscaping and would welcome lighting and CCTV provided lighting does not overspill into the canal and is 'bat sensitive'.
- 7.33 Conditions and informatives are proposed relating to assessment of the waterway wall, CCTV and moving freight by water.

#### Officer Comments

- 7.34 The applicant has submitted a viability appraisal showing that the scheme would not be able to produce additional funding for improvements to the canal side environment, outside that proposed by the scheme. It should be noted that the s106 contribution to public realm improvements throughout the estate would include funds being spent to provide public realm improvements adjacent the canal to the northern end of the estate.
- 7.35 The proposal does provide vehicle access to the canal side for maintenance purposes.
- 7.36 Matters relating to landscaping, improved ecology and CCTV/lighting are recommended to be conditioned or would be assessed under the requirement to discharge the reserved matters of appearance and landscaping.
- 7.37 It is recommended the informatives and conditions proposed are included on the permission if granted.

#### **CABE – Commission for Architecture and the Built Environment**

- 7.38 CABE support the outline planning application as it is a clear and rational proposal. The design principles for new development on sites E and F and the three feeder sites are logical; the urban design principles, which introduce clearer definition of streets and spaces, improved permeability and well proportioned perimeter blocks, are sound and the response to orientation and existing scale is well considered.

The landscape masterplan, with aspirations to improve the quality of streets and spaces and make existing amenities more distinctive and usable across the entire estate, is welcomed in principle. However, more information is needed to judge the effectiveness of the proposals.

- 7.39 The budget required to upgrade the public realm over such a large area should not be underestimated. CABE urge the local authority to ensure that the specification of robust high quality materials and planting, and the management and maintenance of the upgraded landscape are adequately covered in the reserved matters application.

#### Officer Comments

- 7.40 Matters related to the landscaping and the materials will be assessed as reserved matters following a future submission for approval on these matters.

#### **Crossrail**

- 7.41 No objection

### **English Heritage (Statutory)**

7.42 No objections. English Heritage does not wish to offer any comments on this application.

### **English Heritage Archaeology**

7.43 No objections

### **Environment Agency (Statutory)**

7.44 No objection, subject to conditions of consent being imposed on approval relating to reducing the impact of flooding/surface water drainage and habitat protection.

### Officer's Comments

7.45 Conditions of consent relating to flooding/surface water drainage and habitat protection are recommended to be included on the consent, if approved.

### **Government Office for London (Statutory)**

7.46 No objections received

### **Greater London Authority (Statutory)**

7.47 London Plan policies on regeneration, housing, children's playspace, urban design, access and inclusion, transport and energy change are relevant to this application. The application complies with some of these policies, but not with others, for the following reasons:

- Estate regeneration: The principle of the redevelopment is supported
- Affordable housing: The level of affordable housing and the proposed unit and tenure split are acceptable
- Children's Playspace: Some further clarification is required to ensure full compliance
- Urban Design: The proposals comply with the London Plan
- Access and Inclusion: The proposals comply with the London Plan in terms of housing provision but the reserved matters application will require further consideration to ensure full compliance.
- Transport: The proposals do not fully comply with the London Plan policies and further information is requested. A financial contribution of £270,000 is also requested towards bus services
- Climate Change: Further information is required to confirm compliance with the London Plan.

### Officer's Comments

7.48 The applicant has provide further information to GLA in response to its Stage I report. This information has included details of the grant funding to the scheme, children's playspace, transport and climate change. The applicant is continuing to work with the GLA in order to resolve their outstanding information issues and ensure that the scheme is acceptable in terms of the London Plan.

7.49 Council officer's have questioned the GLA on their requests for financial contributions and requested that GLA provide detailed evidence for the requirements. GLA have yet to provide this information.

### **London Fire and Emergency Planning Authority**

7.50 No objection received.

## **London Underground**

- 7.51 London Underground require the developer to provide plans, elevations and foundation arrangements for any structural or demolition works or excavations to be undertaken within 30m of Mile End Road.

### Officer Comments

- 7.52 No works are proposed as part of the application within 30m of Mile End Road.

## **Metropolitan Police**

- 7.53 The vehicular route from Trafalgar Gardens through to Duckett Street will become a rat run/short cut for cars, and in no way help out the residents of the area. As a pedestrian route it works well, and would be encouraged, but not as a vehicle route when Ernest Street already exists linking White Horse Lane to Duckett Street.
- 7.54 The block immediately to the south of this route works well as a permeable site, with good pedestrian access through from North to South. It will also encourage better pedestrian links with Masters Street, which has suffered from poor narrow links and associated crime. They asked for a wider link from Trafalgar Gardens to Masters Street which will encompass access through this block.
- 7.55 Generally they commented that the plans to me look good to them, and are a huge improvement on existing buildings.

### Officer Comments

- 7.56 With the submission of landscaping reserved matters the proposals would be assessed as to the controls on the vehicle route from Trafalgar Gardens through to Duckett Street. Controls on access to this area would be considered to acceptably prevent this route becoming a 'Rat Run'.

## **National Air Traffic Services Ltd. (Statutory)**

- 7.57 No objection received.

## **National Grid (Statutory)**

- 7.58 No objection received.

## **Natural England (Statutory)**

- 7.59 The Ecology Report states that a number of the buildings have medium-high potential to support bat roosts and recommends that further surveys are undertaken. The Ecology Report sets out a large number of ecological enhancements. If all of these are secured, this development has potential to enhance the overall ecological quality of the site. Natural England recommends that Council uses a planning condition to secure all of the proposals in section 7.2 of the document. Natural England support the production of a Habitat Management Plan as outlined in this section.
- 7.60 The proposals do not appear to include brown roofs. Black redstart use brownfield sites for feeding and the provision of brown roofs can provide valuable habitat. Natural England therefore recommends that the Council requests that, in addition to green roofs, brown roofs are included in the design of the development.

### Officers Comments

- 7.61 Conditions of consent are recommended in relation to securing the mitigation and enhancement measures set out in the applicant's Ecology/Biodiversity Report.
- 7.62 Details of the landscaping will be assessed once an application for reserved matters is submitted. Assessment of the inclusion of brown roofs should be undertaken at this time.

### **Olympic Delivery Authority**

- 7.63 No Objection.

### **Primary Care Trust**

- 7.64 NHS Tower Hamlets has considered the above applications, which include a large refurbishment of existing social housing, which is not an element of normal commercial developments. Improvement of existing housing conditions has well established links to improvements in health and wellbeing. NHS Tower Hamlets is also mindful of the viability of the scheme as a whole and its ability to meet its regeneration objectives. It would be inappropriate for NHS Tower Hamlets to pursue an additional contribution towards healthcare facilities in this case, given the health gain that would be anticipated from the environmental improvements and, in particular, from the housing refurbishment element of the scheme.

### **Thames Water Utilities Ltd. (Statutory)**

- 7.65 Thames Water has recommended a number of conditions and informatives relating to the protection of their service assets, water usage, waste water provision and the protection of groundwater.

### Officer's Comments

- 7.66 It is recommended that the proposed informatives and conditions are included on any approval.

### **Transport for London**

- 7.67 TfL understands on-street car parking will be re-provided, and as such, requests that the applicant produces a Car Park Management Plan (CMP) which focuses on the allocation of spaces estate-wide and that it should be secured by planning condition. TfL expects that the provision of disabled car parking spaces will equate to the number of residential units which are suitable for disabled users
- 7.68 Electric vehicle charging points should be provided in line with draft replacement London Plan policy 6.13, '*Parking*', which indicates 20% of all residential spaces, should have electric charging points installed with passive provision for a further 20% so that additional spaces and points can be provided at the time of implementation or at some point in the future. TfL supports the applicant's commitment to operate a car club on the estate.
- 7.69 TfL welcomes the provision of cycle parking across the proposed development.
- 7.70 TfL notes that the bus trip generation figures appear to be relatively low in comparison to the amount of units proposed on the estate. TfL considers that there will be greater pressure on the lower frequency routes 309 and 339. TfL have undertaken loading surveys on the 309, which operates at 5 buses per hour and is a 50 capacity single deck vehicle. The extra demand created by the Ocean Estate could not be accommodated on this service. In order to mitigate the impact of additional bus trips resulting from this development, TfL requests a

contribution of £270,000 payable over 3 years, be secured through the s106 agreement.

- 7.71 TfL expects the development to be supported by a Construction Logistics Plan (CLP) and a Delivery and Servicing Plan (DSP). Both of these plans should be secured by section 106 agreement with the borough.

#### Officer's comments

- 7.72 It is recommended a Car Parking Strategy, Servicing Strategy and Construction Management Plan will be secured by way of condition or S106 legal agreement.

Provision for vehicle charging points can be secured by condition or under the parking management strategy.

The Heads of Terms for the S106 legal agreement has included a provision of £270,000 for TfL bus service improvements.

## **8. LOCAL REPRESENTATION**

- 8.1 A total of 4615 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: 51    Objecting: 46    Supporting:0    Other: 6  
No of Petitions:            3    Objecting:2 (49 & 24 signatories)    Supporting:1(19 signatories)

- 8.2 The following general issues were raised in representations:

- Construction Impacts
- Increase in population/Density/Overcrowding
- Insufficient detail to determine to application
- Poor consultation
- Lack of amenity space
- Increase in traffic
- Lack of services for increased population
- Adverse impact on existing visual appearance of the area
- Increase in crime
- Adverse impact on waste and utilities
- Height of tall buildings is too high
- Insufficient capacity in schools
- Insufficient environmental sustainability

- 8.3 The following issues were raised in relation to the specific development sites only:

#### *Feeder Site 2*

- Is an inappropriate land use
- Results in adverse sunlight/ daylight light impacts on Copperfield
- Is not in scale to surrounding built environment on Essian Street
- Results in a loss of privacy/overlooking on Copperfield Street
- Is not in keeping with character of Regents Canal Conservation Area
- Would adversely impact on biodiversity of the Regents Canal and the School
- Has adverse noise impacts on surrounding properties

- Has adverse overlooking impacts on Ben Jonson Primary School
- Results in adverse canyon effect of tall building
- Loss of views from Copperfield Street
- Lack of Waterside path
- Impact on Trees in the School

*Feeder Site 3*

- Loss of Community Centre

*Feeder Site 4*

- Loss of historical building at 85 Harford St
- Change of education land use to residential land use at 85 Harford St

*Sites E&F*

- Concern over the re-provision of shop owners

8.4 The following supporting comments were raised in representations:

- Current living conditions within the Estate are very poor
- Belief that Children are becoming sick because of the poor current living conditions
- Hope that the regeneration proposals will result in better living conditions

Officer's Comments

- 8.5 The level and quality of consultation undertaken by the applicant prior to the lodgement of the application is not a planning consideration. Statutory consultation was undertaken by the Council as Local Planning Authority in accordance with the statutory requirements. This included site notices being erected, placement of a press notice in the East End Life and letters sent to individual occupiers/owners.
- 8.6 A S106 financial contribution has been secured towards additional school places within the borough.
- 8.7 The application is for an outline planning permission and the window locations as part of the external appearance are not fixed. Therefore, assessment of overlooking into the school playgrounds is unable to be assessed at this stage. This will be assessed during the application for the Reserved Matters.
- 8.8 Informatives and conditions are recommended by Thames Water in relation to capacity of utilities.
- 8.9 Ownership and lease issues are not a material consideration to a planning application.
- 8.10 Other matters raised in objections are considered to be addressed in Section 9 of this report.

**9. MATERIAL PLANNING CONSIDERATIONS**

- 9.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of Estate regeneration
  2. Principles of the Land Use
  3. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
  4. Traffic and Servicing Issues
  5. Design and Layout of the Development
  6. Sustainability
  7. Planning Obligations

## **Principle of Estate regeneration**

- 9.2 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes standard to ensure that homes are in a good state of repair.
- 9.3 The Decent Homes Standard is defined by the DCLG as a home which is 'warm, weatherproof and has reasonably modern facilities.' The Decent Homes Standard goes beyond the previous requirements and includes works such as improved security, lift replacement and thermal comfort works.
- 9.4 As previously stated, the Council has adopted a Regeneration Partnership Approach to deliver transformational change at the Ocean Estate in Stepney. External partnership funding, namely from private development, was envisaged as essential in order to deliver both the refurbishment programme and build new mixed tenure homes on the estate, including new affordable family homes for borough residents.
- 9.5 The key objective from the Ocean regeneration scheme is to provide sufficient subsidy to deliver refurbishment of the estates existing housing stock to Decent Homes Plus standard and significant improvements to approximately 21 hectares of the estates urban and green environment across Stepney.
- 9.6 An increase in density is required in order to generate sufficient value from market development to support the refurbishment, replacement and increased provision of affordable housing and to achieve a mixed and balanced community.
- 9.7 The application proposes the demolition of 338 of the poorest quality units within the estate on sites E and F and the erection of 819 new residential units over the 5 chosen development sites, known as Site E, Site F, Feeder Site 2, Feeder Site 3 and Feeder Site 4, in order to provide funding to facilitate the desired estate-wide improvements.
- 9.8 Overall, the principles and objectives set out in regional and local policies for estate regeneration proposals are achieved for the Ocean Estate through this comprehensive redevelopment scheme. The proposal maximises the development potential of the sites whilst upgrading the existing housing and communal and public areas. The planning issues are considered in detail below.

## **Principle of the Land Uses**

- 9.9 The London Plan 2008, The Council's adopted Unitary Development Plan 1998 (UDP), the Council's Interim Planning Guidance 2007 (IPG) and the Council's Core Strategy 2025 Development Plan Document 2009 (CS) include a number of policies requiring discussion when assessing the principle of land use.

## Principle of Residential Use

- 9.10 The London Plan 2008 sets out a number of policies relating to the provision of housing within the Greater London Area and the London Borough of Tower Hamlets itself. In general these policies require the Borough to provide 3,150 additional dwellings per year. Coupled with providing these housing units are requirements to provide quality in the design of these houses in order to ensure the quality of the living environments created. The Council's IPG and CS also include policies supporting this provision.



### *Sites E & F*

9.11 Taking into account:

- this policy position;
- the need for the provision of additional housing within the borough; and
- that the sites already have an existing predominant residential use,

the proposed development, which results in the erection of an additional 364 residential units (after taking into account the demolition of 338 units) within the area of the sites E and F is considered, in principle, an acceptable land use.

### *Feeder Site 2*

9.12 Feeder site 2 is an area of vacant land that was formally a glass works industrial use. The existing use class of the 890m<sup>2</sup> site is B2 (General Industry). Policies ST15, ST17, EMP1 and EMP3 of the UDP, policies CP11 and EE2 of the IPG and policy SP06 of the CS seek to ensure protection of employment floorspace from inappropriate change of use and thus jobs for the local community.

9.13 The site is not considered to be located in a natural employment market area. While there is employment usage to the north of the site along the Mile End Road route, the property is situated at the end of the cul-de-sac street of Essian Street and somewhat detached from the employment uses in the area. It is understood that there is an existing surplus of employment space in more prominent and easily accessible location than the subject site. Furthermore, with the existing site being a vacant site, it currently provides no contribution to the existing employment floorspace within the borough.

9.14 It is therefore considered that the change of the use to a C3 residential land use is acceptable and that the benefits that are provided through the housing usage of the site and the regeneration of the Ocean Estate that it contributes to, would outweigh the policy position for protection of the Employment use.

### *Feeder Site 3*

9.15 Feeder Site 3 is currently occupied by the former LIFRA Hall and has an existing use class of D1 community use. Policies ST49, SCF8 and SCF11 of the UDP and Policy SP03 of the CS, seek to encourage the provision of community facilities and meeting places. While these policies do not directly protect the use from changing, policy SCF1 of the IPG seeks to ensure that the social and community facility users are not disadvantaged by any reduction in access to facilities.

9.16 In July 2004, CSC Consultants undertook a comprehensive review of the community facilities in the Ocean NDC area which concluded amongst other things there were some gaps in provision, the premises conditions were poor and there was some duplication of service. A strategy was developed for the re-provision of premises.

9.17 A further study in September 2007 (by consultants Tribal) took into account:

- The need for replacement facilities
- The condition of facilities not affected by the regeneration proposals
- Services provided by local community organisations
- The sustainability of local organisations
- The need for current and additional services

9.18 The aim of the review was to provide an analysis of the local situation in order to determine the level of provision for community facilities that would be required through the regeneration scheme and also to recommend best use of available space and locations for the various organisations directly affected by the proposals.

9.19 The study recommended the creation of community hubs, proposing that those community groups who would potentially be displaced by the works and who deliver similar services could join forces in delivery and be based at the same, new location.

- 9.20 The development of a community hub at Harford Street for services relating to health, older people and women, together with general information, advice and guidance is being pursued by the Council as replacement community facility for the former LIFRA Hall.
- 9.21 It is planned by the Council's Regeneration Team to relocate the Limehouse Project activities and other facilities, including the hall, crèche, surgery space etc, to the new Harford St facility. The cabinet decided on 1st July, 2009 that "the Corporate Director Development and Renewal" be authorised to negotiate a long lease of part of the Harford St facility for community purposes and to approve the capital expenditure from the Capital Estimate for 'fit out' of the Harford St Facility, in order to relocate the Limehouse Project from the LIFRA Site and create office space for the Ocean Regeneration Trust.
- 9.22 Thus, the facilities currently available in the former LIFRA Hall will not be lost to the local community but will be fully relocated nearby to a modern and sustainable new premises. They will continue to serve all of the surrounding area, including both the Limehouse Fields and Ocean areas, as they do now.
- 9.23 Therefore, as there is to be an improved re-provision of services in a new facility in the Hartford Street premises, it is considered that the loss of the facility at the former LIFRA Hall site, that will in effect become redundant, is acceptable in terms of policies ST49, SCF8 and SCF11 of the UDP, policy SCF1 of the IPG and policy SP03 of the CS.
- 9.24 Furthermore, the redevelopment of the site with residential units would, in principle, be acceptable in terms of policies promoting additional residential housing within the borough.

#### *Feeder site 4*

- 9.25 Feeder Site 4 is currently occupied by buildings used by Council's Education Services. The current use of the site is a mix of D1 (non-residential education centre), B1 (officers) and C3 (residential) uses. The existing building at 85 Harford Street is occupied as B1 office space, with the prefabricated buildings on Essian Street being occupied as a D1 non-residential education centre. Included with the bounds of Feeder Site 3 is the school premises manager's house, which is associated with the adjacent Ben Jonson Primary School.
- 9.26 As with Feeder Site 2, policies ST15, ST17, EMP1 and EMP3 of the UDP and policies CP11 and EE2 of the IPG, seek to ensure the protection of employment floorspace from inappropriate changes of use and loss of jobs for the local community. The building at 85 Harford Street provides 690m<sup>2</sup> of floorspace in B1 office use. While this site is currently occupied, it is acknowledged that the site is not particularly well located for office use nor is the existing building, which pre-dates World War II, particularly well suited for modern office use.
- 9.27 Policies EDU2 and EDU8 of the UDP and policy SCF1 of the IPG seek to protect education and training facilities in the borough from changes of use unless appropriate alternative facilities are provided. The Council's Education Team have confirmed that the functions now provided on the Feeder Site 4 site are currently relocating to a former LBTH Housing Office at 30 Greatorex St, E1.
- 9.28 While it is accepted that the loss of the B1 office floorspace would not accord with policy, it is considered that, on balance, the benefits that the scheme provides to the community in terms of the regeneration of the Ocean Estate, outweigh the loss of employment floorspace.

#### *Overall*

- 9.29 The principle of the residential land use on all 5 of the development sites is considered in accordance with policies 3A.1, 3A.3 and 3B.3 of the London Plan 2008 and policy CP19 of the IPG.

### Principle of Retail

- 9.30 Policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan 2008, policies ST34, ST35, S4 and S7 of the UDP, policies CP15, CP16 and RT4 of the IPG and policies SP01 and SP12 of the CS are applicable and seek to provide a balance of town centre uses to encourage the vitality and viability of the area and promote economic and job growth.
- 9.31 The proposal seeks to replace the existing retail units, which total 1,190m<sup>2</sup> of retail floorspace, with new units providing 1,300m<sup>2</sup> of floorspace, which can be used as A1, A2, A3 and D1 floorspace. This new floorspace has the potential to result in an increase of 110m<sup>2</sup> in retail floorspace. Given that there is an existing retail component within the development, the retail floorspace offered is a replacement of this and the location is within a neighbourhood or local shopping area, it is considered that the principle of retail use within the development is acceptable.

### Principle of Class D1 uses

- 9.32 London Plan 2008 policies 3A.17 and 3A.18, supported by policies ST49 and SCF11 of the UDP, policy SCF1 of the IPG and policy SP03 of the CS, promote the provision of an appropriate range of community facilities to cater for the needs of London's diverse population.
- 9.33 The applicant is proposing to include flexibility in the proposals for the provision of D1 floorspace within the redeveloped ground floor of Site F, adjacent Ben Jonson Road. Given the good public transport links and the large residential population within the surrounding area, the D1 use is considered to be, in principle, acceptable. Furthermore, within the current development on Site F, there is an existing D1 use.
- 9.34 The proposed flexibility to include D1 use within the ground floor of the development on Site F is considered to be acceptable, in principle, and in accordance with policies 3A.17 and 3A.18 of the London Plan 2008, policies ST49 and SCF11 of the UDP, policy SCF1 of the IPG and policy SP03 of the CS.

## **Housing Provision**

### Affordable Housing

- 9.35 Policy 3A.9 of the London Plan 2008 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 70% social housing and 30% intermediate.
- 9.36 This policy is supported by policy CP 22 of the Council's IPG and policy SP02 of the CS which states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. Policy HSG4 of the IPG, however, seeks an 80:20 affordable rent to intermediate ration of affordable housing except where there is, or is proposed, a large quantity of affordable social rent onsite, because of the borough's specific need for a larger proportion of affordable social rent.
- 9.37 The applicant is proposing 396 affordable units within the net new build component of the development. After taking into account those which will be demolished, this would be an additional 127 affordable rent and intermediate units. This would represent a 26% provision of the 481 new additional dwellings to be provided.

9.38 Policy HSG5 of the Council's IPG states that:

*“where proposed housing on estate regeneration sites includes market housing, the Council may consider varying its requirement for contributions towards additional affordable housing where it can be sufficiently demonstrated that the provision of market housing on the estate regeneration site is necessary in order to cross subsidise the works being undertaken to bring existing dwellings on the site up to decent homes plus standard.”*

9.39 The applicant has provided a financial appraisal that confirms an affordable housing grant will be required to deliver this level of affordable housing. It is anticipated that grant will be available from Homes and Communities Agency to assist in the viability of the scheme and provide the offered level of affordable housing. In addition, it will provide the required return to be able to achieve the desired level of regeneration within the wider estate and bring existing dwellings within the estate up to a “decent homes plus” standard.

9.40 Within the existing development of 338 units there are no intermediate units, however the applicant is proposing a percentage split of 25% intermediate and 75% affordable social rented in the 396 affordable units. This would be considered to be acceptable in terms of policy 3A.9 of the London Plan 2008, HSG4 of the IPG and policy SP02 of the CS, due to the high percentage of existing affordable social rent units within the affordable housing on the Estate.

#### Housing Mix

9.41 Policy HSG2 of the IPG and policies SP02 and SP12 of the CS specify the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is identified as a priority, reflecting the findings of the Borough's Housing Needs Survey. In terms of family accommodation, policy HSG2 of the IPG requires 45% of affordable social rented housing and 25% of market and intermediate affordable housing to comprise of family housing (units with 3 or more bedrooms).

9.42 Table 9.1 details the proposed mix of housing within the new build element of the development, including the proposed replacement units for the demolished units.

		Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
Unit size	Total units	Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	0	0	0	0	0	0	25	0	0	25
1 bed	274	65	22	20	15	15	25	194	46	25
2 bed	323	100	34	35	48	48	25	175	41	25
3 bed	174	88	30	30	32	37	25	54	13	25
4 bed	31	28	9	10	3			0		
5 bed	17	15	5	5	2			0		
<b>Total</b>	<b>819</b>	<b>296</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>423</b>	<b>100</b>	<b>100</b>

Table 9.1 – Housing mix in proposed new build units

9.43 The proposal generally meets the IPG policy target for affordable social rented units. However, the proposed development falls below the target for larger, family sized private units. The applicant has stated this is as a result of the particular site constraints of this central location, where it is difficult to achieve the amenity space on a constrained site whilst achieving the necessary level of cross subsidy to facilitate the wider regeneration objectives of the development within other areas of the Estate. Furthermore, the mix of the private

market housing has been developed in direct response to the identified need within the private market housing sector.

- 9.44 As such, it is considered that the provision of family housing within the proposed development is, on balance, a scheme which meets the Council's regeneration and renewal aspirations. While the development does not completely comply with the provisions of HSG2 of the IPG and policies SP02 and SP12 of the CS, it generally meets the Council's target for affordable family units of 45%.

#### Density of Development

- 9.45 Policy 3A.3 of the London Plan 2008, policy HSG 1 of the IPG and policy SP02 of the CS seek to maximise the potential of sites while maintaining an appropriate density in relation to transport capacity and the setting of the site.
- 9.46 In accordance with this aspiration, the London Plan 2008 provides a density matrix, setting out acceptable densities in terms of the accessibility of the site to public transport, in order to maximise the potential of sites, while ensuring that the development is adequately supported by the transport network. The subject site is located within an area which has a Public Transport Accessibility Level (PTAL) of 4, which the matrix sets out acceptable density levels as 45-260 units per hectare.
- 9.47 The proposed development would have a density of 207 units per hectare over the 5 development sites.
- 9.48 The IPG details a number of matters that should be included when assessing the appropriate density. These include the setting of the site, the local context and character, the need to protect and enhance amenity, the housing mix, access to town centres, open space provision, the impact on services and infrastructure and the provisions of other non-residential uses onsite. The IPG provides a density matrix to relate the setting of the site and its location to public transport to density. Given the location of the site within the urban area of the borough and the PTAL rating of 4, the matrix provides for a density within the range of 450-700 habitable rooms per hectare. The proposed development density 207 units per hectare would sit comfortably within this range.
- 9.49 As the proposed developments density of 207 units per hectare over the 5 development sites sits comfortably below the maximum levels of density provided in the London Plan and IPG density matrices for the area, it is considered that the proposal would have an acceptable density level and is in accordance with policy 3A.3 of the London Plan 2008, policy HSG1 of the IPG and policy SP02 of the CS.

### **Impact on the Amenity of Adjoining Occupiers and the Surrounding Area**

#### Daylight and Sunlight

- 9.50 Policy 4B.10 of the London Plan, policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policies SP02 and SP12 of the CS require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 9.51 The applicant has provided Daylight and Sunlight Reports in support of their application outlining the daylight and sunlight received by the buildings and amenity spaces adjacent to the 5 development sites. It has assessed the impact on the daylight and sunlight levels against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests used in the BRE guidelines.

- 9.52 The Daylight and sunlight reports shows that there is a loss of light to some of the neighbouring residential buildings, which could be potentially noticeable. However, the retained level of Average Daylight Factor is considered to be sufficiently close to the BRE Guidelines as to be acceptable, given the requirement for urban regeneration in the area where any massing opposite will cause a loss of light due to the open existing nature of the existing sites.
- 9.53 Likewise in relation to sunlight, the majority of windows within surrounding developments will meet the BRE Guidelines and those which do not will be sufficiently close to be considered acceptable on balance, given the need for regeneration within the area and the inner London location of the development.
- 9.54 The level of permanent overshadow to open amenity spaces around the development site will be largely unchanged from the existing situation and well within the 40% permanent overshadow criteria allowed on March 21st.
- 9.55 It is therefore considered, in terms of daylight and sunlight, that, on balance, given the central city location, the proposal would be generally in accordance with policy DEV2 of the UDP, policy DEV1 of the IPG, policy 4B.10 of the London Plan and policies SP02 and SP12 of the CS.

#### Privacy

- 9.56 Issues of privacy/overlooking need to be considered in accordance with policy DEV2 of the UDP, policy DEV1 of the IPG and policies SP02 and SP12 of the CS, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.
- 9.57 As the proposal is for outline planning approval only, and the external appearance of the development has been reserved for a later submission, the location of windows and balconies is not at this stage known. Therefore, it is not possible to fully assess whether the impact on privacy. However, sufficient detail has been provided in the application to assess the development is appropriately designed to avoid significant overlooking and loss of privacy.
- 9.58 At the time of the reserved matters submission for the external appearance the window and any balcony locations will be fixed and the issue of loss of privacy from the development can be addressed in detail. Any proposal which is deemed to have an unacceptable detrimental impacts on the surrounding residents at that time would need to be amended to address the issue.
- 9.59 The majority of the buildings elevations have an outlook over the surrounding roads with an acceptable separation distance exceeding 18m between any neighbouring buildings. The proposed distances between buildings are reduced to approximately 15m in some locations. However, given that the outlook would be across a public road, this is considered acceptable and would not significantly impact on the existing privacy levels in the inner city location.
- 9.60 On balance, it is therefore considered that the proposed development can be designed to be acceptable in terms of privacy, in accordance with policy DEV2 of the UDP, policy DEV1 of the IPG and policies SP02 and SP12 of the CS.
- 9.61 It is noted that a number of objections have been received from residents of Falcon Works and Candy Wharf on the eastern side of Regent's Canal, objecting to the development in terms of loss of privacy due to the proposed building on Feeder Site 2. The proposed eastern elevation of the building is located approximately 30m from the buildings on the eastern side of the canal. The distance between the windows of any habitable rooms would

therefore significantly exceed the distance of 18m that the Council's UDP states reduces inter-visibility to a degree acceptable to most people.

### Noise and Vibration

- 9.62 In protecting the amenity of the surrounding area, policies DEV2 and DEV 50 of the UDP, policy DEV1 and DEV 10 of the IPG and SP03 of the CS also require the noise and vibration nuisance from a development to be minimised.
- 9.63 No specific details of the proposed noise and vibration levels of plant or ventilation systems to the proposed development has been provided with the application. However, it is considered that a condition of consent could ensure that details of the noise and vibration impacts of any proposed plant and ventilations systems would be submitted to Council for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

### Odour & ventilation

- 9.64 The proposed development includes the replacement of the existing retail floorspace provided by a provision of 1300m<sup>2</sup> of floorspace, which has the flexibility to be used in A1-A3 uses. As such, there will potentially be food cooking and associated odours created within the development. Policy DEV 2 of the UDP, Policy DEV1 of the IPG and SP03 of the CS requires the mitigation of odours in order to protect amenity of adjacent occupiers.
- 9.65 In order to remove these odours from the development and create suitable environment, ventilation and extract systems would be required to be installed. This would potentially consist of general ventilation for units within the development (in order to provide fresh air into the development) and extract systems to the units with cooking facilities (in order to extract cooking odours).
- 9.66 Details of these systems have not been provided. It is therefore recommended, if approved, conditions are included on the planning permission to ensure that the ventilation and extraction systems are appropriate and don't impact on the amenity of the adjacent occupiers or the appearance of the development.

### Construction

- 9.67 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development. However, these will be temporary in nature.
- 9.68 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 9.69 It is therefore recommended that, if approved, a condition of consent is included, which would require the submission of a Construction Management Plan, in order to ensure that the best practice examples are followed and to avoid, remedy and mitigate the effects of construction.
- 9.70 There are also a number of existing mature trees in the area around the proposed development. Officers consider that a condition should be imposed on any planning decision to protect the trees from construction impacts. This would include a requirement for protective fencing and prevention of the storage of materials under the canopy of the trees.

## Traffic and Servicing Issues

### Trip Generation

- 9.71 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP, policies CP41, DEV17 and DEV19 of the IPG and policy SP09 of the CS seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 9.72 The applicant has provided a Transport Assessments detailing the proposed additional trip generation as a result of the proposal. Table 9.2 shows the estimated increase across the different transport modes during the peak morning, inter peak and peak evening hours.

<b><i>EXISTING</i></b>	Vehicles		Pedestrians		Bus		Underground		Cyclists		Vehicle Passengers		TOTAL	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
A.M. Peak	7	12	7	37	7	38	20	107	2	13	1	3	44	210
Inter Peak	10	8	25	17	26	18	74	50	9	6	2	2	146	101
P.M. Peak	10	9	24	19	25	20	70	56	8	7	2	2	139	113
12-Hour	118	123	191	213	196	219	554	620	66	74	17	20	1142	1269
<b><i>PROPOSED</i></b>	Vehicles		Pedestrians		Bus		Underground		Cyclists		Vehicle Passengers		TOTAL	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
A.M. Peak	13	28	13	76	14	78	39	222	5	27	1	7	85	438
Inter Peak	20	17	46	36	47	37	134	106	16	13	4	3	267	212
P.M. Peak	21	18	48	37	49	38	139	107	17	13	4	3	278	216
12-Hour	237	262	382	452	392	464	1109	1315	133	158	35	41	2288	2692
<b><i>NET CHANGE</i></b>	Vehicles		Pedestrians		Bus		Underground		Cyclists		Vehicle Passengers		TOTAL	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
A.M. Peak	+6	+16	+6	+39	+7	+40	+19	+115	+3	+14	-	+4	+41	+228
Inter Peak	+10	+9	+21	+19	+21	+19	+60	+56	+7	+7	+2	+1	+121	+111
P.M. Peak	+11	+9	+24	+18	+24	+18	+69	+51	+9	+6	+2	+1	+139	103
12-Hour	+119	+139	+191	+239	+196	+245	+555	+695	+67	+84	+18	+21	+1146	+1423

Table 9.2 – Existing, proposed and net additional trip generation

- 9.73 Table 9.2 shows that a significant number of trips generated from the development would be undertaken on the public transport network or by walking, which shows that the development would reduce unnecessary vehicle movements and therefore, would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP, policies CP41, DEV17 and DEV19 of the IPG and policy SP09 of the CS.

### Parking

- 9.74 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG and policy SP09 of the CS.
- 9.75 The applicant has shown a proposal for the development which can accommodate the provision of 17 car parking spaces within Site E and re-provide the existing on-street parking on the highway around Sites E and F. Parking spaces would be provided for disabled users, visitors, the general public and car clubs. The proposed development envisages a net reduction in parking spaces onsite within Sites E and F. However, it actually increases the parking provision on the public highway. As this aspect of the development has not been finalised within the outline application, it is recommended that a car parking management plan for the re-provided car parking spaces within the estate and on the surrounding highways is secured via the S106 legal agreement. This plan would describe the proposed management of the car park provision, detailing the location of disabled bays, car club



spaces and restrictions on the use of highway bays.

- 9.76 On the predominantly private market housing feeder sites, no car parking provision will be made, other than capacity for disabled parking spaces and these sites would be considered to be car free.
- 9.77 It is overall considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan 2008, policies DEV17 and DEV19 of the IPG and policy SP09 of the CS. A S106 legal agreement should be entered into so that the Traffic Management Order can be amended to exempt residents, occupiers and employees of new build components of the development from obtaining parking permits. This will ensure no overflow parking on the road network.

#### Cycle Parking and Facilities

- 9.78 Policy 3C.22 of the London Plan 2008, policy ST30 of the UDP, policies CP40, CP42 and DEV16 of the IPG and policies SP09 and SP12 of the CS seek to provide better facilities and a safer environment for cyclists.
- 9.79 The proposals within the development aim to provide provision for 1 cycle space per unit. These will be provided in dedicated storage areas within the core of the development blocks. They are therefore only accessible to residents. A further 82 cycle spaces or 10% would be provided at convenient locations around the sites, for the purpose of visitors. In addition the scheme provides an additional 10 spaces for the retail units.
- 9.80 The proposed cycle storage is to be secure and located in sheltered areas, within close proximity to the part of the development they serve. This provision is in accordance with Council's standards and therefore provides adequate cycle storage. A condition of consent is recommended to ensure the layout of the cycle storage is acceptable.

#### Deliveries and Servicing

- 9.81 Policies ST30 and T16 of the UDP and policy DEV17 of the IPG seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.
- 9.82 Refuse collection and servicing would take place from the street for all elements of the scheme.
- 9.83 The Council's Highways Team has stated that servicing, where possible, should be provided for onsite. While ideally developments should be serviced from onsite, the nature of the site and the development means that onsite provision is not appropriate. Any onsite servicing provision would result in a reduction in the amenity space and public open space provided for residents and the public and this is considered unacceptable by officers.
- 9.84 It is therefore, proposed that the servicing take place from dedicated servicing bays on the highway. This can be achieved by inseting the vehicle parking and loading bays from the carriageway in order to minimise the impact on the safe and efficient flow of traffic along the highway.
- 9.85 It is recommended that a condition is included on the consent, if approved, to require the submission of a servicing management plan, which would detail the controls on the servicing, signage, location of bays and information provisions relating to how servicing of the development should be undertaken.
- 9.86 The applicant has shown evidence that the development can be appropriately serviced from

the highway and the distances from building entry cores and waste/recycling storage areas is considered acceptable. In addition the applicant has detailed how the servicing bays can be provided without a loss in the existing on-street parking provision.

- 9.87 It is therefore considered that the proposed servicing arrangements are acceptable in terms of policies ST30 and T16 of the UDP and policy DEV17 of the IPG.

#### Public transport capacity

- 9.88 As detailed in table 8.2 above, the predominantly 'car free' nature of the proposed development results in an increase in the number of persons using the public transport facilities.
- 9.89 The Transport Assessment indicates that the proposed increase of journeys spread across the public transport infrastructure of underground tube, network rail and bus services, would not amount to a significant impact on these services.
- 9.90 However, Transport for London (TfL) have carried out an audit on the particular bus route of the 309 and consider that the impact on this single service would result in the number of passengers exceeding the limited capacity at peak times.
- 9.91 Therefore, TfL have requested a financial contribution of £270,000 over 3 years to provide an additional bus on the 309 route to increase the frequency and capacity of the route. The justification of this request is still being assessed, as the information provided by TfL appears to be different from that of the applicant. Clarification of this will be provided in an addendum report to the Strategic Development Committee, prior to the consideration of this application. However, based on the information provided by TfL, the proposal prioritises £270,000 to a S106 financial contribution to improved bus services on the 309 bus route.
- 9.92 Subject to this contribution, it is considered that there would not be a significant impact on the public transport capacity and the development is acceptable in terms of policies 3C.1 and 3C.2 of the London Plan 2008 and policy DEV17 of the IPG.

#### **Design and Layout of the Development**

- 9.93 The proposed scheme comprises 5 development sites:
- Site E
  - Site F
  - Feeder Site 2
  - Feeder Site 3; and
  - Feeder Site 4
- 9.94 Site E provides 3 urban blocks with a network of pedestrian friendly streets that connect the site into the wider context of the estate, providing new routes through the development.
- 9.95 Site F consists of two urban blocks with a central pedestrian link. Site F retains the neighbourhood shopping frontage to Ben Jonson Road, linking through this provision to the south of Ben Jonson Road.
- 9.96 Feeder Site 2 involves the construction of a single new residential block adjacent to the Regent's Canal, with pedestrian access along the canal frontage.
- 9.97 Feeder Site 3 involves the construction of a high rise building on the corner of Ben Jonson Road, Carr Street and Halley Street.
- 9.98 Feeder Site 4 involves the conversion of the existing former school building fronting Harford

Street and the development of two new low scale blocks to the rear of the building, with internal communal space.

### Mass and Scale

- 9.99 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP02, SP10 and SP12 of the CS seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment and protect the amenity of the surrounding environment and occupiers.

### *Site E*

- 9.100 The massing and heights of the buildings on Site E are considered to have a clear and well considered rational and would provide well proportioned blocks which directly correspond to surrounding development and the intended new links and courtyards within the site itself.



Figure 9.1 – Massing plan of Site E showing location of the lower rise elements

- 9.101 The applicant's rationale for the scale of the development is considered acceptable in that they have designed the development to provide lower blocks adjacent the lower rise development on adjacent sites and used larger scale buildings to provide gateways and focal points within the development. This also serves to break the massing and give variance and interest to the development.
- 9.102 In relation to Figure 9.1 above it can be seen that the southern edge of block E3 provides a 4-storey low rise edge to allow good daylight and sunlight into the courtyard and to align with the existing lower heights of buildings along Master's Street and Duckett Street. The northern edge, along Blocks E1 and E2, create a 4 storey edge with maisonettes on the ground floor. This low built edge responds to the low-rise development of 2 - 3 storey homes along the street. The southern edge, along Blocks E1 and E2, provides a 4 storey edge with maisonettes on the ground floor. This low-built edge is punctuated at intersections of the blocks to provide better daylight and sunlight into the courtyards.



Figure 9.2 – Massing plan of Site E showing location of the higher rise elements

- 9.103 Figure 9.2 shows how the larger elements of the development on Site E and considered in relation to the surrounding environment and how they would be viewed within the concept of the development.
- 9.104 The 7 storey block on block E3 aims to create a gateway at the junction of Duckett Street and the new east-west street linking Trafalgar Gardens to Shandy Park. The proposed Shah Jalal Mosque and Cultural Centre will form part of the cluster of gateway buildings at this key junction.
- 9.105 The 9 storey marker at the north western corner of the urban block E1 is proposed to create a strong focal point along White Horse Lane. White Horse Lane is a primary gateway into the wider area. The existing urban fabric along this stretch is 2- 4 storeys in height but is significantly set back, failing to create any sense of enclosure along this route. The marker would form a prominent corner in the existing context.
- 9.106 The 9 storey built interface along Duckett Street (Block E2) will help to create a strong backdrop to Shandy Park along its western edge, creating an interesting urban wall in the background of the soft landscaped spaces of the park and the minaret and dome of the proposed new Shah Jalaal Mosque. This mass is stepped down to the north to create a gradual fall to the low rise development on the northern side of Shandy Street.

#### *Site F*

- 9.107 As with Site E, the massing and heights of the buildings on Site F are considered to have a clear and well considered rational that provides well proportioned blocks corresponding to surrounding development, the neighbourhood shopping centre function and the intended new links and courtyards within the site itself.



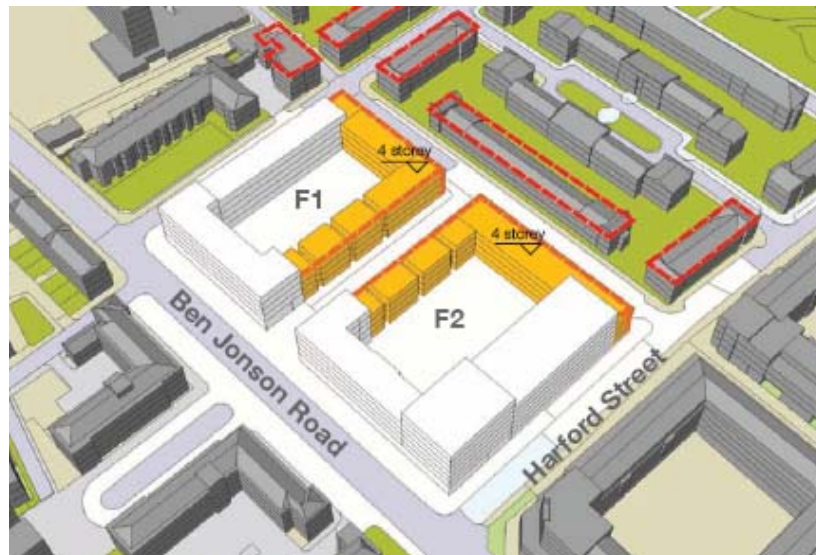


Figure 9.3 – Massing plan for Site F showing lower rise elements

- 9.108 It can be seen from figure 9.3 that the northern edge of Blocks F1 and F2 create a 4 storeyed edge with maisonettes on the ground floor. This low built edge responds to the low rise development of 2 - 3 storey homes along Dongola Road. The new pedestrian link from Dongola Road to Ben Jonson Road helps to divide the large urban block and provides a visual connection into the neighbourhood centre along Ben Jonson Road.

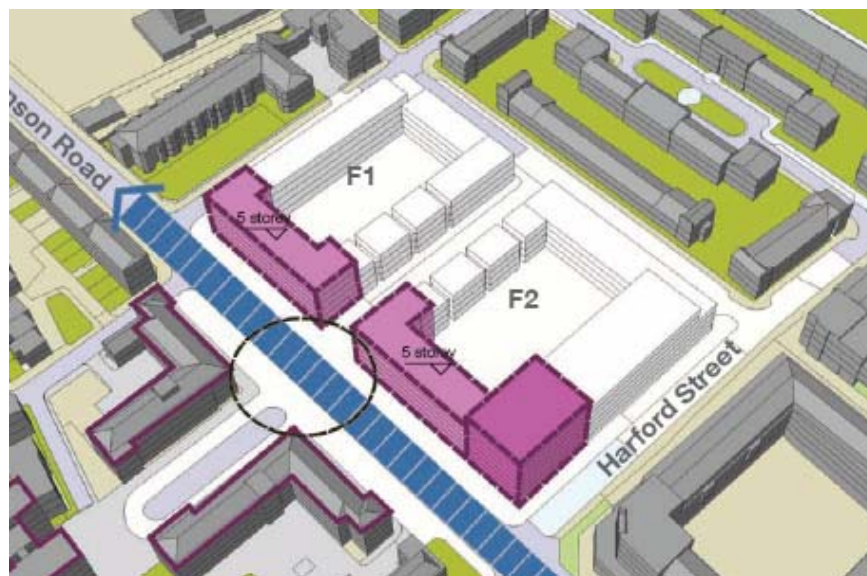


Figure 9.4 – Massing plan showing location of higher rise elements on Ben Jonson Road

- 9.109 The 7 storey building at the junction of Harford Street and Ben Jonson Road creates a key focal corner along this stretch of road. The building will form a prominent node in conjunction with the 5-6 storey perimeter block from across Harford Street. The height then drops to create a uniform facade of 5 storeys along the northern retail frontages, providing a scale acceptable within the neighbourhood centre function of this area of Ben Jonson Road. This uniformity is punctured by the pedestrian priority link running in between the 2 blocks, helping to break the urban block along this stretch of the street and add variance and interest to the building line.

#### *Feeder Site 2*

- 9.110 The proposed development on Feeder Site 2 creates a single building on the canal frontage at the end of Essian Street. The building would be stepped up from the lower development to the south and west to rise to 7 storeys at the northern end and provide a terminating vista to the end of Essian Street. It is considered that the stepping of the building suitably

responds to the adjacent low rise buildings, while providing for a well proportioned building.

#### *Feeder Site 3*

- 9.111 The proposed building on Feeder Site 3 is the tallest of the proposed buildings, being 10 storeys in height. However, this is considered to fit acceptably within the surrounding environment due to the presence of the existing 17 storey building. While it is acknowledged that the height of the building exceeds that of the surrounding environment, with the exception of the existing 17 storey tower, the building sits on a site of its own, providing sufficient setback from the adjacent buildings. Paired with the existing tower building, the proposed scale of the building on Feeder Site 3 is viewed in long views as stepping down to the surrounding scale of lower development.

#### *Feeder Site 4*

- 9.112 The buildings on Feeder Site 4 are the lowest rise at just 3 storeys in height. This is a direct result of the applicant's intention to convert the existing old school building. The new build elements are of a similar height and sit comfortably within the site, providing a central communal area within the site. The low rise nature of the buildings on this site relates well to the openness of Shandy Park to the west and Ben Jonson School to the east. Furthermore, the scale relate well to the similar scale buildings on the opposite side of Essian Street.
- 9.113 Overall, it is considered that the scale and massing of the buildings is appropriate and has been related to the neighbouring developments in terms of height, scale and nature. It is considered that in terms of scale and mass, the proposal is generally in accordance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP02 and SP12 of the CS.

#### Appearance and Materials

- 9.114 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP02, SP10 and SP12 of the CS also seek to ensure development is high quality in design.
- 9.115 The applicant has applied for outline planning permission for the development reserving the matter of appearance to be assessed in a following application for the reserved matters. As such no detail is provided for assessment in the application being considered. The reserved matter of appearance will be assessed in the required subsequent application against the above policies to ensure that a high level of design is achieved, that the materials are appropriate and the development has an appearance which would sit comfortably within the established character of the area.

#### Internal Amenity

- 9.116 With the external appearance of the building being a reserved matter for later consideration, the internal amenity of the units provided cannot be assessed. This is due to the internal layout of the development being dependant on the location of the windows, which is not set until the exterior appearance is finalised. As such, the daylight and sunlight, room sizes and unit sizes that contribute to the internal amenity and living conditions of the development cannot be assessed.
- 9.117 Conditions on the consent, if approved, are recommended to ensure that the proposed units have good internal amenity, through:
- Meeting or exceeding the Council's Supplementary Planning Guidelines,
  - Having unit layouts that would generally provide for maximum internal living space,
  - That the internal halls are minimised; and
  - That balcony areas off living rooms add to the useable space and allow an element of indoor outdoor living, where able.

### Impact on Conservation and Heritage Values

- 9.118 Policies 4B.11, 4B.12 and 4B.13 of the London Plan, policies DEV32 and DEV37 of the UDP, policies CON1 and CON2 of the IPG and policy SP10 of the CS, seek to preserve the historic assets of the city.
- 9.119 There are no sites either Listed or within a Conservation Area within the development site. Feeder Site 2 is located directly adjacent the Regent's Canal Conservation Area, and Feeder Site 3 is also located nearby. In the wider context, the development will have potential to impact on the Stepney Green Conservation Area.
- 9.120 The application has been reviewed by Council's Conservation officer who has stated that there is no harmful impact on the setting of the Conservation Areas. Furthermore, he has stated that the retention and conversion of the unlisted old school building at 85 Harford Street on Feeder Site 4 is from a conservation point of view most welcomed.
- 9.121 Details of the finished appearance of the buildings and developments will be assessed during the assessment of the reserved matters applications for landscaping and appearance and this assessment would ensure that these aspects are appropriate and do not impact on the historic and conservation aspects of the area.
- 9.122 Overall, in accordance with the above policies the proposals would not be detrimental to the settings of the adjacent and nearby Conservation Areas and are therefore considered acceptable.
- 9.123 It is also considered that the refurbishment works proposed within the estate will make a positive contribution to the wider area and benefit the Conservation Areas through improved appearance of buildings and improved landscaping.

### Play Areas/External Amenity Space

- 9.124 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policies DEV12 and HSG16 of the UDP, policies CP4, CP30 and DEV13 of IPG and policies SP02, SP04 and SP12 of the CS promote the good design of public places and the provision of green spaces. Furthermore, London Plan 2008 policy 3D.13, policy O9 of the UDP, policies CP25 and HSG7 of the IPG and policy SP02 of the CS require the provision of appropriate child play space within residential developments.

#### *Amenity Space*

- 9.125 In accordance with Policy HSG17 of the UDP and HSG7 of the Council's IPG, overall the proposal provides amenity space for all users and has the potential to provide private gardens and private balconies and/or terraces to the vast majority of all the new units. As the application is only for outline planning permission and the matters of external appearance and landscaping are reserved for later assessment, it is not possible to provide details of the private amenity space provided for each new unit.
- 9.126 The applicant has however provided details of the overall quantum of amenity space within the development.

#### *Site E & F*

- 9.127 Currently these sites are predominantly in residential use and primarily setup as large housing blocks. The current arrangements result in a lack of designated civic or gathering places. Although there is a significant amount of communal, green amenity space, this space is of low quality, often unusable and fragmented by the building layout and intervening car park provisions.
- 9.128 Currently Sites E and F together provide 245m<sup>2</sup> of private open space (such as private

gardens) and 12,148m<sup>2</sup> of amenity green space although, as detailed above, often in a relatively unusable form. No civic space is currently provided within these blocks.

- 9.129 The details provided by the applicant show that the proposed development would be capable of providing a significantly improved amenity space provision across the development on Sites E and F. The proposal has the ability to provide a quantum of 12,441m<sup>2</sup> of civic and amenity green space within the development. While this is not a significant increase on the existing provisions, the new block layout would rationalise the green amenity space into useable, courtyard style green spaces within the centre of the housing blocks. This would significantly increase the usability of these areas.

*Feeder Sites 2, 3 and 4*

- 9.130 Currently the only portion of these sites in residential use is the school premises manager's house, adjacent the school on Essian Street. This provides a total of 318m<sup>2</sup> of private open space associated with the dwelling. A further 280m<sup>2</sup> of amenity green space is associated with the existing former LIFRA Hall.

- 9.131 The proposals would have the potential to result in a provision of 2,093m<sup>2</sup> of civic and amenity green space.

*General*

- 9.132 In addition, the applicant is proposing a financial contribution of £9.4million towards the landscaping and public realm improvements throughout the wider estate, including the provision of a new Ocean Green linear park adjacent to Mile End Road.

- 9.133 On balance, it is considered that the outdoor space provision within the new build component of the development, is acceptable and generally in accordance with policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policies DEV12 and HSG16 of the UDP, policies CP4, CP30 and DEV13 of IPG and SP02 of the CS.

*Child Play Space*

- 9.134 The proposed scheme provides approximately 670m<sup>2</sup> of play space provision for children and teenagers within Sites E and F. However, the proposals for Feeder Sites 2, 3 and 4 do not provide any onsite play space provision.

- 9.135 The applicant has provided details of the estimated child yield of the development and provided a summary of the total play space requirement based on the resultant uplift in child yield in the area.

- 9.136 The GLA Supplementary Planning Guidance (SPG) "Providing for Children and Young People's Play and Informal Recreation" clearly sets out the appropriate level of play space for developments. It details that on-site playable space should be provided for under 5 year olds within 100m walking distance from residential units, facilities within 400m walking distance for 5-11 year olds and within 800m for 12+ year olds.

- 9.137 The applicant has stated the development provides 670m<sup>2</sup> of door step (onsite) play space, which exceeds the calculated requirement for the child yield of the development. Unfortunately, this does not take into account the distance that the play spaces are provided from the users, in particularly the Feeder Sites. These are in excess of 100m from the play space provisions provided on Sites E and F and therefore must be considered to have no play space facilities for children under 5, which would accord with the provisions of the SPG.

- 9.138 Due to the small footprints of these sites, there is limited potential for onsite play areas on these sites. In addition, based on the indicative unit mix of these sites, the Feeder sites have relatively low child yields in relation to Sites E and F. Furthermore, within the Ocean Estate and surrounding areas, there are significant areas of open space provided for play and sports, by Mile End Park, Stepney Gardens, Shandy Park and Trafalgar Gardens. The



application also proposes £9.4million of financial contribution towards the upgrading of the public realm and amenity spaces within the wider estate, including the provision of a new public park along the north of the estate adjacent Mile End Road and upgrade of existing play facilities.

- 9.139 As such, it is considered that the development would contribute significantly to the provision of child play space within the existing wider estate, as well as providing for the play space within the proposed development on Sites E and F. It is therefore considered, on balance, that the proposal would be acceptable in terms of play space provision and policy 3D.13 of the London Plan 2008, policy O9 of the UDP, policies CP25 and HSG7 of the IPG and SP02 of the CS.

#### Wind Micro-Environment

- 9.140 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 of the London Plan 2008, requires that

*“All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro-climates in terms of wind, sun, reflection and over-shadowing”.*

- 9.141 Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”*

- 9.142 The applicant has provided a desk top Wind Microclimate study which details the likely impact on the pedestrian environment as a result of the proposed tall building development. The report concludes that there are some areas within the development where the wind micro-climate may require some mitigation measures to be implemented. As such, it is recommended that a full assessment of the proposed micro-climate around the buildings is undertaken once the external appearance of the development has been finalised. This should be required by condition, but would also be needed to assess whether the exterior appearance (location of balconies for example) would be acceptable. Mitigation measures, if required, can be achieved by landscaping which would be assessed also as a reserved matter.

- 9.143 It is therefore considered that the proposed development would be able to be made acceptable in terms of the impact on microclimate wind conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 and policy DEV1 of the IPG.

#### Landscaping

- 9.144 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.
- 9.145 The applicant has submitted a general landscaping concept for the entire estate. However, there is no specific detail on the landscaping improvements proposed as it is a reserved

matter, which will be considered in detail as part of a later reserved matter application. However, it has been shown, through the information submitted to date, that appropriate landscaping can be provided to ensure that the proposed landscaping is of an acceptable level and quality to ensure the amenity of the estate.

- 9.146 It is therefore considered the proposed development is capable of accordance with policy DEV12 of the UDP, policies DEV1, DEV2 and Dev 13 of the IPG and policies 4A.11, 4B.1 and 4B.10 of the London Plan 2008.

#### Access

- 9.147 The scheme will yield much needed accommodation including social rented and intermediate affordable housing. The access statement submitted highlights the developer's commitment to provide all accommodation to lifetime homes standards. Most of the units would be able to have relative ease of access to disabled parking bays, which would be proposed to be provided on the highway around the development. The applicant has shown that 10% of the units can be provided as wheelchair accessible design. Conditions of consent can be included on the application to ensure that the provisions are met adequately for mobility impaired persons.
- 9.148 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with policy 4B.5 of the London Plan 2008, policy ST12 of the UDP, policies CP46 and DEV3 of the IPG and policy SP02 of the CS.

#### Waste Storage

- 9.149 The design of the development provides refuse storage locations adjacent to the communal entrances to the developments. Refuse stores are located so that horizontal travel distances from dwellings are within accepted limits. Refuse stores have been positioned so that they are sufficiently close to the public highway to allow collection by London Borough of Tower Hamlets refuse collectors (or its sub-contractors).
- 9.150 It recommended that a condition be included on the consent to require the submission and approval of all bin stores, including for the commercial units, to ensure that the appropriate area and set out is proposed to cater for both waste and recycling. It is considered, with such a condition, the proposed storage arrangements would be acceptable and would not impact on the amenity of the surrounding area or the appearance of the development.

#### **Sustainability**

- 9.151 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the UDP, IPG and CS also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

#### Energy

- 9.152 The London Plan policies clearly set out a strategy for energy reduction and reducing CO2 emissions, and therefore, the impact on climate change. The strategy sets out the following principles:
- Using less energy – Through energy efficient design of development to reduce the need for energy usage.
  - Supplying energy efficiently – Through the provision of decentralised generation and utilising waste heat for example.

- Using renewable energy – utilising energy sources which do not contribute to CO2 production, such as wind and solar.

9.153 In support of the planning applications the applicant has submitted:

- Sustainability Statement (with Energy Statement) dated 18<sup>th</sup> December 2009
- Energy Centre Options dated 27<sup>th</sup> January 2010
- Supplementary Energy Strategy Paper dated 15<sup>th</sup> February 2010

9.154 As the application is for Outline Planning Permission and the approval of the appearance of the development is a Reserved Matter for latter assessment details of the energy efficiency of the building insulation and passive design has not been provided. A commitment however is provided to use high levels of thermal and electrical performance throughout the building design in order to achieve acceptable carbon emissions savings. It is recommended that a condition of consent be imposed to ensure the detail of this achieves acceptable levels of carbon emissions savings.

9.155 The applicant has investigated four options for the energy strategy in order to provide an efficient supply of energy to the development

- Purpose Built Energy Centre;
- Integrated Centralised Energy Centre;
- One Energy Centre per Development Site (E & F);
- Individual Heating System.

9.156 The submitted documents provide an assessment of the feasibility and viability of operating single energy centre to supply a district system located in either a purpose built energy centre or integrated into Site E. The submitted documents detail the following reasons for not considering a site wide solution:

- Phasing, co-ordination of utilities and highways authorities, and traffic logistics;
- Heat and pump losses through pipe work and distribution;
- Oversized capacity through phasing of development;
- Dedicated Brownfield site for energy centre;
- ESCO risk through turn-over of occupants, regulating energy demand and contractual issues; and
- Increased capital expenditure.

9.157 The applicant has not provided an evidence base to support the reasons for not considering a site wide solution (i.e. discussion notes with an ESCO, heat and pump losses etc) and in fact states *“each of the above issues can be effectively managed with appropriate engineering design, and will result in advantages in one that leads to disadvantages to issue”*.

9.158 There are advantages to having a single energy network and these are as follows:

- CHP is demand led and designed to run approximately 16hrs per day to achieve the maximum efficiencies and CO2 reductions, if two CHP units were to be installed in a single energy network (one for each phase), on completion of the second phase (block F) there would be enough energy base demand for one of the CHP units to run for longer periods (i.e. up to 24hrs) and therefore result in greater CO2 reductions compared to two separate energy centres
- having two CHP units in one energy network overcomes the phasing issues and also brings greater flexibility to the system as if one CHP unit is out of service for maintenance etc there is the availability of the other CHP unit,

9.159 Currently having two separate energy centres does not comply with London Plan policies as a site wide CHP system should be sought, and therefore linking the two energy centres overcomes this and the development complies with planning policy requirements.

- 9.160 In respect of the increased capital expenditure, ESCO often take on the cost of the equipment and recoup this cost through the sale of heat, however this will not result in extra cost to the tenants as the ESCO cannot charge a tariff that is higher than a number of suppliers in the area.
- 9.161 The London Borough of Tower Hamlets has positive experience of large decentralised energy systems, installed and successfully operating on the Isle of Dogs (Barkantine District Heating System), without experiencing any of the potential problems listed in the report.
- 9.162 The Supplementary Energy Strategy Paper dated 15<sup>th</sup> February 2010 sets out the proposed strategy as:
- Block E: Communal CHP (320kW) + supplementary gas boilers
  - Block F: Communal CHP (160kW) + supplementary gas boilers
- 9.163 Therefore to comply with planning policy requirements the two energy centres will need to be connected together as part of one energy network. The cost of this will be approximately £1,000 per metre.
- 9.164 The proposal for the feeder sites are as follows;
- Feeder Site 2: New gas fired boiler
  - Feeder Site 3: New gas fired boiler and link to the existing gas CHP plant in the adjacent building
  - Feeder Site 4: New gas fired boiler
- 9.165 The proposals for the Feeder Sites set out in the supplementary energy paper are a change on the original proposals for micro CHP, as detailed in Sustainability Statement (with Energy Statement) dated 18th December 2009. The change in the energy strategy cannot be accepted and therefore FS2, FS3 and FS4 will need to provide its own micro CHP and FS3 will need to link in to the adjacent development for the development to provide acceptable carbon emission savings on the feeders sites.
- 9.166 The current proposals do not include on-site renewable energy generating technologies. The Supplementary Energy Strategy Paper dated 15<sup>th</sup> February 2010 investigates the application of renewable energy technology in place of the proposed CHP. The investigation should have been into the application of renewable technologies alongside the proposed CHP system to collectively minimise the emissions of carbon dioxide
- 9.167 As such, the proposed development is not considered to currently accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008, policy CP38 of the IPG and policy SP11 of the CS. However, it is considered that the development can be appropriately amended through the connection of the CHP plants on Site E and Site F, and the provision of micro-CHP as detailed above to provide an acceptable solution which will on balance be appropriate in terms of the policies. Council officers are currently discussing this matter with the applicant to see how this can be achieved and obtain their commitment to this. The outcome of these discussions and confirmation on whether the applicant has confirmed an acceptable solution will be reported to the SDC members prior to consideration of this application via an addendum report at the Committee.

#### Biodiversity

- 9.168 Policy 3D.14 of the London Plan 2008, policies DEV57 and DEV61 of the UDP, policies CP31 and CP33 of the IPG and policy SP04 of the CS seek to protect and enhance biodiversity and natural habitats.

- 9.169 The site is not designated as a Site of Nature Conservation or Importance, although the canal immediately adjacent to Feeder Site 2 is. As this is an Outline application, there are no details of the landscaping or proposed biodiversity measures at this stage. In overall terms, the provision of additional landscaped open space is likely to improve the range of habitats available and promote biodiversity in accordance with policy. Furthermore, the applicant has submitted a biodiversity report which provides a number of measures to mitigate the impact of the development and enhance the biodiversity in the area.
- 9.170 Conditions of consent are recommended to require the measures outlined in the report to be undertaken and included during the landscaping and external appearance design and implementation of the development.
- 9.171 It is therefore considered that the proposed development would provide important biodiversity enhancements to this inner city location and that the proposed development would be consistent with Policy 3D.14 of the London Plan 2008, policy DEV61 of the UDP, policy CP31 of the IPG and policy SP04 of the CS.

### Water

#### *Flood Risk, Water run-off and Waste Water*

- 9.172 The Ocean Estate is located in Flood Risk Zone 1 and thus is not at risk from flooding from fluvial or tidal influenced sources within a return period of 1 in 1000 years. However, as the site exceeds one hectare a Flood Risk Assessment has been provided.
- 9.173 The report details that suitable Sustainable Urban Drainage Systems (SUDS) which are applicable to the development sites will be implemented to ensure that the discharge rate from the development does not exceed that of the existing Greenfield runoff conditions of the sites.
- 9.174 While the report has assessed the viability of a number of techniques available, it has not proposed any specific options to be implemented. It is therefore recommended that a condition should be imposed so on the development, if approved, to ensure the submission of details to ensure the mitigation of water runoff within the development.
- 9.175 Subject to imposing the recommended conditions it is considered that the proposed development would adequately mitigate against flood risk, water run-off and waste water generation.

#### *Water use*

- 9.176 The applicant has not provided details of the proposed water usage or mitigation provisions. It is therefore considered that conditions be included that low flow water use devices be used and that a Sustainable Homes Assessment be required, in order to ensure the minimisation of water usage.
- 9.177 Subject to the recommended conditions the proposed development is considered in accordance with policies, DEV69, U3 of the Unitary Development Plan 1998, policies CP37, DEV7, DEV 8 and DEV21 of the IPG and policies 4A.12, 4A.13, 4A.14 and 4A.16 of the London Plan 2008.

### Construction Waste and Recycling

- 9.178 Policy 4A.28 of the London Plan 2008, policy CP39 of the IPG and policy SP05 of the CS require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 9.179 The applicant has provided an initial Site Waste Management Plan for the development

detailing that they will follow the principles of the waste hierarchy and reduce, reuse and recycle.

- 9.180 Conditions of consent should require an updated Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan, the development would be considered to be in accordance with policy 4A.28 of the London Plan 2008, policy CP39 of the IPG, and policy SP05 of the CS.

### **Planning Obligations**

- 9.181 Policy DEV 4 of the UDP and policy IMP1 of the IPG state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

- 9.182 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:

- Provide a contribution of **£9,403,500** for landscaping and environmental improvements to Ocean Estate. (Of this £696,500 will be ring fenced for a new public park on Mile End Road as part of the High Street 2012 initiative, which will in turn secure a further £696,500 of funding from the London Development Agency.)
- Provide a contribution of **£320,892** for the provision of educational facilities in the borough
- Provide a contribution of **£270,000** to Transport for London towards Transport for improvements to Bus capacity on the 309 service.
- Provide a contribution of **£105,608** for Local Highway Improvements on Ben Jonson Road
- Affordable Housing (33%)
- Car Free Development for all new units
- Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
- Green Travel Plan to encourage sustainable travel to and from the development by residents.
- Provision of public access to the public open space
- Servicing Management Strategy
- Car Parking Strategy
- Code of construction management
- Electric Vehicle Charging Provisions

- 9.183 The scheme will also be contributing ground rents from all of the private sale new-build flats, together with the rents from the new-build shops on Ben Jonson Road north and the rents from the existing shops on Ben Jonson Road south, to the Ocean Regeneration Trust in perpetuity. The value of the rents is calculated at £256,906 per annum which equates to a capitalised value of £3.235m. These funds will enable the Trust to continue ongoing regeneration activities in the area.

- 9.184 In accordance with policy DEV 4 of the UDP and policy IMP1 of the IPG it is considered that the inclusion of these matters in a Section 106 Legal Agreement, together with the recommended conditions would adequately mitigate against the impacts of the development.



## Conclusions

9.185 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.

