

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

6th March 2012 at 7.30 pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
6.1	PA/11/2220 & PA/11/2221	London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield Street & Whites Row Car Park, London	Demolition of Whites Row Multi Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street façade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works together with a new pavilion building for retail accommodation (Use Class A1).
6.2	*PA/11/01845	1 - 18 Dollar Bay Court, 4 Lawn House Close, London.	Redevelopment of the site for a residential led mixed use, comprising a 31 storey building to provide 121 residential units, 105sqm A1/A3 at ground floor, 122sqm ancillary gym at basement level, underground parking, plant and ancillary accommodation and hard and soft landscaping providing both public and private open space amenity. <i>*(This application is linked to a separate planning application ref: PA/11/01944 for the erection of 64 residential units at 18-36 Thomas Road. Both of these applications are linked for reasons relating to the provision of off-site affordable housing).</i>
6.3	PA/11/1944	Site at 18 – 36 Thomas Road, London, E14 7BJ	Redevelopment of the site for residential development, comprising a 6 to 8 storey building (measuring 31m AOD), to provide 64 residential units (Class C3), and the provision of public and private open space, undercroft parking and public realm improvements.

6.4	PA/11/03587	Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London E1	Hybrid Planning application for residential led mixed use redevelopment of the site.
6.5	PA/11/00365	Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER	Construction of 239 dwellings within two buildings extending to between five and ten storeys with landscaping and 92 car parking spaces.
7.1	PA/11/02716	Aberfeldy Estate, Abbott Road, London, E14	<p>PA/11/02716 - Outline planning application (all matters reserved) for the mixed-use redevelopment of the existing Aberfeldy estate comprising:</p> <ul style="list-style-type: none"> • Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and • Creation of up to 1,176 residential units (Use Class C3) in 15 new blocks between 2 and 10 storeys in height plus 1,743sqm retail space (Use Class A1), professional services (Use Class A2), food and drink (Use Classes A3 and A5) and 1,786 community and cultural uses (Use Class D1) together with a temporary marketing suite (407sqm), energy centre, new and improved public open space and public realm, semi-basement, ground and on-street vehicular and cycle parking and temporary works or structures and associated utilities/services. <p>Application is also supported by an Environmental Statement under the provisions of the Town and Country Planning (EIA) Regulations 1999.</p> <p>The application seeks approval (with all matters reserved).</p>

7.2	PA/11/3548	Aberfeldy Estate, Abbott Road, London, E14	PA/11/03548 - Full Planning application for Erection of three blocks between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road to provide 342 new residential units, 352 sqm of new retail floorspace (A1 and A3), a marketing suite of 407 sqm, semi-basement and ground floor parking, cycle parking, landscaped public open space and private amenity space and other associated works. This proposal constitutes Phase 1 of the Outline Planning Application (ref: PA/11/2716) referred to above for the wider development of Aberfeldy application.
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Agenda Item number:	6.1
Reference number:	PA/11/2220 & PA/11/2221
Location:	London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield Street & Whites Row Car Park, London
Proposal:	Demolition of Whites Row Multi Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street façade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works together with a new pavilion building for retail accommodation (Use Class A1).

1.0 Clarifications

- 1.1 In paragraph 3.1 of the report, the contribution for indoor leisure should read £101,147 rather than £101.47
- 1.2 In paragraph 3.1 & 9.141 of the report, the contribution towards Crossrail is £2,026,716 and not £2,111,198 as previously stated.
- 1.3 In paragraph 4.8 of the report, the office building would be set 4m behind the retained façade not 2.5m.
- 1.4 In paragraph 5.3 there are approximately 60 businesses in the building (not 61 small businesses on the site).
- 1.5 In paragraph 8.10, the scheme would provide 182 cycle spaces and not 180 cycle spaces. The proposal makes provision for 50 racks provided in a 2 tiered parking system and 41 Sheffield stands. It is proposed to provide nine Sheffield stands for visitors Sheffield stands for visitors adjacent to the main building access along Brushfield Street. This would provide 18 cycle parking spaces. Agreement of the details of the cycle parking spaces would be reached through consultation with LBTH Highways during the s278 process.
- 1.6 In paragraph 9.2, it should be noted that the existing building's lawful use is unrestricted Class B1 offices together with the bank, public house and private medical facility. The original planning permission for the building does not restrict the floor plate size or require it to be used for small and medium enterprise (SME) accommodation.
- 1.7 In paragraph 9.12, the report should note that The City of London has been operating the building on the basis of low rents rather than subsidised.
- 2.0 **Localism Act (amendment to S70(2) of the TCPA 1990)**
- 2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15 January 2012, Parliament has enacted an amended section 70(2) as follows:
- 2.2 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the

- application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

2.3 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

2.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

2.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

2.6 *(Officer Comment: Officers are satisfied that the current report to Committee has regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements).*

2.7 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers can confirm that best endeavors have been secured through the S.106 agreement to ensure that at least 20% of the those job opportunities will benefit residents of the borough during the construction process, and are also satisfied that a financial payment to provide silks and training can also lead to greater opportunities for local residents to secure sustainable employment.

2.8 The Community Infrastructure Levy is not applicable to this application as the Crossrail contribution which would be secured in the S106 Agreement would offset this requirement)

3.0 Removal of the 'Pavillion' part of the scheme

3.1 Should Members raise concern over proposed pavilion building, the applicant has confirmed in writing that he would be prepared to enter into a unilateral undertaking not to construct this element of the proposal and to increase the level of open space proposed as part of the scheme (specific to the south west corner of the site). Furthermore, the applicant has confirmed that prior to commencement of development, he will submit and have approved alternative design details for the open space and area where the 'pavilion' is currently proposed. This will require approval of the boundary detailing in this area and landscaping proposals and the agreement to bespoke management arrangements.

3.2 This unilateral undertaking would be separate from the S106 Agreement but linked

to the planning permission.

4.0 City of London

- 4.1 City of London have written to the Council to advise that they are working closely with the current tenants who occupy the London Fruit and Wool Exchange building to relocate them to other buildings in the Borough and/or to buildings within neighbouring boroughs.
- 4.2 The City advises that it works closely with the Council to provide assistance to Tower Hamlets residents in providing training, employment and business advice.

5.0 Additional representations received

- 5.1 Since the publication of the committee report,

2 letters and 1 petition(s) with 68 signature in support have been received
34 letters and 1 petition(s) with 242 signatures in objection have been received.

- 5.2 In summary, the following comments in opposition to the scheme have been received from local residents and organisations including Precious London; Spitalfield Community Group; The Spitalfields Historic Buildings Trust:

- Design is bland, of poor quality of architecture and the design of the proposed development would not be appropriate for this prominent and sensitive setting;
- Lack of street activity within the ground floor of the elevations
- The pedestrian route through the building is incidental and overdeveloped
- Development does not respond positively to the established mix of uses in Spitalfields
- Development should contain residential accommodation
- The proposed restaurant use at ground floor level would have an adverse impact on surrounding residential amenity.
- Lack of meaningful public consultation with residents prior to submission.
- The new design fails to seize the opportunity to preserve and re-invigorate the historic urban fabric of Dorset Street
- The development would result in the loss of a historic air raid shelters in East London, located in the basement of the existing building.
- The Pavillion building could be considered out of place, awkward, incongruous and forced.
- The proposal fails to preserve or enhance the mix of uses in Spitalfields.

(Officer Comment): Officers have considered all of the above matters and the detailed comments received in the assessment of the application. However, it is considered that the proposal provides a development of high quality design which would have a positive impact on the surrounding locality.

5.3 Supporting comments

- The retention of the building's façade would retain the character of Brushfield Street while new public spaces would enhance the area.
- The proposal would bring more employment to the area.
- The development would release funding for local environments improvements in the area.
- The proposal provides a vast improvement on the existing building and car park and would provide amenities for local residents and is more in keeping with the surrounding area

(Officers comment: Officers concur with the comments above).

5.4 Some suggested changes

- Relocate the Gun Pub over to the diagonally opposite corner on Whites Row/Commercial Street).
- Extend the excavation down to a second basement to provide additional floorspace for SME's and commercial uses.
- The location of retail elements should be contained on Brushfield Street Commercial Street and Crispin Streets. White's Row should remain small SME's and possibly residential.
- The scheme should provide a mix use residential development.

(Officers comment: The above and all others suggested changes were considered in the assessment of the application. However, it is considered that the proposed scheme is well designed and would have a positive impact for the area).

5.5 All representations received are available to view at the committee meeting upon request.

6.0 RECOMMENDATION

6.1 The recommendation remains unchanged subject to the amending the financial contributions for indoor leisure facilities and Crossrail in accordance with paragraphs 1.1 and 1.2 of this report.

Agenda Item number:	6.2
Reference number:	PA11/01945
Location:	1 - 18 Dollar Bay Court, 4 Lawn House Close, London.
Proposal:	<p>Redevelopment of the site for a residential led mixed use, comprising a 31 storey building to provide 121 residential units, 105sqm A1/A3 at ground floor, 122sqm ancillary gym at basement level, underground parking, plant and ancillary accommodation and hard and soft landscaping providing both public and private open space amenity.</p> <p><i>(This application is linked to a separate planning application ref: PA/11/01944 for the erection of 64 residential units at 18-36 Thomas Road. Both of these applications are linked for reasons relating to the provision of off-site affordable housing).</i></p>

1.0 Correction to Ward Name

- 1.1 The main committee report describes the site as falling within the 'Coldharbour' Ward. This is a typographical error and should state 'Blackwall and Cubitt Town'.

2.0 Proportion of Off-Site Affordable Housing

- 2.1 The proportion of proposed affordable housing (aggregate) outlined in the main committee report is 46%. However, if we take into account the 18 existing residential units on the Dollar Bay site, the overall proportion of affordable housing as a percentage of the net uplift is actually 51%. This is an important consideration if the overall proportion of off-site affordable housing proposed when assessed against Policy DM4 of the Managing Development Plan DPD (Proposed Submission Version 2012). This can be explained as follows:- the total number of units proposed across both sites equates to 185 units (121 on Dollar Bay and 64 on Thomas Rd). This comprises 552 habitable rooms, of which 252 will be affordable. If we consider this in the context of the existing 18 units on Dollar Bay, the actual net increase in units is 167 or 498 in terms of habitable rooms. This would result in an overall net provision of 51% aggregate affordable housing and is therefore in line with Policy DM3 (part a) of the Managing Development DPD (Proposed Submission Version 2012) which confirms that any off site affordable housing provision will only be considered in specific circumstances one of which being that that proportion of off-site will need to be at least 50% affordable housing.

3.0 Correction - Assessment of Suitable Alternative Site

- 3.1 Paragraph 9.86 of the main committee report for Dollar Bay (and para. 8.36 of the Thomas Road report) refer to an alternatives sites assessment submitted by the applicant which identified and discounts 17 alternative sites within the Blackwall and Cubitt Town and Isle of Dogs wards. Following the submission of the planning application, the applicant submitted a further sites assessment in December 2011, which assessed a total of 52 sites. It is of relevance to note that this additional assessment found all identified sites to be unavailable, unviable and/or unsuitable. This document is considered to further support the case that Thomas Road is the most appropriate alternative site to deliver the proposed off-site affordable housing element.

4.0 Localism Act (amendment to S70(2) of the TCPA 1990)

4.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

4.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

4.3 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

4.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

a. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

b. *(Officer Comment): Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.*

4.5 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the region of £351,330 and could impact on the future s.106 obligations.

4.6 With regards grants, the Great Britain Building Fund is part The government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupier and therefore the proposal supports this initiative .

4.7 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims

particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the £28,092 financial contribution toward Enterprise and Employment, and agreement to 20% local procurement during construction and 20% local labor in construction (referred to in the main committee report), there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment..

- 4.8 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 4.9 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £255,063 in the first year and a total payment £1,530,377 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 4.10 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency(HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.
- 4.11 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

4.0 Recommendation

- 4.1 Officer's recommendation remains approval.

Agenda Item number:	6.3
Reference number:	PA/11/1944
Location:	Site at 18 – 36 Thomas Road, London, E14 7BJ
Proposal:	Redevelopment of the site for residential development, comprising a 6 to 8 storey building (measuring 31m AOD), to provide 64 residential units (Class C3), and the provision of public and private open space, undercroft parking and public realm improvements.

1.0 Additional Comments Received

Lea Valley Regional Park Authority (LVRPA)

- 1.1 Raised no objection to the proposal, subject to a condition to ensure the proposed landscaping is delivered.
- 1.2 *Officer Comment: Section 3.3 of the original report includes a condition for a detailed Landscape plan to be submitted and approved in writing by the Local Planning Authority. This condition can be considered in consultation with the LVRPA, once the detailed plans are worked up.*

Letter from Dr Joe Hall (St Pauls Way Medical Centre) sent to Ms Casey

- 1.3 This letter was submitted to the Council by Ms Ginette Casey on the 5th of March 2012. The letter raised neither objection nor support for the proposal, but rather made general comments.
- 1.4 Supports the principle that the Council must ensure that new developments do not adversely affect the health of the local community.
- 1.5 Agrees that adverse housing conditions (overcrowding, light, lack of open space, poor quality housing causing damp and decay) cause health problems, and the Council must ensure that decisions protect the local population from such issues.
- 1.6 *Officer Comment: As discussed within the original planning report, the proposed development is considered to deliver a high quality housing scheme, which does not result in unduly detrimental impacts to surrounding residential occupants. The proposal is not considered to result in the symptoms of over development (as outlined within para 8.14 of the original report), and accordingly would not cause an adverse impact upon the health of the local community.*
- 1.7 *Additionally, officers have secured a contribution of £105,371 toward health facilities, as requested by the PCT.*

2.0 Correction

- 2.1 Section 3.0 (o) of the original report relating to the provision of public art was included in error, and should be removed from the non-financial obligations.
- 2.2 The proportion of proposed affordable housing (aggregate) outlined in paragraph 8.38 of the main committee report is 46%. However, taking into account the 18 existing residential units on the Dollar Bay site, the overall proportion of affordable housing as a percentage of the net uplift is actually 51%. This is an important consideration if the overall proportion of off-site affordable housing proposed when assessed against Policy DM4 of the Managing Development Plan DPD (Proposed

Submission Version 2012). This can be explained as follows: - the total number of units proposed across both sites equates to 185 units (121 on Dollar Bay and 64 on Thomas Rd). This comprises 552 habitable rooms, of which 252 will be affordable. If we consider this in the context of the existing 18 units on Dollar Bay, the actual net increase in units is 167 or 498 in terms of habitable rooms. This would result in an overall net provision of 51% aggregate affordable housing and is therefore in line with Policy DM3 (part a) of the Managing Development DPD (Proposed Submission Version 2012) which confirms that any off site affordable housing provision will only be considered in specific circumstances one of which being that that proportion of off-site will need to be at least 50% affordable housing.

- 2.3 Paragraph 8.118 of the officers report makes reference to 86 secure cycle parking spaces. This should read '78' secure cycle parking spaces.

3.0 Localism Act (amendment to S70(2) of the TCPA 1990)

- 3.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

- 3.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
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- c) Any other material consideration.

- 3.3 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 3.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

- 3.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

Officer Comment

- 3.6 *Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.*

- 3.7 *Regarding Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that*

the London Mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the region of £61,530 and could impact upon the future s.106 obligations.

- 3.8 *With relation to grants, the Great Britain Building Fund is part the Government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form of single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupiers and therefore the proposal supports this initiative .*
- 3.9 *The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent upon the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the £16,867 financial contribution toward Enterprise and Employment, and agreement to 20% local procurement during construction and 20% local labor in construction (referred to in paragraph 3.1 of the Officers report), there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment.*
- 3.10 *The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.*
- 3.11 *Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £92,927 within the first year and a total of £553,780 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.*
- 3.12 *The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.*
- 3.13 *However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.*

4.0 Recommendation

4.1 Officer's recommendation remains approval.

Agenda Item number:	6.4
Reference number:	PA/11/03587
Location:	Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Lemman Street, Hooper Street, London E1
Proposal:	Hybrid Planning application for residential led mixed use redevelopment of the site.

1.0 FURTHER CONSULTATION RESPONSES

English Heritage

- 1.1 English Heritage welcome the additional analysis with regard to the effect of the proposal on the OUV of the Tower of London and note the conclusion that *'The OUV of the Tower WHS is preserved, maintaining its Authenticity, Integrity and Significance'*. They do not wish to add any further comments to their letter.

Highways

- 1.2 A meeting was held with the Highway's Officer to discuss whether further information submitted adequately responded to the clarifications and requests for further information by the Highways Officer.
- 1.3 During, this meeting waste collection was also discussed. This relates to how waste will be collected once the development is occupied. The applicant has proposed a lay-by where the waste truck can park and refuse will be brought up to grade level via a lift. This is similar to how waste is collected from the City Quarter Development.
- 1.4 Concerns were raised, as recent access to Commercial Road from Gower's Walk has been closed. This related to works to an EDF substation which have now been completed and the route is now operating as normal.
- 1.5 The trucks would reverse into the development, park in the lay-by and then exit in forward gear onto Gower's Walk to continue collections along this route. Cleansing officers note that this is the same as the collection arrangements for City Quarter which is broadly acceptable. However, with increasing traffic along Gower's Walk they have reservations about how this would work in the future. Through discussion it was established that by ensuring the lay-by is kept clear for refuse vehicles this would assist. It is proposed to secure this matter via condition.
- 1.6 **Officer Comment:** On balance it is considered that the proposed servicing arrangements for refuse are acceptable and in keeping with the arrangements agreed for City Quarter. Servicing will be controlled via condition and a further condition to ensure the lay-by is kept clear will be added.

2.0 LOCAL REPRESENTATION

- 2.1 One additional representation has been received in objection to the development.

This is from a resident writing on behalf of Mitali Tenents and Residents Association. The following issues were raised in this representation that is material to the determination of the application.

- Noise and disturbance during the construction phase.

- 2.2 **Officer Comment:** This is a concern raised by another resident and was discussed in the main committee report at paragraph 8.205. Conditions restricting the hours of

construction and piling as well as conditions requiring the submission of a Construction Management Plan will seek to reduce the impact on local residents during the construction phase.

2.3 The following procedural matter was raised:

- Lack of consultation

2.4 **Officer Comment:** Paragraph 7.1 of the main report states that a total of 2110 neighbouring properties were sent consultation letters and invited to comment. Letters were sent on 17 December 2011 and a re-consultation letter was sent on 20 February 2012. It is also noted that the application was advertised in East End Life and site notices were placed around the site.

2.5 Along Gower's Walk, residents who directly face the application site, were sent letters this includes 40 – 63 Gower's Walk. Residents of Backchurch Lane and Mitali Passage were not sent letters given their properties do not directly overlook the property. It is noted that the residents of Mitali Passage can view the site given there is a gap in the building line at that point along Gower's Walk. Officers consider that the level of consultation carried out is acceptable given that it exceeds statutory requirements and accords with the Statement of Community Involvement.

2.6 Furthermore, it is noted that the developer has carried out its own public consultation. This has included two public exhibitions (25-26 March 2011 and 9-10 December 2011). It is also noted that within the Marketing Suite on Lemn Street which has been open since 27 June 2011 there are display boards and models with information about the development. This Consultation Centre is manned Tuesday to Thursday from 12pm – 6pm.

3.0 CLARIFICATIONS

Planning Contributions

3.1 It is noted that the applicant has already paid £1,668,160 towards open space, education and sustainable transport in respect of 75 Lemn Street and the South West Block which are being built out under the extant permission. By virtue of the current SPD calculations, the applicants have paid additional monies of £446,658.63 for this element of the scheme. Therefore, the additional contributions paid will mean that the current s.106 package for the outline will be adjusted and reflect this.

3.2 Paragraph 9.9 incorrectly states that there will be a review mechanism in respect of the affordable housing offer.

3.3 The submitted toolkit uses a growth model approach. As such, the toolkit is not based on the current economic situation but has built in growth assumptions into the toolkit. This approach has been taken due to the length of the build programme. It is noted that if the viability of the scheme had been assessed at today's values, without the growth model, the level of affordable housing would have been around 8%. Officers consider that establishing 28% on-site affordable housing using a growth model is the best approach for this site with the majority of risk being assumed by the developer if the predicted growth does not occur.

3.4 The applicant has issued a letter dated 29 February 2012 to officers and Members of the Strategic Development Committee which sets out their desire to ensure early s.106 payments to be directed towards specific local groups in the area and that these groups are identified within the legal agreement.

3.5 Officers do not agree with this approach. Firstly, it is the local planning authority

which decides how to discharge its obligation to use monies secured for planning obligations. The Council needs to undertake its own assessment of how to properly mitigate the impacts of new development at the point the monies are received and this process needs to be rigorous in terms of monitoring spend.

3.6 Secondly, it is noted that issues may arise with specifying local groups given that often once planning contributions are actually received by the Council, the local situation can be quite different. A local group may cease to exist for example at the time when the money is available. The Council needs to be able to be in a position to make the appropriate assessment at the correct time in terms of the impact of the development and the local need.

3.7 This is not to say that such local groups cannot receive such monies, but to identify such specific local groups at such an early stage does not allow the Council to discharge its obligations in a proper and controlled manner. It is crucial that the process of allocating funds is suitably robust and auditable.

Other Clarifications

3.8 Paragraph 3.8 contains a typographical error and the word not has been omitted. The paragraph should read:

“In the event of any responses been received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such responses rises issues which substantively exceed the nature of the Committee’s decision, subject to this not being the case, the Corporate Direction, Development and Renewal is delegated authority to issue the decision.”

3.9 Paragraph 8.54 contains a typographical error in respect of the spelling of Proof House and the last sentence should read:

“To the rear of the Towers and the Proof House are two residential blocks either side of Gower’s Walk which are five storeys in height.”

3.10 Paragraph 6.53 contains a typographical error in respect of the spelling of cranage House and the last sentence should read:

“If during construction a cranage or scaffolding is required at a higher elevation than 85.425m AOD a separation consultation to London City Airport is required.”

3.11 Paragraph 8.49 contains a typographical error and incorrectly refers to the SW block and gives the incorrect table number. It should read:

“The offer essentially equates to the delivery of 28% affordable housing by habitable room. In numerical terms, this is 252 affordable units. It is proposed that affordable units will be provided within the NE and SE blocks which form part of the outline element of the scheme. As such, an indicative mix has been provided to illustrate how this could be provided. (See Table 3 below.)”

3.12 Paragraph 8.50 contains a typographical error and incorrectly calls the intermediate product intermediate rent and should read:

“With regard to the tenure of housing, the application proposes a mix of social rent 30%, affordable rent (pod levels) 38% and intermediate 32%. The split is broadly policy compliant.”

3.13 Paragraph 8.54 contains a typographical error in the second sentence in respect of

the total number of family units and should read:

"In this case a total 229 family sized units are provided which equates to 23% across the scheme."

4.0 Localism Act (amendment to S70(2) of the TCPA 1990)

4.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

4.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

4.3 Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

4.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

4.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

Officer Comment:

4.6 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

4.7 Regarding Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London Mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the between £3,000,000 and £4,000,000 depending on the amount of floorspace set aside as affordable housing and could impact upon the future s.106 obligations.

4.8 With relation to grants, the Great Britain Building Fund is part of the Government's housing strategy published on the 21 November 2011 designed to tackle the housing

shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form of single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupiers and therefore the proposal supports this initiative .

- 4.9 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent upon the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the £431,811.14 financial contribution toward Enterprise and Employment, and agreement to 20% local procurement during construction and 20% local labor in construction (referred to in paragraph 3.1 of the Officers report), there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment.
- 4.10 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 4.11 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £1.8 m within the first year and a total of £10.8m over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 4.12 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.
- 4.13 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.
- 5.0 RECOMMENDATION**
- 5.1 Officer's recommendation remains approval.

Agenda Item number:	6.5
Reference number:	PA/11/00365
Location:	Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER
Proposal:	Construction of 239 dwellings within two buildings extending to between five and ten storeys with landscaping and 92 car parking spaces.

1.0 Recommendation from the Mayor of London

1.1 Following publication of the committee report, the Greater London Authority has advised that they do not consider the application to raise any strategic planning issues and as such, the application can be determined without any further consultation with the Greater London Authority.

1.2 As a result, under the recommendation section of the committee report the application is no longer subject to 'Any direction by The Mayor' and as such this reference is to be omitted.

2.0 Localism Act (amendment to S70(2) of the TCPA 1990)

2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

2.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

2.3 Section 70(4) defines "local finance consideration" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

2.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
 - b) Regional Growth Funds;
 - c) New Homes Bonus;
 - d) Affordable Homes Programme Funding.
- c. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- d. (Officer Comment): Officers are satisfied that the current report to Committee, when viewed alongside previous reports presented has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the

relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

- 2.5 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31st March 2012. The likely CIL payment associated with this development would be in the region of £203,000 and could impact on the future s.106 obligations.
- 2.6 With regards grants, the Great Britain Building Fund is part of the government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupier and therefore the proposal supports this initiative
- 2.7 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers can confirm that best endeavors have been secured through the S.106 agreement to ensure that at least 20% of the those job opportunities will benefit residents of the borough during the construction process, and are also satisfied that a financial payment to provide silks and training can also lead to greater opportunities for local residents to secure sustainable employment.
- 2.8 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 2.9 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £272,455 within the first year and a total of £1,634,733 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 2.1 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.
- 2.1 However developments that secure affordable housing through s.106 agreements

- 1 (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

3.0 Point of clarification

Car parking

- 3.1 A total of 169 parking spaces are proposed site wide as approved under PA/10/00161. No additional parking is proposed within this scheme.

Required amenity space

- 3.2 The total number of units listed in Table 4 of the Committee report is incorrect. The following table lists the correct total of units within the scheme (in **bold**)

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	15	5	75
1 Bed	67	5	335
2 Bed 3 people	29	6	174
2 Bed 4 people	83	7	581
3 Bed 5/6 people	45	8	360
TOTAL	239		1525
Communal amenity		50sqm for the first 10 units, plus a further 1sqm for every additional 1 units	279 sqm.
Total Housing Amenity Space Requirement			1804

3.0 Recommendation

Officer's recommendation remains unchanged.

Agenda Item number:	7.1 & 7.2
Reference number:	PA/11/02716 and PA/11/03548
Location:	Aberfeldy Estate, Abbott Road, London, E14
Proposal:	<p>PA/11/02716 - Outline planning application (all matters reserved) for the mixed-use redevelopment of the existing Aberfeldy estate comprising:</p> <ul style="list-style-type: none"> • Demolition of 297 existing residential units and 1,990 sqm of non-residential floorspace, including shops (use class A1), professional services (use class A2), food and drink (use class A3 and A5), residential institution (use class C2), storage (use class B8), community, education and cultural (use class D1); and • Creation of up to 1,176 residential units (Use Class C3) in 15 new blocks between 2 and 10 storeys in height plus 1,743sqm retail space (Use Class A1), professional services (Use Class A2), food and drink (Use Classes A3 and A5) and 1,786 community and cultural uses (Use Class D1) together with a temporary marketing suite (407sqm), energy centre, new and improved public open space and public realm, semi-basement, ground and on-street vehicular and cycle parking and temporary works or structures and associated utilities/services. <p>Application is also supported by an Environmental Statement under the provisions of the Town and Country Planning (EIA) Regulations 1999.</p> <p>The application seeks approval (with all matters reserved).</p> <p>and</p> <p>PA/11/03548 - Full Planning application for Erection of three blocks between 4 and 10 storeys on the corner of Abbott Road and East India Dock Road to provide 342 new residential units, 352 sqm of new retail floorspace (A1 and A3), a marketing suite of 407 sqm, semi-basement and ground floor parking, cycle parking, landscaped public open space and private amenity space and other associated works.</p> <p>This proposal constitutes Phase 1 of the Outline Planning Application (ref: PA/11/2716) referred to above for the wider development of Aberfeldy application.</p>

1.0 HSE Matters*

- 1.1 The following should be read in conjunction with paragraph 5 (page 279) of the supplementary report and paragraphs 9.220 to 9.243 of the main report (pages 345 to 351).
- 1.2 As stated in paragraph 4.4 of the supplementary report, this application is being reported to the Thames Gateway Planning Committee on the 8 March 2012. Their case officers report has now been published and is available to view on line. The HSE has stated that it is their intention to provide written comments for the Thames Gateway committee before their meeting, however in email correspondence copied

to LBTH, (following the meeting of the 21 February 2012 and the publication of the supplementary report), it is clear they remain concerned that an incorrect SRI (Societal Risk Index) value has been quoted in Thames Gateway's Planning Report for Phase 1 (Item 5). This repeats what the HSE considers to be the same error made by Tower Hamlets Council in the paragraphs mentioned above.

- 1.3 HSE's understanding is that the SRI Value for Phase 1 is taken from the AV010B supplement report and actually relates to the SRI value, as calculated by the applicants consultants using what the HSE believe to be an unproven approach. This approach takes into account the "Existing plus phase 1 (Blocks A, B & C)", i.e. the SRI value is based on the risk to people in Phase 1 and in the remaining un-demolished parts when that phase is fully occupied, spread over the whole development site area (i.e., the red line boundary of the Outline application).
- 1.4 At the time of writing this report the applicant has provided an SRI value for Phase 1 (on its own). However, there has not been sufficient time to refer this to the HSE for comment prior to presenting this application to committee. The applicant has shown that SRI values for Phase 1 would be between 576,410 and 725,735, the latter figure taking into account a 12% occupancy rise since the Tower Hamlets 2001 census model that supports the London Plan. However, the HSE's calculations suggest that based on the applicants assumption of occupation rates at 2.1 persons/residential unit (which the HSE does not accept), the SRI would be around 750,000.
- 1.5 Without the opportunity to secure further comment from the HSE, officers recommend that members consider the proposal against the worst case scenario which is between a SRI calculation of 725,735 and 750,000. Whilst It is appreciated that the HSE objections (serious health and safety risks associated with the close proximity of the Leven Road gas holders to the proposed development) represent a significant material consideration, your officers are satisfied that they have adopted a robust and balanced assessment of the various planning merits associated with the proposed Estate Regeneration scheme. On the basis of the information provided by all parties, it is your officers' view that the various benefits presented by this scheme outweigh the potential risk associated with the gasholder proximity.
- 1.6 ***At 6.30pm on 6/3/12, the HSE sent a letter to LBTH raising a number of comments in response to the main committee report and subsequent update report. A number of further clarifications and comments have been made and the HSE have suggested that these comments are brought to Members attention tonight. Due to timescales, it is not possible to respond to these comments comprehensively however, a copy of the HSE's letter is attached to this update report as Appendix 1. The HSE's letter can be summarised as follows:***
 - HSE have highlighted examples where Grampian conditions have been used on other consents and strongly recommend LBTH and LTGDC to consider use of a Grampian condition.
 - HSE emphasises the importance of public safety matters and how their advice should not be overridden without the most careful consideration.
 - HSE confirm that they are not happy with the measures proposed by the applicant.

- HSE note that they may seek an Article 25 Direction (stop notice) to give them more time to consider the proposal outside the standard 21 day consultation period where they decide on whether to request Sec. of State call in.
- HSE do not accept the 2001 census to support the average occupancy levels 2.1 person/residential unit. . HSE assume 2.5.
- HSE dispute the SRI figure for Phase 1 (133,917 according to applicant) where as HSE believe it to be 1,000,000.

1.7 A copy of the HSE's letter is attached to this update report as Appendix 1.

2.0 Localism Act (amendment to S70(2) of the TCPA 1990)

2.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

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- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

2.3 Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

2.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

e. These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

f. (*Officer Comment*): Officers are satisfied that the current report to Committee, when viewed alongside previous reports presented has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

3.7 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31

March 2012. The likely CIL payment associated with this development would be in the region of £2,700,000 and could impact on the future s.106 obligations.

- 3.8 With regards grants, the Great Britain Building Fund is part the government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats and range of unit sizes and tenure mix to accommodate the differing financial constraints of future potential occupiers and therefore the proposal supports this initiative .
- 3.9 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the "in kind" employment and training opportunities referred to in paragraph 6.1 (page 281) of the supplementary report , there is likely to be range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment.
- 3.10 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period
- 3.11 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, Table 1 below shows the approximate level of new homes bonus that this development is likely to generate in the first year and over a rolling six year period broken down into phases. This is on the basis of zero empty homes being brought back into use. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Phase	Private	Affordable	Total	New Homes Bonus (£)	
				Year 1	Year 6
1	268	74	342	463,456	2,780,738
2	161	24	185	245,090	1,470,539
3	136	43	179	244,063	1,464,380
4	161	19	180	245,943	1,421,657
5	161	21	182	240,202	1,441,210
6	99	9	108	141,326	847,954
Total	986	190	1176	1,571,080	9,426,478

Table 1

- 3.12 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency(HCA) aims to invest £4.5bn in affordable housing through the Affordable

Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent. As grant allocation cannot be claimed until the units are completed, the allocation could only be obtained for phase one of the development as these units would be completing in the lifetime of the current HCA five year programme allocation. Thus, there is not guarantee of grant for the remaininf phases, and the grant allocation for Phase 1 would only be realised should it be completed in time.

- 3.13 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

4.0 Recommendation

Officer's recommendation remains approval.

Appendix 1. – HSE LETTER

Received 4.30pm 06/03/12



Health and Safety
Executive

Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS

Tower Hamlets Council
Planning & Building Control
Mulberry Place (AH)
PO Box 55739
London
E14 1BY

Your refs. PA/11/02716
& PA/11/03548

Our ref. 1.2.1.1207

For the attention of Ms E Bailey, Strategic Applications Planner

Date: 06 March 2012

Dear Ms Bailey

Consultation with the Health and Safety Executive under Article 16, the Town and Country Planning (Development Management Procedure) (England) Order 2010

Mixed-use redevelopment of part of the existing Aberfeldy Estate, Poplar, London E14 (Applications ref. PA/11/02716 & PA/11/03548)

1. I refer to the recent exchanges between the Council and HSE regarding the two applications for mixed-use redevelopment of part of the Aberfeldy Estate, Poplar; the meeting on 21 February 2012 between HSE and representatives of the Council, LTGDC, Poplar HARCA and Leaside Regeneration; and the associated recently published reports to your Strategic Development Committee (SDC) for their meeting on 6 March 2012 including the appended reports to the SDC meeting of 16 February and our letter responding to these earlier reports.

2. Mr J Murray, Head of HSE's HID CI5 Unit, wrote to Mr O Whalley, the Council's Head of Planning & Building Control, on 10 February regarding these proposals and I wrote to you on 16 February (Appendices 2 to the current reports), before the SDC meeting. These letters:

- confirmed that, not only does HSE advise that there are sufficient public safety grounds for permissions to be refused, but that the level of risk to people at the proposed developments would be of serious concern;
- proposed a way forward by means of Grampian planning conditions; and
- provided, non-exhaustive, important comments regarding the public safety aspects of these applications.

I confirm that, following our meeting on 21 February, HSE's position remains as set out in Mr Murray's and my letters.

3. However, the Council may find the attached clarifications and additional comments, arising from our meeting on 21 February, helpful in its deliberations, and I would request that this letter is drawn to the attention of SDC members before they consider the applications on 6 March.

Clarifications and additional comments

4. We understand, following our meeting, there has been some discussion on the validity of the Grampian conditions as proposed by HSE. Perhaps it would be helpful if I mention that similar Grampian conditions, which prevent full or partial occupation until the hazardous substances consent of nearby a major accident site has been formally revoked, have been attached to at least three planning permissions relatively recently in the London area, including one which was determined by the Mayor of London after he called-in the application on matters not relating to public safety. We would strongly encourage the applicants and, if appropriate the Council and/or London Thames Gateway Development Corporation (LTGDC), to continue discussions with the operator of Poplar Gasholder Station (PGS), National Grid Gas, regarding the future of the gasholders and, if necessary, to defer the decisions on these applications until the implications of these discussions are considered in full.

5. As discussed at our meeting on the 21 February, may I remind you of the obligations on the Council, and on LTGDC, to implement Article 12 of the Seveso II Directive which requires the control of proposed development that would increase the risk or consequences of major accidents at sites, such as Poplar Gasholder Station (PGS). It is our understanding that it is common ground between the applicant, the Development Corporation and ourselves that the proposals, should they proceed, would increase both the risk and consequences of foreseeable major accidents at the gasholder station. Furthermore, may I also remind you that it is national planning policy, as set out in Circular 04/2000, that, in view of our expertise in public safety matters, any advice from HSE's that permission should be refused "*should not be overridden without the most careful consideration.*", and that under the Council's Planning Policy DEV23;

"The Council will resist proposals for new development, redevelopment or an intensification of an existing use which involves the storage or use of notifiable quantities of hazardous substances or development in close proximity to such uses, where it would cause a significant hazard to health, and that risk cannot be mitigated to the satisfaction of the Health and Safety Executive."

I can inform you that HSE is not satisfied with the measures proposed by the applicant.

6. It is wrong to describe the formal notification to HSE, should LTGDC resolve to grant permission against our public safety advice, as a "*consultation period*" (repeated in the report to SDC of 16 February). As we explained at our meeting, whilst HSE considers all such notifications on their individual circumstances, the serious public safety concern associated with these applications, in the absence of our proposed Grampian condition, means that we may well have to seek Article 25 Directions ("Stop Notices") to allow us more time, than the initial 21 days, to consider a request the Secretary of State to call-in the applications for his own determination.

7. For the avoidance of doubt, and contrary to the suggestion in the reports to committee, I confirm that HSE did not at the meeting on 21 February, and does not now, accept that the 2001 Census data supports the use of an average occupancy of 2.1 persons/residential unit as the requisite Cautious Best Estimate (CBE) for the proposed Aberfeldy New Village developments.

8. Based on information supporting the applications the highest average occupancy for the whole development (Phases 1-6); i.e. assuming a studio flat is occupied by one person, all double bedrooms are occupied by two people each, and all single bedrooms by just one; is estimated to be 3.6 persons/residential unit. Against this baseline, HSE's average occupancy of 2.5 persons/unit equates to just 70% full occupancy, whilst the 2.1 persons/unit proposed by the applicant's consultant, Renaissance Risk (RR), equates to only 58% full occupancy. You may wish to note that HSE's average occupancy is consistent with the national average, and also the Census 2001 residential figures for Tower Hamlets as a whole and for the East India and Lansbury Ward in which the Aberfeldy Estate is located. Conversely, RR's development average of 2.1 persons/unit is based on the assumption that all the units larger than Studio have only one habitable room over and above the number of bedrooms. As can be seen in the drawings of proposed typical units, annexed to this letter, the non-bed habitable rooms have been divided into separate Kitchen/Dining and Living areas, and you may also wish to note that some councils, including some London boroughs, classify areas larger than about 20m² as two habitable rooms.

9. I should also point out the important errors in your reports to committee of 16 February (paragraphs 9.238 of the report on PA/11/02716 and 9.173 on PA/11/03548). As discussed at our meeting on 21 February, the applicant's SRI figure of 133,917 (taken from RR's AV010B supplement report) is not for Phase 1 alone (and indeed the other values in paragraph 9.238 are not for Phases 1+2 alone, 1+2+3 alone, etc.). The applicant has calculated the value of 133,917 using an unproven approach for the "Existing plus phase 1 (Blocks A, B & C)". This is made clear in the footnote to the table in AV010B which reads "Note: The calculations are based on COMAH quantities [presumably the Council would vary the hazardous substances consent for the gasholder station to accommodate this] and 2.1 occupancy for the overall site and looks at changing the SRI on the site as the existing residents reduce in number and new residents arrive. The site remains constant at 6.62ha throughout the stages." We are not aware that the applicant has presented SRI values for Phase 1, or the other phases alone or in combination, however, our calculations indicate that even on an average occupancy of 2.1 persons/ residential unit (which HSE does not accept), the SRI value for Phase 1 (on its own) would still be around 750,000. HSE's calculated SRI value for Phase 1 is approximately 1 million. May I remind you that, depending on the characteristics of the proposal, HSE advises that permission should be refused for certain development on public safety grounds at SRI values exceeding 2,500 (significant risk), but advises against almost all proposed development with an SRI value exceeding 35,000 (substantial risk).

10. It is our understanding that, at the meeting on 21 February, the applicant withdrew their "uplift" SRI values and their arguments based upon them.

11. It is HSE's understanding that the Renaissance Risk (RR) report dated 9 January 2012 (mentioned in the annex to my earlier letter), which relates to other proposed development in the vicinity of gasholders, was revised on 16 January. However, you may wish to note that the revised report still contains the warning to those clients:

"There is little doubt that if this planning application were to go to Inquiry, the Planning Inspector and the Secretary of State (SoS) would again be likely to agree with HSE's interpretation and application of PADHI [the HSE delivery system for land use planning advice around major accident hazard sites and pipelines]."

Furthermore in Appendix E to their report AV010, RR quote selectively from the Secretary of State's decision letter on the proposed redevelopment of the Oval Cricket Ground. You may wish to note that the Secretary of State also stated in his letter (paragraph 37):

"In relation to UDP [Lambeth Council's Unitary Development Plan] policy 54g, the Secretary of State has concluded that the HSE PADHI Advice Against the application is justified on a cautious best estimate basis, and that if the proposed development were located where no development currently exists, it should not be allowed."

12. Please do not hesitate to contact me if you require clarification of these matters.

Yours sincerely



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