

Committee: Strategic Development	Date: 16 th Feb 2012	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Elaine Bailey		Ref: 11/03548	
		Ward: East India and Lansbury	

1. APPLICATION DETAILS

NOTE: The application site falls wholly within the planning functions of the London Thames Gateway Development Corporation (LTGDC). London Borough of Tower Hamlets is a statutory consultee on this application.

This report therefore provides an officer recommendation which is intended to form the basis for the Borough's observations to LTGDC. The Strategic Development Committee is requested to consider the endorsement of this recommendation only.

Location: Aberfeldy Estate, Abbott Road, London, E14

Existing use: Site is currently cleared and vacant (former Currie and Dunkeld Site)

Proposal: Erection of three blocks between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road to provide 342 new residential units, 352 sqm of new retail floorspace (A1 and A3), a marketing suite of 407 sqm, semi-basement and ground floor parking, cycle parking, landscaped public open space and private amenity space and other associated works.

This proposal constitutes Phase 1 of the Outline Planning Application (ref: PA/11/2716) for the wider development of Aberfeldy – application.

Drawing Nos: Phase 1 Overall Masterplans & Sections

000 Rev P1 (Site Boundary and Site Ownership);

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, adopted Core Strategy 2010		Development Control 020 7364 5338

001 Rev P6 (Site Masterplan);
002 Rev P5 (Site Masterplan – colour);
003 Rev P2 (Section A – A);
004 Rev P2 (Section B – B);
005 Rev P2 (Section C – C);
006 Rev P2 (Section D – D);
007 Rev P2 (Section E – E);

200 Rev P1 (Site Elevations);

Specific Block A

100 Rev P6 (Block A – Ground & 1st Floor Plans);
101 Rev P6 (Block A – 2nd & 3rd Floor Plans);
102 Rev P6 (Block A – 4th & 5th Floor Plans);
103 Rev P6 (Block A – 6th & 7th Floor Plans);
104 Rev P6 (Block A – 8th & 9th Floor Plans);
105 Rev P5 (Block A – Roof Plan);

210 Rev P4 (Block A – Elevations);
211 Rev P4 (Block A – Elevations);

260 Rev P1 (Block A – Rendered North Elevation);
261 Rev P1 (Block A – Rendered South Elevation);
262 Rev P1 (Block A – Rendered Elevations);
263 Rev P1 (Block A – Rendered Sections);

Specific Block B

120 Rev P6 (Block B Ground and 1st Floor)
121 Rev P6 (Block B 2nd & 3rd Floor)
122 Rev P6 (Block B 4th & 5th Floor)
123 Rev P6 (Block B 6th & 7th Floor)
124 Rev P6 (Block B 8th & 9th Floor)
125 Rev P6 (Roof)

220 Rev P5 (Block B – Elevations);
221 Rev P5 (Block B – Elevations);

270 Rev P1 (Block B Rendered A13 Elevation)
271 Rev P1 (Block B Rendered A13 Elevation)
272 Rev P1 (Block B Rendered North Elevation)
273 Rev P1 (Block B Rendered West Elevation)
274 Rev P1 (Block B Rendered Elevations)
275 Rev P1 (Block B Rendered South Elevation B)

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Specific Block C

139 Rev P6 (Block C Basement)
140 Rev P6 (Block C Ground Fl)
141 Rev P6 (Block C 1st Floor)
142 Rev P6 (Block C 2nd Floor)
143 Rev P7 (Block C 3rd Floor)
144 Rev P6 (Block C 4th Floor)
145 Rev P6 (Block C 5th Floor)
146 Rev P6 (Block C Roof)

230 Rev P5 (Block C - Street Elevations)
231 Rev P5 (Block C – Courtyard Elevations);

280 Rev P1 (Block C Rendered South Elevation Street)
281 Rev P1 (Block C Rendered North Elevation Street)
282 Rev P1 (Block C Rendered South Elevation Courtyard)
283 Rev P1 (Block C Rendered Southwest Elev Courtyard)
284 Rev P1 (Block C Rendered North Elevation Courtyard)

Documents:

AVD1 Application Form;
AVD2 Scale Site Plan;
AVD3 Planning and Design Statement and Statement of Community Involvement (Phase 1);
AVD4 Access Statement (Phase 1);
AVD5 Plans and Drawings;
AVD6 Supplementary Environmental Statement Non-Technical Summary (Phase 1);
AVD7 Supplementary Environmental Statement (Phase 1);
AVD8 Supplementary Environmental Statement Annexes (Phase 1);
AVD9 Energy Statement (inc. pre-assessment) (Phase 1);
AVD10 Financial Statement and S106 Heads of Terms.

AVO10 and AVO10B OPA Risk Assessment (dated 26th Oct + update dated 19th Jan);
AV07 Copy of OPA Statement of Community Involvement;
AV09 Annex P Transport Assessment;

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Applicant: Poplar HARCA and Willmott Dixon Homes Ltd

Owners: Schedule attached to Cert B of planning application form.

Historic buildings: None within application site.

Conservation areas: None.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. Officers have 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 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework, and has found that:
- 2.2. Through the provision of a new residential led mixed use development, which comprises Phase 1 of the wider regeneration plans for Aberfeldy, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in Poplar Riverside, in accordance with the objectives of Policy 3.4 the London Plan (2011) the Lower Lea Valley Opportunity Area Planning Framework (2007); Leaside Action Area Plan (2007), LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan (1998); and Policy DM3 of Draft Managing Development DPD (2012).
- 2.3. On balance, the benefits of regenerating Aberfeldy to create 342 additional homes for the Borough including affordable family homes and new improved community and social infrastructure (which will come forward in later phases) is considered to outweigh the potential risk associated with the proximity of the site to the existing Poplar gasholders at Leven Road. As such, the development is considered to be acceptable on balance and in accordance with Saved Policies DEV53 and DEV54 of the UDP (1998) and Policy DM30 of the draft Managing Development DPD (2012) which seeks to resist new developments in close proximity to hazardous installations, where it would be a significant threat to health and the environment.
- 2.4. On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.5. The urban design, layout, building height, scale and bulk and detailed design are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (2012) which

seek to ensure buildings and places are of a high quality of design and suitably located.

- 2.6 In light of the overall site constraints, particularly the proximity of the site to the existing gasholders and the tested viability constraints, the proposed affordable housing offer (at 28% for Phase 1) and the proposed mix of units are considered acceptable, as they will contribute towards the delivery of new affordable homes and will also contribute towards achieving an improved mix in tenure across the wider Aberfeldy estate, in line with Policies 3.8-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regards to site constraints and viability.
- 2.7 On balance, the development will provide acceptable internal space standards and layout considering the site constraints. As such, the scheme is in line with the London Housing Design Guide (2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).
- 2.8 The quantity and quality of housing amenity space, communal space, child play space and open space is considered acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Draft Managing Development DPD (2012) which seek to improve amenity and liveability for residents.
- 2.9 On balance, and considering the site constraints and urban context, it is not considered that the proposal will not give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the of the Core Strategy (2010) and DM25 of the Draft Managing Development DPD (2012), which seek to protect residential amenity.
- 2.10 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (2012) which seek to promote energy efficient and sustainable development practices.
- 2.11 Whilst the proposed S106 package fall significantly short of the Council's requested amount, particularly for a development of this scale, officers accept the applicants offer in light of the viability constraints demonstrated through this proposal. The provision of 28% affordable housing in Phase 1 (including appropriate review mechanisms to capture additional affordable housing) alongside streetscene improvements, education contribution and the provision of new on site health facility in later phases, the package is considerable acceptable. Furthermore and in consideration of the wider benefits that this application will bring in terms of creating a much improved

community for Aberfeldy, the proposed S106 package is considered acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That Committee resolve to **formally support** the application for the reasons set out above, subject to:

3.2 **A. Any direction by The Mayor of London**

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

- a) To provide a minimum of 28% of the residential accommodation across Phase 1 as affordable housing measured by habitable rooms (with necessary review mechanism to assess the capacity of the Phase to provide additional affordable housing prior to construction).
- b) 20% skills match and local labour.
- c) Commitment to utilising employment and enterprise, an in house training and skills initiative in order to maximise employment of local residents (*unresolved at the time of writing this report*).
- d) A financial contribution of £308k towards leisure and community facilities if the proposed replacement community centre is not delivered by a specific date completion of Phase 4.
- e) A contribution of £93,429 to mitigate against the demand of the additional population on educational facilities in Phase 1.
- f) A contribution of £160k towards health facilities of the onsite health facility is not delivered by a specific date or /completion of Phase 4.
- g) A contribution of £3k towards Travel Plan monitoring.
- h) The completion of a car-free agreement (existing tenants not subject to car and permit free agreement).
- i) S106 Monitoring fee (2%)
- j) 20% skillsmatch
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.3 **C. A 21-day consultation period with the Health and Safety Executive.**

That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.4 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

'Compliance' Conditions –

- Timing – within 3yrs
- In accordance with approved plans
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Bird nesting (City Airport)
- Flight path, crantage height, lighting (City Airport)
- Consultation with National Grid
- Tree replacement
- Compliance with site wide energy strategy and temp energy centre
- Compliance with plan submitted to London Fire and Emergency Planning Authority.

'Prior to Construction' Conditions:

- Drainage Strategy
- Contamination – investigation and remediation
- Archaeology
- Access strategy including details of all public access ramps
- Landscape and public realm masterplan
- Construction Environment Management Plan
- Construction Logistics Plan
- Waste Management Strategy
- Air Quality Management Plan
- Site Flood Emergency Plan
- Fire and Emergency detail
- Thames water foundation and piling details (Thames Tunnel)
- Thames water (minimum pressure head and flow rates)
- Thames water (drainage plans for all phases)
- Car Park Management Plan
- Tree planting scheme
- Tree survey and protection plan
- PV plan
- Ground surface materials and boundary treatment details
- Wind assessment and mitigation
- Shop front and signage detail
- Details of public realm, lighting and street furniture proposed for public plaza.
- Temp use ground floor of Phase 1 for marketing suite
- Sample of all external materials

- Car parking layout and space provision
- Cycle storage and parking details
- Noise insulation and ventilation measures
- Detail of plant extract equipment
- Details of all brown and green roofs including biodiversity measures
- Lighting scheme and CCTV details
- Storage of waste and recycling

Site Wide 'Prior to Occupation' Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses.

Informatives:

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice

4 Proposal & Background

Proposal

- 4.1 This proposal constitutes the Phase 1 of the Outline Planning Application (ref: PA/11/2716) for the wider development of Aberfeldy Estate.
- 4.2 The application proposes the erection of three blocks (Blocks, A, B and C) between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road. Together these blocks will provide 342 new residential units and 352 sqm of new retail floorspace (A1/A3).
- 4.3 Of the 342 units proposed, 28% will be for affordable housing. This equates to 74 new affordable units or 265 affordable habitable rooms.
- 4.4 Block A will be a rectangular block located parallel with the A13 and will comprises two x 10 storey components, connected with a lower 6 storey element. This block seeks to shield the wider development from the A13 whilst providing a strong robust edge to the development. This block will be entirely residential with a mixed tenure.
- 4.5 Block B will be the most eastern block on the site and will comprise a part 6 storey, part 10 storey block. It seeks to provide a strong edge to the A13 junction and together with Block C, marks the main pedestrian entrance point to Phase 1 of the development and also the main entrance in to the new public linear green space. This block will also accommodate a temporary marketing suite and as the later phases develop, the ground floor will accommodate 3 x A1 and/or A3 units with residential on the upper floors for private market occupation.
- 4.6 Block C will be entirely residential and of mixed tenure. This block will provides a 6 storey edge to Blair Street and Abbott Road, stepping down to 5 storeys along the edge of a proposed public plaza and will decrease to 4 storeys along the new proposed public open space.
- 4.7 A new public plaza is proposed from Abbott Road which will lead into the development and the new linear open space – East India Green. The public square will connect with the proposed terraced area at the ground floor of Block B.

Site & Surrounding Area

- 4.8 The application site is a vacant brownfield site which falls within the wider Aberfeldy estate and represents Phase 1 of a larger regeneration proposal for Aberfeldy estate. The current application for Phase 1 focuses on the south east corner of Aberfeldy on what is referred to as the former Currie and Dunkeld site. These former blocks were demolished and occupants decanted in 2009 due to the standard of living within these blocks and associated anti-social behavioural problems.
- 4.9 A separate report has been compiled outlining the larger Outline Planning Application.

- 4.10 Whilst the application site itself is currently vacant, the wider Aberfeldy estate is predominantly residential in character with post war housing and 1970's infill social housing dominating the estate. The majority of housing ranges between 2, 4 and 6 storeys in height.
- 4.11 The designated Aberfeldy Neighbourhood Centre acts as the active spine through the estate, where the main social, community and retail provision sits.
- 4.12 The area contains a number of green spaces, notably, Millennium Green and Braithwaite Park. The Leven Road Gas Works are situated to the east of the site, on the opposite side of Abbott Road, which contains three gasholders and a large secure storage area.
- 4.13 The road network around Aberfeldy Estate is defined by the A12 Blackwall Tunnel North Approach running north-south along the site's western boundary and the A13 East India Dock Road running east-west along the southern boundary. Abbott Road is the principle link through the site, connecting the A12 and A13. There is no right turn into Abbott Road for northbound traffic on the A12 Blackwall Tunnel Northern Approach. Aberfeldy Street is the main shopping street in the estate.
- 4.14 The main pedestrian access points to and from Aberfeldy is provided via the A12 underpass to the east at Culloden School (Dee Street) and Abbott Road to the east. The site can now be accessed from the A13 by a new signalised surface crossing at Nutmeg Lane, which opened in January 2012.
- 4.15 In terms of public transport, the estate is currently served by the 309 bus route which uses stops on Aberfeldy Street, Blair Street, Abbott Road, the A12 and A13. The A13 is used by routes 115, N15, N550 and N551 providing links between Central London and Canning Town. The A12 is served by route 108 which operates between Lewisham and Stratford.
- 4.16 Both the Stratford and Beckton branches of the DLR are accessible from the site. Most convenient are East India and Blackwall, both of which are approx 5-10 walk from the site. These provide links to Canning Town station which is also served by the Jubilee Line. Langdon Park on Stratford DLR branch is accessible further to the east.

5 MATERIAL PLANNING HISTORY

PA/08/01107 – Former Currie and Dunkeld Site, Abbott Road.

- 5.1 A full planning application submitted in June 2008 for the demolition of existing buildings on site and proposed the redevelopment of site by constructing new buildings ranging in height from 4 to 22 storeys to provide 241 dwellings comprising, 394sqm of cultural facilities (D1 use), public open space, structural landscaping and amenity, associated car parking and cycle storage and the creation of new vehicular and pedestrian routes.
- 5.2 The application was withdrawn in Sept 2008 due to unresolved issues, mainly being associated with the height of the blocks. The buildings were demolished in April 2009 and site is currently vacant.

PA/11/02716 – Outline Application for redevelopment of the wider estate.

5.3 As noted in Section 5, an Outline Planning Application (with all matters reserved) is currently being considered for the mixed-use redevelopment of the existing Aberfeldy estate comprising the wider estate regeneration of the site. This outline application comprises:

- Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and
- Creation of up to 1,176 residential units (Use Class C3) in 15 new blocks between 2 and 10 storeys in height plus 1,743sqm retail space (Use Class A1), professional services (Use Class A2), food and drink (Use Classes A3 and A5) and 1,786 community and cultural uses (Use Class D1) together with a temporary marketing suite (407sqm), energy centre, new and improved public open space and public realm, semi-basement, ground and on-street vehicular and cycle parking and temporary works or structures and associated utilities/services.

PA/10/01344

5.4 An application was submitted in July 2010 for a broadly similar proposal to the current Outline application described above. This 2010 application was also in Outline form (with all matters reserved except for access, layout and scale) and the proposal sought permission for the mixed-use redevelopment of the existing Aberfeldy estate to comprise:

- Demolition of 298 existing residential units and demolition of 3,181sqm of existing non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and
- Creation of a new residential led mixed use scheme comprising 1,153 new residential units (net gain of 855) (use class C3) in 14 new blocks between 2 and 25 storeys in height (85.04m), plus up to 2,160sq.m. (GIA) of live/work space (Use Class Sui Generis) and up to 3,115sq.m. (GIA) of non-residential floorspace including shops (use class A1), professional services (use class A2), A3 and A5 (food and drink), B8 (storage), D1 (community, education and cultural uses, together with refurbishment and alterations of existing building structures, new and improved landscaped public open space and public realm, basement and surface vehicular and cycle parking, and temporary works or structures and associated utilities/services required by the development.

5.5 This proposal gave rise to a number of concerns from officers which can be summarised as follows:

- Dissatisfaction with the overall layout and design of the scheme,

particularly along the A13;

- Excessive height of the residential blocks (16-25 storeys);
- Concerns regarding under-provision of retail space to cater for population increase on the site;
- Principle objections to live-work uses;
- Lack of open space and play space;
- Lack of site wide energy strategy;
- Concerns regarding lack of daylight and sunlight to certain blocks;
- Lack of demonstrated consultation and engagement with the Health and Safety Executive (HSE)

5.6 The issues arising from the 2010 application have been used as a basis to shape the format and content of the current outline and full applications. Extensive pre-application discussions took place in 2010 and 2011 in attempt to resolve the many of the issues outlined above. The 2010 application has now been withdrawn.

5.7 Applicant was advised to consult the relevant stakeholders and consultees and revise the application to address the concerns above.

6 POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan)

Policies:	2.1	Inner London
	2.14	Areas for Regeneration
	3.1	Ensuring Equal Life Changing for All
	3.2	Improving Health and Addressing Health Inequalities
	3.3	Increasing Housing Supply
	3.4	Optimising Housing Potential
	3.5	Quality and Design of Housing Developments
	3.6	Children and Young People’s Play and Informal Recreation Facilities
	3.7	Large Residential Developments
	3.8	Housing Choice
	3.9	Mixed and Balanced Communities
	3.10	Definition of Affordable Housing
	3.11	Affordable Housing Targets
3.12	Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes	
3.13	Affordable Housing Thresholds	

3.14	Existing Housing
3.16	Protection and Enhancement of Social Infrastructure
3.17	Health and Social Care Facilities
4.12	Improving Opportunities for All
5.1	Climate Change Mitigation
5.2	Minimising Carbon Dioxide Emissions
5.3	Sustainable Design and Construction
5.5	Decentralised Energy Networks
5.6	Decentralised Energy in Development Proposals
5.7	Renewable Energy
5.9	Overheating and Cooling
5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.22	Hazardous Substances and Installations
6.1	Strategic Approach to Integrating Transport and Development
6.3	Assessing the Effects of Development on Transport Capacity
6.9	Cycling
6.10	Walking
6.12	Road Network Capacity
6.13	Parking
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes
7.19	Biodiversity and Access to Nature

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Area of Archaeology Importance
Flood Protection Area (Zone 2 & 3)
Local Shopping Parade (Aberfeldy)

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture

DEV43	Archaeology
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV53	HSE & Hazardous Substances
DEV54	Consultation with HSE
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG6	Accommodation over Shops
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S4	Local Shopping Parades
S7	Special Uses
S10	Shopfronts
OSN3	Blue Ribbon Network
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control

Proposals: Area of Archaeology Importance
Flood Protection Area (Zone 2 & 3)
Local Shopping Parade (Aberfeldy)
Site LS20 within Leaside Action Area Plan

Policies DEV1 Amenity
DEV2 Character and Design
DEV3 Accessibility and Inclusive Design
DEV4 Safety and Security
DEV5 Sustainable Design

DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV23	Hazardous Dev & Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision outside of Town Centres
HSG1	HSG1 Determining Housing Density
HSG2	HSG2 Housing Mix
HSG4	HSG3 Affordable Housing
HSG5	HSG5 Estate Regeneration Schemes
HSG7	HSG7 Housing Amenity Space
HSG9	HSG9 Accessible and Adaptable Homes
HSG10	HSG10 Calculating Provision of Affordable Housing
SCF1	SCF1 Social and Community Facilities
OSN2	OSN2 Open Space
CON1	CON1 Listed Building
CON4	CON4 Archaeology and Ancient Monuments
CON5	CON5 Protection and Management of Important Views

Local Development Framework: Interim DPD Leaside Area Action Plan Submission Document (November 2006) (LAAP):

Site Allocation: LS20 Currie and Dunkeld

Policies:

L1	L1 - Leaside Spatial Strategy
L2	L2 - Transport
L3	L3 - Connectivity
L5	L5 - Open Space
L6	L6 - Flooding
L7	L7 - Education Provision
L8	L8 - Health Provision
L9	L9 - Infrastructure and Services
L29	L29 – Employment Uses in Poplar Riverside Sub Area
L30	L30 – Residential and Retail Uses in Poplar Riverside
L31	L31 Local Connectivity in Poplar Riverside
L32	L32 Design and Built Form in Poplar Riverside
L33	L33 Site Allocations in Poplar Riverside

Core Strategy Development Plan Document (Adopted September 2010)

Policies:	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
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking – Tower of London Vision, Priorities and Principles

Managing Development - Development Plan Document (DPD) Draft Proposed Submission Version Jan 2012

Proposal

Policies:	DM2	Developing Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	Tall buildings
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land & Hazardous Installations

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control

PPG24 Noise
PPS25 Flood Risk

Supplementary Planning Guidance/Documents
Planning Obligations SPD 2012

Draft National Planning Policy Framework

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

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

7 CONSULTATION RESPONSE

7.1 The following were consulted regarding the application and their comments are summarised below. These should be read in conjunction with the full representations available in the case file. Officer's comments on these representations are in italic below.

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

LBTH Transportation & Highways

7.3 Comments from Transport & Parking can be summarised as follows:

Parking:

- No justification for any increase in the number of on-site car parking spaces.
- No modelling work has been carried out as a result of the parking provision.
- Details of the basement access ramps are also required.
- The submitted Transport Assessment does not include any assessment of the impacts of the proposed development on the Permit Transfer Scheme on the surrounding Council managed on-street parking bays.

Cycle Parking:

- No details of the cycle parking arrangements have been provided.

Servicing Arrangements:

- No servicing information has been submitted.

Refuse Arrangements:

- There appear to be URS hoppers within the confines of the site. The Waste Management team should be contacted in order to establish whether this is sufficient provision for the number of units proposed.

Other Comments:

- Where new access junctions are proposed, the application should include details of the junction design including visibility splays.
- Queried whether discussions been held with the Highway Improvement Works team regarding the design/treatment of the roads which form part of the adopted public highway network.
- Any works will have to be agreed with LBTH Highway Improvement Works

- team and will be undertaken by LBTH at the Applicant's expense.
- The Applicant should also be informed that only materials from LBTH's approved palette can be utilised on the public highway.
- The Applicant is again asked to confirm that no part of the building oversails or projects into, over or under the public highway.
- If the Case Officer is minded to grant Planning Permission, then Highways will seek a contribution towards public realm/highway improvement works.
- The Applicant will also have to ensure that no doors or gates open out over the public highway as such features contradict the Highway Act 1980.
- The Applicant is to enter into a S106 permit-free agreement.
- A condition requiring all private forecourt/areas to be drained within the site and not into the Public Highway should be included in any future planning permission.

[Officer Comment: These issues are discussed in Section X of this report].

LBTH Crime Prevention Design Officer

7.4 Previous discussions with developers at pre-app stage noted the following:

- Concerns regarding basement parking however, prepared to consider the option of two secured gates at the access/egress point so that a vacuum is created that allows a car to access one gate but is not able to access the second gate until the first gate is closed.
- Concern that undercroft (ramp) area could be used to hide/hang about and cause other crime. Consideration could also be given to CCTV at this point.
- All walkways from the A13 and other areas should be at least 3m wide, well lit (clear, white light source), straight (no hiding points) and are overlooked.
- Consideration should be given to New Homes Guide 2010 (e.g. in relation to doors and windows)
- Gable end walls should have at least one glazed section on the first floor or above for natural surveillance.
- Rear footpaths should consider lighting, clear lines of sight and natural surveillance.
- Please refer to New Homes Guide section 32.1 regarding alarm systems.
- Please refer to New Homes Guide 2010 regarding letter boxes.
- Please refer to New Homes Guide 2010 regarding Party wall construction.

LBTH Primary Care Trust/Tower Hamlets NHS

7.5 The PCT have provided a combined response to the Outline Application and the Full Application for Phase 1. The proposed on-site health facility for Phase 4 is supported in principle by the PCT and if this is not provided, a financial contribution in lieu is requested (in line with a HUDU model generated contribution).

LBTH Environmental Health - Contaminated Land

7.6 No comments received however case officer recommends standard contamination condition to be imposed.

LBTH Environmental Health - Daylight and Sunlight

7.7 In terms of Daylight:

- VSC levels for Blocks A , B, & C has been provided in conjunction with the ADF levels.
- Blocks B and C levels are ok because the levels of failures are of minor significance, however Block A recorded upto 56 failures which can be considered as strong adverse significance.
- The impact of Daylight/Sunlight Assessment on the surrounding properties VSC levels are generally ok.

7.8 In terms of Sunlight:

- The sunlight levels (APSH) provided for facades assessment for Blocks A, B & C are ok because there are very high levels of compliance.
- The APSH provided for with balconies assessment are as follows
- Block A compliance levels (Annual 68.4%).
- Block B compliance levels (Annual 44.6%)
- Block C compliance levels (Annual 42.1%)
- The level of compliance for Blocks B & C is an issue/concern with EH and this may be due to a design issue.
- The impact of Sunlight Assessment on the surrounding properties - APSH levels are ok.
Consideration to grant planning permission should take other aspects into account in making this decision by the Planning Officer.

In terms of overshadowing/amenity space assessment is satisfactory.

LBTH Energy and Sustainability Team

7.09 Comments from the Borough's Energy Officer can be summarised as follows:

- The submitted energy strategy is in accordance with the agreed strategy for the Outline Planning Application for the Aberfeldy estate (PA/11/02716).
- The energy strategy follows the Mayor of London's energy hierarchy.
- The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements will also reduce energy demand and associated CO2 emissions.
- The CHP (600kWe) is proposed to be delivered in Phase 3 of the development; therefore the blocks included within this Phase 1 application are to be supplied by a temporary energy centre with gas fired boilers.
- The current proposals for delivering the space heating and hotwater are considered acceptable, however an appropriately worded condition should be applied to any permission to ensure:
 - (i) Development is supplied by the CHP following completion and before occupation of Phase;
 - (ii) Development is supplied by an appropriately sized on-site CHP should the subsequent phases not be delivered.
- Photovoltaic cells supported = 6% carbon savings
- 28% reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is considered

acceptable.

Sustainability

- 7.10
- Application commits to Code for Sustainable Homes Level 4 and BREEAM Very Good (with an aspiration to achieve Excellent) for the non-residential uses of Phase 1.
 - Due to the size of the non-residential units it is acknowledged that achieving an 'excellent' rating may be difficult however it is recommended that the units seek to achieve an 'excellent' rating with a commitment to 'very good'.

LBTH Town Centre Co-ordinator

- 7.12 No comments received specific to Phase 1.

LBTH Waste Policy and Development

- 7.13 No comments received.

LBTH Education

- 7.14 No comments received however on going verbal discussions with Head of Education has confirmed that the net increase in units will generate a child yield and appropriate educational contributions will be requested. This is outlined in section 9.

LBTH Ecology & Biodiversity

- 7.15 In summary, officer notes:
- Site has very little existing biodiversity value.
 - A condition should be imposed that any vegetation with the potential to support nesting birds should be cleared between September and February inclusive (i.e. outside the nesting season).
 - Proposed green roofs and sedum, roof supported and should be secured by condition.
 - The proposed meadow planting in a swale along the north side of the main open space will be a valuable wildlife habitat, and will provide residents with access to nature and its inclusion in the landscaping should be secured by condition.

LBTH Leisure, Parks & Open Spaces

- 7.16 LBTH Communities, Localities and Culture note that the increased permanent population generated by the development will increase demand on the borough's open spaces, leisure facilities and on the Idea stores, libraries and archive facilities. Increase in population will also have an impact on sustainable travel within the borough.

The 342 new homes proposed will result in 663 new residents within the development.

The following S106 financial contributions are requested below and their justification should be read in conjunction with the full consultation responses available on the

case file.

- Open Space Contribution **£ 459,452**
- Library/Idea Store Facilities Contribution **£84,565**
- Leisure Contribution **£288,759**
- Smarter Travel **£9,951**
- Public Realm Contribution of **£522,693**

[Officer Comment: see Section 9 of this report for S106 of Heads of Terms discussion].

LBTH Trees Officer

7.17 No comments received.

LBTH Landscape

7.18 Firm tree planting proposals need to be submitted as a part for this application. I would suggest that such proposals are made prior to determination.

[Officer Comment: tree planting scheme should be conditioned].

LBTH Enterprise & Employment

7.19 The Council will seek to secure a financial contribution to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. The developer may deliver their own in-house training programme where appropriate, on the basis that individuals achieve a minimum requirement through the in-kind obligation. Where this is not possible the council will seek a financial contribution which will be used to procure and provide the support necessary for local people who are not in employment and/or do not have the skills set required for the jobs created. *(The exact contributions sought has not been finalised at the time of writing this report but members will be updated in a Supplementary Report on 16th Feb).*

A contribution of **£5,889** is also sought towards the training and development of unemployed residents in Tower Hamlets to access either: i) jobs within the A1 uses in the end-phase ii) jobs or training within employment sectors in the final development.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

LBTH Environmental Health (Commercial) - Health & Safety

7.20 Various comments made in respect of Health and Safety Regulations and the

Constructions Regulations 2007; and Establishments for Special Treatments (London Local Authorities Act 1991).

LBTH Housing

7.21

- Proposed level of affordable housing at 28% by habitable room falls below our minimum requirement of 35%. The applicant is currently undertaking a viability toolkit assessment of the scheme.
- The proposed tenure split within the affordable housing (social rent and intermediate) as 72:28 by hab rooms, falls in between the council's current target of 80:20 and the target set by the London plan 70:30 and therefore find this acceptable.
- In the affordable rented tenure, the scheme proposes to deliver no one bed units against our policy target of 30%.
- 67% two bed against our policy target of 25%.
- Suggest a better balance of the one bed and two bed units could be achieved
- 27% of three bed units, against our policy target of 30%.
- 5% four bed units against our target of 15% and one five bed units providing 2% provision.
- The scheme is to deliver 34% family sized accommodation (3 bed and larger) all of which will be social rent. This provision falls below our three plus target of 45% family accommodation requirement.
- The intermediate tenure is made up of 75% one bed units against our HSG3 policy of 25%.
- 25% provision of two bed units against our policy target of 50%.
- We feel a better balance could be made between the provision of one and two bed units within this tenure. We also note that there is an under provision of family accommodation in the three bed intermediate and private units.
- Certain units appear to be under sized as per the Mayor of London's space standards. Clarification sought.
- Blocks A & C shows stairs access only to floor levels providing affordable housing. There does not appear to be a lift to enable access. There are some family sized units that on the third floor we would ask where possible that a lift could be incorporated for the family units within this core.
- There are 342 units within this scheme we would expect more than two car spaces to be identified for disabled users within the basement car parking area if these are not being provided elsewhere within this phase of the development.
- The Council at this time are awaiting the outcome of the viability assessment currently being undertaken to justify the affordable housing provision within phase one and the overall outline scheme that is being proposed by the applicant to provide full support.

LBTH Environmental Health - Noise and vibration

7.22

No comments received however please note comments in response to Outline Application proposal.

LBTH Environmental Health - Air Quality

7.23

No response received, however condition to secure air quality management plan considered acceptable.

EXTERNAL CONSULTEES

Greater London Authority

7.24 In summary GLA made the following comments: (see full 27page response for further detail)

Principle of Development:

- In terms of the proposed residential development, the GLA acknowledge estate regeneration being recognised in LBTH local policies and proposals map, however, GLA also acknowledge the presence of the site adjacent to the gasholders.
- GLA acknowledge that proposal is likely to generate an 'advise against' recommendation from the HSE.
- Advise that further discussions take place with LTGDC and applicant regarding societal risk associated with development within gasholder safety zones to that an informed decision can be made.

Affordable Housing:

- Requires no net loss of affordable housing and clarification sought on no. existing units;
- Acknowledges that private housing that forms part of estate regen. need not provide the normal level of affordable housing where it is necessary to cross subsidise the redevelopment;
- Financial viability assessment required to determine the proposed housing offer.

Housing Choice:

- 47% of the social rented units will be family size (by hab rooms) acknowledged;
- Element of choice in private market housing is skewed towards 1 & 2 beds with no family homes and needs further discussion;

Density

- 722hrph exceeds London Plan guidance. Further discussion and justification requested;

Circulation and Layout

- Detailed comments on layout of Block, A, B and C.
- Block A - entrance cores and defensible space around ground floor commended; concerns regarding the private and affordable entrances differing in appearance and therefore not being tenure blind; No of units off a single core (9, 10, 11) disappointing; no. of north facing units disappointing; issues regarding noise and ventilation for south facing units need further consideration.
- Block B – ground floor layout commended; layouts with 13 units per floor will not create intimate living environments; issues regarding noise and ventilation for south facing units need further consideration.
- Block C – all units are raised with stepped access which is unfortunate;

Public Realm

- Needs to be inclusive and accessible particularly the access point from A13 between Blocks A & B; clarification also sought on the treatment of the area to the north of Block B;

Scale & Massing

- Recognises improvements from original masterplan; relationship between proposed blocks and Blairgowrie Court needed; Sections suggested.

Residential Quality

- Mayor's internal standards should be met.

Architecture

- Significant improvement acknowledged; simple forms and materials palette suggest high quality architecture;

Access

- Ramped solution to the south west required high quality design and materials;
- Commitment to 10% wheelchair units is noted.

Child Play Space

- 950sqm required and 1,100sqm proposed noted.

Climate Change

- Energy strategy broadly supported;
- Recognises that Phase 1 will eventually be connected to the site wide heating network; serving all of Aberfeldy via the CHP plant in Block H
- Temp energy centre proposed in Block A via temp gas fire boilers;
- Solar PVs on roofs of Blocks A, B & C commended;
- Further technical work needed as set out in detailed GLA report; headline matters include concern regarding over heating of units on A13, flooding and design

Transport

- Level of parking (0.23 spaces per unit) acceptable;
- 20% electric charging noted;
- Min of 364 cycle spaces required;
- Contributions towards bus capacity improvements, East India Dock DLR improvements and wayfinding;
- Framework travel plan acknowledged and full Travel Plan will need to be captured in the S106;

CIL

- Noted the introduction of CIL charging from 1st April for any planning permission decided after this date.

Equalities

- Further information required regarding the decanting process and phasing strategy.

[Officer Comment: The above issues are discussed in relevant sections of this report].

CABE

7.25 Comments can be summarised as follows:

- Efforts to achieve a new attractive neighbourhood is commended;

- Design quality supported – e.g use of brick creates rich & attractive appearance;
- Concerns regarding proposed density, volume and height of development and impact on amenity;
- Suggests that site layout should be reconsidered;
- High density and layout will overshadow the green space;
- Disappointed to see so many north facing single aspect units;
- Acknowledge site constraints.

[Officer Comment: Design issues discussed in Section 9 of this report].

Environment Agency

- 7.26
- The EA acknowledge extensive pre-app discussions since previous 2010 application. FRA describes a range of flood mitigation options. E.g. setting ground floor levels above breach water level, refuge in stairwells and roof terraces and evacuation plans.
 - Some concern regarding mitigations measures for 7 of the flats in Block B falling below the breach flood level.
 - Condition recommended requiring a surface water drainage scheme to be submitted.
 - EA also advise LPA to condition the submission of a site flood emergency plan to ensure active measures are implemented.

English Heritage Archaeology

- 7.27
- Conditions advised requiring (i) an archaeological investigation and subsequent recording of any remains (ii) programme of archaeological investigation.

London City Airport

- 7.28
- The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. No safeguarding objections to the proposal subject to conditions in relation to:
- Cranage or scaffolding being limited to higher elevation on plans (35m AGL) or consultation to London City Airport necessary.
 - The construction methodology and use of cranes in relation to location, maximum operating height of crane and start/finish date during the development of the project is to be agreed by London City Airport.
 - All landscaping should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport.
 - Any external lighting must ensure they do not cause confusion/distraction to pilots and impair the safety of aircraft operations.
 - Given the proximity of the development to the airport, all relevant insulation in building fabric including glasses, glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested.

London Fire and Emergency Planning Authority

- 7.29
- The LF&EPA noted in their initial comments that the application contained no information relating to fire and emergency and requests that this information is made available for to the LF&EPA at the earliest opportunity.
 - Applicant consulted the LF&EPA in Jan 2012 and the LF&EPA confirmed their satisfaction with the proposal and confirmed that they had no further objections.

[Officer comment: information was submitted to the LFEPA w/c 16th Jan for comment. It is suggested that a condition be imposed requiring the applicant to submit full details of fire and emergency access and consult with LFEPA].

National Air Traffic Services Ltd (NATS)

- 7.30 No safeguarding objections to the proposal.

BBC - Reception Advice

- 7.31 No comments received.

Thames Water Authority

- 7.32
- Raise no objection. Suggests a condition regarding minimum pressure head and flow rates and the need for drainage plans for all phases.
 - Further condition also recommended ensuring details of the design and depth of the foundations as part of the proposed piling methodology be submitted to the LPA in consultation with Thames Water, to ensure there is no impact to the Thames Tunnel Project.

EDF Energy Networks Ltd

- 7.33 No comments received.

Olympics Joint Planning Authorities Team

- 7.34 No comments received.

National Grid

- 7.35 Response received from Plant Protection team with comments relating solely to operational gas and electricity apparatus confirming that the proposed works are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus.

National Grid require consultation on technical advice and guidance.

General guidance and advice notes provided with regards the need for no works, excavation, crossings to be carried out which would affect the pressure pipelines in the vicinity without consulting National Grid Plant Protection Team.

[Officer comment: it is suggested that a condition be imposed requiring the applicant to engage with National Grid prior to the commencement of any works on site].

Civil Aviation Authority

7.36 No comment received.

Health and Safety Executive (HSE)

7.37 Based on the standard PADHI+ planning advice software tool, the HSE conclude that the risk of harm to the people of the proposed development is such that the HSE's advice will be that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission in this case.

7.38 HSE advise that if the LPA refuse the application, they will provide the necessary support in the event of an appeal. Furthermore, if the LPA approve the application against the HSE's advice, it should give notice of that intention and allow 21 days from that notice for the HSE to give further consideration to the matter. During this period, the HSE will consider whether or not to request the SoS to call in the application for its own determination.

[Officer Comment: Issues relating to the HSE and gas holder risk safety are discussed in detail in section 9 of this report].

8 LOCAL REPRESENTATION

8.1 A total of 3,532 properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the previous application, have been notified about the application and invited to comment.

The application has also been publicised in East End Life and 6 site notices were erected around the site on 31st Oct 2011.

A total of 3 representations were received (2 x objections and 1 x petition) following publicity of the application and these can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
2	2	0	0

8.2 No. of petitions received: 1

8.3 1 petition was received with 155 signatures. The petition raises specific concerns regarding a potential significant increase in overcrowding in the Borough and that a provision of 10% large family homes is an insult to the community in light of the current housing waiting lists. The petition raises objection to the Phase 1 application only.

[Officer Comment: the actual breakdown of the level of family accommodation proposed in Phase 1 is discussed in further detail in Section 9 of this report].

8.4 2 letters of objection were received from a local residents raising issues relating to:

- Potential overcrowding and associated impacts such as crime, anti-social

behaviour, noise, traffic, car parking pressures; disturbance during construction.

9 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development/Land Use Issues
- Density
- Transport, Connectivity & Accessibility
- Design
- Housing
- Affordable Housing
- Residential Standards
- Amenity
- Air Quality
- Noise & Vibration
- Energy & Sustainability
- Flood Risk
- Biodiversity & Ecology
- Health
- EIA Issues
- Other (Gas Holder Implications)
- Planning Obligations & S106
- Overall Conclusions and Regeneration Benefits

Principle of Development / Land Use Issues

Residential

9.2 At national level, planning policy promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

9.3 The site falls within the Lower Lea Valley Opportunity Area Planning Framework (2007); as well as the Leaside Action Area Plan (Interim Planning Guidance 2007), and more recently, LAP 7 & 8 of the Council's adopted Core Strategy (2010), all of which identify Aberfeldy as having the potential to accommodate new residential communities through housing estate regeneration. Policies L30 of the Leaside AAP specifically identifies how residential uses will be supported in the Poplar Riverside Sub Area, and retail and leisure uses will be supported in Aberfeldy Neighbourhood Centre.

9.4 The application for Phase 1 proposes a mix of uses with residential accommodation being the predominant land use. The application will deliver 342 new homes (C3) of mixed tenure, type and size and as such, the principle of residential use on this site is considered acceptable in land use terms. However, the site is also situated in close proximity to the existing gas holders at Level Road and consideration must also be given to the health and safety implications of the principle of residential development in this location. The application site falls within two of the safety consultation zones, as defined by the Health and Safety Executive's Planning Advice for Development near Hazardous Installations

(PADHI guidelines). Section 9 of this report, outlines the implications of this in much detail and explains how the HSE's 'advise against' recommendation may have real implications for the principle of residential development on this site

Non-Residential Uses:

- 9.5 Policy SP01 of the Core Strategy (2010) and Policy DM1 of the Managing Development DPD (2012) confirms the Borough's town centre hierarchy and seeks to enhance existing neighbourhood centres and create new ones that contain a range of shops and restaurants to serve a local catchment area. Policy DM2 of the draft Managing Development DPD also seeks to protect existing local centres and seeks to limit the size and location of local shops.
- 9.6 In Phase 1, the application proposes 411sqm of flexible A1/A3 floorspace over 3 separate units, ranging from 59sqm to 190sqm in size and to be located in the ground floor of Block B. Whilst the site does not fall within a designated shopping area, the newly located Aberfeldy neighbourhood centre will be located approximately 350m away. A limited proportion of retail is therefore considered acceptable in this location as part of the mixed use development as it is seen to support and complement the uses proposed for Aberfeldy's new retail hub which will deliver up to 1,332sqm of retail space (in Phase 3 & 4 of the development). The Lower Lea Valley Opportunity Area Framework (2007) also identified this part of Aberfeldy as being suitable for a mix of uses which further supports retail within this proposal.
- 9.7 The application also seeks permission for a temporary marketing suite to be located in the ground floor of Block B to facilitate the sale and marketing of the remaining phases of the development. This marketing suite will then be converted to the block car park, bicycle store and a small 59qm A1/A3 unit.
- 9.8 With the above in mind, the proposed development is considered to accord with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy DM1 and DM2 of the draft Managing Development DPD (2012) which together seek to protect and enhance the Boroughs retail hierarchy and ensure adequate provision of supporting retail activity.

Density

- 9.8 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.9 The site has a public transport accessibility level (PTAL) of 4. For urban sites with a PTAL range of 3-4, both London Plan and LBTH Core Strategy suggests a density of between 200-700 hrph.
- 9.10 The proposal results in a density of 722hrph. Whilst the density threshold exceeds the recommended guidance at a strategic and local level, the average density across the wider Outline Application is calculated as 376hrph. It is also worth noting that the previous application proposed up to 1135hrph in this specific part of the site (Phase 1) so the revised proposal represents a more comfortable and justified density. This reduction is partially due to the applicants need to redistribute the density away from the gasholders at Abbott Road and reduce the level of private family homes to smaller units in order to address the gasholder

and safety risk index.

- 9.11 It should also be noted that the new pedestrian crossing across the A13 (which is currently under construction) will improve the accessibility of the site which further supports a high density development in this location.
- 9.12 Furthermore, density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Transport, Connectivity and Accessibility

- 9.13 PPG 13 and the London Plan 2008 and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 9.14 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.15 Section 5 of this report describes the existing road network in and around Aberfeldy and identifies how the western and southern boundaries of the site are bound by the A12 and A13. Phase 1 in particular is bound by the A13 to the south and Abbott Road to the east. Section 5 of the report also describes the existing public transport network; the site's proximity to East India Station, Blackwall, Canning Town and Langdon Park; and the existing and proposed pedestrian access points for the estate.
- 9.16 The Public Transport Accessibility Level (PTAL) of Phase 1 is 4 and therefore has 'good' access to public transport. As such, the site is capable of accommodating a reasonably dense level of development. The PTAL rating for the site is also considered to further improve through the opening of the new A13 pedestrian crossing at Nutmeg Lane. This is considered to greatly improve the permeability of the site, and its connection with later phases especially to pedestrian access to East India and Blackwall Stations.
- 9.17 The layout for Phase 1 will feed into the new east west linear green space running parallel to Blair Street and the A13 – it is proposed to be crossed by four access drives, and the beginning of this is evident in Phase 1. These areas will be treated as shared surfaces.
- 9.18 In order to assess the capacity of existing road networks to accommodate the proposed development, the application is supported by a Transport Assessment and uses TRAVL data to examine the existing and proposed trip generation for

the development. The findings suggest that the proposed development for Phase 1 will have a minor increase in vehicular trips and a negligible impact on local highway network.

- 9.19 However, the Borough's Highways Officer has raised concerns regarding the traffic impact on network capacity and requested additional traffic modelling information in relation to the junction of A12 and Abbott Road. This has not been resolved at the time of writing this report and will be updated in the Supplementary Agenda on 16th Feb.
- 9.20 The specific controls over construction vehicle will be secured by a condition requiring a Construction Method Statement.

Servicing and Deliveries

- 9.21 It is proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation.

Waste/Refuse

- 9.22 A Refuse Strategy was submitted in January 2012 confirming the applicant's commitment to refuse storage and collection arrangements. A URS (underground recycling and refuse system) is proposed within the site in line with the Council's own guidelines. Refuse URS are to be positioned within 25m of main core/circulation entry points to the blocks. Discussions between LBTH Highways and the applicant has confirmed that due to fewer recycling URS points required than refuse, it was agreed in principle that distances to these could be further than 25m from main core/entry points. Highways have requested that all URS and URS collection areas are to be located on private land, none to be on public roads. Commercial waste is to be collected by an independent contractor.

Car Parking

- 9.23 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the draft Managing Development DPD (2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.24 The site currently has a total of 29 general car parking spaces and 3 disabled car parking spaces. Some of these serve the existing Blairgowrie Court and Richie House. The proposed development proposes 80 parking spaces (10% of which will be disabled). This represents a parking ratio of 0.2 spaces per unit which strictly complies with LBTH and London Plan parking standards, however, the Borough's Highways Officer is not in support of any increase in parking and has requested the applicant to rationalise/reduce the existing on-site parking. Any increase to the 29 existing spaces is not supported by Highways.
- 9.25 Officer have taken the view that since this development comprises an estate regeneration proposal, certain provisions for the relocation of existing tenants need to be honoured and parking is one such example. In addition, the applicant has demonstrated that the provision of additional parking spaces has a considerable impact on the commercial viability of the scheme. Therefore considering there is not a significant increase in the ratio of total parking spaces to number of dwellings, and a ratio of 0.2 falls below the Council's maximum

threshold as required by the MD DPD 2012, the additional car parking provision is considered acceptable.

- 9.26 The additional parking will be accommodated primarily in secure basement car park alongside 14 on street surface spaces.
- 9.27 The Borough's Highways Officer has confirmed a permit free agreement will be required through the S106 restricting new residents from securing parking permits. Two car club spaces are also proposed in line with Street Car's advice and the Highways Officer is satisfied with this.
- 9.28 A commitment towards the production of a Travel Plan has also been proposed by the applicant and the occupiers of the commercial element of the development will be required to comply with the contents of this Plan

Provision for Cyclists

- 9.29 Cycle parking is to be provided in line with LBTH and London Plan standards with one space per unit and one visitor space per 10 units. Cycle storage locations are identified on the proposed plans close to each block and within the main public plaza off Abbott Road. Cycle parking for the retail uses and temporary marketing use will also be required and it is recommended that this is secured through condition.

Pedestrian Environment

- 9.30 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities in the later phases. The key pedestrian routes likely to be used by residents in Phase 1 are those from the A13 East India Dock Road Bus Stops, East India DLR and Canning Town Station.
- 9.31 In line with policy objectives to ensure high quality pedestrian environments, the applicant proposes additional access points via ramps and stops from East India Dock Road to the site to improve permeability along the A13 frontage. Measures such as maps and directional signage are also proposed to assist the pedestrian environment, general wayfinding and improve permeability.

Other

- 9.32 Highways Officer has confirmed that the applicant will require a Highways Oversailing Licence for any projections over the adopted highway. The applicant has been informed of this requirement.

Inclusive Environments

- 9.33 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and Policy SP10 of the Core Strategy seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.34 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

- 9.35 The site has a number of identified constraints to accessibility. The biggest being the difference in levels across the site, but also between the centre of the site and the A13 to the south which lies higher. The site also falls within two flood zones and this has had a considerable impact on the design and layout of the development. In some instances, buildings levels have had to be raised in one of the Blocks, to ensure habitable rooms are above flood breach levels and to ensure refuge from flood waters is achievable. Following discussions with the EA, the applicant has now confined the raising of ground floor levels to higher flood risk areas. This has ensured that the remainder of the development complies with accessibility requirements.
- 9.36 However, despite the constraints identified above, the site's location within a good PTAL area, alongside the provision of step free access routes across the site where possible indicates that the site will be accessible, usable and permeable for all. A number of principles have also been adopted by the applicant to ensure this and these include – accessible drop off points within 50m of homes, school, retail entrances; a commitment to Lifetime Homes standards; a commitment towards the provision of 10% wheelchair accessible homes; and non segregated entrance points to public buildings; compliance with Part M Building Regs to ensure level/ramped access.
- 9.37 It is considered that the detailed design of proposed ramped access to Phase 1 will need careful consideration and will need high quality, attractive and inclusive materials. It is recommended that this is secured through condition.

Urban Design

Layout, Mass, Scale & Bulk

- 9.38 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.
- 9.39 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the draft Managing Development DPD (2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.40 Phase 1 comprises three building blocks (A, B and C). In the previous application, these buildings reached 14-25 storeys in height. The current application reduces this to 6-10 storeys, which is considered a significant improvement and more in keeping with the general scale of the development in the immediate vicinity. Blocks A and B will provide a strong building edge along the A13 and also aim to shield the development from the busy A13. Any family accommodation within these blocks will have dual aspects looking out and opening out on to attractive courtyards and accessible green space. Building C frames the main entrance from Abbott Road and again provides a strong edge to

this entrance. Each of the 3 blocks have lower rise elements, which maximise daylight and sunlight into the units and into the open spaces and also reduce the bulk and mass of the blocks.

- 9.41 Officers have raised concerns regarding the number of units with north facing aspects, some of which will have single aspects. This has implications for the overall quality of the residential environment, particularly in terms of outlook, daylight and sunlight (which is discussed further in later paragraphs). However, officers have also acknowledged the site constraints – particularly the potential noise and outlook from the A13. As such, it is clear that the applicant's design team have taken this into consideration and weighed up the need to protect the residential environment from the busy A13 and orientated blocks to look on to the proposed linear open space and court yards at East India Green. This inevitably results in the provision of north facing units and some single aspect units.
- 9.42 The design theme created by the applicant for the 3 blocks in Phase 1 has been to provide a 'modern warehouse' appearance, through a regular form and a restricted palette of materials with a mix of dark to light brown brick materials. A mix of recessed and cantilevered balconies are proposed and this is considered to break up the bulk and scale of the blocks and add visual interest and character to the elevations. All of the units facing the A13 will have winter garden enclosures of a recessed or cantilevered nature. Securing high quality materials is imperative to the success of this proposal. A condition is proposed securing the submission of full details including samples of materials.
- 9.43 It is considered that the overall design strategy and proposed layout for Phase 1 is carefully balanced against all of the site constraints and opportunities. In line with strategic and local policies objectives, the overall design strategy respects the existing constraints and opportunities on site, such as the busy A13; the existing blocks on site; and access to adjoining green spaces. In many instances, the proposed building lines and orientation of building blocks have been dictated by many of the existing residential blocks on site within and outside the application boundary such as Blairgowrie Court in Phase 1. The layout and building lines for the Phase 1 blocks seek to respect the existing layout, position and orientation of Blairgowrie Court and those properties north of Blair Street.
- 9.44 The general bulk, scale and mass and detailed design of the building blocks in Phase 1 are considered acceptable as they respect the scale and mass of the existing buildings on the site and within the vicinity.
- 9.45 Therefore, in line with strategic and local policy objectives, the proposal is considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in Aberfeldy. The proposal appears sensitive to the character of their surroundings in terms of bulk, scale and use of materials. Conditions are recommended to ensure quality of materials in line with that outlined in the Design and Access Statement.
- 9.46 As such, the scheme accords with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23 and DM24 of the Managing Development DPD (2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

Height /Tall Building Aspect/ Views

- 9.47 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 9.48 SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate.
- 9.49 Whilst the site is not strictly located within an area designated for a tall building, the site does fall within the backdrop of Canary Wharf and opposite the site along the A13 sits a number of tall buildings which will exceed that of the proposed development. Officers have confirmed the principle of tall buildings in this location previously, however not to the scale of what was proposed in the 2010 application (up to 25 storeys). Building heights in Phase 1 have been positioned on the edges of the site where buildings can provide a buffer between central spaces and the busy A13. The family homes and affordable housing will generally be located away from the edges of the estate and at ground floor level and will benefit from being closer to proposed courtyards and open space.
- 9.50 It is considered that the group of taller buildings proposed in various volumes with various set backs, will sit comfortably within the site context and will ensure that the development of this site would make a positive contribution to the streetscape and locality.
- 9.51 The site does not fall within any protected viewing corridors however consideration has also been given to the potential impacts of the development on surrounding local and strategic views, including views into and out of adjoining conservation areas.
- 9.52 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distance views.

Housing

- 9.53 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 9.54 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new

housing in the eastern part of the borough, in a number of identified places and 'Poplar Riverside' is identified as one of such places.

- 9.55 The application proposes 342 new residential units. This represents Phase 1 of the wider Outline application for the site. In terms of units, Phase 1 will deliver 29% of the total masterplan target of up to 1,176 units and is expected to come forward in 2012. This level of housing is considered to significantly contribute towards Tower Hamlets annual target of 2,885 per year.

Affordable Housing

- 9.56 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 9.57 In addition, and of relevance to Aberfeldy, Policy 3.9 of the London Plan seeks to balance tenure and household income within new development, particularly in areas where social housing dominates.
- 9.58 Policy SP02 of LBTH's Core Strategy (2010) seeks 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.
- 9.59 Phase 1 proposes 28% affordable housing across the site. This equates to 74 new affordable units or 265 affordable habitable rooms (social rent and intermediate). There are no new affordable rent product units proposed in Phase 1.
- 9.60 The proposal falls short of the Core Strategy target which seeks to achieve with a minimum of 35% affordable housing provision. However, the site has a number of site constraints and a viability assessment has been submitted in support of the application which demonstrates that the proposal can not deliver any affordable housing above 28% for Phase 1 at this point in time. The applicant has sited significant viability challenges in support of its case - such as the £23million leaseholder buyout cost; the loss of £12million HCA grant funding; costly flood mitigation measures and access measures, and the implications of revising the scheme to make account of HSE concerns regarding the gasholders. These challenges have constrained the overall viability of the proposed regeneration of Aberfeldy to an extent where the level of affordable housing provision is limited to 26% across the site as a whole. However, the application seeks to maximise the level of affordable housing that is proposed by matching this against actual housing need in Aberfeldy. As such, the affordable element is heavily weighted towards larger 3, 4 and 5 bedroom homes based on specific family waiting lists.
- 9.61 It must also be recognised that this application forms part of the wider redevelopment of Aberfeldy which seeks to demolish and rebuild 211 existing affordable homes to a better standard and quality.
- 9.62 A review mechanism is proposed in the S106 accompanying the Outline application which seeks to review each phase of the development with the objective of confirming the extent of likely surplus affordable housing. The details of this review mechanism is discussed in more detail in the accompanying outline application (Ref: 11/02716).

- 9.63 This application must also be considered in light of estate regeneration principles and more specifically proposals which seek to create an improved tenure mix and a more balanced community in line with Policy DM3 of the Managing Development DPD (2012) and Policy 3.9 of the London Plan. The Aberfeldy area is already highly saturated in social rented affordable housing and this application will assist in addressing that balance through the addition of private market housing.
- 9.64 In light of the above, and in consideration of the overall site constraints, particularly the proximity of the site to the gasholders and the tested viability constraints, the proposed affordable housing offer (at 28%) is considered acceptable as it will contribute to achieving a better mix and standard of affordable housing and an improved mix in tenure for Aberfeldy, in line with Policies 3.9-3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) Proposed Submission Version.

Housing Type and Tenure Mix

- 9.65 Pursuant to policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 9.66 Saved Policy HSG7 of LBTH's UDP (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.
- 9.67 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.
- 9.68 Policy DM3 (part 7) of the draft Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 9.69 A summary of the proposed mix of dwelling types in the context of LBTH targets and current housing needs assessment is set out in the table below:

		Affordable Housing						Private Housing		
		Social Rent			Intermediate			Market Sale		
Unit size	Total units	units	%	LBTH target %	units	%	LBTH target %	Units	%	LBTH Target %
Studio	26	0			0			26	10%	
1 bed	91	0	0%	30%	6	75%	25%	85	31%	50%
2 bed	203	44	67%	25%	2	25%	50%	157	58%	30%
3 bed	18	18	27%	30%	0	0%	25%	0	0%	10%

4+ bed	4	4	6%	15%	0	0%	0	10%
TOTAL	342	66	100	100	8	100	268	100

- 9.70 As the table above demonstrates, and as the submitted petition from local residents highlights, the proposal fails to provide a balanced provision of family accommodation for this phase (7% when calculated in terms of units and 12.5% in terms of habitable rooms). This falls significantly short of the Borough's targets outlined above (30%). Furthermore, there are no family type units proposed within the 8 intermediate units and no family units proposed within the private market sector.
- 9.71 Despite this, and whilst the overall level of family accommodation is poor, the proportion of family homes proposed are entirely within the social rented sector. As such, this aspect of the proposal is welcomed by officers. This will deliver 22 social rented units which amounts to 33% of the units in this Phase 1. Whilst this is not in line with Policy SP02 of the Core Strategy, which requires 45%, the offer is considered acceptable when considered against of the site constraints and the overall Outline proposal which commits to providing 45% social rented family accommodation. Furthermore, consideration must also be given to how this application has been revised to address the safety risks associated with the nearby gas holders, where by the overall density, number and size of units within this Phase has been considerably reduced.
- 9.72 Overall, the scheme delivers a considerable level of smaller units targeting 1 & 2 bed households and this is as a result of the gasholder implications noted above and also the viability of the scheme, where by a higher level of private market housing has been injected into the site, the mix of which has been shaped by local market demand. However, this deviation from the Council's preferred housing mix must also be viewed in terms of achieving mixed and balanced communities.
- 9.73 With regard to the mix of social rent to intermediate, the application proposes a mix of 90:10 and whilst this does not accord with the Mayor of London target of 60:40 or the Borough's target of 70:30, the applicant's situation is unique in this instance as the application comprises as estate regeneration proposal where as the RSL the applicant has the responsibility of re-housing existing social rent tenants within Aberfeldy.
- 9.74 On balance it is officers' view, that in this instance, the dominance of smaller private market homes contributes towards a better mix of housing across Aberfeldy Estate and the wider Poplar Riverside area. Furthermore, the emphasis on the provision of large family housing within the Social Rented sector is supported. Therefore considering the site constraints associated with the presence of the gasholders and associated viability constraints, the application is considered on balance to provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the LBTH Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) Proposed Submission Version which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Residential Standards

9.75 Internal Space Standards

- 9.76 Policy 3.5 of the London Plan (2011) seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide. In addition, the Mayor of London's Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.
- 9.77 Saved Policy HSG13 of the UDP, Policy SP02 of the Core Strategy (2011) and Policy DM4 of the draft Managing Development DPD (2012) seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have separate kitchen and living rooms.
- 9.78 Following the submission of revised plans correcting the floor areas within some of the units, all of the residential units in Phase 1 accord with the Mayor of London's minimum standards for unit sizes.
- 9.79 In terms of Policy DM4 of the draft Managing Development DPD (2012), which seeks to ensure all affordable family units have separate kitchen and living areas, the development proposes a mix of open plan and separate living arrangements and this is due to certain site constraints.
- 9.80 In Block A for example, 12 x 3bedroom family units are proposed, all of which have a combined kitchen-living area. Whilst this is contrary to Policy DM4, these units have certain design constraints which make the units better suited to open plan living. The block backs on to the busy A13, so the block has been carefully designed to ensure the family units are located away from the A13 and orientated towards the landscaped courtyards and public open space – which is considered to be more conducive to family living. However, this northern aspect gives rise to daylight limitations. The inclusion of large windows and open plan living space will maximise the quality of living in these units internally. Officers are content with this arrangement, given the urban nature and constraints of the site.
- 9.81 There are no family units proposed in Block B. In Block C, 10 x family units are proposed in the form of 3, 4, and 5 bed units. Six of these (60%) will have separate kitchen and living room arrangements. The remaining four will have a large open plan layout but will have the scope to have partitions put in at a later stage if the occupier desires, as these are double aspect units. Officers are content with this level of flexibility in the scheme as it must be recognised that not all families will want an open plan or fixed living arrangement.
- 9.82 Overall, the proposed application provides a reasonable balance in terms of housing mix given the site constraints. As such the proposal acceptable and will accord with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).

Landscaping and Open Space

- 9.83 Policies 5.10 and 7.5 of the London Plan (2011), Saved Policies DEV12 and HSG16 of the UDP (1998), Policies SP02, SP04 and SP12 of the Core Strategy (2010) and seek high quality urban and landscape design; promote the good

design of public spaces and the provision of green spaces and tree planting.

- 9.84 The plans and design and access statement confirm that the application will provide approximately 3,486sqm of open space within Phase 1. This will be in the form of a public plaza at the most eastern corner at Abbott Road, which will connect with the proposed café and retail uses in the ground floor of the blocks in Phase 1; internal courtyards and shared surfaces, and a large green space in the centre of the site which will link into the proposed linear park (East India Green) in later phases of the development. This space will be a functional useable open space for the public, and will run parallel with Blair Street and the A13. The green space provides a strong pedestrian friendly residential environment for the development, shielding the northern blocks from the busy A13. The plans also suggest a high quality to this space, to include water features, high quality street furniture, planting and paved shared surfaces. The linear parking includes a swale which has been commended by the Borough's Biodiversity Officer. The swale will contain meadow grass planting and will filter and store storm water run off whilst also creating an attractive public realm feature.
- 9.85 The applicant has indicated that they have a £70k budget allocated to additional public realm works outside the necessary S278 highway works. This is discussed in greater detail in the Planning Obligations section of this report. This gives officers the comfort that a high quality public realm and public park can be achieved. A full landscaping detail will be required at reserved matters stage.

Private and Communal Amenity Space

- 9.86 Saved Policy HSG16 of Tower Hamlets UDP (1998), Policy HSG7 of Tower Hamlets IPG (2007) and Policy DM4 of the draft Managing Development DPD (2012) require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.
- 9.87 Specific amenity space standards are guided by Policy DM4 of the Council's draft Managing Development DPD (2012) will follows the Mayor of London's Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.
- 9.88 In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.

Private Open Space:

- 9.89 As outlined in the table below, the scheme proposes 2,998 sqm of private amenity space. Based on the requirements of draft Policy DM4, the development would exceed our minimum requirement of 1,987sqm of private amenity space.

Private Amenity Space			
No. of Units	Required Amount (Draft MD DPD 2011)	Required Amount (sqm)	Phase 1 Provision
26 Studios	26 x 5sqm	130	
91 x 1 Beds	91 x 5sqm	455	
203 x 2 Beds	203 x 6sqm	1218	

18 x 3 beds	18 x 8sqm	144	
4 x 4 beds	4 x 10sqm	40	
Total:		1,987sqm	2,998sqm

9.90 The detailed plans for Phase 1 confirm that all of the units in the three blocks will benefit from private amenity space in the form of projecting and recessed balconies, terraces and/or private gardens. Particular attention has been given to the blocks facing the A13 through the use of enclosed winter gardens, which result in more useable year round amenity space with noise attenuated enclosures. Apart from the occasional unit, which is configured in an awkward position, almost all of the areas will have a minimum width of 1.5m as required by Policy DM4. As such, the proposed level of private amenity space and the standard and form of proposed is considered appropriate given the urban nature of the site.

Communal Open Space:

9.91 A total of 462sqm of communal amenity space would be required for 3 separate blocks comprising 342 new homes, however the application provides 1,021sqm of communal space which exceeds the Council's requirement. This has been provided in the form of protected courtyards for all 3 blocks. The overall provision of open space in Phase 1 is therefore considered to greatly benefit the quality of the residential environment for Phase 1. This will provide attractive and spacious conditions for the new occupiers of Aberfeldy.

Communal Amenity Space		
	Required Amount (Draft MD DPD 2011)	Phase 1 Provision
Block A (166 units)	206sqm	400sqm
Block B (105 units)	145sqm	250sqm
Block C (71 units)	111sqm	371sqm
Total:	462sqm	1,021

Child Play Space

9.92 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities.

9.93 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing Development DPD (2012) seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sqm of useable child play space per child).

9.94 Using LBTH child yield calculations, the proposed development is anticipated to deliver 96 children and accordingly the development should provide a minimum of 960 sqm of play space. The development proposes to deliver 1,100sqm of play space which exceeds the required level. The site will provide new dedicated and equipped play space in the form Neighbourhood Playable Space, Local Playable Space and Doorstep Space.

- 9.95 This child play strategy also sets out basic principles and typologies for the proposed play space in terms of the location, distance, level of boundary treatment, character and likely form of equipment. This gives officers assurance that a good level of child play space can be secured on site.
- 9.96 Officers support the quantity and location of the proposed play space, as it exceeds LBTH and London Plan requirements as set out in Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing Development DPD (2012).

Wheelchair Housing and Lifetime Homes Standards

- 9.97 Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010) require that all new housing is built to Lifetime Homes Standards and that 10% of new housing is designed to be wheelchair accessible or easily adaptable for wheelchair users.
- 9.98 The applicants supporting statement confirms that all new homes across Aberfeldy will be built to Lifetime Homes standards and that the indicative unit mix has already been developed with the 10% provision of wheelchair accessible homes in mind.
- 9.99 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010).

Amenity

Daylight, Sunlight and Overshadowing

- 9.100 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).
- 9.101 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 9.102 Section 13 of the Supplementary Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

Daylight

- 9.103 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 9.104 An Average Daylight Factor (ADF) analysis was undertaken to assess the levels

of daylight amenity within the various different residential unit configurations at the lowest levels in the proposed buildings. British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:

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

- 9.105 The applicant has provided VSC levels for Blocks A, B, & C in conjunction with the ADF levels. The Borough's EHO has advised that Blocks B and C levels are acceptable. However Block A has up to 56 failures which is a concern. This is as a result of the orientation of the block (north facing) and some units are under balconies and will therefore receive less light. This is considered to be a product of developing a brownfield site to a high density whilst seeking to limit the no. of units backing onto the A13 (due to noise/disturbance).
- 9.106 The Daylight Assessment concludes that 89% of the habitable rooms in Phase 1 of the development would achieve 'good' levels of daylight when assessed against the BRE and British Standards. Of the 342 living rooms assessed against recommended ADF values, only 18 rooms fall below the recommended 1.5%, therefore 95% of all living rooms will meet ADF values.
- 9.107 To maximise the amount of daylight accessing the building, the scheme has been revised since the 2010 proposal - building heights have been reduced, courtyards have been opened up with 'slots' have been added to the southern sides of the blocks to allow more light in. Ceiling heights and window sizes have also been increased to allow more light into low level rooms.
- 9.108 In terms of the impact of the development on the existing surrounding properties, the main properties which would be affected include those along the southern end of Abbott Road, Blairgowrie Court and Julius House. The Borough's EHO has concluded that the VSC & ADF levels in these properties are acceptable.

Sunlight

- 9.109 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south.
- 9.110 An analysis of the levels of APSH on the facades of the residential buildings was undertaken to assess the potential levels of sunlight amenity within Phase 1 and the outline component of the development. British Standard BS8206 Part 2 2008 recommends that interiors within 90 degrees of due south should receive at least 25% of APSH, including at least 5% APSH during the winter months, in order to receive enough sunlight.
- 9.111 The results for the proposed development show that the majority of the living room facades facing south would achieve in excess of 25% total APSH. Windows set back under balconies get lower values. However, there are a significant number of failures in Blocks B and C which has raised concern for officers. This is due to the proposed courtyard settings and the overall number of north facing units which is inevitable considering the proposed site layout and relationship with the A13 to the south. It is considered that this is not uncommon for the development of this scale and density in such an urban environment.

In terms of the impact of the development on the sunlight levels of existing surrounding properties, the main properties which would be affecting include those along the southern end of Abbott Road and Blairgowrie Court and Julius House. The Borough's EHO has concluded that the APSH levels in these properties remain acceptable.

- 9.113 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites.

Overshadowing

- 9.114 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March"*. The results for the proposed development show that 93% of the courtyard amenity areas within Blocks A, B and C will receive more than 2 hours sunlight. Regrettably, some courtyards will not and this is as a result of the north facing blocks and the design strategy to shield some blocks from the A13.
- 9.115 It is considered that the proposed development is generally in keeping with the BRE guidance, Policy 4B.10 of the London Plan (2008), saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (2012) with regards to sunlight, daylight, and overshadowing and accordingly the proposals are likely to result in a reasonably acceptable standard of living and amenity areas in this regard considering the site constraints and urban environment.

Sense of Enclosure and Outlook

- 9.116 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the draft Managing Development DPD (2012) requires development to protect through ensuring development does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 9.117 The nearest buildings to consider in this regard, are the properties on the eastern side of Abbott Road and also the existing block on site 'Blairgowrie Court'. Also the relationship of proposed buildings and spaces within the new development itself that require consideration.
- 9.118 The proposed building blocks have incorporated dual aspect units where possible to improve the quality of living and outlook for occupiers. The single aspect units are as a result of the block configuration and orientation with the A13.
- 9.119 The proposed buildings have been set around court yards and open spaces which will provide an attractive outlook. The proposal also provides good separation distances between buildings thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure approximately 15-18m which is considered acceptable given the urban context and existing building on site.
- 9.120 It is considered that Phase 1 of the development affords acceptable levels of

outlook for residential occupiers. Future phases should be assessed at reserved matters stage when the layout of residential units and open spaces is known.

- 9.121 The proposals are generally in keeping with Policy SP10 of the Core Strategy (2010) and draft Policy DM25 of the Managing Development DPD (2012) with respect to matters concerning amenity, sense of enclosure and outlook.

Air Quality

- 9.122 PPS23 and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (2012) seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.123 The development is located within the Tower Hamlets Air Quality Management Area. The most significant factor influencing air quality in the proposed development is the A12 and A13 and it is the proposed buildings adjacent to these roads that are primarily affected. The submitted Environmental Statement suggests that residential receptors at ground and first floor levels of any buildings fronting these roads will not take air in from these roads and that mechanical ventilation systems are used instead. Additionally, the design of the buildings along these frontages will incorporate winter gardens to ensure private semi-outdoor space can be provided whilst protecting poor air quality conditions.
- 9.124 In the longer term, the operation of the energy centre is likely to generate a moderate to substantial increase in NO₂ levels. However, this impact is considered to be spatially limited and small compared to the existing baseline conditions. Any local impact can be mitigated through emissions control technologies.
- 9.125 The Borough's EHO has not commented however, the case officer recommends that a the submission of a Construction Environmental Management Plan be conditioned prior to commencement.
- 9.126 Overall, it is considered that the impacts on air quality are negligible and any impacts are outweighed by the conservation and regeneration benefits that the development will bring to the area.
- 9.127 As such, the proposal is generally in keeping with PPS23, Policy 7.14 of the London Plan (2008), Policy DEV2 of the UDP (1998), Core Strategy SP02 (2010), Policy DM9 of the draft Managing Development DPD (2012) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

- 9.128 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 9.129 Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010)

and Policy DM25 of the Managing Development DPD (2012) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.

- 9.129 Due to the site's proximity to the A13 and the location of many of the proposed residential blocks backing on to this carriageway, the development falls within Category D of PPG24 and the Borough's EHO has objected to the application, emphasising the site's unsuitability for residential occupation.
- 9.130 The A12 and A13 are major constraints to the development in terms of noise and vibration. However, there are a number of existing residential blocks already fronting onto the A13. It is the view of officers that these constraints need to be weighed up against the regeneration benefits of the proposed redevelopment of Aberfeldy to provide a better quality residential environment. The development has been carefully designed to maximise densities and provide a quality layout which seeks to position most of the new units away from major road noise sources where possible. For those units which inevitably face the A13 (like many if the existing and former units) – a number of mitigation measures are proposed which include high performance acoustic glazing, mechanical ventilation, and enclosed insulated winter gardens. Amenity areas within the development site are also all north facing which suitably screens these areas from traffic disturbance in order to provide reasonable residential environments.
- 9.131 The Borough's EHO has advised that Environmental Health should be consulted regarding the required sound insulation to the external and internal elements of the building and any mechanical or electrical plant to be installed, including ventilation, air conditioning, and commercial kitchen extract plant. (Officers have also discussed the potential A3 uses in Phase 1, to identify the scope of including potential extract equipment within the envelope of the building. This will be conditioned).
- 9.132 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions.
- 9.133 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (2012).

Energy and Sustainability

- 9.134 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.135 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).

- 9.136 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.137 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.138 Policy DM29 of the draft Managing Development DPD (2012) requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.
- 9.139 The submitted energy strategy is in accordance with the agreed strategy for the Outline Planning Application for the Aberfeldy estate (PA/11/02716). The energy strategy follows the Mayor of London's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean). The CHP (600kWe) is proposed to be delivered in Phase 3 of the development; therefore the blocks included within this Phase 1 application are to be supplied by a temporary energy centre with gas fired boilers. The current proposals for delivering the space heating and hotwater are considered acceptable, however an appropriately worded condition should be applied to any permission to ensure:
1. Development is supplied by the CHP following completion and before occupation of Phase
 2. Development is supplied by an appropriately sized on-site CHP should the subsequent phases not be delivered.
- 9.140 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 6% carbon savings over the baseline. Through the maximisation of the communal system and commitment to linking to the proposed CHP to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (peak output of 49kWp) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 28% reduction above Building Regulation requirements.
- 9.141 The anticipated 28% reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is

considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement dated November 2011.

- 9.142 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non-residential development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 dated and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.
- 9.143 The submitted Energy Statement details how the development will achieve a Code for Sustainable Homes Level 4 rating for the residential elements and BREEAM Very Good ratings (with an aspiration to achieve Excellent) for the non-residential uses of Phase 1. Due to the size of the non-residential units it acknowledged that achieving an 'excellent' rating may be difficult. However, without any robust justification as to the financial or marketing constraints of these units, it is recommended that the units seek to achieve an 'excellent' rating with a commitment to 'very good'. It is recommended that this be achieved through an appropriately worded condition.
- 9.144 Finally, the GLA have raised concerns regarding the potential over heating of the single aspect south facing units overlooking the A13. The opening of windows in these units and winter gardens will be restricted due to noise and pollution from A13 so a ventilation strategy was requested. The applicant has confirmed that these units will have an on-going MCHR system 'Mechanical Ventilation and Heat Recovery' system running.

Contamination

- 9.145 In accordance with the requirements of PPS23, saved UDP policy DEV51, policy DM30 of the Managing Development DPD (2012), the application has been accompanied by an Environmental Statement which suggests that the ground conditions may have some contamination. Considering the proximity of the site to the gasholders, further intrusive investigations are required and any necessary mitigation. It is suggested that an appropriate condition be imposed.

Flood Risk

- 9.146 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.
- 9.147 The development falls within Floodzone 2 and 3 and the applicant has been in consultation with the Environment Agency (EA) since the early pre-app stages in developing a mitigation strategy. The application is supported by a flood risk assessment and describes various flood mitigation options.
- 9.148 These options include setting ground floor levels above breach water level (proposed for Block A). However this is now limited to more vulnerable zones to ensure the development remains largely accessible under DDA requirements. Other options now include refuge in stairwells and roof terraces and evacuation plans.

- 9.149 The EA have noted that the site has a residual risk of flooding, in the event of Thames Tidal defences failing and there are a small number of flats (in Block A whose bedrooms will remain below the breach flood level. The applicant has now confirmed that the detailed application has raised the ground floor levels in Block A above extreme breach levels to 3.12m AOD. Early warning management plans are also part of the strategy.
- 9.150 The application also proposes a surface water management strategy that aims to reduce the off-site discharges to rates where practical. Whilst the EA is content with the overall drainage strategy discussed, it is recommended that a condition be imposed requiring the submission of this drainage strategy to the LPA in consultation with the EA.
- 9.151 As advised by the EA, a further condition is recommended requiring the submission of a site flood emergency plan to ensure active measures are implemented.
- 9.152 As such, it is considered that the proposed development by virtue of proposed flood mitigation strategy complies with PPS25, Policy 5.12 of the London Plan (2011) and Policy SP04 of the Core Strategy (2010).

Biodiversity and Ecology

- 9.152 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the draft Managing Development DPD (2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the draft Managing Development DPD (2012) also requires elements of living buildings.
- 9.153 The submitted Environmental Statement has assessed the ecological value of the site and has concluded that habitats across the site are of low value for nature conservation, only supporting breeding birds and a small number of common invertebrates. The Borough's Biodiversity Officer has also confirmed this.
- 9.154 Given the low overall ecological value of the site, few potential impacts are anticipated and limited mitigation required. Each of the building blocks on Phase 1 will provide a green roof which is considered to improve the biodiversity conditions on the site.
- 9.155 The proposed development is not therefore considered to have any adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Health Considerations

- 9.156 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.157 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance peoples

wider health and well-being.

- 9.158 Aberfeldy estate is currently served by a relatively large GP surgery at Ettrick Street measuring 400sqm. As part of the Outline application, the applicant proposes to deliver a new purpose built replacement health facility of up to 960sqm. This will be located within the new hub for Aberfeldy neighbourhood centre, adjacent to the new purpose built community centre. Poplar Harca have indicated that the new enlarged and upgraded health facility may also include pharmacy and dental care facilities. The applicant has approached the PCT with regards to the proposed new health facility and the PCT has accepted the onsite provision in principle. The residents of Phase 1 will have full access to these services which fall within a 300m walking distance from Blocks A, B and C. As outlined in later paragraphs, the proposed S106 will ensure a pro-rata health contribution if later phases (involving the health centre) do not come forward.
- 9.159 The application will deliver a new green space to the south of the site running parallel with the most southern blocks backing on to the A13 which will complement other green spaces and walking routes in and around Aberfeldy estate. Together this contributes to potential walking routes to and from routes such as that to and from Canning Town and East India Dock stations thereby facilitating healthy and active lifestyles.
- 9.160 The application proposes 3 small retail/restaurant uses. No A5 uses are proposed.
- 9.161 It is therefore considered that the proposal will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Environmental Impact Assessment

- 9.162 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 9.163 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 9.164 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These relate to matters concerning air quality calculations, ecological value, land contamination and socio economic assumption relating to employment numbers. LBTH have liaised directly with the applicant in attempt to seek responses to these clarifications. LBTH officers have had a meeting with the applicants consultants to iron out the remaining clarification and the Borough's

EIA Officer has confirmed that these clarification are relatively minor. A response to the clarifications has now been submitted and these are being reviewed by the Council's consultants at the time of writing this report. Members will be updated in a Supplementary Agenda.

- 9.165 Subject to some minor clarifications, LUC conclude that the application is considered to meet the EIA Regulations and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 9.166 The ES addresses the following areas of impact (in the order they appear in the ES):
- Air Quality and Dust
 - Noise and Vibration
 - Ecology
 - Townscape and Visual
 - Water Resources and Flooding
 - Land Contamination
 - Traffic and Transport
 - Archaeology and Cultural Heritage
 - Socio-economics
 - Wind and Microclimate
 - Daylight, sunlight,
 - Telecommunications
 - Cumulative Impacts
- 9.167 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 9.168 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Other Issues

HSE and Poplar Gasholders

- 9.169 The Poplar Gasholder Site on Leven Road contains three gasholders and is designated as a major hazard site by virtue of the storage of hazardous substances. Since the earliest iterations of this scheme, LTGDC, GLA and LBTH have identified the scheme's proximity to the has as a significant constraint to development in this area and that the design of the development should take this constraint into account.
- 9.170 At a strategic policy level, London Plan Policy 5.22 states that when assessing developments near hazardous installations, the site specific circumstances and proposed mitigation measures should be taken into account when applying the Health and Safety Executive's PADHI methodology.
- 9.171 Saved Policies DEV53 and DEV54 of the UDP and Policy DM30 of the draft

Managing Development DPD (2012) notes how developments will not be supported if it involves new development in close proximity to hazardous installations where it would be a significant threat to health and the environment.

9.172 In deciding whether to approve this development, officers suggest Members pay particular attention to the risk associated with the gasholders at Leven Road. The paragraphs below present the evidence as provided by the applicant along side the likelihood as to whether the HSE will accept this evidence. This section of the report seeks to clarify the implications of the gasholders; explain officer's interpretation of the HSE's protocol to development consultation zones; the applicant's risk assessment and approach and also finally notes the Council and LTGDC's position regarding the need for officers to weigh up the health and safety risks associated with the proposed development against the wider regeneration benefits proposed by the application.

9.173 The report detailing the entire outline masterplan has detailed the implications of the Leven Road gasholder site in greater detail, the risk posed by this major hazardous site and the Health and Safety Executive's position on introducing new residential population into the vicinity of such facilities. For the background context, including the PADHI assessment, Scaled Risk Integral and the planning authority's requirements for going against PADHI advice, members are advised to refer to this report.

The Phase 1 scheme falls within the middle PADHI consultation zone and therefore results in an 'advice against' response when run through the PADHI+ consultation system. The applicant has undertaken an assessment of the SRI value for Phase 1 only which has resulted in an SRI value of 133,917. This figure has taken into account COMAH quantities and residential occupancy at 2.1 persons per dwelling.

9.174 The HSE's *Criteria document for Land Use Planning cases of serious public safety concern* states, in terms of SRI, that values between 500,000 and 750,000 will be given the most serious consideration in deciding whether to request the application be 'called in' for determination by the Secretary of State. In cases where the SRI value is in excess of 750,000, call in would be sought no matter the circumstances of the development. Although the SRI value of 133,917 would appear to fall below the HSE's criteria serious consideration for call in request, the formal view of the HSE is not known in this respect. However, as with the outline masterplan application, members need to consider paragraph 8 of the HSE's *Criteria document for Land Use Planning cases of serious public safety concern* when deciding whether the material benefits of the scheme outweigh the potential risk presented by the gasholders. This sets out the criteria against which the HSE will consider whether to request the Secretary of State calls in the application for determination. These criteria are:

- Any significant residential development or development for vulnerable populations in the inner zones;
- The risk of death from a major hazard exceeds the Tolerability of Risk (TOR) limit for a member of the public;
- There are substantial numbers of people in the proposed development exposed to a significant level of risk;
- The endangered population is particularly sensitive;
- It is a challenge to HSE's risk criteria for land use planning.

9.175 Taking each point in turn,

- (i) no building is proposed within the inner zone
- (ii) it is accepted that the gasholder is within TOR limit
- (iii) the societal risk has been discussed within this report
- (iv) the subject population is not any more or less sensitive than average
- (v) the HSE's own methodology has been used in assessing the risk.

9.176 In deciding whether to approve this development, Members are advised to pay particular attention to the risk associated with the gasholders at Leven Road. This section of the report has presented the evidence provided by the applicant along with the independent advice provided to LTGDC, GLA and LBTH. On the basis of the information provided by all parties, it is the view of officers that the benefits presented by this scheme outweigh the potential risk associated with the gasholder proximity.

9.177 Following submission of the applicant's revised Risk Assessment dated 26th October to the HSE, a meeting is planned for 21st Feb 2012 between the applicant, LTGDC, GLA and LBTH to discuss the revised proposal in the context of the above. It is intended that this will give the HSE a further understanding of the approach taken by the applicant to minimise the risk before formal consultation takes place on the 1st March, following LTGDC's resolution of the application, therefore giving the HSE 21 days to confirm their final position.

Planning obligations/S106

9.178 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. Obligations must be:

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

9.179 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

9.180 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.181 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.182 The LBTH is a consultee on this application and it is for the LTGDC to determine. As such, and with regard to planning obligations, the LTGDC would normally apply their LTGDC Planning Obligations Community Benefit Strategy to ensure that developments contribute financially and in kind towards the infrastructure that is needed in the London Thames Gateway area to support the developments that are coming forward for planning approval. In light of the pending dissolution of LTGDC, it has been agreed that LBTH would apply the Borough's adopted SPD on Planning Obligations and that the S106 would be negotiated in line with the Borough's obligation priorities.

9.183 This application forms Phase 1 of the wider regeneration proposals for Aberfeldy which is outlined in a separate report discussing the Outline Planning Application. As this comprises two separate planning permissions (Outline and Full), two separate S106 agreements are required. It has been agreed with the applicant that the S106 for Phase 1 will ensure a proportion of the necessary contributions will be sought on a pro-rata basis. This is needed to justify the proposal as a stand alone scheme and to ensure that the impact of the development is mitigated against in its own right, if later phases do not come forward.

9.184 Furthermore, appropriate clauses are proposed in the S106 agreement for the Outline Application ensuring that the individual obligations paid with respect to Phase 1, be deducted from the over all amount sought in the Outline S106. This is currently being discussed with the applicant at the time of writing this report and Members will be updated in a Supplementary Agenda on the 16th February 2012.

9.185 In the consideration of requested Phase 1 obligations, consideration has also been given to the wider estate regeneration improvements proposed in later phases of this development, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability. These are discussed in further detail below:

Affordable Housing

9.186 A minimum of 28% of affordable housing is propose for Phase 1. A review mechanism is also proposed to assess the capacity of this site to deliver a surplus level of affordable housing through the submission of a Pre-Assessment Viability Toolkit, prior to commencement of Phase 1.

9.187 Based on the supporting viability report and the site constants, officers consider this offer to be acceptable given the site circumstances and it is recommended that the clauses within the S106 agreement give the LPA reasonable assurance that if and when market conditions improve when Phase 1 commence, there is

opportunity to increase the level of affordable housing on Phase 1 from 28%.

Education

- 9.188 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough. However, the proposal for Aberfeldy involves the regeneration of an existing estate where proportion of existing families will be re-housed to relieve overcrowding conditions. As such, based on the adopted Planning Obligations SPD, the net increase in units for the overall scheme (all phases) results in the need for 21 additional primary places. This amounts to a requested contribution of £311,430. A pro-rata contribution of £93,429 is sought for Phase 1.
- 9.189 The applicant has committed fully to this request.

Enterprise and Employment

- 9.190 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets
- 9.191 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition, the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis. At the time of writing this report, the applicant is still communicating with colleagues in Enterprise & Employment in attempt to work out the requested contribution.
- 9.192 However, officers are aware that the viability toolkit indicates that the scheme is unviable. In recognising the need to mitigate against the impact of the development on local employment, the applicant proposes a number of in-house training and skills initiatives. However, officers have requested further clarification and justification on what the proposed in-house training programme will comprise of and how this has been valued.
- 9.193 The terms and conditions of this are currently being discussed with the Borough's Enterprise and Employment Team and that Members will be updated on this in the Supplementary Agenda on 16th Feb, as to what the requested financial contribution will be and also whether any of in kind employment provisions are considered acceptable.

Community Facilities

- 9.194 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.
- 9.195 With respect to the Idea Stores/Archives and Libraries and Leisure – a contribution of £84,565 & £288,759 is sought respectively based on the SPD. In terms of Multi Use Community Facilities, officers are not seeking any specific additional multi use community facilities for Phase 1 of this development. The

SPD advises that the Council may seek a contribution towards the upgrade of such facilities and in exceptional circumstances, an on-site provision.

9.196 The applicant's viability toolkit indicates that the scheme is unviable and the applicant proposes no contributions towards the mitigation of the proposed development on community facilities. However, it is worth noting that the applicant proposes to replace the existing community facility on site in later phases of this development (Aberfeldy Neighbourhood Centre which is operated and funded by Poplar Harca) and replace it with a new and better equipped specification. In addition, the proposal also seeks to relocate the existing faith centre on Aberfeldy Street (currently within one of the existing retail units) and build two new purpose built faith centres (totalling 322 sqm) next to the community centre in later phases of this development. Whilst this is not sufficient to mitigate against the impact of the proposed development, officers welcome these aspects of the proposal and recognise them as contributing to the overall regeneration benefits of the scheme.

9.197 As such officers accept the viability constraints demonstrated and since no contribution is being offered to the Borough to mitigate against the development impact on community facilities in Phase 1, officers recommend that suitably worded clause is proposed in the S106 to ensure the replacement community facility is provided and furthermore, if the replacement facility does not come forward by a specific date or by the completion of Phase 4, the applicant pay a commuted sum of £308k (the value of the replacement community centre).

Other Priorities –

Health

9.198 The SPD requires all major developments to contribute towards health facilities. Contributions will be calculated using HUDU model which calculates the cost of increased demand on local facilities based on the proposed increase in population. The SPD also considers the provision of an onsite health facility which can be handed over to the PCT and the floorspace provision offset against the HUDU contribution.

9.199 As noted in the Outline application, the PCT seeks a capital planning contribution of £535k for the entire application if the proposed on site health facility is not provided (Phase 4).

9.200 Considering the East India and Lansbury Ward is listed as the most deprived ward in London and Aberfeldy has the worst health statistic in the UK, officers welcome the proposed on site health facility in later phases of this development as this will bring significant benefits to the Aberfeldy and assist in improving the current poor health statistics.

9.201 Officers recommend that the S106 ensures that if arrangements with the PCT (or an alternative health provider) are not in place by a specific date or the commencement of Phase 4, Poplar Harca will be required to give the Council an agreed sum to the Borough (e.g 30% of the HUDU model calculation which = £160k) to mitigate against the impact of Phase 1. As such, it is proposed that the S106 captures this agreement.

Sustainable Transport

- 9.202 The SPD requires a contribution towards sustainable transport improvements. Based on the net increase in residents x the cost of smarter travel, a contribution of £9,951 is sought (towards Smarter Travel and to encourage walking and cycling within the borough).
- 9.203 The applicant proposes that officers consider off-setting this financial contribution, against the recent £740k payment made by Poplar Harca towards the introduction of a new Nutmeg Lane pedestrian crossing on the A13 adjacent to the site which will improve local resident's access to public transport.
- 9.204 It is understood that the introduction of the pedestrian crossing at Nutmeg Lane would not have happened without the wider regeneration proposals presented in the current application and in this respect it is an integral part of the scheme. It would appear that Poplar Harca took a significant risk in contributing towards the funding of this crossing before this application was submitted and without any certainty as to the outcome of this application.
- 9.205 On balance, officers consider the delivery of the A13 crossing to be a sufficient reason to off-set against any additional requests towards smarter travel.

Environmental Sustainability

- 9.206 As outlined in the report which assesses the Outline Planning Application, this includes the promotion of renewable, sustainable forms of energy and enhancements to wildlife biodiversity. The SPD requires all major developments to contribute towards energy initiatives and carbon offset funds, if officers feel all on site measures to reduce CO2 have been exhausted. However, as described in previous sections of this report, the application commits to a 25% reduction in CO2 and each phase of the development will require revised energy strategies. Officers are content with the overall energy strategy and no further contributions are requested.
- 9.207 With regards to biodiversity, the site is not considered to have any ecological or biodiversity value however in order to improve this, the applicant has proposed several measures within Phase 1 to improve the biodiversity of the site, eg, green roofs on all three blocks in Phase 1, which have been commended by the Borough's Biodiversity Officer.

Public Realm

Public Open Space

- 9.208 Through applying the SPD, a contribution of £522,693 is sought to mitigate against the lack of open space provided in the application.
- 9.209 The viability toolkit indicates that the scheme is unviable and the applicant proposes no further contributions towards open space other than the linear park proposed on site part of which will come forward in Phase 1. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms.
- 9.210 Officers accept the demonstrated viability constraints on this site, and will seek to ensure through the S106 and appropriate conditions that a fully detailed landscape plan is submitted outlining a schedule of works and cost plan for the linear park area identified in the illustrative masterplan as East India Green. This

is considered to give the Borough the assurance that East India Green will be delivered to high quality.

Streetscene and Built Environment Improvements

- 9.211 Based on the SPD, an obligation of approximately £490k is sought towards Streetscene and Built Environment Improvements, based on extent of footways and carriageways around Phase 1. In response, the applicant proposes a contribution of £418k towards streetscene improvements in Aberfeldy Street, Abbott Road and Blair Street, however this will not solely be towards Phase 1. Considering the site constraints, viability assessment, the contribution of £418k towards the wider scheme is considered acceptable. It is recommended that the S106 agreement ensures that this money is spent specifically on streetscene and built environment improvements to Aberfeldy Street, Abbott Road and Blair Street which are the principle routes through the site.

Public Art/Artistic Intervention in the Public Realm

- 9.212 Within Public Realm obligations, the SPD also seeks an element of *Public Art*. Officers have requested that the applicant incorporate public art/ artistic intervention in the public realm as an integral part of the development proposal and in particular involve local residents and organisations such as the children of Culloden School. In response, the applicant has committed to a sum of £50,000 towards public art and this obligation will be captured in the S106 agreement. This is not necessarily tied to Phase 1, but to the wider scheme.

Travel Plan Monitoring

- 9.213 The Applicant supports the introduction of a travel plan as part of the development proposals and will agree to a one-off financial contribution to the Council of £3,000

TfL Transport and Wayfinding

- 9.214 TfL have noted that the development is likely to generate demand for additional bus capacity to improve residents' access to public transport, but the applicant is seeking to off-set the total amount requested against their financial contribution towards the A13 pedestrian crossing (the remaining £717,889 noted above) and works to improve the bus routes adjacent to the application site.
- 9.215 TfL is also seeking a contribution towards the introduction of Legible London boards within the scheme. The application scheme already incorporates improvements that will enhance the legibility of the estate. In addition, Poplar HARCA already provides wayfinding material within all of their estates and will incorporate such material as necessary within these proposals.
- 9.216 It is understood that negotiations with the GLA are on going at the time of writing this report.

Monitoring & Implementation

- 9.217 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Aberfeldy will require a lengthy agreement with complex

clauses requiring future reviews of each phase of the development in order to ensure the level of affordable housing can be maximised in future phases. As such, officers consider it appropriate to request a higher than normal monitoring fee. 3% is considered appropriate.

Conclusion

9.218 Overall, it is officers' view that the proposed contribution package is considerably low especially considering the scale of the development proposed and the likely impacts on the social and community infrastructure, health, and education. However, in light of the viability constraints identified in the applicant's viability appraisal, alongside the proposed regenerative benefits proposed through the wider scheme, officers accept the level of contributions proposed by the applicant. Areas such as affordable housing, health and education will be prioritised.

9.219 The provision of 28% affordable housing within Phase 1 (including an appropriate review mechanisms to capture additional affordable housing) alongside the onsite provision of new health facility in later phases, education contributions, and streetscene improvements, the proposed contribution package is accepted. Furthermore, the proposed review mechanism at the onset of each of the future phases will ensure that the level of affordable housing can increase if economic circumstances permit. On balance, this is considered sufficient to mitigate against the impacts of the proposed development on local social and physical infrastructure in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010).

10 Overall Conclusions and Regeneration Benefits

10.1 The proposed regeneration of Aberfeldy estate has been in negotiation with officers at LTGDC, GLA and LBTH since 2009. Previous designs and layouts were considered and concerns raised by officers regarding density, height of the taller towers along the A13 and the proximity of the site to the gasholders and in light of the HSE's advise against recommendation.

10.2 Following the withdrawal and redesign of the previous 2010 scheme, the current application seeks to regenerate the site against a number of site viability constraints. These include a £23million leaseholder buyout cost; the loss of £12million HCA grant funding; costly flood mitigation measures, and the constraints of the gasholders and the risk of intervention by the HSE through a potential Secretary of State call in. These viability constraints have now been reviewed and tested (by LTGDC). Phase 1 has been amended considerably with the main alterations being the reduction in height of the buildings, a reduction in density and redistribution across the site, away from the gas holders, a change in mix for phase 1 and the creation of a plaza and linear park to opening up on the blocks to provide more of a connection with open space.

10.3 Despite the viability constraints, the development proposed for Phase 1 would:

- Deliver 342 new homes;
- Achieve a balanced and sustainable tenure mix through 28% affordable, the majority of which will be for social rent.
- 33% of this will be for families;

- Provide a small element of retail to support early phases of the wider development;
- Achieve a distinctive, sustainable, high quality design;
- Provide quality civic plaza and public realm;
- Provide an accessible and pedestrian friendly environment;
- Achieve quality low carbon (Code Level 4) homes;
- Improve biodiversity through green roofs and a swale.

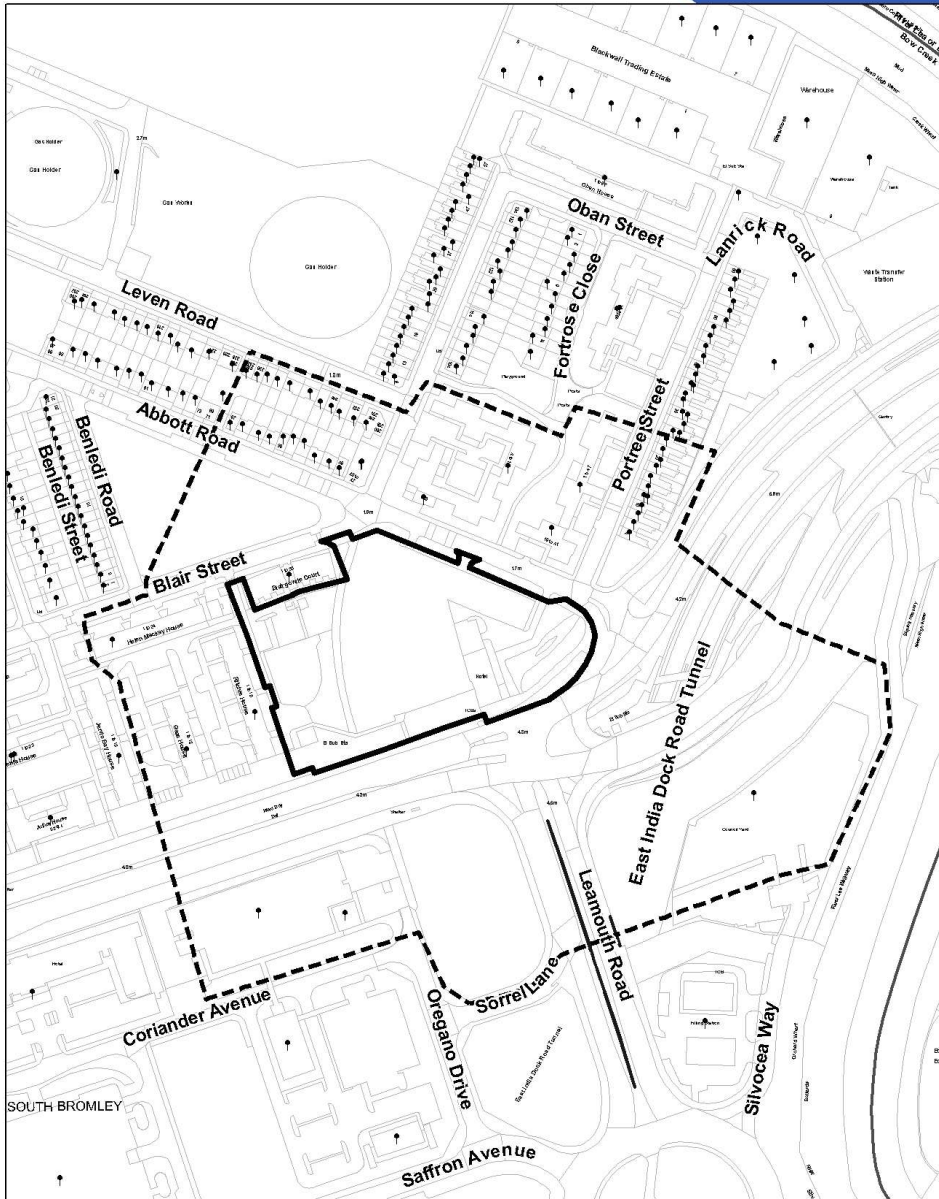
10.4 In line with the objectives of the draft National Planning Policy Framework and strategic and local policy objectives, this application is considered to contribute towards the wider regeneration of Aberfeldy Estate and achieve a more mixed and balanced community through a better balance in tenure and household income, particularly in an area such as Aberfeldy where social housing dominates and statistics relating to crime, poverty and overcrowding are high.

East India and Lansbury is listed as *the* most deprived ward in London. There is also evidence which indicates that Aberfeldy has the worst health statistic in the UK, with lower than average life expectancies, high numbers of children living in poverty and these statistic are closely related to problems of overcrowding. It is considered that the proposed application will improve the overall standard of accommodation in Aberfeldy by reducing the number of under occupied properties for small households (currently 16%) and increase the number of larger family homes for those houses which are currently overcrowded (currently 46%). These properties will be built to a higher standard, will have improved energy and heating demands, comply with Mayor of London space standards and Lifetime Homes standards. The additional functional and accessible open space, together with the new social, community and retail facilities in later phases are considered to greatly contribute to the quality of life for those living in Aberfeldy and will assist in the delivery of real regeneration in this area, in line with the Council's local vision to create a sustainable residential community Aberfeldy and Poplar Riverside (LAP8-9).

11 CONCLUSION

11.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	 1:2,500
Consultation Area	Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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