

## Appendix 1

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> Feb 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Elaine Bailey		<b>Ref:</b> 11/02716	
		<b>Ward:</b> 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:** Existing residential development including parade of shops, health centre, community centre and associated uses along Aberfeldy High Street.  
Site also includes a partly cleared site in the south eastern corner of the site (referred to as former Currie and Dunkeld Site)

**Proposal:** Outline planning application (all matters reserved) for the mixed-use redevelopment of the existing Aberfeldy estate comprising:

- Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops

#### 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

(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.

Application is also supported by an Environmental Statement under the provisions of the Town and Country Planning (EIA) Regulations 1999.

The application seeks approval (with all matters reserved).

**Drawing Nos:** Location Plan 001; Planning Application Boundary 002; Existing Car Park Layout 003; Demolition Plan 004; Development Zones and Building Dimensions 005; Development Zones and FFLs 006; Elevations 007; Elevations 008; Elevations 009; Principal Public Realm Areas 010; Street Sections – Main Streets 011; Street Sections – Side Streets 012; Street Sections – Squares 013; Street Sections – Linear Park 014; Locations of Semi – Private Communal Courtyards and Private gardens 015; Development Zone Car park level 016; Predominant Land Use at Ground Level 017; Predominant Land Use at Typical Upper Level 018; Ground Level Road/Route Network 019; Pedestrian & Vehicular Access 020;

**Documents:** AVO1 Application Form  
AVO2 Scale Site Plan  
AVO3 Development Specification  
AVO3a The Design Code  
AVO4a Design and Access Statement

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AVO4b Masterplan Access Statement  
 AVO5 Regulatory Plans  
 AVO6 Planning and Regeneration Statement  
 AVO7 Statement of Community Involvement  
 AVO8a Environmental Statement Non-Technical Summary  
 AVO8b Environmental Statement  
 AVO8c Environmental Statement Annexes  
 AVO9 Transport Assessment  
 AVO10 Gas Holder Risk Assessment  
 AVO11 Energy Statement  
 AVO12 Financial Statement and S106 Heads of Terms  
 AVO13 Sustainability Statement  
 AVO14 Retail Statement

Design Code - dated 19 Jan 12  
 Waste & Refuse Strategy submitted 19 Jan 12

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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<b>Applicant:</b>	Poplar HARCA and Willmott Dixon Homes Ltd
<b>Owners:</b>	Schedule attached to Cert B of planning application form.
<b>Historic buildings:</b>	None within application site, however Balfron Tower (listed) is situated opposite the application site to the west.
<b>Conservation areas:</b>	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), Development Management DPD (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance, and has found that:
- 2.2. The scheme will provide for the regeneration of Aberfeldy estate through the provision of a new residential led mixed use development. The scheme maximises the use of previously developed land, ensures that there will be no net loss of housing (including affordable housing) and will significantly contribute towards creating a sustainable residential environment in Poplar Riverside in accordance with the objectives 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 and Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan 1998; and DM3 of Draft Managing Development DPD (2012).
- 2.3. On balance, the benefits of regenerating Aberfeldy to create additional homes for the Borough including affordable family homes and new improved community and social infrastructure 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 acceptable on balance in accordance with Saved Policies DEV53 and DEV54 of the UDP 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. The relocation of Aberfeldy's Neighbourhood Centre, together with the consolidation and enhancement of the existing retail provision is considered acceptable and in line with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy 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.
- 2.5. The proposed replacement and upgrading of existing social and community facilities are supported in line with Policy SP03 of the Council's Core Strategy (2010) and Policy DM8 of the draft Managing Development DPD (2012) which together seek to protect existing community facilities and

deliver new high quality facilities in accessible locations.

- 2.6 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.
- 2.7 The indicative layout, building height, scale and bulk as set out in the parameter plans are 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.
- 2.8 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 26% and including a phased review mechanism) and mix of units is considered acceptable, as it will contribute towards the delivery of new and replacement affordable homes to a better quality and standard and will also contribute towards achieving an improved mix in tenure across Aberfeldy, 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.
- 2.9 On balance the indicative plans indicate that the proposal can provide acceptable space standards and layout. As such, the scheme is in line 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).
- 2.10 The quantity and quality of housing amenity space, communal space, child play space and open space which 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.
- 2.11 On balance, and considering the site constraints and urban context, it is not considered that the proposal will 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 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.

Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 to 4A.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (2012) which seek to promote sustainable development practices.

- 2.12 Whilst S106 package fall significantly short of the required amount for a development of this scale, officers accept the applicants offer in light of the viability constraints identified in this proposal. The provision of 26% affordable housing across the site, (including appropriate review mechanisms to capture future surplus affordable housing) alongside the onsite provision of new health facilities, the package is considerable acceptable. Furthermore and in consideration of the wider benefits that this application will deliver 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:

- 3.3
- a) To provide a minimum of 26% of the residential accommodation across the site as affordable housing measured by habitable rooms including replacement and comprising a minimum 5-10% on the uplift alone, with necessary review mechanism to assess the capacity of each phase to provide additional affordable housing prior to construction).
  - b) A commitment to utilising employment and enterprise, training and skills initiatives to maximise employment of local residents (*not yet resolved at the time of writing this report but officers are aiming to resolve this by Feb 16<sup>th</sup> Committee*).
  - c) A commitment to the provision of a new replacement Community Centre on site or the payment of a £380k financial contribution to Council if not delivered by completion of Phase 4/specific date.
  - d) A contribution of £311k to mitigate against the demand of the additional population on educational facilities.
  - e) A commitment to the provision of a new Health Centre on site or a payment financial contribution if facility is not delivered by completion of Phase 4/specific date.
  - f) A commitment to the streetscene, environmental improvements and

general public realm enhancements through to the value of £416k

- g) A commitment to the provision of public art on site to the value of £50k.
- h) £3k towards Travel Plan monitoring.
- i) A commitment towards wayfinding (schedule of works to be submitted).
- j) The completion of a car-free agreement (existing tenants not subject to car and permit free agreement).
- k) S106 Monitoring fee (3%)
- l) 20% skills match
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 **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.

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

Site Wide 'Compliance' Conditions –

- Timing – within 3yrs
- In accordance with approved plans
- Phasing plan
- Maximum floor areas
- Maximum no. of units (1176)
- Minimum playable space
- Min amount of private amenity space
- Min amount of communal amenity space per phase
- Minimum floor areas for Community Centre
- Min floor area for Health Centre
- Min floor area for faith centres
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- Compliance with Mayor's internal space standards
- Maximum parking ratio and no. of spaces (356)
- Min no. of car club spaces
- Min. No of disabled
- Min no. electric charging spaces.

- Min no. of cycle spaces
- In accordance with approved FRA
- Hours of construction
- Bird nesting (City Airport)
- Flight path, crane height, lighting (City Airport)
- Consultation with National Grid
- Tree replacement
- Compliance with site wide energy strategy
- Compliance with plan submitted to London Fire and Emergency Planning Authority.
- Highway works to include incorporation of cycle path

Site Wide 'Prior to Construction' Conditions:

- Drainage Strategy
- Contamination – investigation and remediation
- Archaeology
- Green roof plan
- 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 (travel distance)
- 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 survey and protection plan
- PV plan
- Ground surface materials and boundary treatment details
- Wind assessment and mitigation
- Shop front and signage detail (Phase 1, 3, 4)
- Details of public realm, lighting and street furniture proposed around A12 subway entrance in Phase 4.

Site Wide 'Prior to Occupation' Conditions::

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

Individual Phase Conditions:

- Temp use ground floor of Phase 1 for marketing suite
- Limit over size of retail floorspace in Phase 1
- Details of retail floorspace for units in Phase 3/4
- Sample of all external materials (Phase 1-6)
- Minimum private and communal open space (Phase 1-6)
- Car parking layout and space provision (Phase 1-6)
- Cycle storage and parking details (Phase 1-6)
- Daylight and Sunlight compliance (Phase 1-6)
- Noise insulation and ventilation measures (Phase 1-6)
- Detail of Plant extract equipment (Phase 1, 3, 4)



- Updated retail impact statement to assessment (Phase 4)
- Details of all brown and green roofs including biodiversity measures (Phase 1-6)
- Lighting scheme and CCTV details (Phase 1-6)
- Hours of operation for faith uses (Phase 3)
- Details of Playable space, play equipment and street furniture (Phase 1-6)
- Storage of waste and recycling (Phase 1-6)

Reserved Matters Applications for Each Phase:

- Compliance with Outline Application
- Approval of Reserved Matters relating to (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.

Informatives:

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

3.6 The application is considered to contain sufficient information in relation to the above.

## 4 PROPOSAL AND LOCATION DETAILS

### Background & Proposal

#### Background

- 4.1 This application is submitted by Poplar Harca, a non-profit RSL established by LBTH in 1998 as the UK's first Local Housing Company. Following a stock transfer arrangement, Poplar Harca now own and manage 8,500 ex-Council homes in the Borough.
- 4.2 The current application is the basis on which Poplar Harca's programme for 'Re-Shaping Poplar' can take place. In addition to providing new homes, the programme seeks to deliver new and improved health, community and social facilities to sustain existing and future communities in Poplar.
- 4.3 Following formal pre-application discussion with LTGDC, GLA and LBTH in 2009 and 2010, Poplar Harca submitted a planning application (ref: 10/10344) for the redevelopment of Aberfeldy in 2010. As will be discussed in later sections of this report, officers felt the submission of the 2010 planning application to be premature, as a number of issues which were raised during the pre-application stage remained unresolved at the time of submission. These concerns related principally to the overall layout, height, density of the development and the proximity of the development to the existing gasholders at Leven Road, particularly in light of the likely objections by the Health and Safety Executive (HSE). As a result, officers requested the application be withdrawn and revisited.
- 4.4 The applicant made efforts to consult with key stakeholders, principle consultees and local residents in attempt to substantially revise the application proposal. In particular, this involved consultation with the HSE between February and August 2011 and the Environment Agency. Poplar Harca also selected a preferred development partner, Wilmott Dixon and together submitted a fresh planning application under a new team of architects and masterplanners. The 2010 application is now withdrawn and the current proposal is outlined below:

#### Proposal

- 4.5 The application proposes up to up to 1,176 new homes, 2,132sqm of new and replacement retail space, health and community facilities. This can be broken down further as follows:
- 297 existing homes would be demolished and reprovided;
  - 1,990sqm of non residential floor space including existing retail space along Aberfeldy Street and existing Neighbourhood Centre would be demolished;
  - Up to 1,176 new and replacement homes would be constructed across 15 blocks;
  - Following replacement, the scheme would deliver 879 new homes;

- 26% of the overall scheme will be for affordable housing. Following re-provision, a minimum uplift of 5-10% is proposed, with a proposed mechanism to review each of the 6 phases prior to construction to assess the site's capacity to provide surplus affordable housing;
- 1,738sqm of new retail floorspace is also proposed;
- New purpose built community centre measuring 504sqm;
- Two new purpose built faith facilities totalling 322sqm;
- New purpose built health centre measuring 960sqm;
- New public linear open space measuring up to 11,000sqm.
- Temporary energy centre in Phase 1 and permanent energy centre in Phase 3;
- Introduction of new off-street parking, in the form of new semi-basement and surface to provide up to 356 spaces for residential units plus 18 spaces for non residential uses.

#### **Site & Surrounding Area**

- 4.6 Aberfeldy estate is situated where the A12 and the Blackwall Tunnel Northern Approach Road meets the A13 (East India Dock Road), with Abbott Road to the north east.
- 4.7 The estate is predominantly residential in character with post war housing and 1970's infill social council homes dominating the estate, most of which range between 2, 4 and 6 storeys in height. The designated Aberfeldy Neighbourhood Centre acts as an active spine through the estate, where the main social, community and retail provision is situated.
- 4.8 To the west of the site lies Culloden Primary School and the underground subway crossing under the A12 towards Brownfield Estate and the Grade II listed Balfron Tower.
- 4.9 The south west corner of the site is currently vacant brownfield land which previously contained the former Currie and Dunkeld blocks (demolished in 2009).
- 4.10 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.
- 4.11 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.

- 4.12 Pedestrian access to and from the site is provided via the A12 underpass at Culloden School (Dee Street). To the south, the A13 can now be crossed by a new signalised surface crossing at Nutmeg Lane.
- 4.13 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.
- 4.14 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/10/01344

- 5.1 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.
- 5.2 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)

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

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

5.4 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.

5.5 The application was withdrawn in Sept 2008 due to unresolved issues, mainly being associated with the height of the blocks. The site was demolished in April 2009 and the site is currently vacant.

PA/10/03548 – Full Application for Phase 1 of Outline Application (former Currie and Dunkeld Site)

5.6 An application for full planning permission is also being considered on the former Currie and Dunkeld site, for the 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 sq.m. new retail floorspace (Use Classes A1 and A3), a marketing suite of 407 sq.m. (Use Class A2), 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 current Outline Application (PA/11/2716).

**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
7.9	Access to Nature and Biodiversity
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 (2007) 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

### **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

### **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

### **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:

- A S106 permit free agreement will be required.
- No justification for the proposed increase in on-site car parking, not supported.
- 2 car club spaces is not sufficient. A minimum of 7 should be provided.
- Concern regarding how the 16 non-residential bays will be managed.
- Retail uses should have no parking (Planning Standard 3: Parking).
- A minimum of 10% of all parking spaces are required to be disabled spaces
- Initially 20% of the spaces should be equipped with electric vehicle charging points & a further 20% allocated for future electric vehicle charging provision.
- 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.

#### Trip Generation:

- Highways do not agree with applicant's trip generation methodology. Suggests that the applicant revise the sites selected for the existing and proposed sites uses.
- Sensitivity test should also be undertaken whereby the sites selected for the existing residential are also then used whilst calculating the trip rates and total trips for the proposed residential.
- The inclusion of the site from LB Brent in the existing residential calculations is incorrect as this is representative of an Outer London Borough which is inappropriate for an Inner London Borough.
- The inclusion of Discovery Dock should also be revisited as this site often skews trip generation assessments.
- Clarification required on mode trips and value assumptions.
- Highway capacity/junction assessments required.

#### Cycle Parking:

- No information has been submitted detailing the number of cycle parking spaces to be provided or their location.
- Cycle parking is to be provided in accordance with the minimum requirements set out in Planning Standard 3: Parking and the London Plan.

#### Servicing Arrangements:

- No information has been submitted outlining the proposed servicing arrangements and how they will be accommodated.
- Given the scale of the proposals, on-site servicing solutions should be secured so that the operation of the public highway is not effected.

#### Refuse Arrangements:

- Comments pertaining to the suitability of the proposals for the storage and collection of waste should be obtained from the Waste Management team.
- The Applicant has previously indicated that they intend to incorporate URS refuse/recycling within the site. As previously advised, this can only be supported if the URS hoppers are located within, and serviced from, private land away from the public highway. Clarification is therefore required over the URS proposals.

#### Other Comments:

- Any design/treatment of the roads which form part of the adopted public highway network, need 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 permission is to be granted, 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 Construction Traffic section of the TA does not alleviate the need for a Construction Management Plan to be secured via condition should planning permission be granted.

*[Officer Comment: Highways are currently raise objections however, further information is being provided by the applicant. This is discussed in more detail in Section 9 of this report and Members will be updated in the Supplementary Agenda on 16<sup>th</sup> Feb].*

### **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 confirm their acceptance of the on site health facility for Phase 4 subject to further discussions with the applicant. If health facility is not provided, a contribution of £537k is requested to mitigate the impact of the development on health.

### **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:

EHO considers VSC impact on Surroundings buildings. Criteria (27%)  
There are 45 failures out of 198 facades - minor impact.  
VSC impact for the Proposed buildings (27%)

There are 207 failures out of 324 facades - significant impact.  
ADF values provided for the surrounding/proposed buildings.  
Appears to meet BRE criteria, however EH will require all the ADF coefficients used in the calculation.

7.8 In terms of Sunlight:

APSH impact on surrounding buildings:  
There are 63 failures for Annual criteria - (25%)  
There are 53 failures for Winter criteria - (5%).

Sunlight: APSH impact for Proposed Development, from the data provided indicates that most of the facades are north facing and not 90 degrees due south, there may be a design issue that EH will review at a later date.

The Shadow plots for both the Baseline/ Proposed Scheme appears ok, however courtyard for Blocks D,G & H shows over 40% area in permanent shadow.

### **LBTH Energy and Sustainability Team**

7.9 The comments from the Borough's Energy Officer can be summarised as follows:

- 'Energy Statement' dated October 2011, details the approach and commitment of the scheme to reducing the CO2 emissions of the development through the steps of the energy hierarchy and integrate energy efficiency.
- Development will meet Code for Sustainable Homes Level 4 and BREEAM Very Good rating.
- As a minimum the phases will achieve a 25% improvement on the applicable building regulations at the time of submission.
- Proposal includes 4 Conventional centralised gas boilers (temp) CHP (600kWe) permanent; potential roof capacity to achieve 118kW of PV panels across the development (944m<sup>2</sup>)
- LBTH supports the principles of the Energy Strategy and the provision of an energy centre and district heating system.
- Total carbon emission savings are calculated as 16% on total site (regulated and unregulated) baseline.
- Against a building regulation baseline (regulated only) the CO2 reductions are anticipated to be 30%. This is supported by LBTH Energy Team.

7.10 In terms of Sustainability the comments from the Borough's Energy Officer can be summarised as follows:

- The LBTH supports the commitment to achieving the Code for Sustainable Homes Level 4.

- Applicant will need to demonstrate through that the energy requirements of a Code Level 4 are achievable prior to the delivery of the Energy Centre at reserved matters stage.
- All non-residential areas to achieve BREEAM Excellent as a minimum.
- Conditions recommended to ensure submission of revised energy statement and sustainability statement at reserved matters stage.

### **LBTH Design and Conservation**

- 7.11 No objections raised to the revised proposal following on going consultation and involvement with applicant's architects at pre-app and application stage.

### **LBTH Town Centre Co-ordinator**

- 7.12 The relocation of retail uses to the south of the existing Aberfeldy Neighbourhood Centre boundary, which ends at Blair Street, means that the two large retail units to the south of the proposed scheme are outside of a town centre.

- 7.13 The implication of this is that Local Shops Policy Guidance in the emerging Managing Development DPD will need consideration, in particular, Policy DM 2.3 which advises that local shops, outside of a town centre, are no more than 100 sq.m. If the proposed units are in excess of this, it is recommended that smaller sized units are implemented in this location.

- 7.14 Appraisal of the relocation of the town centre to the south of its current location should assess benefits in terms of passing trade from new A13 crossing.

- 7.15 Other recommendations:

- Servicing arrangements for provision (logistical arrangements that ensure minimum disruption to pedestrians/residents)
- Waste management and creation as a result of provision
- Noise issues not covered in the transport assessment
- Job creation indicators, including training, linking to the socioeconomic study.
- Demonstration of adherence to the emerging Managing Development DPD
- Public realm improvements

*[Officer comments: see section 9 of this report for assessment].*

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

- 7.16
- Basic outline on waste management considered acceptable.
  - Detail needs to be submitted on the exact locations of the bin stores and on number of dwellings each bin store are supposed to be serving.
  - Plan also needs to include the waste management arrangements for the retail and any other commercial units stated in the development.
  - Waste storage area for Residential and Commercial units needs to be separated.

*[Officer Comment: Much of the information requested above will be conditioned].*

### **LBTH Education**

- 7.18 No written comments received. However officer has calculated required educational contributions and this is outlined in section 9. Further discussions have taken place with Head of Education in relation to the net increase in child yield.

### **LBTH Ecology & Biodiversity**

- 7.19 In summary, officer noted that:
- 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.
  - Aberfeldy Millennium Green, which lies adjacent to the estate, was previously designated as a Site of Local Importance for Nature Conservation, as noted in the ES. However, the recent review of SINC's found that it no longer warranted the designation, and it has been deleted from the list of SINC's. There are opportunities for significant habitat enhancements in the Millennium Green, which could mitigate any damage to this open space which could result from later phases of the estate redevelopment.

### **LBTH Leisure, Parks & Open Spaces**

- 7.20 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.
- 7.21 A population uplift of 2,015 people is predicted.
- 7.22 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 **£1,082,294.12.**
  - Library/Idea Store Facilities Contribution **£255,476**
  - Leisure Contribution **£786,181**
  - Smarter Travel **£30,231**

- 7.23 In relation to Public Realm, it is advised that the standard contribution is calculated based on the draft Planning Obligations SPD which requires a contribution of £246 per sqm (typical cost of public realm layout) for area of footway adjoining the development site.

*[Officer Comment: officer has calculated the public realm contribution for Public Realm. This is outlined in Section 9 of this report].*

### **LBTH Trees Officer**

7.24 No comments received.

### **LBTH Landscape**

7.25 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: the application is currently in Outline form and such detail will be submitted at reserved matters stage].*

### **LBTH Enterprise & Employment**

7.26 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 of £300k 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.

7.27 A contribution of £16,088 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.

7.28 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.

7.29 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**

7.30 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**

7.31 The comments from the Borough's Housing Officer are summarised below:

- Applications proposes 1176 units of which 190 will be affordable (170 rental and 20 intermediate)
- 100 of these rented units will be three bed plus family sized units.
- 151 rented units will be provided at target social rents



- 9 will be at affordable P.O.D rents levels.
- 986 will be private tenure.
- The phased demolition will create an overall loss of 21 family units although the re provision of new units will provide larger family units consisting of four, five and six bed units, this will provide more habitable rooms into the phased development.
- Application produces 26% new affordable housing overall with a 5 % net uplift on completion subject to viability.
- Whilst we support the applicant bringing about change to whole estate by providing a better mixed and balanced community in the area with much needed larger family homes, we need to ensure that the application maximised the amount of affordable housing it can provide through viability testing.
- This application is not an HSG5 Estate Regeneration Scheme.
- Each phase should be assessed by a viability toolkit mechanism.
- Officers are in support of this application in principle, subject to the outcome of the viability toolkit assessment as the scheme seeks to bring about a vast change, to the current housing provision on the Aberfeldy estate. This change will enhance the estate by providing quality sustainable homes for the future.

#### **LBTH Environmental Health - Noise and vibration**

- 7.32 EHO advised that buildings must be redesigned to ensure that no habitable rooms, bedrooms or living rooms overlook the A13 (category “D” of PPG24). Development in its present form is considered unsuitable for residential occupation.
- 7.33 Based on PPG24, EHO recommends refusal. Other conflicts of use also raised with commercial and residential occupation C3 / A1, A2, A3, A5, D1; these should be considered after reviewing the design.
- 7.34 If the applicants wish to have their own noise assessment undertaken, they are advised to discuss this with Environmental Health before proceeding.
- 7.35 Finally, if permission is to be granted, 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.
- 7.36 *[Officer Comment: this issue has been raised in the ES review as well as the Planning Application and the applicant has prepared supplementary information regarding noise mitigation measures. This is discussed in Section 9 of this report].*

#### **LBTH Environmental Health - Air Quality**

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

#### **EXTERNAL CONSULTEES**

##### **Design Council (CABE)**

- 7.38 ○ Proposal to achieve a high quality neighbourhood is commendable

- Design quality supported – e.g use of brick creates rich & attractive appearance but more variation needed for southern elevation of Blair Street.
- Connections to adjoining neighbourhoods could be further improved e.g bridge across A12/A13.
- Reduction in density welcomed
- Reduction in building height compared to previous scheme welcomed
- Neighbourhood centre should integrate with the school
- Concern that the predominance of 6-10 storey blocks may impact on quality of life and the number of north facing flats is disappointing but CABE acknowledge the viability and intensity implication.

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

### **Greater London Authority**

7.39 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.
- Advise that further discussions take place (with HSE) regarding societal risk associated with development within gasholder safety zones.
- GLA acknowledge the HSE's role as an advisory one and not one which can direct refusal.
- In terms of retail use – the proposed increase in retail space within the neighbourhood centre is not considered to have adverse impacts on other retail centres.
- GLA acknowledge that proposal is likely to generate an 'advise against' recommendation from the HSE.

#### Affordable Housing:

- Revised application results in a significant reduction in affordable housing and significant increase in private housing. Financial viability assessment required to determine the proposed housing offer.
- GLA acknowledge that estate regeneration schemes need not provide the normal level of additional affordable housing.
- GLA comment that there is a net loss of 21 units but a net gain in habitable rooms (127hr). Clarification sought on how this fits in with replacement floorspace.
- Affordable Housing targets (and mix) per phase need to be agreed

#### Housing Choice:

- Support that 59% of the social rented units are family units
- 36 x 5 bed units commended (21.5%)
- In terms of private accommodation, GLA note the overprovision of smaller units with no 3, 4, and 5 bed market units. Further discussions needed.

#### Density

- Exceeds London Plan guidance on parts of the site. Further justification needed.

### Urban Design

- Acknowledgment that overall masterplan has significantly improved
- Number of blocks needing further work
- Detailed design code required
- Parameter plans need further work regarding building scale, length, height, width

### Scale & Massing

- Suggested that some variation in height is needed to break up the blocks along A13.

### Heritage Impacts

- Further townscape work needed on the impact of the proposal on Balfron Tower

### Open Space & Child Play Space

- Significant open space and play space acknowledged however use and management per phase needs further work.

### Climate Change

- Energy strategy significantly improved from previous application
- Exploration of connections with other existing networks needed e.g Blackwall Reach.
- Design and overheating and approach to flooding need further work

### Noise

- Mitigation measures needed and should be secured in Design Code
- Double aspect units need to be maximised.

### Transport

- Contributions towards additional bus and DLR capacity sought along side way finding.

*[Officer Comment: The above issues are discussed in the relevant sections of this report. The applicant has also provided a written response directly to the GLA in response to certain matters].*

### **Transport for London (TfL):**

7.40 Comments from TfL can be summarised as follows:

- Electric charging points, car club spaces, and blue badge spaces should be secured through condition.
- Grampian condition advised to secure cycle parking.
- Condition suggested ensuring circulation space with approved cycle docking station.
- Contribution towards bus capacity improvements sought.
- S106 should be directed towards improving public realm.
- Wayfinding could be improved (£15k contribution sought).
- Travel plans, construction logistics plan, and a service and delivery plans should be secured via condition.

### **Environment Agency**

7.41 The EA acknowledge extensive pre-app discussions since previous 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.

7.42 Some concern regarding mitigations measures for non-residential uses and further information requested.

7.43 EA find the proposal acceptable if a condition is imposed requiring a surface water drainage scheme to be submitted.

7.44 EA also advise LPA to condition the submission of a site flood emergency plan to ensure active measures are implemented.

### **English Heritage**

7.45 Acknowledgement that the scale of the tall buildings adjacent to the Balfron Tower has been substantially reduced during the course of pre application discussion. Application is in outline therefore difficult to properly assess the impact of the development on the Balfron Tower and Carradale Estate.

7.46 Advices that the useful checklists within English Heritage's recently produced guidance 'The Setting of Heritage Assets' forms part of the Council's assessment of the proposal along with other relevant national and local policy guidance.

7.47 Should the Council be minded to approve the application we would recommend that suitably robust conditions are with regard to matters including materials and architectural details in order to ensure the necessary level of architectural quality.

### **English Heritage Archaeology**

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

### **London City Airport**

7.49 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal subject to conditions in relation to

- Cranage or scaffolding being limited to higher elevation on plans (43m AOD) 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**

- 7.50
- Concern raised some concerns in their initial comments that certain blocks may fall outside the 'vehicle to access point' travel distances and advised that any residential accommodation will need fire fighting facilities and confirmation was requested that walkways will be able to support weight of fire tenders and access from roadway will be available to said areas.

*[Officer Comment: suitable conditions suggested ensuring relevant information is supplied to the F&EPA].*

### **National Air Traffic Services Ltd (NATS)**

- 7.51 No safeguarding objections to the proposal.

### **BBC - Reception Advice**

- 7.52 No comments received.

### **Thames Water Authority**

- 7.53
- 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**

- 7.54 No comments received.

### **Olympics Joint Planning Authorities Team**

- 7.55 No comments received.

### **National Grid**

- 7.56 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

7.57 No comment received

## Health and Safety Executive (HSE)

7.58 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.

7.59 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 3,500 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.

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

8.3 A total of 6 representations were received following publicity of the application and these can be summarised as follows:

No. of individual responses:	Object:	Support:	General Observation:
6	1	0	5

8.4 No. of petitions received: 0

8.5 1 letter of objection was received from a local resident raising issues relating to:

- Poplar Harca's growing control over the area;
- Fear of additional off-licences, betting shops, takeaways being introduced;
- Clarification sought on definition of 'professional services' and 'education and cultural services'.
- Poplar Harca do not look after current tenants never mind cater for additional tenants.

8.6 5 letters citing general observations were received. These can be summarised as follows:

- 1 letter sought clarification on expected time scales for the development, and whether it would have adverse impacts on the operation of local

businesses (e.g. restrictions on vehicle movement along Abbots Road). E.g a galvanizing company along Leven Road, who depend on Abbots Road to transport steel on artic and rigid vehicles.

- 1 letter queried application document content.
- 1 letter was received from a leaseholder acknowledging that they are not a Poplar Harca resident but commented on how the consultation process did not engage with private residents. Suggested a wider consultation be carried out including non Poplar Harca residents in future consultation.

8.7 2 further letters of general observations were received from the Parish of Poplar Vicar on behalf of St Nicholas Church and the Head Teacher of Culloden School.

8.8 Both parties shared the following observations:

- Acknowledge the need for new homes.
- Some concern regarding density.
- Support the concept of mixed communities through mixed tenure development.
- Suggest clauses/conditions to ensure developers buying up blocks to let.
- Open space, leisure, child play space and sport facilities are a pressing need for the community.
- Strategy needed to minimise disruption to residents during construction
- Additional information sought in relation to road traffic impacts. Will parking be controlled, will a car free scheme be considered.
- Scheme needs to bring enhanced public transport.

*[Officer Comment: matters relating to density, open space, leisure, child play space, traffic and parking are considered in section 9 of this report. In response to the comment regarding potential disruption due to construction, a condition is recommended relating to the submission of a Construction Management Plan].*

8.9 Comments made specifically by the St Nicholas Church included:

- Supporting the development of the Currie and Dunkeld site as Phase 1
- Buildings in Phase 5 opposite the Church (rising to 7-10 storeys) are too tall and may have impact on light entering church.
- Suggestion that site is accessed via new traffic light system at Zetland/Lochnagar St as Abbott Road is already stressed and likely to be closed during Olympics.

*[Officer Comment: matters relating to amenity and loss of light are considered in section 9 of this report. In relation to the Church's suggestion regarding an alternative route to access the site, Abbots Road will remain the primary access and it is likely that this will remain open to local traffic and residents during the Olympic Period].*

8.10 Comments made specifically by the Culloden School included:

- Overprovision of smaller units.
- Height of the proposed buildings next to the existing school will overshadow the school and take away natural light from the school.
- Eastern phase will over look the school playground.
- Potential noise impacts from school to proposed residential uses adjoining

- the school.
- Park keeper needed to care for green spaces and recreational facilities.
- Open spaces need to be managed to ensure they don't attract anti-social behaviour.
- Culloden school students requested cycle lanes in the consultation exercise, however none appear on plans.
- More private family units needed.
- Decanting process will disrupt school attendance therefore a strategy to minimise disruption needed.

*[Officer Comment: concerns regarding impact of school are discussed in Section 9 of this report. In relation to the school's point regarding the management of the open space, this will fall within Poplar Harca's control. Case officer also recommends that the submission of a landscape and public realm management plan is conditioned. Finally in response to the students comments regarding the need for cycle lanes, a financial contribution towards the smarter travel has been requested and this may assist in the enhancement of the existing cycle network in the area. It is also anticipated that the detailed stage of the application will secure sufficient cycle parking].*

## **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
- Open Space
- Child Play Space
- Energy & Sustainability
- Contamination
- Flood Risk
- Biodiversity & Ecology
- Health
- EIA
- Other (Gas Holders and HSE)
- Section 106 / Planning Obligations
- 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 in 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 proposes a broad mix of uses with residential accommodation being the predominant land use. The application will deliver up to up to 1,176 new homes (C3) of mixed tenure, type and size, and as such, the principle of residential use on this site is considered acceptable in pure land use terms.
- 9.5 However, the site is also situated in close proximity to the existing gas holders at Leven 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

- 9.6 In terms of retail, Aberfeldy is identified as a Neighbourhood Centre in the Council's Core Strategy 2010 (App 4). Policy SP01 of the Core Strategy confirms the Borough's town centre hierarchy and seeks to enhance existing neighbourhood centres and create new ones that contain a range of shops to serve local catchment area. Policy DM2 of the draft Managing Development DPD seeks to protect existing local centres and seeks to limit the development of local shops in limited circumstances.
- 9.7 In terms of social and community use, Policy SP03 of the Council's Core Strategy 2010 and Policy DM8 of the Managing Development DPD 2012 together seek to protect existing community facilities, prevent their loss and deliver new high quality social and community facilities in accessible locations.
- 9.8 2,132sqm of non-residential space is proposed comprising replacement and additional retail floorspace for Aberfeldy Neighbourhood Centre, including small and medium sized shop units and restaurant uses and 1,786sqm of new purpose-built community, health and faith facilities (Use Class D1). This is discussed separately below:

#### Retail Uses

- 9.9 The application proposes to demolish the existing retail units along Aberfeldy Street and relocate them slightly further south of Blair Street, to where the new hub for Aberfeldy Village is planned. The re-located neighbourhood centre will be closer to the primary pedestrian entrance from the south where the new A13 pedestrian crossing is currently being constructed. Whilst officers expressed previous concerns at the pre-app stage regarding the shift in the location of the existing neighbourhood centre south, officers are now satisfied that from a viability

and vitality perspective, the focus for Aberfeldy is better placed in this new location in the more dense phase of the development, and next to the new purpose built health and community facilities. It is also officer's view that the consolidation of Aberfeldy's neighbourhood centre provision within one central hub will contribute to the sustainable delivery of the development.

- 9.10 In terms of scale, the existing level of retail space provided within Aberfeldy amounts to 1,477sqm. However, only half of this (702sqm) is currently in active retail use. The remainder is either vacant (250sqm) or used for temporary storage or community uses (403sqm). The new centre will provide up to 1,743sqm of replacement retail use, (a small proportion of which will be provided in Phase 1 in small shop units).
- 9.11 The application is supported by a retail assessment and consideration must also be given to the economic future of Aberfeldy in light of potential shifts in market demand by the time Phase 4 is delivered. Its proximity to Chrisp Street Market is also a consideration. Officers have discussed the overall level of retail provision proposed and consider that a variation to the precise level of retail floorspace may be needed in Phase 4 (2018). A condition requiring an update retail assessment and confirmation of actual provision based on demand and viability is recommended.
- 9.12 In light of the above, the proposed development is considered to comply with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy 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.

#### Community & Faith Uses

- 9.13 The application proposes to demolish and rebuild the existing community facilities and re-provide them within Phase 4 of the development, in the newly located neighbourhood centre. This will include a replacement purpose built community centre (504sqm), a new enlarged health centre (960sqm) and two new purpose built faith centres (322sqm). The Planning Obligations section of this report outlines further detail of the health and community facilities proposed and how these will be secured.
- 9.14 In light of the above, the proposed development is considered to comply with Policy SP03 of the Council's Core Strategy 2010 and Policy DM8 of the Managing Development DPD 2012 which together seek to protect existing community facilities and deliver new high quality facilities in accessible locations.

#### **Density**

- 9.15 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.
- 9.16 The site has a public transport accessibility level (PTAL) of 3 and 4 across the site. For urban sites with a PTAL range of 2-3, both the London Plan and LBTH Core Strategy suggests a density of between 200-450 habitable rooms per hectare and 200-700 hrph for sites with a PTAL of 4-5.

- 9.17 The proposed site is split into 5 phases, based on different character areas. The proposal varies in terms of its density across the site with up to 759hrph in the east of the site down to 423 hrph in the centre of the site and up to 700-888hrph in the north west corner of the site. Whilst the density threshold exceeds the recommended guidance at a strategic and local level, the average density across the entire site is calculated as 376hrph. This is considered acceptable in context. It is worth noting that the previous application proposes up to 1,135hrph in the most eastern part of the site (Phase 1), so the revised proposal represents a significant reduction in terms of density. This shift is partially due to the applicants need to redistribute the density away from the gasholders at Abbott Road. (Section 9 of this report, discusses the implications of the gas holders in further detail).
- 9.18 It should also be noted that the new pedestrian crossing across the A13 at Nutmeg Lane is considered to improve the public transport accessibility of the site which further supports a high density development in this location.
- 9.19 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**

- 9.20 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.
- 9.21 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.
- 9.22 Section 5 of this report already 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 roads. This section 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.
- 9.23 The Public Transport Accessibility Level (PTAL) varies across the site with a PTAL of 4 at the eastern end (Blocks A, B, C, D) and also at the junction of Aberfeldy Street and Blair Street (Block J). These parts of the site have 'good' access to public transport and as such are capable of accommodating the more dense levels 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 this site and improve local connectivity in the area, especially to pedestrian access to East India and

## Blackwall Stations.

- 9.24 The proposal does not seek to alter the existing street alignments for Aberfeldy but intends to improve the street environment. Aberfeldy Street and Blair Street will remain principle routes within the estate. The new layout of the masterplan is however more focused towards shared surface routes, with a pedestrian square (civic space) linking the A13 with Aberfeldy Street where the new commercial hub is proposed. The layout also features a new east west linear green space running parallel to Blair Street and the A13 – this is crossed by four access drive however will be treated as shared surfaces.
- 9.25 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 indicate that the overall trips per residential units and by all modes of transport results in a reduction in two way trips from the existing 9.39 two way movements per day to 4.75 movements per day. This has been attributed to the increase in one bed flats, the decrease in the proportion of family homes and the improvements to PTAL delivered by the new Nutmeg Lane crossing.
- 9.26 In terms of the non-residential uses, the existing health, retail and community uses when added to the existing residential, generates 1,035 movements per day and the proposed scheme increases this to 1,825 movements per day.
- 9.27 The predicted net increase in road trips over the development is 72 additional trips during morning peak and 80 additional trips during evening peak. This represents two additional private vehicles onto the road network every minute. This is considered a major increase but is attributed to the very low baseline traffic flows currently experienced. The increase to Abbott Road is considered slight to moderate while the impact to the A12 and A13 is negligible. TfL's have raised no objections and confirmed that they are satisfied that the additional vehicular trips generated by the proposed development are unlikely to constrain the capacity of the TLRN.
- 9.28 The Borough's Highways Officer has requested additional traffic modelling information in relation to the junction of A12 and Abbott Road and A13 and Abbott Road. This has not been resolved at the time of writing this report and will be updated in the Supplementary Agenda on 16<sup>th</sup> February.
- 9.29 Construction traffic is expected to occur during the 13 year build program from 2012 to 2024. The maximum predicted vehicle movements are 25 vans and up to 40 HGVs per day. The specific controls over construction vehicles will be secured by a condition requiring a Construction Method Statement.

### Servicing and Deliveries

- 9.30 The application is currently in outline form and 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 of further phases.

### Waste/Refuse

- 9.31 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

- 9.32 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.
- 9.33 In terms of the existing parking provision on site, the red line boundary currently has a total of 145 controlled residential parking bays and 35 garages (180 spaces). 162 of these 180 parking spaces and garages are let, and it is proposed that a parking space will be retained by those residents following the redevelopment through the Council's parking transfer scheme. When considering the existing 362 dwellings currently within the application site (red line), the parking ratio is 0.5 spaces. In addition to this proportion, there is an estimated 128 on-street parking bays under the Council's control and 20 private spaces.
- In terms of the proposed parking provision, the application proposes a maximum of 356 residential parking spaces which represents an increase of 176 spaces (356 – 180). In addition to this, it is proposed that 16 visitor and contractor spaces will be replaced, with no change in the numbers. (Two spaces are proposed towards car club). The total increase is therefore:  $176 + 2 = 178$  spaces.
- 9.34 The Council's Policy on car parking spaces (as set out in Appendix 2 of the Managing Development DPD 2012) seeks a maximum of 0.3 parking spaces per dwelling in areas of PTAL 4. The proposal seeks to provide a maximum of 356 parking spaces which equates to a ratio of 0.3 spaces per residential unit when we consider the overall 1176 units proposed. Alternatively, if we consider the net increase in units against the proposed uplift in parking spaces, this would be 178 spaces for 879 homes = 0.20 spaces per home which falls below the Council's maximum parking standards prescribed in the DPD 2012.
- 9.35 The Borough's Highways Officer is not in support of any additional parking provision to the existing 180 spaces and this has raised concerns for officers. The applicant has been asked to rationalise/reduce the existing on-site parking however, Poplar Harca have explained how many of the existing tenants (who are to be re-housed by this development proposal) already have parking spaces which they do not wish to lose and have a right to retain through the Council's Parking Transfer Scheme. Furthermore, the applicant has demonstrated that the provision of extra parking spaces for the private market units in particular is crucial to the commercial viability of the proposal.
- 9.36 Measures to discourage car use in this development proposal include proposed cycling parking, 2 x secure car club spaces and the new A13 crossing at Nutmeg Lane which improves pedestrian access to Blackwall and East India Stations.
- 9.37 As such, it is the view of officers that this development comprises an estate regeneration proposal, certain provisions need to be honoured (e.g, replacement

parking provision) and considering there is not a significant increase in the ratio of total parking spaces to number of dwellings, and it complies with the max parking ratio, the additional 168 car parking spaces is considered acceptable. Two car club spaces are proposed in line with Street Car's advice and the Highways Officer is satisfied with this. It is also proposed that 10% of all parking will be allocated as disabled parking.

9.38 The Borough's Highways Officer has confirmed a permit free agreement will be required through the S106 restricting new residents from securing parking permits.

9.39 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 the Travel Plan.

#### Provision for Cyclists

9.40 Cycle parking is not estimated to increase substantially, with the increase predicted to be 9 additional trips during peak times. However, this may increase as a result of the provision of cycle parking, the Travel Plan and the extension of TfL's cycle hire scheme. As such, cycle parking is to be provided in line with London Plan standards. The Borough's Highway officer has requested details of cycle storage and capacity however the specific detail within each stage will not be provided until the reserved matters stage. The children of Culloden School have also expressed desires to see a cycle route incorporated into the street network along Aberfeldy and it is suggested that this too be conditioned. The applicant has confirmed this commitment. The total number of cycle spaces proposed will be 364 in car parks plus 37 visitor spaces provided externally.

#### Pedestrian Environment

9.41 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. The key pedestrian routes likely to be used by residents are from the development site to Chrisp Street Market, the A13 East India Dock Road Bus Stops, A12 Blackwall Tunnel Bus Stops, East India DLR and Canning Town Station.

9.42 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 into the site to improve permeability along the A13 frontage. Improvement is also proposed to the A12 underpass at Dee Street and planting along the A12 frontage of the development site. Measures such as maps and directional signage is also proposed to assist the pedestrian environment, general wayfinding improve permeability. It is recommended that the detail of the proposed improvements to the A12 underpass is conditioned.

#### Other

9.43 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

9.44 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 a development can be used easily by as many people as possible without undue effort, separation or special treatment.

- 9.45 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.
- 9.46 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, building levels have had to be raised to ensure habitable rooms are above flood breach levels and to ensure refuge from flood waters. 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.
- 9.47 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 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.

## **Urban Design**

### Layout, Mass, Scale & Bulk

- 9.48 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 local character, 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.
- 9.49 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.
- 9.50 The proposal is in outline form, however sufficient detail has been provided in the proposed parameter plans to give officers an indication of the overall design strategy for the site in terms of number of blocks, location, height, relationship with courtyards and open space. The parameter plans also specify the maximum depth including protruding balconies and wintergardens. The masterplan strategy proposes the following key principles:

- Strong linear buildings along the A13 frontage, creating a series of gateways into the neighbourhood;
- A central linear park, ('East India Green'), set behind these linear buildings;
- 'Book end' buildings at the eastern and western ends of the A13 row of buildings, each with civic spaces in between;
- Courtyard buildings overlooking the park and facing onto Blair Street
- A cluster of buildings at the southern end of Aberfeldy Street creating a new retail, social and community hub;
- A series of lower rise buildings along the west side of Aberfeldy Street;
- Two point blocks along the A12 edge creating a gateway opposite Balfron Tower.

9.51 The proposal covers an area of over 6 hectares and in order to give the new development a sense of character and individuality - seven distinct character areas have been identified by the applicant, each of which respond to each other and the adjoining context. This also assist is explaining the proposed layout of the mastepan:

*A) East India Gateway*

9.52 At the eastern end of the site (Phase 1) this character areas is defined by a 10 storey building which drops down to six storeys at the A13 edge and Abbott Road. (In the previous application this building rose to 25 storeys). At ground floor level, the building provides an element of retail/restaurant activity at the edge of the development. The ground floor of Block B will also be used as a temporary marketing suite and will eventually return to retail, parking and storage.

9.52 A civic square/public plaza is also proposed.

9.53 The design approach intended for this building is described as a 'modern warehouse' aesthetic look with dark coloured brick features, recessed and cantilevered winter gardens.

*B) A13 Edge*

9.54 Running along the A13, this area is characterised by Blocks A, E and H running from east to west. These buildings are medium to high residential blocks and located as a buffer for the central areas of Aberfeldy Estate from the harsh environmental conditions of the A13.

9.55 The design seeks to create a simple warehouse style appearance. Recessed balconies and winter gardens are used to mitigate the noise and air pollution presented by the A13 and a darker brick palette is intended to respond to this harsh environment. The A13 Edge also provides four separate pedestrian links from the A13 through to the park within, improving the permeability of the area.

*C) East India Green*

9.56 A linear spine of green space is proposed between the blocks fronting the A13 and Blair Street. This green space provides the primary cycle and pedestrian route from Aberfeldy Street through to Abbott Road.

9.57 The buildings lining either side of this open space are raised in response to flood risk issues and therefore have stepped entrances and landings to create a row of



overlooking terraces. These entrances open out onto an active green space. Balcony treatments are a combination of both cantilevered and recessed to provide articulation along the building lines. Shared surface driveways are proposed between blocks however 'Home Zone' principle will be used to priorities pedestrians and cyclists.

*D) Blair Street*

- 9.58 This character area runs along the northern side of East India Green and fulfils a similar role to the A13 Edge in providing a building line to a trafficked street. The blocks along Blair Street are a maximum of six storeys in height and maintain a unified and coherent frontage. Like East India Green, residential entrances are raised to mitigate flood risk issues. Balconies overlooking Blair Street are to be recessed to prevent overlooking of the existing neighbouring gardens. The material palette is a pale soft brick using different shades and bonds to add variety.

*E) Aberfeldy Gateway/Core*

- 9.59 This is the core of the masterplan area and is focused on the relocation of the existing retail element on Aberfeldy Street to a hub around a shared surface square between Blair Street and the A13. A new ramped link from the A13 will create this as the principle entry point into the development from the south and therefore creates the footfall to reinforce the relocated retail and community uses.
- 9.60 The area is made up of Blocks G, H and J with active ground floor frontages and residential above. Inset balconies are used in facades overlooking the square to create a strong building frontage. The eastern buildings are six storeys in height and the western Block J rises to eight storeys. This includes a community and health centre for the western side of the square in Block J,
- 9.61 A central feature of the square is a series of water jets contained in the paving that offer play opportunities for children. A shared surface element is provided for service vehicles, however the area is intend for pedestrian and cyclists, with seating, cycle parking and tree planting.

*F) Aberfeldy Street*

- 9.62 North of the Aberfeldy Gateway, Aberfeldy Street forms the main street within the development, running north-south. The buildings in this location are made up of Block K on the western side of Aberfeldy Street and backing onto Culloden School, Block L on the eastern side of Aberfeldy Street and Block N at the northern end of Aberfeldy Street opposite Millennium Green.
- 9.63 Block K is five storeys and features flexible ground floor space that can cater for either residential use or retail use. At the southern end of the block, there may be an option to provide an additional entrance to Culloden School in Phase 4 of the development, however this has not been agreed with the school at this point in time. Block L is four storeys and contains two faith facilities. This phase does not include the redevelopment the Aberfeldy Pub on the corner of Blair Street and Aberfeldy Street, nor does it replace the relatively new residential development on the corner of Dee Street and Aberfeldy Street.

*G) Dee Street and the A12*

- 9.64 The final and northernmost character area is located to the north of Dee Street

between Aberfeldy Street and the A12 containing blocks are M, N, P, Q and R. Block M and R are the western most blocks and are closest to the A12. Each are 10 storeys in height and are intended to reflect/mirror the scale of Balfour Tower on the opposite side of the A12 in a subordinate rather than competing fashion.

- 9.65 Block M steps back from the A12 to create a small area of open space, known as Dee Green. This is the main arrival point into the development from the west, via the A12 pedestrian underpass. The green is intended to create a soft public realm in the form of an informal dense cluster of trees, which create an environmental buffer between the A12. The blocks facing the A12 will require winter gardens and recessed balconies to respond to the air quality and acoustic conditions.

#### Assessment

- 9.66 Whilst the application is in outline form, it is considered that the overall design strategy and proposed layout carefully balances all of the site constraints and opportunities and provides an acceptable option for the redevelopment of Aberfeldy. It must also be considered that the current application has been revised to meet previous concerns regarding the layout and height of a number of the blocks which reached as high as 16 and 25 storeys in the previous application.
- 9.67 In line with strategic and local policies objectives, the overall design strategy respects the existing constraints and opportunities on site, such as the busy A12 and A13 roads, the existing blocks on site, the existing retail hub, its potential and limitations. 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 and the application is considered to find an acceptable solution to this.
- 9.68 The general bulk, scale and mass of the building blocks proposed are considered acceptable as they respect the scale and mass of existing buildings on the site and within the vicinity.
- 9.69 The overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site and to other destinations such as Chrisp St, Canning Town, East India Dock.
- 9.70 Officers have concerns regarding the number of blocks within north facing aspects, many of which will have single aspect. This has implications for the overall quality of the residential environment, particularly in terms of outlook, and daylight and sunlight. 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 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.
- 9.71 Whilst the application is in outline, the overall palette of materials outlined in the Design Statement and Design Code are considered to be sympathetic to the site's context particularly in relation to the brick work which dominates much of the existing fabric in the area. The proposed mix of brick type and colour, together with proposals to introduce projecting and recessed brick patterns will add visual interest and character to each of the individual character areas. It will be for the reserved matters stage to confirm the quality of this detail and suitable conditions are recommended.

- 9.72 The proposal is therefore 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 overall layout, bulk, scale and use of materials however; the detailed reserved matters will confirm this further.
- 9.73 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

- 9.74 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.
- 9.75 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.
- 9.76 Whilst the site is not strictly located within an area designated for tall buildings, the site does fall within the backdrop of Canary Wharf and opposite the site along the A13 sits a number of existing tall buildings. 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 around the new masterplan for Aberfeldy are generally positioned on the edges of the estate where the PTAL is higher and where buildings can provide a buffer between central spaces and the busy A12/A13. These taller buildings have a higher proportion of private for sale accommodation and smaller unit sizes. The scale of buildings reduces within the interior of the site to relate to the lower rise existing dwellings within the estate. Family homes and affordable housing will generally be located away from the edges of the estate and at ground floor levels and will benefit from being closer to open space.
- 9.77 The scheme now proposed a mix of 6, 8, and 10 storeys in heights, which is considered more appropriate to the existing residential character of Aberfeldy. 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 would ensure that the development of this site would make a positive contribution to the streetscape and to the existing community.
- 9.78 Consideration has also been given to the potential impacts of the development on surrounding local and strategic views, however, the site does not falls within any

protected viewing corridors. Consideration has also been given to views into and out of adjoining conservation areas including Balfron Tower (Grade II Listed), Carradale House (Grade II Listed) and the Balfron Tower Conservation Area. The application is in outline and the detailed matters will assess the impact of the proposal on the adjoining listed building. However, considering the reduction in the height of the tower on the east edge of the A12 opposite Balfron Tower, officers do not consider there this to have any adverse impacts on the setting of the listed building in principle.

- 9.79 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 distant views.

#### Ensuring Quality Design

- 9.80 To ensure the principles identified above are imposed into the detailed design of each of the 6 phases of development, a Design Code has been developed by the applicant in consultation with GLA, LTGDC and LBTH officers. The design code provides the design approach to be taken with each character area and individual block.
- 9.81 The Design Code sets principles and standards regarding scale, mass and building height; aspect and orientation; entrance and circulation confirming building core location and access point; courtyard location and size of communal space; street widths, footways, shared surfaces and landscaped areas; relationship of building block frontages with public realm; details of amenity space, balconies and back gardens; commitment to London Housing Design Guide standards, window type and patterns; materials and colours; parking location and access.
- 9.82 This Design Code is a fundamental instrument in establishing the design principles at reserved matters stage and has given officers the assurance that high quality estate regeneration will be delivered for the residents of Aberfeldy.

#### **Housing**

- 9.83 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.
- 9.84 Policy 3.25 of the London Plans (2011) and Policy DM3 of the Draft Managing Development DPD (2012) resists the loss of existing housing unless replaced with stock to an equivalent or better standard.
- 9.85 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.
- 9.86 The application proposal will deliver up to up to 1,176 residential units, following the demolition and redevelopment of 297 existing homes. This represents a net increase of 879 new homes. As outlined in the report for the Full Planning

Application, 342 new homes will be delivered in Phase 1 which 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.

- 9.87 Furthermore, the application will not result in the loss of existing housing in terms of habitable rooms or residential floorspace. The application results in a gain of 127 affordable habitable rooms. As such the quantum of housing is supported.

#### The Decanting Process & Phasing

- 9.88 The applicant proposes the phased demolition of the 297 homes over 6 phases. Poplar Harca have confirmed that a single decant process is planned and this is made possible through the current vacant site in the eastern corner of the masterplan (former Currie and Dunkeld site). The decanting process seeks to facilitate the retention of the existing Aberfeldy community through giving existing Poplar Harca tenants and leaseholders a range of options.
- 9.89 For those Poplar Harca tenants already in the blocks nominated for demolition – they will be offered similar accommodation within the new development or offered on another Poplar Harca site.
- 9.90 Existing leaseholders will be offered one of the new private market homes on site or given the option to be bought out. Other alternatives include part buy and shared equity arrangements.
- 9.91 Overall demolition (for both tenures) is distributed across the phases. The table below summarised this in the context of the application proposal. Commencement and completion timescales for each phase are also identified:

Phase	Timing Commencement & Completion (2012-2025)	Demolished Units	Proposed Units & Uses	
Phase 1	Oct '12 - Sept '17	0	342 units	411sqm retail
Phase 2	Jan '15 - July '19	84	200 units	
Phase 3	Dec '16 - Jan '21	79	200 units	Energy centre 989qm Retail
Phase 4	Oct '18 – Nov '22	67	171 units	504sqm Community 322sqm Faith Uses 960sqm HealthCentre 343sqm Retail
Phase 5	Nov'20 – Sept '24	52	175 units	
Phase 6	July'22 – Sept '25	15	88 unit	
Total		<b>297</b>	<b>(up to)</b> <b>1,176</b>	

- 9.92 As the table above, demonstrates, phases demolition is proposed across 6 phases between January 2015 and July 2022. Phase 1 contains a significant proportion of the overall development and commencement is currently anticipated to be as early as October 2012. A small element of retail and cafe facilities are proposed for Phase 1, however the bulk of the retail, social, community and health facilities will

come forward in Phase 3 and 4. The existing social and community facilities will therefore support the existing residents until this phases commences in 2016/2018.

#### Affordable Housing

- 9.93 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.
- 9.94 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 in order to achieve more mixed and balanced communities.
- 9.95 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.
- 9.96 Policy DM3 (Part 6) of the draft Managing Development DPD (2012) confirms that a net loss of affordable housing will only be allowed in exceptional circumstances where (i) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site, or (ii) public open space or a non residential use will benefit the overall estate regeneration scheme.
- 9.97 Consideration has also been given to the recent government announcements that HCA grant funding has been drastically cut and to the changes to the definition of affordable rent (Revised PPS3, issued in June 2011) which offers eligible households at a rent of up to 80% of local market rents. The definition of affordable housing has therefore changed and as outline below in more detail now includes social rented, affordable rented and intermediate housing.
- 9.98 Part 1 of Policy DM3 of the Managing Development DPD sets out the Council's approach to the new affordable rent product. The policy reaffirms the Core Strategy target for 70% of new affordable housing to be for Social Rent and 30% for Intermediate. Where it can be demonstrated that it is not viable to provide this level of Social Rent housing then Affordable Rent will be accepted. The policy confirms that the delivery of larger family homes should still be prioritised for Social Rent.
- 9.99 The subtext to Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on what acceptable Affordable Rent levels are likely to be for the Borough as a whole. This has been informed by research carried out for the Council by POD (2011) which takes into account local socio economic circumstances. In practice, Rental levels on each individual scheme will be need to be agreed with Council to reflect the particular local housing market of that area and the needs of the borough.
- 9.100 Social rented housing is defined as:
- Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of

grant.

9.101 Affordable rented housing is defined as:

Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.

9.102 Intermediate affordable housing is defined as:

Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.

Applicant's Offer:

9.103 This proposal involves partial demolition and rebuild of existing homes and the provision of additional new homes. The proposal can be considered in two contexts.

9.104 Firstly the overall resulting scheme once completed, will result in 26% affordable housing across the application site.

9.105 In terms of *new* affordable housing, an uplift of 5% is proposed.

9.106 The application confirms that all affordable housing which is to be demolished will be replaced in terms of habitable rooms terms (741hab rooms). The new build element will provide 121 additional affordable hab rooms which equates to 40 units or 5% of additional affordable housing, provided after replacement.

9.107 Of the 190 new affordable units, 151 will be for social rent, 19 will be for affordable rent and 20 will be intermediate. The applicant has confirmed that the rents of the units which will be for 'affordable rent' will fall below the Borough average rents set out under Policy DM3 in accordance with the POD research carried out on behalf of the Council and has the support of the Borough's Housing Officer.

9.108 As such, the applicant has confirmed that these rents will be as follows:

1 bed - £165  
2 bed - £176  
3 bed - £195  
4 bed - £210

9.109 Overall, the scheme will provide 26% affordable housing provision and 5% uplift in terms of new affordable housing. As such, the application falls significantly short of the Core Strategy target which seek 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 development as currently modelled has no ability to deliver any more affordable housing on this site than 26% at this point in time.

9.110 The applicant has sited significant viability challenges in support of its proposal - such as the £23million leaseholder buyout cost; the loss of £12million HCA grant

funding; costly flood mitigation measures, and the implications of revising the scheme to make account of HSE concerns regarding the gasholders. These challenges appear to 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%. 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.

- 9.111 In addition to the 26% affordable housing, the applicant proposes a review mechanism in the later phases of the development which seek to re-assess the situation and identify the opportunity for additional affordable housing units on the site. This mechanism is outlined below:

Review Mechanism

- 9.112 The proposed review mechanism is set out in the applicant's document entitled 'A Mechanism to Review Affordable Housing'.

- 9.113 In the first instance, this mechanism proposes a minimum provision of 26% affordable housing across the site. Within each phase this represents a resulting provision as follows:

Phase 1: 28%  
Phase 2: 20%  
Phase 3: 37%  
Phase 4: 19%  
Phase 5: 23%

- 9.114 Over all, the applicant also commits to a minimum provision of 5% uplift on completion. However, this masterplan application has a build period of up to 2025 over 6 phases, so if and when market conditions improve between now and 2025, the LPA have an opportunity to assess the capacity of the scheme to deliver additional affordable housing on site, through the submission of a Pre Implementation Viability Assessment by the applicant at the onset of each of the phases. These assessments would be independently reviewed prior to the commencement of each phase with the objective of confirming the extent of likely surplus affordable housing. The scheme has struggled to deliver a higher level of affordable housing as a result of the viability constraints identified above, however the scheme will deliver wider estate regeneration benefits in the form of new social and community infrastructure (community centre, purpose built faith facilities and health centre) and new public open space.

- 9.115 Clauses are also proposed within the S106 requiring any additional surplus to be ring fenced and provided in the later phases of the scheme. In addition to this, the review mechanism proposes to review the scheme at the final phase (Phase 6 2022-2025) to investigate the sites capacity to provide an additional surplus (based on the Council's affordable housing target at that point in time). It is proposed that the final viability assessment will also assess the development's capacity to offer a monetary contribution over and above the affordable housing being delivered on the development and if so, this to be allocated to the Borough as an off-site affordable housing contribution.

- 9.116 It is acknowledged that this proposed review mechanism is very much dependant on market recovery and this would require the Council to take a considerable risk



however, considering the current economic climate; there is a reasonable chance that by 2022 the economy may be in a more buoyant position. Furthermore, National Grid has indicated to Poplar Harca that the existing gasholders may be considered for decommissioning in 2016. Whilst these factors are not guaranteed, they represent possibility for improved site conditions which is a contributing factor in the proposed affordable housing offer.

9.117 Finally, it must also be noted that the proposed affordable housing offer set out for this application proposal is somewhat skewed as it does not represent a true reflection of the actual character of the wider Aberfeldy Estate. This is because many of the existing households at Balmore Close, Ettrick Street, North of Blair Street fall outside the application site boundary. In holistic planning terms, these households very much form part of the Aberfeldy community, however are excluded from the application figures and proportions as development works are not proposed to these properties. Aberfeldy is currently dominated by social rented tenure, and this proposal will seek to address this imbalance. There will be no net loss in terms of affordable housing however, the introduction of other tenures, through intermediate, affordable rent and private market housing, will create an improved tenure and a more balanced community throughout Aberfeldy. This is the thrust of Policy DM3 of the Managing Development DPD and Policy 3.9 of the London Plan.

9.118 As such, in the light of the above, and in consideration of the overall site constraints, particularly the proximity of the site to the gasholders and the demonstrated viability constraints, the proposed affordable housing offer (at 26% and including a phased review mechanism) is considered acceptable as it will contribute to achieving a better mix and better standard of affordable housing and an improved mix in tenure for the wider Aberfeldy area, 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

9.119 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.

9.120 Further to this, 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.

9.121 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.

9.122 Policy DM3 (part 7) of the draft Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance in provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009)

9.123 A summary of the proposed mix of dwelling types within each of the different tenures is set out below:

	<b>Market Sale</b>	<b>Afford Rent</b>	<b>Social Rent</b>	<b>Intermediate</b>
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	Units	Units	Units	Units
Studio	78	0	0	0
1 Bed	195	2	8	8
2 Bed	713	10	50	11
3 Bed	0	4	36	1
4+ Bed	0	3	57	0
<b>Totals</b>	<b>986</b>	<b>19</b>	<b>151</b>	<b>20</b>

9.124 In order to assess the acceptability of the mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed mix in the context of the Borough preferred dwelling mix:

Affordable Housing										Private Housing		
Unit size	Tot Unit	Affordable Rent		Social Rent			Intermediate			Market Sale		
		Unit	%	Unit	%	LBTH target	Unit	%	LBTH target	Unit	%	LBTH Target %
Stud	78	0	0	0			0			78		
1bed	213	2	63%	8	5%	30%	8	40%	25%	195	20%	50%
2bed	784	10	53%	50	33%	25%	11	55%	50%	713	72%	30%
3bed	41	4	21%	36	24%	30%	1	5%	25%	0	0	10%
4bed +	60	3	5.2%	57	38%	15%	0	0%		0		10%
=	up to 1,176	19	100	151	100	100	20	100		986	100	100

9.125 As the table illustrates, the scheme is dominated by smaller units in the private sector tenure, particularly 2 bed units which exceeds the Borough's target for private market housing (72% against a target of 30%). However, this is as a result of the higher level of private market housing being injected into the site (986 new private market homes, all of which are in the form of 1 and 2 bed homes). Whilst it is regrettable that the scheme can not achieve a higher proportion of larger family homes in the private market sector, the applicant has explained that the introduction of smaller private homes is required in this instance to make the regeneration scheme commercially viable and to ensure that the scheme can ensure there is no net loss of affordable housing.

9.126 In terms of family accommodation, there lies an under provision in the overall level of proposed units suitable for family accommodation (9%) which is significantly short of the Borough's targets (30%). However, whilst 9% appears low, this is calculated in terms of *units* and the new family homes will be in the form of 3, 4, 5, and 6 bedroom homes. When this is calculated in habitable room terms, the proportion of family accommodation would be **18%** which illustrates the additional floorspace dedicated to larger family units. Poplar Harca have explained that this mix has been produced in direct response to local housing demand for the area. Across the site between all tenures, the application commits to the delivering 101 family units as follows:

- 41 x 3 bed units
- 15 x 4 bed units
- 36 x 5 bed units
- 9 x 6 bed units

- 9.127 It must also be noted that the figures for family housing are slightly skewed as they only capture the mix within the application site (red line boundary). As shown in the site plan below, this does not represent a true reflection of the entire unit mix across the wider Aberfeldy Estate. Blocks within Athol Square, Balmore Close, Ettrick Street, North of Blair Street are not considered within the mix above as they fall outside the application site boundary, however officers are aware that these blocks indeed contain a mix of family units all of which are to be retained on site.
- 9.128 In terms of family units in the social rented sector specifically, over **62%** of social rented homes would be for family accommodation (this represents 93 homes in the form of 3, 4, 5, and 6 bed units) which greatly exceeds the Council's minimum requirement of 45% and therefore complies with Policy SP02 of the Core Strategy. 7 additional family units are provided within the affordable rent units and whilst officers are sought to negotiate these family units for social rent tenure, the applicant has made the case that these units are needed from a viability perspective.
- 9.129 The original application proposed a greater proportion of family units, however, the current scheme has been designed around the constraints of the gasholders and associated risks, where the overall density and in particular the number of persons to be accommodated on the Currie and Dunkeld site (which is the closest part of the site to the gasholders) has been significantly reduced. Furthermore, this put a significant impact on the viability of the scheme resulting in the further reduction of family units to smaller homes. This represents one of the many implications of Leven Road gasholders in shaping the development of this outline application. It is however recommended that the review mechanism to be captured in the S106 also consider future housing mix, particularly in terms of additional family homes.
- 9.130 With regard to the mix of housing, the application proposes a mix social rent, intermediate and affordable rent product in a ratio of 80:10:10 and whilst this does not accord with the Mayors target of 60:40 (social rent: intermediate) or the Borough's target of 70:30, the applicant's situation is unique in this instance as the application comprises an estate regeneration where as the RSL the applicant has the responsibility of re-housing existing social rent tenants within Aberfeldy.
- 9.131 On balance, it is officers' view that in this instance, the dominance of smaller private market homes provides an acceptable mix across Aberfeldy and contributes towards better mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of large family housing within the Social Rented sector is welcomed. Therefore considering the site constraints associated with the site and the associated viability constraints, the application provides 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) which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

## **Residential Standards**

### Internal Space Standards

- 9.132 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's London 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.
- 9.133 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.
- 9.134 The application commits to meeting the Mayor of London's minimum unit sizes.
- 9.135 This application is currently in outline form therefore detailed spaces standards are not measurable, however the applicant has confirmed that the parameter plans and overall level of floorspace proposed has been development with the number of units proposed and has been shaped by the Mayor of London's space standards. The precise spaces standards proposed will be assessed in detail at the reserved matters stage. It is worth noting that there is currently a full planning application for Phase 1 of the development and there is some comfort in knowing that the detailed plans for Phase 1 comply with the Mayor of London's internal space standards. This is a reasonable indication of the applicant's commitment to the remaining phases.
- 9.136 The applicant is an affordable housing provider and understands the requirement for larger affordable units having separate kitchens and living areas for social and religious reasons. As such, the details stage of this application will ensure that the application complied with Policy DM4 of the draft Managing Development DPD 2012.
- 9.137 Overall, the proposed application material gives officers reasonable comfort that the proposed development is 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

- 9.138 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.
- 9.139 The application is in outline form, however the parameter plans and design and access statement confirm that the application will provide approximately 11,000sqm of public open space. Based on Sport England calculations, a population of this size would generate a requirement for 24,000sqm of open space. Considering the site constraints, this is not achievable even with the densities proposed. Furthermore, it is the case officer's view that only 8,000sqm of this is considered to be functional useable open space for the public. The space is provided in the form of a linear park running parallel with Blair Street and the A13.

The green space will provide a strong pedestrian friendly residential environment for the development, in front of the A13 edge blocks which will shielding much of the development from the busy A13. The plans also suggest a high quality delivery to this open space to include water features, high quality street furniture, mature planting, and paved shared surfaces. The linear parking includes a swale which has been commended by the Borough's Biodiversity Officer.

- 9.140 The applicant has indicated that it has a budget allocated towards open space and public realm works outside the necessary S278 highway works. This is discussed in further detail in the Planning Obligations section of this report (Section 9). This gives officers 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

- 9.141 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.
- 9.142 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.
- 9.143 In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.
- 9.144 The current application is outline and it is only possible to carry out a detailed assessment of private/communal amenity space and will be determined at reserved matters stage. However, the submitted parameter plans and design and access statement do suggest the incorporation of projecting balconies, front and rear gardens, roof terraces, communal spaces and winter garden. In addition, the accompanying Design Code illustrates the principle design approach to such forms of private amenity space.
- 9.145 It is also worth noting that the Phase 1 application provides a sufficient level of private and an exceptional level of communal amenity space.
- 9.146 In applying the minimum standards for private and communal amenity space, the development would require a provision of between 6,000-6,500sqm of private amenity space and 1,216sqm of communal amenity space. In any event, it is recommended that any approval is conditioned to ensure the submission of a detailed analysis of the amenity space proposed for each Phase which seeks to achieve at least 5sqm of private amenity space for all 1-2 bed homes and an additional 1sqm for every additional occupant.

#### Child Play Space

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

- 9.148 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).
- 9.149 Using LBTH child yield calculations, the proposed development is anticipated to deliver 334 children and accordingly the development should provide a minimum of 3,340 sqm of play space. The development proposes to deliver 4,500sqm of play space which exceeds the required level. However, this must also be considered that within the wider Aberfeldy Estate as the existing blocks and residents will no doubt use the new play space being provided and likewise the occupiers of the new units will access some the existing 1,674sqm of play space that currently exists on site. An overprovision within the propose development site is therefore welcomed. The play strategy is outlined in the submitted Design and Access Statement and confirms that each of the six phases will provide new dedicated and equipped play space in the form of:
- 1,500sqm doorstep play (0-3yr olds)
  - 2,000sqm local play (4-10yr olds)
  - 1,000sqm play (11-15 yr olds)
- 9.150 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. These have been incorporated into the Design Code and give officers an assurance that a good level of child play space can be secured on site.
- 9.151 Despite this, detailed plans will be required at reserved matters stage to confirm the details of the play space strategy, layout and equipment. For the purposes of the Outline application, officers support the quantity and broad 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

- 9.151 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.
- 9.152 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 development with the 10% provision of wheelchair accessible homes in mind. As this application is in outline form, it is recommended that the application is conditioned to ensure this.
- 9.153 Considering that the 297 of the existing dwellings within the estate will be demolished and rebuilt, the inclusion of wheelchair accessible units and Lifetime

Homes Standards contributes towards the delivery of better quality replacement stock, which ensures a better quality living environment for Aberfeldy in terms of housing choice.

- 9.154 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**

9.155 Daylight, Sunlight and Overshadowing

Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (1991).

- 9.156 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.

- 9.157 Section 13 of the Supplementary Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

### Daylight

- 9.158 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.

- 9.159 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.

- 9.160 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.

- 9.161 The application is in outline and as such assumptions were made for the internal room dimensions.

- 9.162 In terms of the development itself, 63% of the lower level façade locations do not meet the recommended daylight availability when VSC was considered, and this has raised concerns for officers. However, when ADF assumptions were made, the internal daylight assessment found adequate levels of daylight at all facades.

- 9.163 It is worth noting that the daylight levels have improved when compared to the 2010 scheme. To maximise the amount of daylight accessing the blocks, building

heights have been reduced, courtyards have been opened up with the addition of 'slots' in their south sides to allow light in, ceiling heights have been increased and window sizes increased to allow more light into low level rooms. The applicant has also confirmed that at the detailed design stages of the subsequent phases, window sizes will be maximised in areas where daylight and sunlight requirements are challenging. It is suggested that a daylight and sunlight analysis is submitted for each of detailed phases when the detailed design and window detail is known.

- 9.164 In terms of the impact of the proposal on the existing buildings within the development, the VSC for the surroundings buildings were assessed and the Council's EHO found only minor impacts (27%).

#### Sunlight

- 9.165 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.

- 9.166 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. An analysis of the levels of APSH was assessed in the context of the impact of the development on surrounding buildings and also the impact of the development on itself. In terms of the impact of the development on the existing surrounds - approximately over 91% of the assessed locations will receive at least 25%. Only 17 facades out of 198 will fail across the entire site this is considered acceptable given the density of the application and the general urban context of the site.

- 9.167 However, the Borough's EHO has noted that a high proportion of the units will north facing and will therefore not have sufficient levels of sunlight. However, the site has a number of factors which have shaped the overall design and layout of the development and in particular the blocks along the A13 boundary have been orientated with north facing units. In the case officer's view, given the urban context and constraints facing the site, lack of sunlight to these properties is not considered so significant as to warrant refusal of the planning application. It must also be noted that many of the existing units on the site had similar problems however officers are satisfied that on balance, a better form and standard of accommodation is being re-provided on site.

- 9.168 In terms of the impact of the development on itself, the result shows that over 80% of the facades will receive adequate sunlight. Only 62 of the 323 facades will fall short and most of these are at ground floor windows within the courtyards or immediately facing adjoining buildings so the amount of sunlight received is limited. Overall, any adverse impact is negligible and expected for the scale and density of development proposed. In terms of the APSH impact on surrounding buildings, only minor failures were found.

#### Overshadowing

- 9.169 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 received at least 2 hours of sunlight of 21 March"*. The results for the



proposed development show that the proposed development will have a negligible impact on the existing open spaces such as Braithwaite Park, Millennium Green and Abbott Road Park.

- 9.170 In terms of the impact of the development on proposed courtyards and new open spaces within the development itself, twelve different spaces are proposed and were assessed. Of these spaces, 3 will have more than half the garden in permanent shadow and will not comply with the BRE guidelines. These areas include the courtyards within Block D, G, and H shown on the illustrative masterplan. However, the remaining spaces will comply with BRE guidance. Whilst 3 of the courtyards will have a moderate adverse impact in terms of shadow, this is still an improvement to the previous scheme. These courtyards have been designed to maximise the amount of light accessing them through the introduction of slits in the building block and reduction in the southern elevation to allow more light through.
- 9.171 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

- 9.172 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the draft Managing Development DPD 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.
- 9.173 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.
- 9.174 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.
- 9.175 It is considered that based on the parameter plans, the development affords acceptable levels of outlook for residential occupiers. Each phases should be assessed at reserved matters stage when the layout of residential units and open spaces is known.
- 9.176 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**

- 9.177 PPS23 and Policy 7.14 of the London Plan (2011) seek 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.

- 9.178 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.
- 9.179 In the longer term, the operation of the energy centre is likely to generate a moderate to substantial increase in NO<sub>2</sub> 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.
- 9.180 The Borough's EHO has not commented however, the case officer recommends that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.
- 9.181 On balance, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area.
- 9.182 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**

- 9.183 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).
- 9.184 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.
- 9.185 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, noting the site's unsuitability for residential occupation.

- 9.186 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 should be weighed against the regeneration objectives of the proposal which seeks to provide a better quality residential environment for existing and new occupiers of Aberfeldy. 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 noise sources such as the A13 where possible. For those units which inevitably face the A13 (like many of the existing and former units), a number of mitigation measures are proposed which include, high performance acoustic glazing, mechanical ventilation and enclosed winter gardens. Amenity areas within the development site have also been designed to that they are sheltered from the A13 noise in order to provide relatively quiet residential environments.
- 9.187 As such, a balanced view has had to be taken with regard to the EHO's objection on grounds of noise. It the view of the case officer that any impacts in terms of noise are outweighed by the regeneration benefits that the development will bring to the area and in any event sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition to ensure this is recommended.
- 9.188 The Borough's EHO has also advised that if the application is to be approved, 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).
- 9.189 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.
- 9.190 As such, it is the officers view that considering the site constraints, 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 Efficiency & Sustainability**

- 9.191 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency.
- 9.192 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).
- The London Plan 2011 also 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).
- 9.193 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. 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.

- 9.194 The submitted energy strategy dated October 2011 details the approach and commitment of the scheme to reducing the CO2 emissions of the development through the steps of the energy hierarchy and integrate energy efficiency. It confirms that the buildings will achieve a 25% reduction in carbon emissions and as the scheme progresses beyond 2013 will aspire to reach 40% reduction then eventually zero carbon beyond 2019.
- 9.195 The submitted energy strategy has emerged from a process of evaluation the technical and economic feasibility of a series of potential alternative energy option including photo-voltaic cells, solar hot water, ground source heat pumps, air source heat pumps, micro wind power and biomass. The option selected for the development is a central energy plant with 4 x conventional centralised gas boilers (temporary) CHP (permanent 600kWe) with a distribution network to each block. This option has been endorsed by the GLA and Tower Hamlets energy officers.
- 9.196 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green) with a potential roof capacity to achieve 118kW of PV panels across the development (944sqm).
- 9.197 It is recommended that the Energy Statement dated October 2011 is secured by Condition.
- 9.198 In terms of sustainability, all new residential development is required to achieve a Code for Sustainable Homes Level 4 rating and all commercial 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) seek the highest standards of sustainable design and construction principles to be integrated into all future developments.
- 9.199 The submitted Energy Statement sets out the commitment to achieving a Code for Sustainable Homes Level 4 rating and targets a BREEAM Very Good rating. Following the request of the Borough's Energy Officer, the applicant now aims to achieve an 'excellent rating'. It is recommended that the achievement of these ratings is secured through an appropriately worded condition. It is recommended that the subsequent sustainability statements submitted at each subsequent phase, detail the proposed BREEAM and CFSH rating for that phase.
- 9.200 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**

- 9.201 In accordance with the requirements of PPS23, saved UDP policy DEV51, policy DM30 of the Managing Development DPD, 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**

- 9.202 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of Tower Hamlets CS (2010) relate to the need to consider flood risk at all stages in the planning process.
- 9.203 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.
- 9.204 These options include setting ground floor levels above breach water level, 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. It is worth noting that 91 of the existing units within the application site currently fall below the flood level with no access to safe refuge and the proposal will entirely eradicate this to ensure all units and uses will have access to safe refuge.
- 9.205 The application also proposes a surface water management strategy that aims to reduce the off-site discharges to rates where practical. The EA have recommended a condition to secure the submission of a surface water drainage scheme.
- 9.206 The EA sought clarification on the mitigations measures for the non-residential uses. The applicant has drawn the EA and LPA's attention to Section 9 of the ES and specifically table 9.5 which outlines the proposed mitigation measures for each of the proposed uses in each block. The less vulnerable blocks with non-residential uses include Blocks, B, G, K and H, where as the more vulnerable blocks with non-residential uses include Blocks J and L. For the more vulnerable blocks (where the ground floor heights are only 1.8m AOD and which contain a mix of community and health uses) – these blocks will be designed with resilient measures, including internal access to safe refuge at higher levels within the buildings and/or roof terrace spaces. There is also a commitment to locating more vulnerable uses and practices involving the public at first floor levels. For the less vulnerable blocks (B, G, K and and H), which contain a mix of retail and commercial uses – similar resilient and mitigation is proposed (internal access to safe refuge).
- 9.207 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.
- 9.208 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**

- 9.209 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.

- 9.210 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 proposed meadow planting in a swale along the north side of the main open space is considered to bring a valuable wildlife habitat.
- 9.211 The Borough's Biodiversity Officer has also confirmed this. Given the low overall ecological value of the site, few potential impacts are anticipated and limited mitigation required. However a number of conditions are suggested by the Borough's Officer in relation to securing (i) vegetation supporting nesting birds, (ii) green roofs (iii) the proposed swale.
- 9.212 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**

- 9.213 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.
- 9.204 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.
- 9.205 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 9.207 Aberfeldy is currently served by a relatively large GP surgery at Etrick Street measuring 400sqm. Considering the net increase of 897 new homes on the site and an expected population increase of 2,000 people, the applicant proposes to deliver a new purpose built replacement health facility of up to 960sqm. This will be over double the floorspace to the exiting facility and 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 however at

the time of writing this report, there are no firm commitments in place, however the PCT have confirmed their support for the provision of a health facility on site, as opposed to a financial contribution in lieu. (This is discussed further in the Planning Obligations of this report - Section 9)

- 9.208 The application will also deliver a new linear green space to the south of the site running parallel with the most southern blocks backing on to the A13. This will also contribute to facilitating healthy and active lifestyles. This new green space (East India Green) has a width of 20-24m and will complement green spaces in and around Aberfeldy such as Braithwaite park and Millennium Green. These spaces will also contribute to walking routes to and from routes such as that to and from Canning Town and East India Dock stations, attracting pedestrians through the green and avoiding the busy A13.
- 9.209 Pre-application discussions with the applicant have also required the submission of a retail statement which includes an assessment of the existing mix of food related retail uses such as restaurants and take away floorspace and an assessment of the proposed provision. Whilst the application is currently in outline, the detail phases of this application will ensure there is no over-concentration of any particular use type which could detract from the ability to adopt healthy lifestyles.
- 9.210 It is therefore considered that the provision of new purpose built health facility, and new open space 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**

- 9.211 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.
- 9.213 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.
- 9.214 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 their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues.
- 9.215 LBTH have liaised directly with the applicant in attempt to seek responses to these clarifications. LBTH officers have had a meeting with the applicant's consultants to iron out the remaining clarification and the Borough's EIA Officer has confirmed that these clarifications 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.

- 9.216 The application is in outline, and for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European Directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the ES, they may need to be reassessed and/or the submission of a new planning application.
- 9.217 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
- 9.218 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.
- 9.219 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

- 9.220 The presence of the gasholders has been referred to in many sections of this report and is recognised by officers and the applicant to be a considerable constraint to development potential of this site. 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.

- 9.221 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.

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.

- 9.222 Saved Policies DEV53 and DEV54 of LBTH 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.

- 9.223 As such, 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 has also been informed by risk specialists appointed by LTGDC to advise LTGDC, GLA and LBTH. On the basis of the information provided by all parties, it is the view of officers that the benefits of regenerating Aberfeldy outweigh the potential risk associated with the gasholder proximity.

- 9.224 The detail and rationale behind the HSE risk is detailed below:

- 9.225 The HSE has set a series of three 'consultation distance' rings around the gasholders, referred to as inner, middle and outer zones. In providing advice on planning applications to planning authorities, the HSE relies upon a methodology known as PADHI (Planning Advice for Developments near Hazardous Installations). The methodology is delivered via a software tool controlled by the relevant council officer assessing the scheme which provides a standard HSE response as 'advise against' or 'do not advise against' development. The response is generated by applying a 'decision matrix' to each of the relevant consultation zones. This matrix provides a list of land uses and densities within each of the consultation zones that would be acceptable to the HSE on safety grounds.

- 9.226 The proposed development overlaps the middle and outer consultation zones surrounding the gasholder site. The decision matrix contained within PADHI stipulates a maximum of 30 dwellings or up to 40 dwellings per hectare to generate a 'do not advise against' development within the middle zone, however all residential development in the outer zone is considered acceptable. As such, the HSE's formal response under PADHI is to *advise against* development.

- 9.227 Circular 04/00 provides guidance on planning controls for hazardous substances and specifically outlines the role of the HSE in providing advice on proposed development in the vicinity of hazardous installations. The guidance states that where the HSE has recommended that a planning application near a hazardous installation be refused, a determination of the planning authority contrary to this advice should not be taken without careful consideration of the issues, after which

the planning authority will advise the HSE of its intention and allow 21 days before making a determination. During this 21 day period, the HSE will decide whether there are sufficient grounds to request that the Secretary of State call in and determine the application.

- 9.228 The application has been supported by several risk assessments intended to provide a specific assessment of the risk posed by the gasholder to the future population occupying the development. The original risk assessments were prepared for the previous outline planning application in 2010 by Atkins and dealt with a scheme with a greater overall density, particularly at the Currie and Dunkeld site shown on the plans as Phase 1. As discussed in previous sections of this report, the current scheme represents a reduction in density from the previous, therefore revised risks assessments have been provided, this time by Renaissance Risk. All risk assessments have been peer reviewed by LTGDC's appointed consultants Amec (formerly Entec).
- 9.229 The risk assessments have sought to demonstrate that while the PADHI consultation response has produced an 'advise against' response, the risk posed by the gasholders are within levels that may be deemed acceptable to the planning authority when balanced against all other material considerations.
- 9.230 The reports have relied principally upon the assessment of society risk, which is based on the number of people who could potential be harmed by a single incident occurring from a site. The HSE has developed a methodology for assessing societal risk in situations where a PADHI consultation has resulted in a 'advise against' development known as Scaled Risk Integral (SRI). The SRI value is generated by the following equation:  $P \times R \times T/A$ . Each variable is as follows:
- P = population
  - R = risk based on chance per million
  - T = time the development is occupied
  - A = area of the development
- 9.231 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.
- 9.232 When the SRI value is applied to the proposed development using the HSE's baseline methodology, the value is **1,111,486**. However, the applicant's risk assessment has factored three considerations in calculating the SRI, namely:
- COMAH (Control of Major Accident Hazard) gasholder quantities;
  - a specific calculation of the residential population and;
  - calculating only the uplift in population.
- 9.233 In the first instance, the size of the gasholders have been taken into consideration, in particular the quantity of gas permitted under the site's Hazardous Substance Consent. It is understood that the actual capacity of the gasholders is slightly less than the consented capacity. This difference is based on the quantity permitted in the Hazardous Substance Consent, which is the maximum legally allowed on site, and the COMAH quantity, which is the usually the amount the operator expects to

have on site based on operational experience. According to the submitted reports, the actual capacity of the gasholders is based on the COMAH quantity, therefore the capacity of the gasholders is less than the quantity permitted under the Hazardous Substance Consent. The relevance of the two quantities is that the PADHI consultation distances are based on the Hazardous Substance Consent which is the greater of the two. Therefore, the consultation distances cover a wider area than if they were in line with the COMAH quantity. Advice from the Corporation's consultant is that the HSE would only consider the greater Hazardous Substance Consent, however a reduction in this consent is possible but this would need to be requested by the operator, National Grid. The SRI value based on the COMAH quantity is **1,026,412**.

9.234 Secondly, the specific residential occupancy values based upon 2001 Census data for Tower Hamlets have been applied. The HSE typically use a UK wide occupancy of 2.5 persons per dwelling, however the occupancy value for Tower Hamlets is 2.1. In light of this value, it is understood that the HSE has accepted that an occupancy rate of 2 can be applied. When this revised occupancy rate is applied to the SRI calculation, the SRI value equates to **694,093**. However, when this factor is coupled with the COMAH gasholder quantity value, the SRI calculation is **637,035**.

9.235 Finally, the risk assessment has been calculated using only those residents that are introduced into the red line area of the application in addition to, but not including, the existing population, i.e. the total population less the existing population. The applicant has put forward this rationale as they consider that there would be no net effect upon those existing residents that remain within the scheme area. It has also been argued that the re-housing of existing residents within new dwellings that have specific regard to the potential risks associated with the gasholders results in a benefit over the existing population remaining in existing sub-standard dwellings. In other words, the risk to those already occupying the development site will either not be altered if the development were not to proceed, or be reduced if improved housing were to be delivered. Therefore, only the uplift in population has been applied as this represents the population introduced to the potential risk. When applying only the uplift population to the SRI calculation, in addition to the two previous considerations, the SRI value is **314,372**.

9.236 Advice from the Corporation's consultant has highlighted the HSE's methodology in applying the total population and has stated that the HSE are likely to view the approach offered by the applicant as a deviation from the methodology. The existing population is not exposed to zero risk, but is exposed to a level of risk that is 'tolerable', As Low As Reasonably Possible (ALARP). One alternative to delivering the proposed scheme is to simply renovate the existing dwellings. However, when considering the cost of such renovations the benefits in terms of risk are unlikely to be justified.

9.237 The applicant has also put forward the phasing strategy as a mitigating factor in the SRI calculation. There are six phases of development to be delivered over a 13 year period. The total number of units to be demolish and built are as follows:

	Demolished	Built
Phase 1	0	342
Phase 2	84	200

Phase 4	67	171
Phase 5	52	175
Phase 6	15	88

9.238 The relevance of view each of the phases in this way relates to the way in which the SRI values increase over time. These SRI values are as follows:

	Occupation Year	SRI Value
Phase 1	2017	133,917
Phase 1 + 2	2019	305,448
Phase 1 + 2 + 3	2021	435,187
Phase 1 + 2 + 3 + 4	2022	564,583
Phase 1 + 2 + 3 + 4 + 5	2024	608,513
Phase 1 + 2 + 3 + 4 + 5 + 6	2025	698,708

9.239 The SRI values have taken into account COMAH qualities and residential occupancy at 2.1 persons per dwelling (the final SRI value differs from the value previously listed as it applies an occupancy of 2.1 rather than 2).

9.240 Separate to the risk assessment, the applicant has undertaken scheme viability appraisals that consider a quantum of development that results in SRI values of <250,000 and <500,000 based on baseline methodology. The result was that a scheme of <250,000 would generate a loss of £34,622,000 while a scheme of <500,000 would generate a loss of £16,404,000. Members will recall that the current scheme is the second on the Aberfeldy Estate and that the previous scheme has a much greater density. The reduction in density has been informed, at least in part, by the proximity of the gasholder site. The current scheme has been submitted at the minimum density needed to achieve a financially viable scheme.

9.241 In deciding whether the risk of the Leven Road gasholder site outweighs the benefits presented by this scheme, Members should be consider paragraph 8 of the HSE's *Criteria document for Land Use Planning cases of serious public safety concern*. This sets out the criteria against which the HSE will consider whether to request the Secretary of State call's in the application for determination. These criteria area:

- 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.

9.242 Taking each point in turn,

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

9.243 In deciding whether to approve this development, officers suggest Members 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 likelihood as to whether the HSE will accept this evidence. This section has also been informed by risk specialists appointed by LTGDC. On the basis of the information provided by all parties, it is the view of officers that the benefits of regenerating Aberfeldy outweigh the potential risk associated with the gasholder proximity.

Following submission of the applicant's revised Risk Assessment dated 26<sup>th</sup> October to the HSE, a meeting is planned for 21<sup>st</sup> Feb between the applicant, LTGDC, GLA and LBTH to discuss the revised proposed 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 1<sup>st</sup> March, following LTGDC's resolution of the application therefore giving the HSE 21days to resolve their final position.

### **Planning obligations/S106**

9.244 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.

9.245 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.

9.246 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) seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.247 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

- 9.248 LBTH are 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.
- 9.249 LTGDC's Planning Obligations Community Benefit Strategy places the site in an area that should recover a discounted standard charge of £10,000 per residential unit. The standard charge is £22,400 per residential unit. Based on the tariff changes, this would provide a total contribution of approximately £11.7million.
- 9.250 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.
- 9.251 As such, based on the SPD, LBTH Officers have identified a contribution request of approximately **£4.1million**.

This can be summarised as follows:

- Education: £311k
- Enterprise & Employment: £316k
- Idea Stores/Archives: £255k
- Libraries and Leisure: £786k
- Health: £535k (or onsite in-kind health facility)
- Sustainable Transport: £22k
- Public Open Space: £1,082,294.12
- Streetscene: £789k
- Public Art: on site provision
- Travel Plan Monitoring: £3k
- Monitoring & Implementation 3% of total.

However, the applicant has demonstrated through the submission of a viability assessment that there is no provision for S106 contributions. LTGDC have reviewed this and indicated to LBTH officers that the applicant's viability position appears sound and that there is no capacity to provide for S106 contributions.

- 9.252 However, following recent discussions and negotiation with officers at LTGDC, LBTH and the applicant, officers have negotiated a package of **£780k** towards Education, Streetscene Improvements and Public Art along side the provision of an on site health facility, all of which are discussed below in the context of the Council's SPD on Planning Obligations. The development also provides wider estate regeneration improvements, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability. Furthermore, at the time of writing this report, LTGDC continue to review the applicant's toolkit to see if there is any further scope to extend the contribution package currently being negotiated.

### Affordable Housing

- 9.253 As described in previous sections of this report, a minimum of 26% of the overall resulting scheme will be for affordable housing. As a minimum, the scheme will re-provide all affordable homes lost through demolition and will introduce an additional 5% uplift of new affordable homes (hab rooms) and it is recommended that this is tied into the S106. A review mechanism is also proposed to assess the capacity of each phase in the development to deliver a surplus level of affordable housing. This is discussed in greater detail in earlier sections of this report.
- 9.254 Based on the supporting viability report and the site constants, officers accept the site circumstances and constraints and it is recommended that appropriately worded clauses within the S106 agreement will give the LPA reasonable assurance that if and when market conditions improve over the lifespan of this redevelopment (2012-2025) there is opportunity to increase the overall level of affordable housing up from 26%.

### Education

- 9.255 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, results in the need for 21 additional primary places. This amounts to a requested contribution of £311,430.
- 9.256 The viability toolkit indicates that the scheme is unviable however in recognising the need to mitigate against education demands as one of the Council's priorities, the applicant has offered to meet this financial contribution. This is welcomed by officers.

### Enterprise and Employment

- 9.257 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.
- 9.258 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.
- 9.259 When the Borough's SPD is applied a financial contribution of £300k is requested towards skills and training at construction phase. In addition, a further £16,088 is access either (i) jobs within the A1 uses in the end-phase (ii) jobs or training within employment sectors in the final development.
- 9.260 The viability toolkit indicates that the scheme is unviable however in recognising

the need to mitigate against the impact of the development on local employment, the applicant proposes an in house training and skills programme. 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. At the time of writing this report, the proposed package of employment initiatives are being considered and discussed between the applicant and officers in Enterprise and Employment. The Council's position on this remains unresolved. Some of the local training and skills initiatives proposed by the applicant includes a community chest payment to support local initiatives and programmes; a dedicated community liaison officer who will dedicate 50% of their time to delivering the training and employment opportunities and local employment target, a liaison programme with local schools, colleges and universities; a skills transfer and training programme with over 20 Tower Hamlets NEETS apprenticeships;

- 9.261 It is anticipated that Members will be updated on this in the Supplementary Agenda on 16<sup>th</sup> Feb, as to whether any of the above employment provisions are considered acceptable.

#### Community Facilities

- 9.262 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.
- 9.263 With respect to the Idea Stores/Archives and Libraries and Leisure – a contribution of £255k & £786k 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 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.
- 9.264 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 proposed to replace the existing community facility on site (Aberfeldy Neighbourhood Centre which is operated and funded by Poplar Harca) with a new and better equipped specification and will be of similar size in terms of floorspace. 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. 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.
- 9.265 The applicant has submitted further information requesting that Officers consider the nature of the applicant as a housing provider and their wider commitment to other community initiatives in the area. Poplar Harca claim that they spend approximately £150k a year in funding courses within the existing Aberfeldy Neighbourhood Centre (martial arts, line dancing and keep fit) and it is anticipated that these classes would continue and be expanded upon within the new replacement community centre (and continue to be operated and funded by Poplar Harca). Whilst such commitments are recognised and supported by officers, they do not mitigate against the impact of the proposed development and the uplift in population resulting from this proposal in accordance with the requirements of the Planning Obligations SPD and are therefore not considered sufficient to offset the requested contribution sought.



- 9.266 Poplar Harca have also stated that their commitment to the funding of the existing 'Spotlight Youth Centre' within the grounds of Langdon Park Secondary School should be considered by officers. Harca claim that they commit £250k per annum to this youth facility. Whilst such measures are commendable, these are initiatives already committed to by the applicant regardless of the development proposal. Officers do however recognise that Langdon Park will be closest secondary school to Aberfeldy estate and the one which a majority of children on the estate may attend and will therefore have access to the Spotlight Youth Facility.
- 9.267 On balance, 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 accordance with the requirements of the Planning Obligations SPD, officers recommend that suitably worded clause is proposed in the S106 to ensure the replacement community facility is provided. Furthermore, if the replacement facility does not come forward by Phase 4, the applicant has offered a commuted sum of £308k.

#### Other Priorities –

##### Health

- 9.268 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.

Based on the HUDU model, the PCT seek a capital planning contribution of £535k. However, the application proposes the erection of a 960sqm health facility to be located within the new Aberfeldy neighbourhood centre (in Phase 4). This health facility would be over double the floorspace of the existing GP surgery on Ettrick Street which lies outside the application site. The applicant proposes to construct the health centre to shell and core fit out and the PCT have now confirmed that the on site provision is acceptable in principle.

- 9.269 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 and this will bring significant benefits to the Aberfeldy and assist in improving the current poor health statistics. As such, officers support the in-kind provision of the health facility to be sufficient to mitigate against the impact of the development on future population of Aberfeldy in terms of health.

Officers recommend that the S106 ensures that if arrangements with the PCT (or an alternative health provider) are not in place by the commencement of Phase 4, Poplar Harca will be required to give the Council an agreed sum to the Borough. As such, it is proposed that the S106 captures this agreement.

##### Sustainable Transport

- 9.270 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 £22,111 is sought (towards Smarter Travel and to encourage walking and

cycling within the borough).

- 9.271 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.
- 9.272 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.
- 9.273 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

- 9.274 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.
- 9.275 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 to improve the biodiversity of the site, e.g., green roofs and proposed swale, all of which have been commended by the Borough's Biodiversity Officer.

#### Public Realm

Public Realm in the SPD includes Public Open Space, Streetscene and Built Environment, Highways and Public Art.

- 9.276 *Public Open Space*
- Of the 11,000sqm of Public Open Space proposed by the applicant, only 8,000sqm of this is considered to provide accessible functional open space and this will be provided in the form of a new linear park to the south of the development. Through applying the SPD, a contribution of £1,082,294.12 is sought to mitigate against the lack of open space provided in the application.
- 9.278 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. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms. At present, the existing residents in Aberfeldy are served by 2-3 small pocket parks (Millennium Green and Braithwaite Park). The previous 2010 application raised significant concerns for officers due to the lack of open space proposed and it is recognised that the current proposal greatly improves the quantity of open space proposed r

through the provision of a larger more useable and accessible linear park. It is considered that this will greatly improve the area's image and significantly enhance the quality of life for existing and future residents of Aberfeldy. It is considered that to some extent the quality of the open space proposed should be considered in the context of the overall shortfall.

- 9.279 It is acknowledged however, that the *quality* of the proposed open space is difficult to quantify and officers have given consideration to how the proposed East India Green will incorporate high quality materials and features such as a swale, high quality street furniture, water features, mature planting and high quality paved shared surfaces. To assist in quantifying the quality of the space proposed and to enable officers to consider whether this can offset the additional £1m contribution request, Poplar Harca have indicated that they have a significant budget in place for public realm and open space improvements within Aberfeldy (in addition to necessary s278 works). Evidence has been submitted comparing the proportion of a development budget allocated to open space and public realm works on similar scale projects in London. Poplar Harca propose to considerably exceed the average spend. It is considered reasonable to request that a plan be submitted detailing the proposed works in detail with a schedule of costs. This may give officers some level of comfort that the proposed open space for Aberfeldy can produce a quality useable environment.
- 9.280 In addition, Poplar Harca have stated that they are committing £516k on environmental works in the areas around Portree Street, Oban Street and Abbott Road as part of its regeneration programme for the wider area. These works include a new community square, improved estate lighting, improved boundary treatments, the upgrading of an existing play area and new soft and hard landscaping. Whilst these works are welcomed, they are works in which Poplar Harca are already committed to and officers do not consider it appropriate to offset against the £1.1m financial contribution as requested by the adopted SPD.
- 9.281 In light of the above, officers accept the viability constraints on this site, and will seek to ensure through the S106 and 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*

- 9.282 Based on the SPD, an obligation of £738k is sought towards Streetscene and Built Environment Improvements, based on extent of footways and carriageways around the development. In response, the applicant proposes a contribution of £418k towards streetscene improvements in Aberfeldy Street, Abbott Road and Blair Street. Poplar Harca have confirmed that they will own and manage the proposed shared surfaces within the scheme. Considering the site constraints, viability assessment, a contribution of £418k 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.

#### *Public Art/Artistic Intervention in the Public Realm*

- 9.283 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.

#### Travel Plan Monitoring

- 9.284 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

- 9.285 TfL have noted that the development is likely to generate demand for additional bus capacity ( £270,000) 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. 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. Negotiations with the GLA are on going at the time of writing this report.

#### Monitoring & Implementation

- 9.286 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

- 9.287 Overall, it is officers' view that the proposed contribution package is low and falls significantly below the £4.1million sought, 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 this scheme, officers accept the level of contributions proposed in this instance. Of the **£780k** package proposed by the applicant, officers have sought to prioritise obligations such as education, and streetscene improvements.
- 9.288 The provision of 26% affordable housing across the site, (including appropriate review mechanisms to capture future surplus affordable housing), alongside the onsite provision of new health facilities, means that Officers are able to recommend that the overall proposed contribution package is accepted. Furthermore, the proposed review mechanism at the onset of each phase will ensure that the level of affordable housing can increase if economic circumstances permit. On balance, this is 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). which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

## **10 Overall Conclusions and Regeneration Benefits**

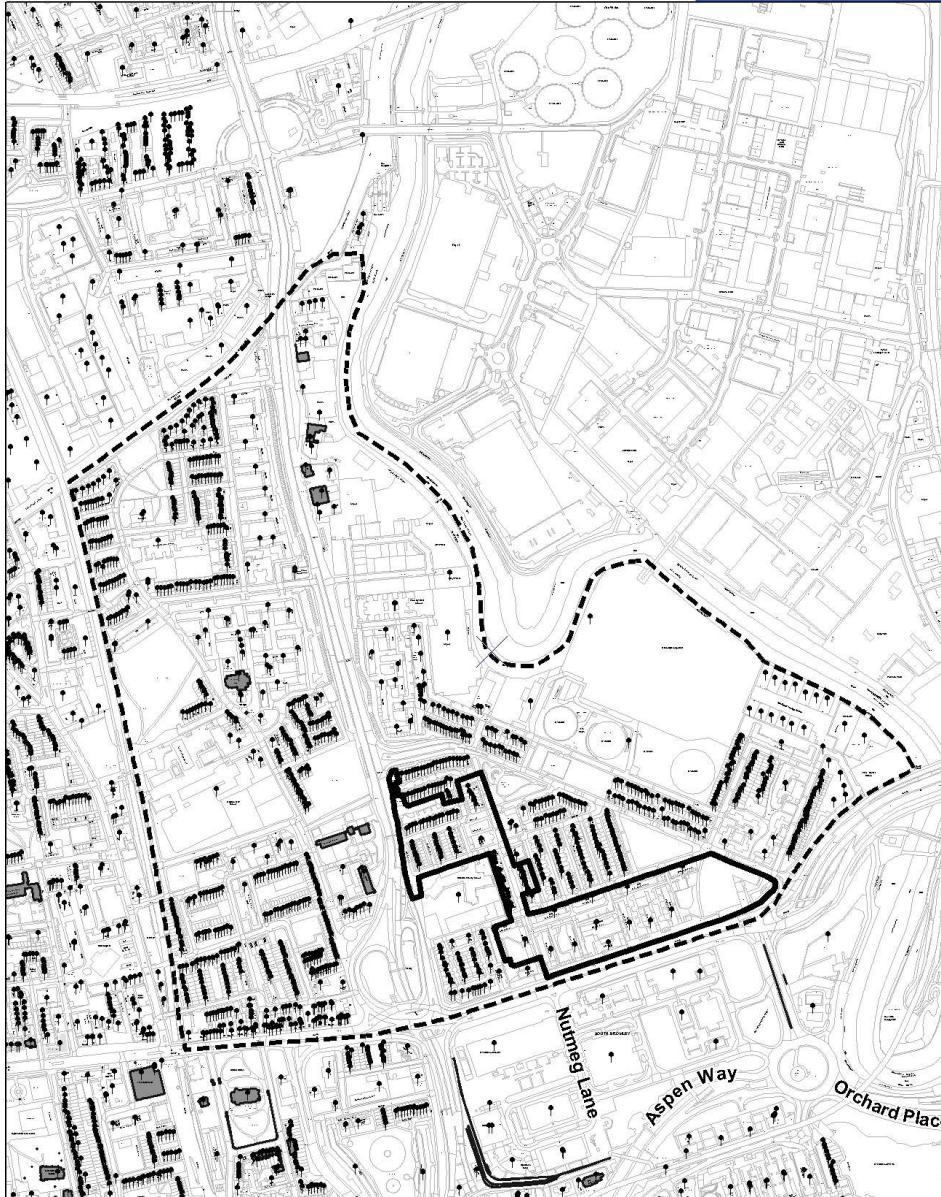
- 10.1 The proposal for the regeneration of Aberfeldy estate has been in negotiation with officers at LTGDC, GLA and LBTH since 2009. Previous designs and layouts were considered and concerns raised by officers regarding density, height of the taller towers along the A13 and the proximity of the site to the gasholders and potential HSE objection.
- 10.2 The 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 Secretary of State call in. These viability constraints have now been reviewed and tested (by LTGDC). The scheme has been amended with the main alterations being the reduction in height of the buildings, a redistribution of density across the site, away from the gas holders.
- 10.3 In light of the viability constraints, the application will deliver up to 1,176 new residential homes and 26% of this will be affordable homes built to a higher quality than current exists and also to a large family type specification, engineered to meet actual on site housing demand. The overall scheme will be built over 6 phases and the applicant has negotiated a review mechanism with LTGDC and LBTH to ensure that each phase of the development is assessed before reserved matters are submitted. This gives the Borough a level of comfort that the development can be reviewed again in five subsequent stages between now and 2025 to ascertain whether there is a surplus of affordable housing available. In light of current London Plan and Core Strategy Policies, and the current site constraints, this offer is considered acceptable.
- 10.4 In line with objective of the draft National Planning Policy Framework and other strategic and local policy objectives, the regeneration of Aberfeldy Estate will achieve a more mixed and balanced community through a better balance in tenure and household income, particularly in an area such as this where social housing dominates and statistics relating to crime, poverty and overcrowding are high.
- 10.5 In addition to the up to 1,176 new homes, a new linear park is proposed at 'East India Green' which seeks to create an above standard quality open space. Furthermore, the development will deliver 2,132sqm of new purpose built community and social facilities in the form of a new health centre, community centre and two new purpose built faith centres. This will greatly contribute to the social infrastructure needed to support the proposed development of Aberfeldy.
- 10.6 In addition, research carried out by the Construction Industry Council has indicated that new build construction creates 28.5 jobs for every million pounds invested in a project. Based on this, it is assumed that the overall job creation for the construction of Aberfeldy (which has an investment of £160m), will equate to 4,560 jobs.
- 10.7 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
- Consultation Area
- Statutory Listed Buildings
- 0 30 m
- 
- 1:8,000

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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