

Committee: Strategic Development	Date: 5 th July 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/10/00373	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

- 1.1 **Location:** Stroudley Walk market, Stroudley Walk, London, E3 3EW
- 1.2 **Existing Use:** Mixed use retail and residential.
- 1.3 **Proposal:** Outline application for the demolition of Warren House and 30-49 Stroudley Walk, and redevelopment of the site in the form of five buildings reaching between 3 and 16 storeys to provide 380 sq m retail space (Use Classes A1, A2 and A3), up to 127 sq m community space (Use Class D1) and 130 new dwellings comprising 45 x one bedroom flats, 44 x two bedroom flats, 27 x three bedroom flats, 10 x four bedroom flats and four x five bedroom flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking.

Matters to be determined: Access, Layout and Scale.

nb: Associated detailed planning application Ref: PA/10/00374

- 1.4 **Drawing Nos:** 2825_D002 Rev P3; 2528_D001 REV P3; 2528-D-401 REV P4; 2825-D-402 REV P4; 2825-D-100 REV P6; 2825-D-101 REV P5; 2825-D-102 REV P4; 2825-D-103 REV P4; 2825-D-104 REV P4; 2825-D-105 REV P5; 2825-D-106 REV P4; 2825-D-107 REV P4; 2825-D-108 P4; 2825-D-109 REV P4; 2825-D-110-REV P4; 2825-D-111 REV P4; 2825-D-112 REV P4; 2825-D-113 REV P4; 2825-D-114 REV P4; 2825-D-115 REV P4; 2825-D-116 REV P3; 2825-D-202 REV P4; 2825-D-201 REV P4; 2825-D-200 REV P4; 2825-D-116 REV P4; LC6532/SK/003;
- 1.5 **Supporting Documents**
- Design and Access Statement Revision A;
 - Daylight and Sunlight Reports by Calfordseaden with reference K/09/0374D/C7 PSD/hmt/G28 dated October 2011 and K/09/0374/C/ PSD/hmt/G28 dated December 2009;
 - Transport Assessment by Waterman Boreham dated 29th January 2010;
 - Residential Travel Plan by Waterman Boreham dated 5th February 2010;
 - Planning Statement Addendum Report by Leaside Regeneration dated September 2011;
 - Air Quality Assessment by Entec dated January 2010;
 - Arboricultural Impact Assessment with reference DFCA 003.3 by Paul Allen dated 9th October 2009;

- Report on a Geotechnical Investigation with reference 09/8873/A/GO by Madlin & Maddison dated January 2010;
- Energy Statement revision 6 by John Packer Associates Ltd dated June 2010;
- Open Space Assessment by Leaside Regeneration dated September 2011;
- Retail Statement by Strettons dated January 2010;
- Townscape Assessment by Montagu Evans dated September 2010;
- Television & Radio Reception Survey issues 1.0 by Gtech Surveys Ltd dated 8/12/09;
- Pedestrian Level Wind Microclimate Desk Study with reference RWDI # 10-10867-B-PLW-DSK dated February 2010;

1.6 **Applicant:** Poplar HARCA

1.7 **Owner:** Poplar HARCA

1.8 **Historic Building:** Grade II listed: Rose and Crown Public House
Grade II listed: 10-12 Stroudley Walk
Both sites are outside the redline boundary

1.9 **Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012), associated supplementary planning guidance, the London Plan (2011) and National Planning Policy Framework and has found that:

2.2 1. On balance it is considered that the regenerative benefits of the scheme do not outweigh the shortfalls of the proposal demonstrated by the proposed affordable housing provision of 11% uplift and the loss of social rented housing units. The proposed development also fails to provide adequate family sized dwellings within private and intermediate tenures and therefore does not provide a suitable range of housing choices to meet the needs of borough's residents. In summary the, proposal fails to contribute to meeting the borough's affordable housing needs and affordable housing targets, contrary to policies: 3.11, 3.12 and 3.13 of the London Plan 2011; SP02 of the Core Strategy 2010; and DM3 of the Managing Development DPD (submission version 2012).

2. Taking into account scheme viability, on balance, it is considered that the proposed development, by virtue of its failure to make adequate contribution towards education, community facilities, employment, public realm, open space, leisure and health infrastructure necessary to mitigate against its impact on local services and infrastructure is contrary to policies: 8.2 of the London Plan 2011; DEV4 of the Unitary Development Plan and SP03, SP07, SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012 and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

3. The submitted daylight and sunlight report fails to fully demonstrate that the proposal would not result in an unduly detrimental loss of amenity for neighbouring residential occupants, in terms of both daylight and sunlight to residential units. As such, the proposal is contrary to

saved policy DEV2 of the Unitary Development Plan (1998) and DEV1 of the Interim Planning Guidance (2007); SP10 of the Core Strategy 2010; and DM25 of the Managing Development DPD (submission version 2012), which seek to ensure that the residential amenity, daylighting and sunlighting conditions of future occupiers is not compromised.

4. The proposed development by reasons of its poor design, scale and massing, and minimal separation distances results in a development which does not positively contribute to the surrounding area. The proposed development is likely to have detrimental impact to the amenities for the neighbouring occupiers and the future occupiers in terms of privacy and sense of enclosure contrary to policies: DEV1 and DEV2 of Unitary Development Plan 1998; DEV1, DEV2, and HSG7 of the Interim Planning Guidance (2007); DM24, DM25, and DM26 of the Managing Development DPD (submission version 2012); SP10 of the Core Strategy (2010); and 7.6 of the London Plan (2011).

3. RECOMMENDATION

3.1 That planning permission is **REFUSED** for the reasons outlined in section 2 above.

4. PROPOSAL AND LOCATION DETAILS

4.1 Outline application for the demolition of Warren House and 30-49 Stroudley Walk, and redevelopment of the site in the form of five buildings reaching between 3 and 16 storeys to provide 380 sq m retail space (Use Classes A1, A2 and A3), up to 127 sq m community space (Use Class D1) and 130 new dwellings comprising 45 x one bedroom flats, 44 x two bedroom flats, 27 x three bedroom flats, 10 x four bedroom flats and four x five bedroom flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking.

Matters to be determined: Access, Layout and Scale.

4.2 There is an associated detailed planning application for the erection of a part 3, part 5 storey building to accommodate 19 residential units comprising 10 x one bedroom, seven x two bedroom, one x three bedroom and one x four bedroom units. This represents Phase 1 of the outline scheme being considered. The detail of Phase 1 of the development is outlined within a separate item on the agenda for consideration by Members.

4.3 The outline scheme is proposed in three phases as it can be seen below:

- Phase 1: 19 new residential units within a part 3, part 5 storey block on the western gap site opposite the Stroudley Walk/Arrow Road junction;
- Phase 2: Demolition of Warren House, and erection of a 16 storey tower (maximum height 52.2 metres) incorporating new ground floor retail facilities (Use Class A1 – A3) and 127sq.m of community facility located on the first floor, together with an additional part 3, part 5, part 6 storey building to the south of the tower providing a total of 78 new residential units.
- Phase 3: Demolition of the existing buildings at the southern end of Stroudley Walk, and the erection of a part 4, part 6 storey building to provide a total of 33 new residential buildings (maximum height 19.5 metres).



Phase 1 – Full planning application PA/10/374 (subject application)
 Phases 1, 2, and 3 considered under outline planning application PA/10/373

Site and Surroundings

- 4.4 The application site is 0.86 hectares, and located within the Bow Bridge Estate. The site comprises a mix of hard standing, car parking areas, residential dwellings – including Warren House at 11 storeys, retail floorspace of approximately 509sqm, including some A5 takeaway units, plus a GP surgery at 202sqm.
- 4.5 The site is not located within a Conservation Area, nor does it contain a Listed Building.
- 4.6 Stroudley Walk itself is a pedestrianised north-south link extending to the north at Bromley High Street, and to the south to Bruce Road. Within the site there is a green area of communal amenity space at the base of Warren House, and a parking area, which together with two other areas of parking comprise a total of 41 parking spaces.
- 4.7 Retail units contained within the base of Warren House (of which there are 5) together with units at the base of Fairlie Court make up a neighbourhood centre of Stroudley Walk as designated within the Interim Planning Guidance (2007); Managing Development DPD (submission version 2012) and Bromley by Bow Masterplan SPD.
- 4.8 Directly to the east of Warren House are 3 x 11 storey tower blocks. Arrow Road, also to the

east is characterised by two storey terrace rows. Towards the southern end of the site, Bruce Road is low rise on the northern side with two storey terrace rows, and a 5 storey residential block located on the southern side. Devons Road which extends Stroudley Walk to the south is a mixture of 3 – 4 storey properties. To the western side of the subject site lies Regents Court – a residential development reaching to three storeys, together with St Agnes Primary School. Fairlie Court immediately adjoins the western boundary of the site, a part two, part three storey building in use as commercial at ground floor and residential above. To the north of the site are 2 - 4 storey buildings in residential use on Bromley High Street.

4.9 From the centre of the site there is also a pedestrian route linking Stroudley Walk with Rainhill Way to the west and to Bow Church DLR entrance/exit which was recently completed.

4.10 There are 36 individual trees across the site, 22 of which are proposed to be removed. However, these would be replaced as part of any landscaping proposals were members minded to approve the scheme.

Planning History

4.11 No relevant recent planning history for the application site.

The same applicant has submitted a separate planning application for refurbishment works to the ground floor retail units to Fairlie Court. The proposal also includes improved residential entrance to the residential units to Fairlie Court. This application is currently under consideration at the time of writing.

5. POLICY FRAMEWORK

5.1 Unitary Development Plan (as saved September 2007)

Proposals:	Ref 81 Ref 96	Site identified for residential, retail and health use Local Shopping Parade
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Policies:	Environment Policies
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ST34	Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

5.2 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Neighbourhood Centre

Core Strategies: IMP1 Planning Obligations

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing

5.3 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
	SP13	Planning Obligation

5.4 Managing Development - Development Plan Document (DPD) Submission Version (2012)

Proposal Neighbourhood Centre

Policies:	DM1	Development within the town centre hierarchy
	DM2	Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Contributing to healthy and active lifestyles
	DM9	Improving air quality
	DM10	Delivering Open space
	DM11	Living Buildings and biodiversity
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Integrating development with 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
	DM29	Achieving a Zero-carbon borough and addressing climate change
	DM30	Contaminated Land

5.5 Spatial Development Strategy for Greater London (London Plan 2011)

1.1	Delivering the strategic vision and objectives of London
3.1	Ensuring equal life chances for all
3.2	Improving health and assessing health inequalities
3.3	Increasing housing supply
3.5	Quality and design for housing developments
3.6	Children and young people's play and informal recreation facilities
3.8	Housing choice
3.9	Mixed and balanced communities
3.10	Definition of affordable housing
3.12	Negotiating affordable housing
3.13	Affordable housing thresholds
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in new developments
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.15	Water use and supplies
5.21	Contaminated Land
6.3	Assessing effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	Inclusive environment
7.3	Designing out crime
7.4	Local character

7.5	Public realm
7.6	Architecture
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

5.6 **Supplementary Planning Guidance/Documents**

The London Mayor's Housing Design Guide
The London Borough of Tower Hamlets' Planning Obligation SPD 2012
Bromley by Bow Masterplan SPD 2012

5.7 **National Planning Policy Framework**

5.8 **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
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. **CONSULTATION RESPONSE**

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

LBTH Cleansing/Waste

6.2 Further details of each refuse storage in building cores are required, which should be sought through a planning condition. The storage capacity should be in line with the guidance as set out in the Development Managing DPD.

[Officer's Comment: If the planning permission was approved, appropriately worded condition would be imposed]

LBTH Design and Conservation

6.3 Whilst the regeneration of Stroudley Walk is supported, objection is raised. Whilst there are tall buildings in the location, they date from the 1960s and do not reflect the prevailing character of the area. Redevelopment provides an opportunity to develop a scheme that complements the area, however the proposed scheme for a 16 storey tower is out of context, and represents an inappropriate design response within this area.

[Officer's Comment: Discussion on Design is discussed within Section 8 of the Report]

LBTH Education

6.4 Based on the Council's Planning Obligations SPD, the proposal would result in the need for additional 29 primary places at £14,830 per place, and additional 8 secondary school places at £22,347 per place. Accordingly, the total education financial contribution of £430,682 for all three phases should be sought towards education.

[Officer comment: No financial contribution is offered by the applicant towards education provision.]

LBTH Energy Efficiency Unit

- 6.5 Considers the Energy Strategy to be acceptable and sets out that the site is anticipated to achieve 44% reduction in CO2 emissions over Building Regulations 2010. The development also sets out a commitment to delivering a single energy centre and linking all phases of the development.

LBTH Environmental Health

Contaminated land

- 6.6 No objection, subject to appropriate conditioning.

Air Quality

- 6.7 Further information required with relation to the following:

- Traffic data;
- Source of background data;
- Indication of meteorological data used in assessment;
- Only one receptor point modelled;
- Code of construction practice required.

[Officer's comment: Given that the proposed development is likely reduce the traffic levels and the development itself not being a source of air quality pollution, a planning condition could be secured to seek further details].

Noise

- 6.8 No noise assessment was submitted with the application. The building would fall into category "C" mainly from road traffic noise from the Bromley High Street and Bow Road. Higher elevations of the building will be directly exposed to high levels of road noise from the Bow Road, without the building having adequate noise insulation measures installed this application should be refused.

[Officer's Comment: It is considered that adequate noise insulation measures could be implemented to ensure that the occupiers of the building are not affected by noise levels from the nearby highways through Reserved Matters and/or planning condition]

Sunlight/ Daylight

- 6.9 Objection raised – further outlined within section 8 of this report.

LBTH Highways and Strategic Transport

- 6.10 The land uses and the proposed density of the development is acceptable in principle, in as far as they are not likely to add additional strain on the existing highway network. However, there are fundamental concerns to the proposed 'Home Zone' design which raise safety concerns for the vulnerable road users, especially the blind, partially sighted and deaf. In addition, although the carriage way width vary from 3.7m to 6.2m at places. The auto track fails to demonstrate that vehicles used for activities such as servicing, emergency and refuse can manoeuvre adequately through the proposed one-way road.

[Officer's comment: If the planning permission is granted, an appropriately worded condition

would be imposed to ensure that this matter is dealt with on submission of the reserved matters applications]

Car Parking

In relation to car parking, the proposal would see the removal of the existing 41 car parking spaces and replaced with 27, including 5 disabled spaces along the proposed one-way carriage way. Whilst the numbers of disabled space meet the minimum 10% requirement, due to the number of residential units proposed, there is a concern over the limited disabled parking space provision. The development is proposed to be car-free which is welcomed in this area with good public access to public transport. Electric charging points should also be provided for the proposed parking bays.

Servicing

The proposal includes a servicing area access off Bromley High Street which will provide easy access to the proposed retail areas. However, the retail spaces should remain as two separate spaces and not amalgamated into a larger retail unit as this will lead to changes to the size of the servicing vehicles. Nonetheless, the submitted Transport Statement have not provided TRAVL survey comparisons to demonstrate that the size and frequency of the vehicles likely to service the new shops.

[Officer's comment: If the planning permission was granted, appropriately worded condition would be imposed to ensure that the retail units would not be amalgamated]

Cycle parking

No details of the proposed cycle parking spaces are provided. The following is required. 1 cycle parking space for 1 or 2 bedroom units, 2 cycle parking spaces for 3 bedroom or larger units.

[Officer's Comment: If the planning permission was granted, appropriately worded condition would be imposed to secure appropriate number of cycle parking spaces for the development]

LBTH Housing

- 6.11 The proposed development is subject to viability. The proposed dwelling mix for the overall scheme provides 40% affordable housing by habitable rooms, a total of 160 affordable habitable rooms. However, once the existing 45 social rented units on site which are proposed to be demolished are reviewed, the proposed scheme would only provide 37 units of which 24 are social rent, 10 are units at affordable rent and 3 Intermediate tenure. Overall this would be a loss of 21 social rent units in total. However it is acknowledged that the replacement social rent units are in the form of larger family sized housing.

[Officer comment: Shortfall of affordable housing forms a reason for refusal and addressed in x of the report]

LBTH Landscape

- 6.12 No objections are raised to the removal of trees and other works as detailed in the application. However more details of proposed replanting should be secured as part of the planning condition.

[Officer's Comment: Had the planning permission be approved, appropriately worded condition would be imposed to ensure planting of suitable semi mature trees]

LBTH Policy

- 6.13 The site falls within the adopted Bromley-by-Bow Masterplan area which provides further detailed guidance for this area. The delivery requires a comprehensive redevelopment including the Listed Building, and Fairlie Court should be integrated into the redevelopment.

The proposal will result in a loss of retail in the south, which should be re-provided in the north. Size of the units should be of a similar nature to support independent retailers.

S106 financial contribution should be sought towards the improvement to Stroudley Walk and Bromley High Street public realm.

[Officer comment: No financial contribution is offered by the applicant towards public realm improvement.]

LBTH Development Implementation – Town Centre

- 6.14 Objection raised on the basis that there is an overall net loss of retail unit provision.

[Officer's comment: The overall net loss accounts for 40sq.m of retail floor space. The proposed concentration of retail units in the northern part of Stroudley Walk is considered to provide appropriate retail provision to the modern day standards, and is in line with Bromley by Bow Masterplan].

LBTH Secure by Design

- 6.15 The proposed opening of Stroudley Walk to vehicles is not supported as it will result in increased number of vehicles using the route as a short cut and there is no benefit to opening this up.

Large areas of canopy above the entrances to the Community Centre and retail spaces will encourage anti-social behaviour by allowing groups to congregate creating nuisance to residents nearby.

[Officer's comment: The shared surface, due to its design, layout and its connection to Bromley High Street, will limit the vehicle speed and will not provide a linking route to a major road network]

LBTH NHS

- 6.16 This development is within Bromley by Bow Ward. The nearest current practice that has the development in its catchment area is Stroudley Walk which is planned to relocate to the new hub being developed at the St Andrews's Hospital Site to accommodate the expected population growth from this and other developments in the locality. The capital of the section 106 contribution of £143,420 would go towards the long lease or fit out costs for this development.

[Officer comment: No financial contribution is offered by the applicant towards health provision]

LBTH Accessibility Officer

- 6.17 10% wheelchair units should be provided and buildings with wheelchair units should be serviced by two lift cores. Objection based on the proposed shared surface due to safety concerns for the visually impaired.

LBTH Markets Administration

- 6.18 Seek £150,000 for the provision of integrated electrical power and portable water supply to pitches, and reinstatement of the ground.

English heritage – Historic

- 6.19 The former Rose and Crown Public House is Grade II Listed. The adjoining no/s 10 and 12 Stroudley Walk are separately listed as Grade II. The properties are currently included on the Heritage at Risk Register, and it is important that the future of these properties is fully considered as part of the wider development plans for this area.

English Heritage – Archaeology

- 6.20 The site lies within a designated Area of Archaeological Interest, and was situated immediate west of the medieval settlement of Bow. Geologically, it is on an elevated gravel outcrop, which is often a favoured location for prehistoric settlement on the Lea, and remains from this period, as well as the medieval and post-medieval, have the potential to be present on the site. In order to preserve and enhance understanding of the assets a planning condition should be imposed.

[Officer's Comment: If the planning permission was approved, appropriately worded condition would be imposed]

London Fire and Emergency Planning Authority

- 6.21 Whilst pump appliance access appears satisfactory, detailed access, facilities and water supplies for the fire service were not specifically addressed in the submission. The development should confirm to the requirements of Section B5 of Approved Document B.

Greater London Authority Stage I

- 6.22 GLA's response was received in 2010, and since the comments received, the national, regional and local policies have changed significantly. GLA have been informed of the amendments of the scheme which mainly include the quantum of housing, affordable housing type and dwelling mix.

Within their comments, GLA supported the estate renewal which provides increased housing on site. However, raised concerns that the applicant had failed to demonstrate that the proposal provides the maximum reasonable amount of affordable housing, or that an appropriate housing mix and tenure can be achieved in the built out scheme.

[Officer comment: This is the fundamental issue which was raised by the GLA, and from the Local Planning Authority's officer's point of view, this has not been addressed adequately as outlined under Section 8 of the report.]

7. LOCAL REPRESENTATION

- 7.1 A total of 1111 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of individual responses: Objecting: 35

Supporting: 21

No of petitions received:
Objecting: 5 petitions totalling 778 signatures
Supporting: 1 petition with 114 signatures

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Objections:

- Insufficient parking spaces;
- Lack of playspace;
- should be retained as pedestrianised walkway and not open to vehicles;
- loss of local shops and employment;
- loss of mature trees;
- Loss of GP;
- Warren house should be refurbished;
- 16 storeys too high;

In support:

- Resolve and reduce overcrowding;
- new homes for residents;
- better homes for residents on the waiting list

[Officer's comments: The above issues are addressed in the relevant sections of the report]

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design
- Amenity
- Highways
- Other

Land Use

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.3 On 27th March 2012, the Department of Communities and Local Government have published the National Planning Policy Framework (NPPF) which now replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs). The NPPF is now a material consideration and should therefore be taken into consideration.

8.4 The heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that this should be seen as a golden thread running through both plan-making and decision making.

8.5 The NPPF also outlines 12 core land-use principles which should under-pin both plan-making and decision-taking. The following points are relevant to the subject proposal and can be summarised as follows:

- § Proactively driver and support sustainable economic development to deliver

homes, business and industrial units, infrastructure and thriving local places.

- § Always seek high quality design and good standard amenity for all;
- § Support the transition to a low carbon future in changing climate, taking full account of flood risk and encourage the use of renewable resources
- § Encourage the effective use of land by reusing land that has been previously developed (brownfied land);
- § Promote mixed use development, and encourage multiple benefits from the use of land in urban areas;
- § Conserve heritage assets in a manner appropriate to their significance;
- § Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
- § Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

8.6 At the local level, the site is identified as a neighbourhood centre and it falls within the boundaries of the Bromley by Bow Masterplan area. The key drivers set for this area is to provide more family sized affordable housing, maximising job opportunities and improving the built environment and public realm. The Masterplan sets out development principles for Stroudley Walk which requires the following:

- Adopt a comprehensive approach to the whole area, incorporating phased proposals for the redevelopment of Fairlie Court as well as the main Stroudley Walk parade.
- Deliver a coherent and rational approach to the improvement of public realm and public spaces.
- Ensure that the proposals are carefully integrated with the existing urban setting in terms of height, scale, massing, materials and the configuration of frontages and building lines.
- The neighbourhood will contain a range of shops including essential uses that serve the local community.

8.7 The proposed development which includes retail provision, community facility, public realm and open space improvements and housing generally meets the guiding principles as set out in the Masterplan. The proposal also meets the principle of the Council's Core Strategy which seeks to deliver approximately 43,275 new homes from 2010 to 2025 which is in line with the London Plan. Therefore, the principle of the proposed land uses is acceptable and the mixed use development is considered to accord with the policies within the London Plan and the Core Strategy.

8.8 However, the details of the housing delivery, design, amenity and highway impacts needs to be carefully considered to ensure that the proposed development is acceptable and these are discussed in detail below.

Retail

8.9 Stroudley Walk is a Neighbourhood Centre with small individual shops lining Stroudley Walk parade. A cluster of shops are concentrated to the northern end of the parade, mainly on the ground floor of Fairlie Court, which does not form part application boundary. There is also a small cluster of retail units on the ground floor of Warren House and southern end of Stroudley Walk.

8.10 The proposal includes the demolition of existing 11 small individual units within the

application site's boundary. There are 5 retail units on the base of Warren House which are all occupied and further 6 units in the southern end of Stroudley Walk. Within the southern end, there are 2 take away (use Class A5) units and 2 vacant units, and 2 retail units. The total existing retail floorspace equate to approximately 420sq.m and 89sq.m for A5 use.

- 8.11 The proposal includes re-provision of retail units to the northern end of Stroudley Walk which conforms to the vision for Stroudley Walk Neighbourhood Centre as set out in Bromley by Bow Masterplan SPD. However, the Masterplan also refers to adopting a comprehensive approach to the whole area, incorporating phased proposals for the redevelopment of Fairlie Court as well as the main Stroudley Walk parade. The outline proposal excludes Fairlie Court as part of the Estate Regeneration.
- 8.12 During the early stages of the application, the applicant was encouraged to incorporate Fairlie Court as part of the site wide Neighbourhood Centre Regeneration Scheme. However, the applicant has chosen to submit an application for refurbishment of the existing retail units within Fairlie Court. This proposal will go some way to improve the vibrancy of the Neighbourhood Centre however the application is not yet determined at the time of writing.
- 8.13 The proposal includes 380sq.m of retail space, subdivided into three individual units to the northern end of the application site. Whilst in numeric terms the number of retail units has reduced, the quantum of the space only sees 40sq.m of reduction in floorspace. This is considered to be acceptable subject to the proposed retail units not being amalgamated into a larger retail unit in the future.
- 8.14 The proposed retail provision is considered to be acceptable which will continue to the function and support of the Neighbourhood Centre.

8.15



Stroudley Walk: Land Use and Design Guidance - Bromley by Bow Masterplan SPD.

Community Facility

8.16 The proposal will also see the loss of a GP surgery (Use Class D1) located at the southern end of Stroudley Walk, however the Tower Hamlets NSH have confirmed that this GP surgery will be relocated to the site at former St Andrew's Hospital Site. Therefore, given the planned re-location, the loss of the Doctor's surgery at this location is acceptable. The proposal includes 127sq.m of community facility provision to the northern end of the site located on the first floor of the tallest building. The exact use is undefined in the application however, the principle of re-provision is acceptable which is also inline with the strategy as set out in the BBB Masterplan SPD.

Housing

Affordable Housing

8.17 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.

- 8.18 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.19 Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social rent to 30% intermediate housing provision.
- 8.20 NPPF outlines the following definition for affordable housing.
- 8.21 Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned 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.
- 8.22 Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).
- 8.23 Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.
- 8.24 The proposal is an estate regeneration where it involves the demolition of the existing affordable housing stock and replaced with housing of mixed tenures. There are currently 45 social rented units and 7 private units on site which will be subject of demolition. All the units are 1 or 2 bed units.
- 8.25 Within the overall proposal without considering the existing housing stock to be lost, a total of 37 of the 130 residential units would be affordable housing, which represents 39.6% based on habitable rooms. 24 residential units would be social rented, 10 units are affordable rented and 3 would be within the Intermediate provision.
- 8.26 However, when considering the existing social rented housing to be lost on site, the proposal results in the loss of 21 social rented units as a result of the development. In terms of habitable rooms, this is translated as 114 habitable rooms replacing 115 existing habitable rooms and therefore this will result in the loss of 1 social rented habitable room. In any event, the proposal will result in an uplift of 11% of affordable housing on site and the uplift of affordable housing is proposed to be delivered in the form of affordable rent and Intermediate provision.
- 8.27 The table below show delivery of affordable housing at different phases of the development.

Table 1: Existing housing to be demolished - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed	20 (40)			2 (4)

2bed	25 (75)			5 (15)
Total	45 (115)			7 (19)
			45 (115)	

Table 2: Phase 1 housing delivery - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed			1 (2)	9 (18)
2bed		2 (6)		5 (15)
3bed	1 (4)			
4bed	1 (5)			
Total	2 (9)	2 (6)	1 (2)	14 (33)
				5 (17)

Table 3: Phase 2 housing delivery - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed				27 (54)
2bed			2 (6)	29 (87)
3bed	9 (36)	5 (20)		
4bed	4 (20)			
5bed	2 (12)			
Total	15 (68)	5 (20)	2 (6)	56 (141)
				22 (94)

Table 4: Phase 3 housing delivery - figures in brackets indicate habitable rooms

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed				8 (16)
2bed				6 (18)
3bed		3 (12)		9 (36)
4bed	5 (25)			
5bed	2 (12)			
Total	7 (37)	3 (12)		23 (70)
				10 (49)

Table 5: Summary – net uplift of housing in Phases 1, 2, and 3

	Affordable Housing			Market Housing
	Social Rent	Affordable Rent	Intermediate	Private
1bed	-20 (-40)		1 (2)	42 (84)
2bed	-25 (-75)	2 (6)	2 (6)	35 (105)
3bed	10 (40)	8 (32)		9 (36)
4bed	10 (50)			
5bed	4 (24)			
Total	-21 (-1)	10 (38)	3 (8)	86 (225)
				- 8 (45)

8.28 As it can be seen from Summary table 5, the proposal will result in the loss of 21 social rented units, albeit the reduction in habitable room number is 1. In % terms, the overall estate regeneration will result in 11% uplift in affordable housing, namely through affordable rent and Intermediate provision only.

8.29 The Council policy SP02 of the Core Strategy require developments to deliver a minimum of

35% of affordable housing on-site (measured in habitable rooms) and also seek to maximise the delivery of affordable housing on-site. With Estate Regenerations, the Council resist the loss of affordable housing and therefore the existing stock is expected to be replaced within the redevelopment and the minimum 35% affordable housing delivered in addition to the replacement. Net loss of affordable housing will only be considered in exceptional circumstances where development demonstrates that a limited loss of affordable housing is required to improve the tenure mix; or where public open space or a non-residential use will benefit the overall estate regeneration scheme. The opportunity to provide better quality open space, and generally re-provide commercial uses in terms of floor area has been taken into account. However, [its is considered that this carries insufficient weight to justify the shortfall in affordable housing.].

- 8.30 The application is accompanied by a viability assessment which concludes that the proposed development with affordable housing, i.e. 10 additional Affordable Rent Units, 3 Intermediate Units, and 114 of 115 habitable rooms within the Social Rent replaced, together with £139,000 of s106 payment and CIL liability, **is not viable** and the developer would be in deficit. Therefore, successful delivery of all phases is questionable.
- 8.31 On balance, it is considered that the viability of the scheme does not outweigh the concerns raised by officers over the inadequate level of affordable housing and the loss of a number of social rented units. Therefore it is considered that the proposal fails to satisfy the Council's policies in delivering and securing affordable housing, contrary to policies mentioned earlier.

Housing Mix

- 8.32 The scheme is proposing a total of 130 residential units.
- 8.33 Pursuant to policy 3.8 of the London Plan, the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups”. Table 1 below shows the proposed unit mix on the Site.
- 8.34 Pursuant to saved policy HSG7 of the LBTH UDP (1998), new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of houses with private gardens.
- 8.35 Policy SP02 of the Core Strategy Development Plan Document (2010) seeks to create mixed communities. A mix of tenures and unit sizes as outlined in policy DM3 of the Managing Development DPD (submission version 2012) assist in achieving these aims.
- 8.36 The following table below summarises the proposed housing mix against policy DM3 of the Managing Development DPD (submission version 2012) which seeks to reflect the Boroughs current housing needs:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented/affordable rent			intermediate			private sale		
		units	%	MD DPD %	units	%	MD DPD %	units	%	MD DPD %
1 bed	45	0	0	30	1	33	25	44	47	50
2 bed	44	2	6	25	2	67	50	40	43	30
3 bed	27	18	53	30	0	0	25	9	10	20
4 bed	10	10	41	15	0			0		
5 Bed	4	4			0		0	0		
TOTAL	130	34	100	100	3	100	100	93	100	100

Table 6: Proposed Dwelling Mix

- 8.37 The unit mix for the social rent tenures sees a 0% provision of one bed units against a policy target of 20%, a 6% provision of two bed units against a policy target of 25%, a 53% provision of three bed units against a policy target of 30%, and a 41% provision of four beds against a policy target of 15%.
- 8.38 The unit mix for the intermediate units see a 33% provision of one bed units against a target of 25%, a 67% provision of two bed units against target of 50% and a 0% provision of three bed units against target of 25%.
- 8.39 Within the market housing provision, the scheme proposes 47% one bedroom units against a target of 50%, a 43% two bed units against a target of 30% and a 10% three bedroom against a target of 20%.
- 8.40 Whilst the scheme does provide high proportion of family sized units within the social/affordable rent sector, the scheme fails to provide a suitable range of housing choices to meet the needs of LBTH residents, due to the lack of provision of family sized units in the intermediate and private tenures. As such, the proposed housing mix fails to comply with the London Plan, UDP, the Interim Planning Guidance, Core Strategy and Managing Development DPD in creating a mixed and balanced community.

Floorspace standards

- 8.41 Policy 3.5 of the London Plan 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.
- 8.42 The Council's own policy DM4 of the Managing Development DPD re-emphasise the minimum space standards for new dwellings to ensure that development provide adequate provision of the internal space in order to achieve an appropriate living environment for future residents.
- 8.43 There are 45 one bedroom units which fall below the minimum standards by 2sq.m. However, as the proposal satisfies the minimum dwelling standards for units with 2 bedrooms or more as set out in table 3.3 in the London Plan 2011 and the Council's policy DM4 of the Managing Development DPD (submission version 2012), it is considered to be acceptable on balance.

Amenity Space

- 8.44 Pursuant to NPPF, one of the core planning principle is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.45 Saved policy HSG16 'Housing Amenity Space' of the adopted UDP (1998) requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG (1998) sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG (2007), and policy DM4 of the Managing Development DPD (submission version 2012) sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards and Child play space standards of the UDP; IPG and MD DPD are summarised in tables 6 and 7 below.

Table 7: Amenity space SPG 1998; IPG 2007; and Managing Development DPD (submission version 2012) standards.

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	IPG & MD DPD Minimum Standard (sqm) [†]
Communal Space	130 units	1929	180	170

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

Table 8: Children Play Space

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	GLA's and MD DPD standard (sq.m) [†]
Child Play space	76 Children	Detail unknown	228	760

*Calculation based on 3sqm per child

[†]Calculation based on 10sq.m per child.

- 8.46 The proposal will deliver majority of the communal amenity space which will also be publicly accessible within Phase 2 of the development. The proposed total area of 1929sq.m is more than the minimum required for communal amenity space and therefore acceptable. The applicant has stated in the supporting document that children play area will be provided within the courtyard area of Phase 2. Given that the total amount of open space area would provide more than the required for communal amenity space, adequate play space area could be incorporated. Such detail could be secured through a planning condition specifying the minimum required space, had the application be recommended for approval.
- 8.47 With regards to private amenity space provision for each unit, all of the units provide the more than the minimum required by policy DM4 of the Managing Development Plan (submission version 2012).

Design

- 8.48 The area is generally characterised by mid-rise estate blocks of 4 to 5 storeys arranged around open green and courtyard spaces. Low-rise and low density buildings in the form of 2 storey terraced dwellings along Arrow Road and northern side of Bruce Road also prevail within the vicinity. The three 11 storey residential blocks, also arranged around open/courtyard spaces on Bromley High Street are the tallest buildings within the vicinity.

The mixture of low and medium rise residential buildings makes up the character of the immediate vicinity.

- 8.49 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.50 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.51 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. The policy also seeks 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. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.
- 8.52 Policy DM24 of the Managing Development DPD (submission version 2012) also seeks to ensure that development is designed to the highest quality standards incorporating principles of good design.
- 8.53 Policy 7.7 of the London Plan (2011) states that tall buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.54 Council's own policy DM26 of the Managing Development DPD (submission version) state that building heights will be considered in accordance with the town centre hierarchy and sets out a list of criteria. Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. Policy DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.55 The proposal includes 16 storey residential tower to the northern end of Stroudley Walk. The proposed height is not compatible with the existing surrounding buildings in so far that the height is significantly higher and is not in accordance with the town centre hierarchy and the criteria as set out in the Managing Development DPD which states that the height of the building should respond to local context. Furthermore, the proposed 16 storey building does not form any cluster of tall buildings within the vicinity.

However, in terms of its location, to the west of three 11 storey residential blocks on Bromley High Street, it provides the setting of the Neighbourhood Centre and the streetscene in general. Due consideration is also given to any impact to adjoining properties

arising from the proposed tall building which is discussed later in this report under 'Amenity'.

- 8.56 On balance, the proposed tall building on the northern side of Stroudley Walk is considered acceptable, having reviewed the amenity impacts to neighbouring buildings, and its relationship with the existing built form and proposed scale and bulk of the buildings. The proposed tall building at 16 storeys is considered, on balance, provide a transition between the building heights along Bromley High Street and focal point of the Neighbourhood Centre.

8.57



Aerial view from north west
(Source: Design and Access Statement)

Scale, massing and layout

- 8.58 The proposal demonstrates a considered response to layout of buildings. The proposed layout takes account of north-south visual permeability and spatial linkages along Stroudley Walk by proposing linear blocks along east and western side of the parade.
- 8.59 In terms of massing and scale, on the eastern side of Stroudley Walk, within Phase 2 boundary, the building heights vary from 16 storey tower as mentioned earlier, to 6 storeys immediately south of the tower, and then decreases to 5 and 4 storeys within Phase 3 boundary to the Bruce Road end. The western end proposes 3 and 5 storeys within Phase 1 boundary and the height increases to 6 storeys on Bruce Road end within the Phase 3 boundary. The transition of heights is considered to be acceptable.
- 8.60 The proposed residential blocks provide a physical break for each phases however are generally linear block without much articulation or visual interest to break up the massing. The submitted Design and Access Statement provide views of the building and its indicative finishes which are mainly light render and cladding panels. The appearance of the building is also reaffirmed by details submitted for Phase 1 which follows the same rationale. This is

considered to result in buildings much bulkier in appearance and results in poor design solution which is unacceptable. Whilst the 'Appearance' is matter which is reserved and is not a detail for the consideration of this outline application, there are design elements of the scheme which cannot be suitably addressed through finishing materials. These elements are mainly large flank elevations of the proposed buildings within each phase These flank wall facades have been deliberately designed to ensure that no windows are proposed to overlook into neighbouring windows and their gardens. Nonetheless, the large areas of the flank wall are not considered to appropriate solution and result in large areas of flank elevations without much articulation.

8.61



Eastern linear blocks – Stroudley Walk Street elevation

8.62



Western linear block – Stroudley Walk Street elevation

8.63



Northern elevation of the tower –Bromley High Street elevation

8.64



Southern elevation – Bruce Road elevation

Accessibility and Inclusive Design

- 8.65 The submitted design and access statement notes that all units will be designed to meet lifetime homes and that 10% of the units will be fully wheelchair accessible, or readily adaptable to full wheelchair accessibility. However details of those units – i.e. clarification of those to be wheelchair accessible on plan have not been provided for all the phases. Given the outline nature of this application, no details of each flat are provided and these details are usually dealt through a reserved matters application. In addition, a condition would usually also be imposed to ensure that full details of the wheelchair units are provided and approved by the Council. Given the internal sizes of the proposed residential units providing more than the minimum required, it is considered that wheelchair units can be satisfactorily designed into the scheme. However, it is imperative that 10% of wheelchair units are delivered in all tenures and within each phase of the development.
- 8.66 The Council's Access Officer has also raised concerns to the buildings with one lift core which may have wheelchair units on the first floor and above. The tower block provides two lift cores and therefore wheelchair units could be provided at different floor levels, however for other buildings wheelchair units should be designed on the ground floor level with levelled access.

Amenity

Daylight /Sunlight

- 8.67 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.68 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and

daylighting conditions of surrounding habitable rooms. This is supported by policy SP10 of the Core Strategy.

8.69 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

8.70 The following neighbouring residential properties were tested:

- Hardwicke House, Bromley High Street;
- Fairlie Court;
- 80c Bruce Road;
- 2a and 7 Arrow Road; and
- Dorrington Point

8.71 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

1. Daylight Assessment

8.72 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance (second edition), requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room's surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.

8.73 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

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

a. Daylight Results: Impacts on Neighbouring Properties

8.74 Hardwicke House – The report states that assessment of VSC has been carried out for each glazed area separately and the no sky line based on the combined effect. The results shows that reductions in VSC are larger than would be desirable and the NSL is relatively unaffected. However, the report does not detail all the windows tested and only provide one window sample result.

8.75 Fairlie Court – Similar results are shown for windows to Fairlie Court. The reductions in VSC are larger than desirable and NSL is also reduced below 80%.

8.76 80c Bruce Road – A small window on the flank wall elevation was tested and the report has assumed that it is a non habitable room window and has discounted it from the assessment. This is considered to be acceptable as the side flank wall window is either a non-habitable

room window or a secondary window to the front room.

- 8.77 7 Arrow Road - The report states that there are no flank wall windows however a dining room door on the side flank wall of the outrigger exists which was tested. The results show higher level reduction.
- 8.78 2A Arrow Road - There are two small flank wall windows on the side flank wall and they appear to be non habitable room windows and therefore these have been discounted from the assessment. This is considered to be acceptable as the side flank wall window is either a non-habitable room window or a secondary window to the front room.
- 8.79 Dorrington Point – The report looks at a sample bedroom at first floor level. The reduction in the VSC is larger than would be desirable.
- 8.80 Overall, whilst the assessment is not comprehensive, the result demonstrates that the majority of the windows would fail VSC and NSL. However, given the urban environment and the existing baseline conditions, it would be difficult for all windows to pass the BRE guideline.
- 8.81 The report also refers to the assessment of ADF to the affected windows and concludes that majority of the windows tested, the ADF passes. However, ADF is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.

b. Daylight Results: Impacts on Proposed Units

- 8.82 No detailed assessment is provided for the sunlight and daylight impact to the proposed units. The conditions of the proposed units would normally assessed using the ADF calculations. However, no details have been provided for the outline scheme.

2. Sunlight Assessment

- 8.83 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 windows within 90 degrees of due south.

a. Sunlight Results: Impacts on Neighbouring Properties

- 8.84 The submitted report looks at a sample of three windows from the surrounding area and it finds that the conditions to the windows at Fairlie Court will be improved as a result of demolishing Warren House and the proposed tower being relocated further north of the site. Dorrington Point also sees improvement during winter time.

b. Sunlight Results: Impacts on Proposed Units

- 8.85 No detailed assessment is provided for the sunlight results for the proposed units.

3. *Sunlight in gardens and open spaces*

- 8.86 The BRE report (second edition) advises that for new gardens and amenity areas to appear adequately sunlit throughout the year “at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March.”
- 8.87 The majority of the open space, amenity space and rear garden areas of the neighbouring and proposed buildings will receive at least 2 hours of sunlight on 21st March.

8.88 The submitted report does not present a full comprehensive assessment of all windows affected, and only test a sample of windows. Even within this small sample, the results show that majority of the neighbouring property windows are affected by the proposed development. Given that the proposed outline scheme is not acceptable for the reasons as set out in paragraph 2.2 and any regenerative benefits do not outweigh the concerns raised about affordable housing, on balance, the proposed development is considered to result in poor residential conditions of reduced sunlight and daylight to the windows of the neighbouring dwellings detrimental to the amenities of the neighbouring occupiers.

Privacy/ Overlooking

8.89 The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

8.90 As outlined in the report for full planning application for Phase 1, at ground floor level there is a separation distance of between 13 and 15 metres, which is considered acceptable given that boundary treatment will preclude a direct relationship between habitable room windows.

8.91 On the upper floors there are no habitable rooms windows facing westward, and as such the relationship is considered acceptable in privacy terms.

8.92 However, the existing habitable room windows on the first and second floor levels of Regent Square would allow direct overlooking to the rear gardens and habitable room windows of the proposed ground floor flats. This is considered to provide reduced residential amenity for the future occupiers of the proposed ground floor flats.

8.93 In respect of other phases of the scheme there are no direct window to window relationships with the neighbouring properties.

8.94 Although privacy/overlooking impact is considered minimal to the existing neighbouring occupiers, it indicates a symptom of poor design insofar as the proposal has not been designed appropriately to minimise the impact to the future occupiers of the development resulting in poor living environment.

Sense of Enclosure/ Loss of Outlook

8.95 Unlike sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space.

8.96 Again, elsewhere within the development i.e. within phases 2 and 3, the layout of buildings is perpendicular to neighbouring windows and rear gardens in so far as to reduce the sense of enclosure. In addition, adequate separation distances between the proposed building and the neighbouring side boundary by 10m or more and therefore, the sense of enclosure is limited and therefore acceptable.

8.97 With relation to the Regent Square properties adjacent to Phase 1 development, the

separation distances are not considered acceptable in terms of outlook and sense of enclosure. This is due to the separation distance between the existing building and the proposed at between 13m and 15m, together with the height and flank wall elevation of the proposed building at 3 storeys. Whilst the existing mature trees somewhat obscure outlook at present, the poor quality design of the western elevation and the lack of appropriate separation distance is considered to result in poor outlook and sense of enclosure of the existing residents of Regent Square.

- 8.98 In addition, the proposed arrangement for ground floor units is not considered appropriate. The depth of the rear gardens, reaching between approximately 3.1 metres and 7.3 metres fails to provide quality, usable space for future occupants, especially for the flat with garden depth of 3.1m.

Noise and Vibration

- 8.99 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 7.15).
- 8.100 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered. Policy DM25 of the Managing Development DPD (submission version 2012) and policy SP03 of the Core Strategy seeks to minimise noise impacts to existing and future occupants.
- 8.101 The building would fall into noise exposure category 'C' mainly from road traffic noise from the Bromley High Street and Bow Road. Category 'C' is defined Appendix 2 of the Managing Development DPD and states that, proposals in this category there is a strong presumption against granting planning permission. However, there it is considered that permission should be given, conditions will normally be imposed to ensure an adequate level of insulation against external noise.

The higher elevations of the building will be directly exposed to high levels of road noise from the Bow Road however, it is considered that adequate noise insulation measures could be implemented to ensure that the occupiers of the building are not affected by noise levels from the nearby highways. Therefore, if the development is to be approved, appropriate condition could be imposed to overcome this issue.

Air Quality

- 8.102 The application is accompanied by air quality assessment. It is considered that following the assessment a condition is necessary to require the submission a further Air Quality Assessment Plan and Management Plan as part of the Construction Management Plan, to detail measures such as;
- Source of background data;
 - Traffic Data (including construction);
 - Indication of meteorological data used in assessment;
 - Only one receptor point modelled;
 - Code of construction practise required.
- 8.103 These details could be secured through planning condition had the application been recommended for approval.

Highways

- 8.104 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.105 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policies DM20, DM21 and DM22 of the Managing Development DPD (submission version 2012) seek similar objectives and aims as the Core Strategy.
- 8.106 The site has a good level of accessibility to public transport, with a Public Transport Access Level of 4 and 5 where 1 represents the lowest and 6b the highest. The subject site has four bus routes operating within the vicinity, with the closest bus stops on Violet Road within two minutes walking distance of the site. The D8 (from Violet Road), 323 (from Devons Road Station), 309 (from Broomfield Street) and 108 (accessed from Blackwall Tunnel Northern Approach) can all be reached and provide transportation to Stratford, Isle of Dogs, Canning Town, Mile End, Bethnal Green and Lewisham. The closest DLR stations are Bow Church (250-300 metres from the site), Devons Road (350 metres from the site) and Langdon Park (600 metres from the site) within 10 minutes walking distance from the site.
- 8.107 At present Stroudley Walk is pedestrianised. The outline application seeks to create a one way northbound street leading from Bruce Road to Bromley High Street. This space is proposed to be a shared surface 'Home Zone' to allow vehicles and pedestrians to share the space. The one way road layout also proposes a total 27 car parking spaces parallel to the proposed road including 5 dedicated disabled car parking spaces.
- 8.108 The Council's Highways Officer and Access Officer do not support the shared surfaced area also known as the 'Home Zone'. This is mainly due to the safety risks of such roads to vulnerable road users, especially the blind, partially sighted and deaf. However, it is recognised that shared surface have worked successfully elsewhere in London and the Country due to their design, and therefore the final design stages would be crucial in delivering successful layout and design of the on-way 'Home Zone'. Given that the scheme is in outline, and principle of opening up Stroudley Walk for vehicle access is acceptable in principle, final acceptable inclusive design should be secured through reserved matters application and/or planning conditions.

8.109



Architect's impression of the new shared surface and landscaped area

Parking

Car parking

- 8.110 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.111 The application site currently has three estate car parking areas which in total make up 41 car parking spaces for the existing estate residents. The supporting Transport Assessment indicates only 18 estate parking permits have been issued to the existing residents and therefore the existing car parking areas are not fully utilised. The proposal will see 27 spaces replaced which will re-provide spaces for the existing permit holders and the development will be car-free. The reduction in number of car parking spaces together with a car-free development is supported given the site's locality with good level of public transport. Car free development would normally be secured through a s106 agreement.

Cycle Parking

- 8.112 The Council's cycle parking standard is a minimum of one cycle parking space for 1 or 2 bed units and 2 cycle parking spaces for 2 or more bed units. The proposed scheme for 130 units will require a total of 171 cycle parking spaces. These spaces will need to be appropriately distributed according to the number and type of units proposed in each block. The submitted plans provide details of storage areas however do not specify how many cycle parking spaces are proposed. The submitted Transport Statement indicates that 8 cycle parking spaces are to be provided for three retail units proposed. This is adequate for the amount of retail floorspace and for their visitors.

The details of cycle parking can be reserved through a planning condition and sought through details at Reserve Matters stage and therefore the proposed cycle parking storage provision is acceptable in principle.

Servicing and Refuse Provisions

- 8.113 The applicant has not provided TRAVL survey comparisons demonstrating the size and

frequency of vehicles likely to service the new shops. Given the small nature of the retail units it is highly likely that size of the vehicles servicing the retail units will be limited to transit sized vans. The proposal includes on-site dedicated servicing/loading area to the east of the site adjacent to the retail units and therefore it is acceptable. However, there would be a requirement for these commercial units to be retained as A1 retail and no amalgamation of the units should take place which can be controlled through a planning condition.

- 8.114 The submitted Transport Assessment includes auto-track for larger refuse and emergency vehicles through the on-way road. Although the TA states that manoeuvres of larger vehicles can be accommodated safely, the auto-track demonstrates that there are pinch points to the northern end of the site where vehicles would exit the site. The proposed landscaping features would impede ease of manoeuvrability. These factors will need to be designed adequately and satisfactorily through Landscape Reserved Matter details.
- 8.115 In terms of the refuse storage and its capacity, the details have not been submitted with the application for the subject outline proposal. Whilst Phase 1 part of the development can be determined due to detailed nature, the details for Phases 2 and 3 are absent. Nonetheless, like the cycle parking storage areas, the refuse storage provision is provided in the block plans and details will be required through Reserved Matters submission and/or condition. A total minimum of 18,000litre capacity is required for the whole development – Phases 1, 2 and 3. Appropriate capacity for corresponding blocks should be provided in accordance with the capacity guidelines defined in Managing Development DPD (submission version 2012).

Other

Sustainability and Energy

- 8.116 At a national level, NPPF state that the local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. Paragraph 95 states that local authorities should set requirements for building's sustainability. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.117 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.118 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). The Council's own policy DM29 of the Managing Development DPD (submission version 2012) requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.
- 8.119 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.120 The current proposals sets out that all phases of the development is anticipated to achieve a 44% reduction in CO2 emissions over Building Regulations 2010. The submitted information also sets out a commitment to delivering a single energy centre and linking all

phases of the development to deliver the hotwater requirements and space heating through a CHP engine. The boilers to be utilised for phase 1 will be re-used within the centralised energy centre located in phase 2 of the development. The document also sets out that phase 1 of the development could meet the policy requirements (should phases 2 and 3 not be delivered) through the use of centralised boiler equipment and a 185m² PV array. For Phase 2 and 3 the proposal includes a total of 325sq.m of PV arrays (Phase 2 – 216sq.m and Phase 3 – 109sq.m) which are to be installed on the roofs of the proposed buildings.

Sustainability

- 8.121 In terms of sustainability, London Borough of Tower Hamlets requires all residential development to achieve a Code for Sustainable Home Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011, Policy DM29 of the Managing Development DPD (submission version 2012) and Policy DEV5 of the London Borough of Tower Hamlets Interim Planning Guidance. The submitted Energy Strategy and pre-assessment details demonstrates the scheme has been designed to achieve a Code for Sustainable Homes Level 4.
- 8.122 The Council's Energy Efficiency Unit is satisfied with the energy efficiency for this a stand alone site and its consideration for the wider strategic redevelopment of Stroudley Walk and the opportunity for a centralised CHP for the whole of the development.

Section 106 Requirements

- 8.123 In accordance with the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010 planning obligations should only be sought, and constitute a reason for granting planning permission where 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.
- 8.125 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 8.126 The Council has recently adopted a Supplementary Planning Document on Planning Obligations in January 2012. Planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

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

- 8.127 In normal circumstances the following are financial contributions required to fully mitigate the impacts arising from the proposed development.

§ Employment, skills, training and enterprise – Financial Contribution of **£26,729** to

support and/or provide the training and skills needs of local residents in accessing job opportunities at the end-phase of the proposed development. (*Breakdown: Phase 1 = £3,079, Phase 2= £16,570, Phase 3 = £4,475*)

- § Community Facilities – A contribution of **£26,712** towards provisions of additional community facilities as identified in the Core Strategy. (*Breakdown: Phase 1 = £4,788, Phase 2 = £10,080, Phase 3 = £11,844*)
- § Education - Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Planning Obligations SPD, the proposal would result in the need for 20 additional primary places at £14,830 per place, and 6 additional secondary school places at £22,347 per place. The total education financial contribution sought is **£430,682**.
- § Leisure - A contribution of **£94,677** towards provisions of additional leisure facilities as identified in the Core Strategy. (*Breakdown: Phase 1= £16,971, Phase 2=£35,727, Phase 3 = £41,980*)
- § Sustainable Transport – A contribution of **£3,180** towards Smarter Travel initiatives.
- § Public Realm (Open Space) – A contribution of **£88,669** towards publicly accessible open space within the borough.
- § Public Realm (streetscene and built environment) – A contribution of **£80,688** towards streetscene improvements directly adjoining development.
- § Health – The nearest current practice that has the development in its catchment area is Stroudley Walk which is planned to relocate to the new hub being developed at the St Andrew's Hospital site to accommodate the expected population growth from this and other developments in the locality. The contribution of **£143,420** would go towards the long lease or fit out costs for this development.

- 8.128 The total s106 financial contribution of **£894,757 (plus 2% monitoring fee)** would normally be required for the size of the development, and this is considered to meet the key tests set out in the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010, and which development fails to provide.

Viability

- 8.129 The application was accompanied by a viability toolkit and it has been assessed by an independent consultant, appointed by the Council. The viability assessment took into account of the whole estate redevelopment (all phases). The applicant has undertaken their assessment using GLA's Development Control Toolkit Model. The output of the model is a Residual Land Value (RLV) which is compared with an appropriate benchmark. GLA guidance indicates that where a development proposal generates a RLV that is higher than the benchmark, it can be assessed as financially viable and likely to proceed. If the RLV generated by the development is lower than the benchmark, then the development is not viable and alternative options should be sought by the developer.
- 8.130 In the case of the subject outline proposal, the total site assemble cost was identified as the

benchmark value and was compared against the site acquisition costs, developers internal overheads, construction costs, quantum of affordable housing as detailed earlier in the report, and applicant's offer of s106 payment of £139,000 and Community Infrastructure Levy liability. The assessment has concluded that the proposed estate wide regeneration is not viable as it returns a negative RLV.







- 8.131 Therefore, as detailed above, the required s106 payment of £894,757 cannot be delivered by the proposed development. As such, the proposed scheme cannot deliver the policy compliant affordable housing on the entire estate, and the required s106 to mitigate against the impact arising from the development.

9 **Conclusion**

- 9.1 All other relevant policies and considerations have been taken into account and in the absence of an acceptable and appropriate estate wide regeneration, the proposed development on its own is not acceptable and is recommended for refusal.

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address
 Consultation Area	 Statutory Listed Buildings	 1:3,500

0 30 m


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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