

<b>Committee:</b> Strategic Development	<b>Date:</b> 5 <sup>th</sup> July 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jane Jin		<b>Ref No:</b> PA/10/00374	
		<b>Ward(s):</b> Bromley by Bow	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Stroudley Walk market, Stroudley Walk, London, E3 3EW
- 1.2 **Existing Use:** Hard surfaced area forming part of Stroudley Walk
- Proposal:** Full Planning Application for 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.
- Associated Outline Planning Application Ref: PA/10/00373.
- 1.4 **Drawing Nos:** 2825D-002 Rev P3; 2825A-A002 Rev P2; 2825A-D-003 Rev P3; 2825A-D-004 Rev P5; 2825A-D-100 Rev P4; 2825A-D-101 Rev P4; 2825A-D-102 Rev P4; 2825A-D-200 P2; 2825A-D-202 Rev P4; 2825A-D-201 Rev P4; 2825-D-300 Rev P4; 2825A-D-203 Rev P3; 2825A-D-204 Rev P3; 2825A-D-205 Rev P3; 2825A-D-206 P3; 2825A-D-400 Rev P3; 2825A-D-401 Rev P3;
- 1.5 **Applicant:** Poplar HARCA
- 1.6 **Owner:** Poplar HARCA
- 1.7 **Historic Building:** N/A
- 1.8 **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. The proposed development, by virtue of its failure to make adequate contribution towards education, community facilities, employment, public realm, 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.

2. In the absence of an appropriate and acceptable site wide estate regeneration scheme, the stand alone development for 19 residential units, by virtue of nil on-site provision for communal amenity space and children play space would result in the substandard form of residential accommodation for the future occupiers of the development and is likely add pressure on the borough's existing open space and its facilities, contrary to policies DEV1 and HSG16 of Unitary Development (1998); HSG7 of the IPG (2007); DM4 of the Managing Development DPD (submission version 2012); SP02 of the Core Strategy (2010); 3.6 and 7.6 of the London Plan (2011); and The Mayor's Supplementary Planning Guidance: Providing for Children and Young People's Play and Information Recreation.

3. In the absence of acceptable comprehensive redevelopment of a site wide estate regeneration scheme, 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).

4. In the absence of comprehensive information on Sunlight and Daylight assessment, the proposed development is likely to provide a substandard form of accommodation and amenity spaces for the future occupiers of the development and neighbouring occupiers in terms of deterioration of the sunlighting and daylighting conditions, contrary to DEV1 and DEV2 of the Unitary Development Plan (1998); DEV2, DEV3, HSG9 Interim Planning Guidance (2008); DM24 and DM25 of the Managing Development DPD (2012); SP02 of the Core Strategy (2010) and 3.8 and 7.6 London Plan (2010).

### **3. RECOMMENDATION**

- 3.1 That the committee resolves to **REFUSE** planning permission for the reasons set out above.

### **4. PROPOSAL AND LOCATION DETAILS**

- 4.1 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.
- 4.2 There is a current Outline planning application associated with this full detailed application, proposing 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 4 x five bedroom flats, plus opening up of Stroudley Walk one way to vehicles, associated landscaping and car parking. This outline application forms a separate item on the agenda for consideration by Members.

The subject application doubles up as Phase 1 of the outline consent. Usually the two applications would be submitted as a 'hybrid', however the applicants have elected to submit the two schemes separately.

As detailed in the Outline Committee Report officers maintain that the Outline scheme is

not acceptable for the following concluding reasons:

1. The proposed affordable housing provision of 11% uplift and the loss of social rented housing units are considered unacceptable which cannot be substantiated by the developer's viability. The proposed development also fails to provide adequate family sized dwellings within private and Intermediate tenures to provide a suitable range of housing choices to meet the needs of borough's residents. The proposal would fails to contributing 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. 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).

Whilst it is acknowledged that the detailed application is integral to the site wide development proposals, the subject application for Phase 1 needs to comply with policies and guidance on its own merits, as it could be implemented separately from the outline application.

### 4.3 Proposed Phasing Plan



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

- 4.3 The application site is located on the western side of the Stroudley Walk and is currently a vacant area of hardstanding.
- 4.4 The site is not located within a Conservation Area, nor does it contain a Listed Building.
- 4.5 The site is adjoined to the south by a part two, part three storey building with retail at ground level and residential above; a three storey residential building to the west; and a part two, part three storey building with retail at ground level and residential above to the north.
- 4.6 There are several trees on the site at present.

#### Planning History

- 4.7 No relevant recent planning history.

## 5. POLICY FRAMEWORK

### 5.1 Unitary Development Plan (as saved September 2007)

Proposals: Ref 81 Site identified for residential, retail and health use  
Ref 96 Local Shopping Parade

Policies: Environment Policies

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)

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

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**

London Housing Design Guide 2010  
The London Borough of Towerhamlets' Planning Obligation SPD 2012  
Bromley by Bow Masterplan SPD 2012

**5.8 National Planning Policy Framework**

**5.9 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

**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**

6.2 No comments received.

### **LBTH Design and Conservation**

6.3 Objection raised based on the lack of a comprehensive scheme.

*[Officer comment: This relates to the exclusion of Fairlie Court as part of the proposal, however the applicant has explained that the cost of bringing Fairlie Court into the current scheme is prohibitive to a degree that would render the whole scheme undeliverable.*

### **LBTH Education**

6.4 Based on the Council's Planning Obligations SPD, the proposal would result in the need for two additional primary places at £14,830 per place, and an additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution of £52,007 should be sought towards education.

*[Officer comment: No financial contribution sought towards education provision]*

### **LBTH Energy Efficiency Unit**

6.5 Considers the Energy Strategy to be acceptable and sets out that phase 1 of the development is anticipated to achieve 35% 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 practise 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, unless further mitigation measures and details are outlined in a noise report.



*[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**

- 6.10 In principle, this application is considered to be acceptable by the Highways Section (subject to more detailed /revised plans being provided in regard to cycle parking and inward-opening doors, and s106/278 agreements). This is supported by a Transport Statement which sketches the proposals for opening up new vehicular access through the estate.

#### **LBTH Housing**

- 6.11 The development provides 34% affordable housing by habitable room with 88%:12% split in favour of social rented/ affordable rented versus to Intermediate provision. No objections are raised to the proposed provision of housing and dwelling mix subject to further details on the location of wheelchair housing.

#### **LBTH Secure by Design**

- 6.12 Support the scheme. Some minor issues such as design of railings and defensible planting to avoid potential gathering points.

#### **LBTH PCT**

- 6.13 A total financial contribution of £143,420 toward healthcare should be sought for all the phases.

*[Officer comment: This is discussed in paragraph 8.106 of the report.*

#### **LBTH Accessibility Officer**

- 6.14 10% wheelchair units should be provided, and specified on the plans submitted.

#### **English heritage – Historic**

- 6.15 This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

#### **English Heritage – Archaeology**

- 6.16 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 an enhance understanding of the assets a planning condition should be imposed.

*[Officer comment: If permission is approved, an appropriate condition can be imposed.*

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

6.17 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.

## 7. LOCAL REPRESENTATION

7.1 A total of 1123 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: 29 Supporting: 21

No of petitions received:  
Objecting: 2 petitions totalling 486 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:

7.3 - Insufficient parking spaces;  
*(As discussed in Transport Section, policy supports the permit-free arrangement, within an area with PTAL 4/5);*

7.4 - Lack of playspace;  
*(As discussed in Amenity section, the scheme fails to provide play space);*

7.5 - Insufficient open space;  
*(As discussed in Amenity section, the scheme results in the net loss of public open space, and without a comprehensive redevelopment strategy, this is not supported);*

7.6 - Pedestrianised area provides a 'village like atmosphere' – safe place for children to play;  
*(This scheme does not relate to the full principle of turning Stroudley Walk into northbound street, however it does include the provision of a servicing turning head at the western end of Arrow Road. This is discussed within the open space section of this report);*

7.7 - Damage to mature trees;  
*(As discussed in the consultation section of this report, the Council's arboricultural officer has assessed the trees to be removed as part of this detailed application, and considers their removal acceptable).*

7.8 Additional suggestions  
- Additional soft landscaping could serve to improve the area.  
*(Officer acknowledges that additional landscaping could improve Stroudley Walk, however this is not part of the current application).*

7.9 Procedural  
- Leaseholder unaware of application.  
*(LBTH has carried out consultation in excess of its statutory requirements. This comment appears to be in relation to the pre-application consultation carried out by the applicant).*

7.10 Reasons for objection related to the outline planning permission – (not being considered as part of this application):  
- 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;

*(These matters are considered under the related outline planning application – ref: PA/10/373).*

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Highways
- Other

### **Land Use**

#### Principle of the loss of open space, and redevelopment to provide housing

8.2 The proposal will result in the loss of 1052sqm of hard surfaced open area, together with the removal of 9 trees, to be replaced with the erection of a part 3, part 5 storey building to accommodate 19 residential units.

8.3 The site had previously been developed for housing, which continued a line of terraced properties along a stretch of highway previously called Devons Road, and allowed for vehicular access from Devons Road directly to Bromley High Street. However, these houses were demolished, and the roads closed to vehicles by 1991. Accordingly, the applicant considers the site to be a brownfield development site. Whilst it can be argued that the existing hard surfaced area is a form of open space, the area is not identified as a formal open space within the Council's Open Space Strategy. In addition, the existing hard surfaced area has a little amenity value as usable open space as there is no formal or informal sitting areas.

8.4 Given that the application site is not formal public open space and previously developed land, it is considered that redevelopment of this brownfield site is acceptable in principle.

#### Use of Stroudley Walk for servicing

8.5 As a stand alone application, the proposal includes a turning head at the western end of Stroudley Walk for servicing. Full details of its treatment which should be designed to adoptable standards will be required. It is considered that this can be conditioned if the proposal was recommended for approval. The turning head will only be required during refuse collection days and therefore, there is no in principle objection to the proposed turning head subject to an appropriate design.

## 8.6 **Application site boundary**



## **Housing**

### **Affordable Housing**

- 8.7 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.
- 8.8 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.
- 8.9 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.

8.10 Earlier this year, 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 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. The NPPF seeks to boost the supply of housing and to optimise the potential sites to accommodate development. It also recognises the importance of viability in decision making and that to ensure viability, the cost of any requirements such as affordable housing should provide competitive returns to a willing developer to enable the development to be deliverable.

NPPF outlines the following definition for affordable housing.

8.11 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.

8.12 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).

8.13 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.

8.14 A total of 5 of the 19 residential units within the subject application site would be affordable, which represents a total provision of 34% based on habitable rooms. The scheme provides family sized dwellings (1x3 bed, 1x 4bed) as Social Rent, 2x2bed as an Affordable Rent and 1x 1bed as an Intermediate provision. In relation to the housing split, the proposal will provide 80:20 in favour of social/affordable rented provision. Policy DM3 of the Managing Development DPD (submission version 2012) and policy SP02 of the adopted Core Strategy 2010 require tenure split of 70% Social Rent and 30 Intermediate. The proposed affordable housing provision is considered to be acceptable.

8.15 The Council has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties. These percentages have been factored into the emerging policies within the Managing Development DPD (submission version 2012). The two x 2bed room Affordable Rent Units are the rent levels are proposed at Pod research levels, that is, 55% for two beds. This is in line with the Council's policy and therefore is considered to be acceptable.

### Housing Mix

8.16 The scheme is proposing a total of 19 residential units.

8.17 The GLA housing requirements study identified within the Mayor's Housing SPG, provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site

level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.18 Policy HSG7 of the UDP states that 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. The UDP does not provide any prescribed targets.

8.19 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	10	0	0	30	1	100	25	9	64	50
2 bed	7	2	50	25	0	0	50	5	36	30
3 bed	1	1	25	30	0	0	25	0	0	20
4 bed	1	1	25	15	0	0	0	0		
<b>TOTAL</b>	<b>19</b>	<b>4</b>	<b>100</b>	<b>100</b>	<b>1</b>	<b>100</b>	<b>100</b>	<b>14</b>	<b>100</b>	<b>100</b>

Table 1: Proposed housing mix

8.20 The unit mix for the social/affordable rent tenures sees a 0% provision of one bed units against a policy target of 30%, a 50% provision of two bed units against a policy target of 25%, a 25% provision of three bed units against a policy target of 30%, and a 25% provision of four beds against a policy target of 15%. It is considered that the mix for the social/affordable rent units is acceptable.

8.21 The unit mix for the intermediate units see a 100% provision of one bed units against a target of 25%. In numbers terms, this equates to one x one bedroom Intermediate unit.

8.22 Within the market housing provision, the scheme proposes 64% one bedroom units against a target of 50%, and 36% two bed units against a target of 30%. The scheme proposes no family sized units within the private tenure.

8.23 The proposed dwelling mix is appropriate on balance, and the larger family sized homes have been prioritised for Social Rent as per policy DM3 of the Managing Development DPD (submission version 2012).

### Floorspace Standards

8.24 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.

8.25 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.

8.26 There are two one bedroom units which fall below the minimum standards by 2sq.m.

However, the proposal generally satisfies the minimum dwelling standards 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).

### Amenity Space

8.27 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.

8.28 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 2 and 3 below.

8.29 **Table 2: 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) <sup>†</sup>
Communal Space	19 units	0	69	59

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

<sup>†</sup>Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

8.30

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	GLA's and MD DPD standard (sq.m) <sup>†</sup>
Child Play space	7 Children	0	21	70

\*Calculation based on 3sqm per child

<sup>†</sup>Calculation based on 10sq.m per child.

8.31 The proposal fails to provide any on-site communal amenity space and child play space as required by the London Plan and the Council's own policies. The applicant notes within their design and access statement that the constraints of the site preclude the provision of communal amenity space, and note that as part of the later phases of the outline development (PA/10/00373), space standards are exceeded. However, the applicant submitted these applications separately, and as such the detailed scheme being considered should stand up against policy in its own right. To this end, the scheme does not propose any communal amenity space. The proposal fails to provide adequate communal amenity space for the proposed development.

8.32 In relation to the child play space, based on a child yield of 7 (based on the evidence based document Planning for Population Change and Growth 2009), the scheme should provide 70sqm of play space. No designated playspace is proposed, although the applicant considers that as part of the later phases of the outline scheme, the development will

provide 'child-friendly' and 'playable' space.

- 8.33 As iterated above, the applicant submitted these applications separately, and as such the detailed scheme being considered should stand up against policy in its own right. Initially, the applicant has suggested an off-site contribution toward play space, however the application is accompanied by a viability assessment which concludes that only a limited amount of financial contribution can be made. The details of the financial contributions are discussed later in the report under the heading 'Viability' and 'Section 106 Requirements'. In any event, the scheme does not propose any designated play space. This arrangement is considered unacceptable, as the outline scheme is also being recommended for refusal.
- 8.34 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).
- 8.35 Whilst the scheme proposes some private amenity space for each unit, it fails to provide communal amenity space and play space. Whilst the comprehensive redevelopment of the whole of the Stroudley Walk area could outweigh these concerns, an acceptable scheme of this nature has not been submitted and in addition, there is no guarantee that the Outline scheme will be implemented. Therefore, the lack of provision of communal amenity space and child play space is considered unacceptable, and fails to accord with LBTH UDP, IPG, Managing Development DPD and Core Strategy policies, and London Plan policies.

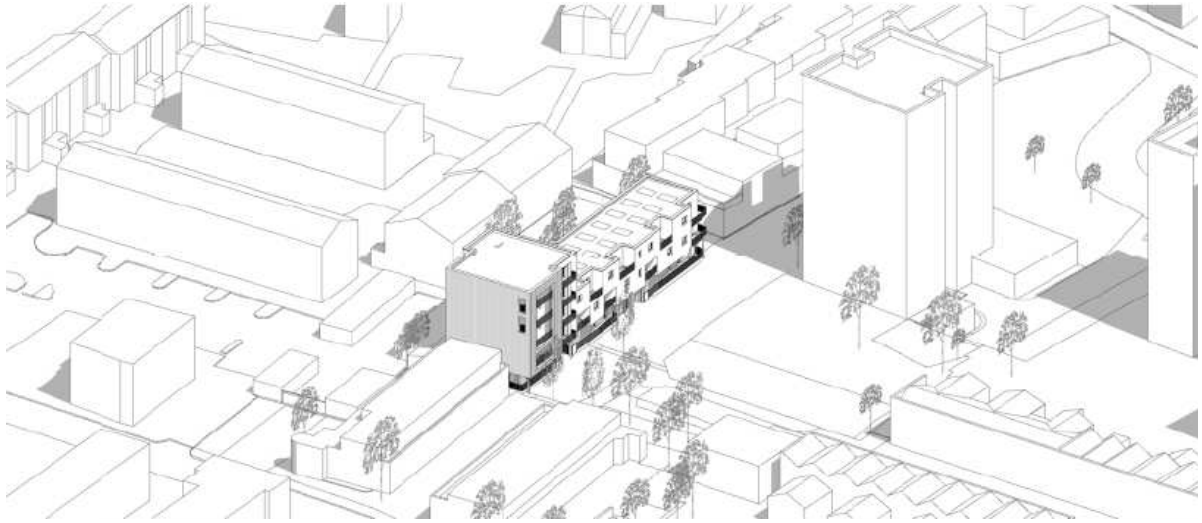
## **Design**

- 8.36 The site is adjoined to the south by a part two, part three storey building with retail at ground level and residential above; a three storey residential building to the west, and a part two, part three storey building with retail at ground level and residential above to the north.
- 8.37 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.
- 8.38 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.
- 8.39 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.
- 8.40 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.
- 8.41 The application being considered proposes a three storey building, stepping up to five



storeys toward the south of the site. Without a site wide regeneration scheme, the proposed five storey element raises concern in terms of its relationship to the existing building immediately to the south. The proposed scale and massing in the existing context appear out in context with the surrounding buildings.

8.42



**Proposed massing in the existing context**

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

- 8.43 The design quality of the proposed building also raises concern. The three storey element is linear in design, appearing as an uninteresting addition to the surrounding area. Furthermore, southern and northern elevations (side elevations) are predominately flank walls finished with monotonous cladding panels or single colour render. Both elevations will be highly visible from public areas and the side elevation treatments are not considered to have applied good design principles. The rear elevation (western elevation) also fails to incorporate articulation and visual interest. Whilst this elevation have been designed to respect privacy and overlooking to the adjacent properties on Regent Square, this results in large flank wall areas without much articulation. The occupiers of the adjacent properties on Regent Square would have their outlook to large flank wall areas that are three to five storeys in height which is approximately 13-15m away.
- 8.44 The lack of acceptable comprehensive redevelopment of the area, together with the height of the five storey element of the building, and the uninspiring design are considered unacceptable, and the proposal therefore fails to make a positive contribution to the surrounding area.

8.45



**Front elevation – View from Arrow Road**

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

4.46



**South Elevation**

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

8.47



**West Elevation**

(source: Design and Access Statement, Levitt Bernstein 10.02.10)

Accessibility and Inclusive Design

- 8.48 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. The details of the units are also provided in the same document. The proposal includes 4 wheelchair units which is more than 10% of the required. Two wheelchair units are proposed on the ground floor level accessible via ramp from the street level and two units are located on the first floor level, serviced by 1 lift. As two wheelchair units can be provided on the ground floor level to meet the minimum 10% requirement, the additional 2 on the first floor is welcomed.

### **Amenity**

#### 8.49 Privacy/ Overlooking

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.

- 8.50 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.
- 8.51 On the upper floors there are no habitable room windows proposed facing westward, and as such the relationship is considered acceptable to the existing residents in privacy terms.
- 8.52 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.
- 8.53 The proposed development also includes a dedicated roof terrace for a 1bedroom flat above the third floor level. This terrace would form part of the private amenity space for the 1 bedroom flat. This is considered to provide further opportunities to overlook directly into the habitable room windows on Regent Square. In addition, the terrace is located on the northern side of the 5 storey part of the building and therefore it will be in permanent shadow which is not ideal for amenity spaces. Nonetheless, given that the subject 1 bedroom flat also benefits from an additional balcony on the eastern elevation, had the proposed development recommended for approval, this terrace could be removed through amendment to the proposal.
- 8.54 Although privacy/overlooking impact is considered minimal to the existing neighbouring occupiers, 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

- 8.55 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.
- 8.56 With relation to the Regent Square properties adjacent, 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.

- 8.57 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

- 8.58 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).
- 8.59 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.
- 8.60 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.
- 8.61 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.

#### Sunlight and Daylight Assessment

- 8.62 The following properties were assessed for daylight and sunlight:
- Regent Square to the west
- 8.63 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

#### 1. Daylight Assessment

- 8.64 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution (NSL) and the average daylight factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the vertical sky component 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 a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

8.65 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*

49-58 Regent Square

VSC

8.66 The report assesses two windows per unit – one x bedroom, and one x living/kitchen.

8.67 Of the 8 windows assessed, 2 will comply with the VSC target levels, showing a reduction of no more than 20%. The 6 windows which fail show a reduction in VSC of between 22% and 38%.

ADF

8.68 Using the VSC results, the submitted report calculates the ADF for all of the sample rooms, and none of those surveyed fall below the recommended minimum. The reductions in ADF reach between 11% and 33%. The ADF figures are generally used as absolute figures, however it can be used to express the measure of loss and impact especially when it involves significant objection. The ADF calculations do not provide all the coefficients use in the calculations.

NSL

8.69 No NSL figures were submitted for the neighbouring units.

8.70 The submitted daylight and sunlight report notes that the existing trees within the curtilage of Regent Square are not taken into account in the assessment, in accordance with BRE guidelines. It is noted that these trees already cut out a significant amount of daylight. However, comparative analysis has not been submitted for the Council to take a balanced view on this argument, and the failures are therefore considered unacceptable.

*b. Daylight Results: Impacts on Proposed Units*

8.71 A summary report of the VSC and ADF for the proposed units has been submitted. Levels of VSC should achieve a minimum of 27%. 10 of the proposed 16 units fail to achieve this minimum. However, all of the rooms achieve the recommended ADF level.

8.72 With relation to NSL for the proposed units, the applicants have advised that all but two of the fourteen rooms tested have an NSL in excess of 83%. However no raw data has been

provided apart from the daylight distribution plans. This would usually be in the form of daylight distribution plots.

## 2. Sunlight Assessment

8.73 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*

8.74 A sunlight assessment has not been submitted for Regent Square, which is considered unacceptable.

### b. *Sunlight Results: Impacts on Proposed Units*

8.75 The sunlight assessment has been carried out for the living and bedrooms of two of the ground floor units. However only one more bedroom (of flat 3) has been assessed. It is unclear why a full assessment of all of the rooms has not been carried out.

8.76 Of the rooms assessed, results of the sunlight assessment demonstrate that two ground floor bedrooms (two separate units) will fail to comply with both winter and yearly guidance levels, and the third bedroom (of the third unit) will pass the yearly provision, but fail the winter provision (3.7% as a guidance level of 5%). The two living rooms assessed achieve both yearly and winter provision.

8.77 Despite the fact that there are failures at ground floor level, the assessment does not continue to the upper floors. Good practice would be to continue the analysis for the upper floors until there are no failures.

8.78 The assessment of the APSH for the proposed development is incomplete, and fails to demonstrate that the development would provide an acceptable level of amenity for future residents.

## 3. Sunlight in gardens and open spaces

8.79 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 21<sup>st</sup> March.*"

8.80 Majority of the open space, amenity space and rear garden areas of the neighbouring and proposed building will have receive at least 2 hours of sunlight on 21<sup>st</sup> March.

## **Highways**

8.81 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.

8.82 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 objections and aims as the Core Strategy.

- 8.83 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.
- 8.84 The proposed development site lies within the western section of Stroudley Walk. The proposal includes the creation of a temporary servicing turning head at the western end of Arrow Road.
- 8.85 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, however this is not part of the detailed application being considered. The detailed application proposes a turning head at the end of Arrow Road and on Stroudley Walk, which will allow refuse trucks to collect refuse from the development and turn and exit the site. The turning area is also proposed with bollards at either end of the turning head to restrict unlawful vehicles using Stroudley Walk from the turning head. Whilst no details of the surface treatment have been provided, it could be conditioned to ensure that the turning area is designed to an adoptable standards or/and to create a shared surface treatment if appropriate. Therefore there is no objection in principle to the proposed turning head.

#### Car parking

- 8.87 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.
- 8.88 The proposed development does not provide any on-site parking space and given the site's locality with good level of public transport, a car-free agreement could be secured if the development was to be approved.

#### Refuse

- 8.89 The application provides two separate waste storage areas. The total storage capacity will allow for 8 day storage of refuse and recycling generated by the development as specified in the capacity guidelines in Appendix 2 of the Managing Development DPD (submission version 2012). Therefore, suitable refuse storage arrangement has been provided.

#### Cycle Parking

- 8.90 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 3 or more bed units. The scheme proposes a total of 22 cycle parking spaces incorporated within the building using Josta 2 Tier Racks. This meets the required minimum of 21 spaces.

## **Other**

### Energy

- 8.91 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.
- 8.92 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).
- 8.93 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.
- 8.94 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.
- 8.95 The current proposals sets out that Phase 1 of the development is anticipated to achieve a 35% 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.

### Sustainability

- 8.96 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.
- 8.97 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.

### **Viability**

- 8.98 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) rather than Phase 1 separately.

- 8.99 The viability review concludes that the estate wide regeneration is not viable and the 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. The Council's independent consultant's appraisal of the proposed scheme also concludes that the proposed site wide scheme with an uplift of 20% of affordable housing is not viable and the developer will be in deficit. The details of the full proposal can be reviewed on the report for PA/10/00373.
- 8.100 Notwithstanding the results of the financial viability, the Applicant has stated that a contribution of £1,500 per private unit of the entire scheme will be provided. This amounts to a total contribution of £139,500 for the entire scheme.

### **Section 106 Requirements**

- 8.101 (i) In accordance with the NPPF and
- 8.102 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.
- 8.103 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.
- 8.104 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
- 8.105 Working on the basis of the Applicant's s106 offer of £1,500 per private unit, a total of **£21,000** would be available from the Applicant to mitigate the impact of the proposed development from Phase 1.
- 8.106 In normal circumstances the following are financial contributions required to fully mitigate the impacts arising from the proposed development within Phase 1.
- § Employment, skills, training and enterprise – Financial Contribution of **£3,079** 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.
  - § Community Facilities – A contribution of **£4,788** towards provisions of additional

community facilities as identified in the Core Strategy.

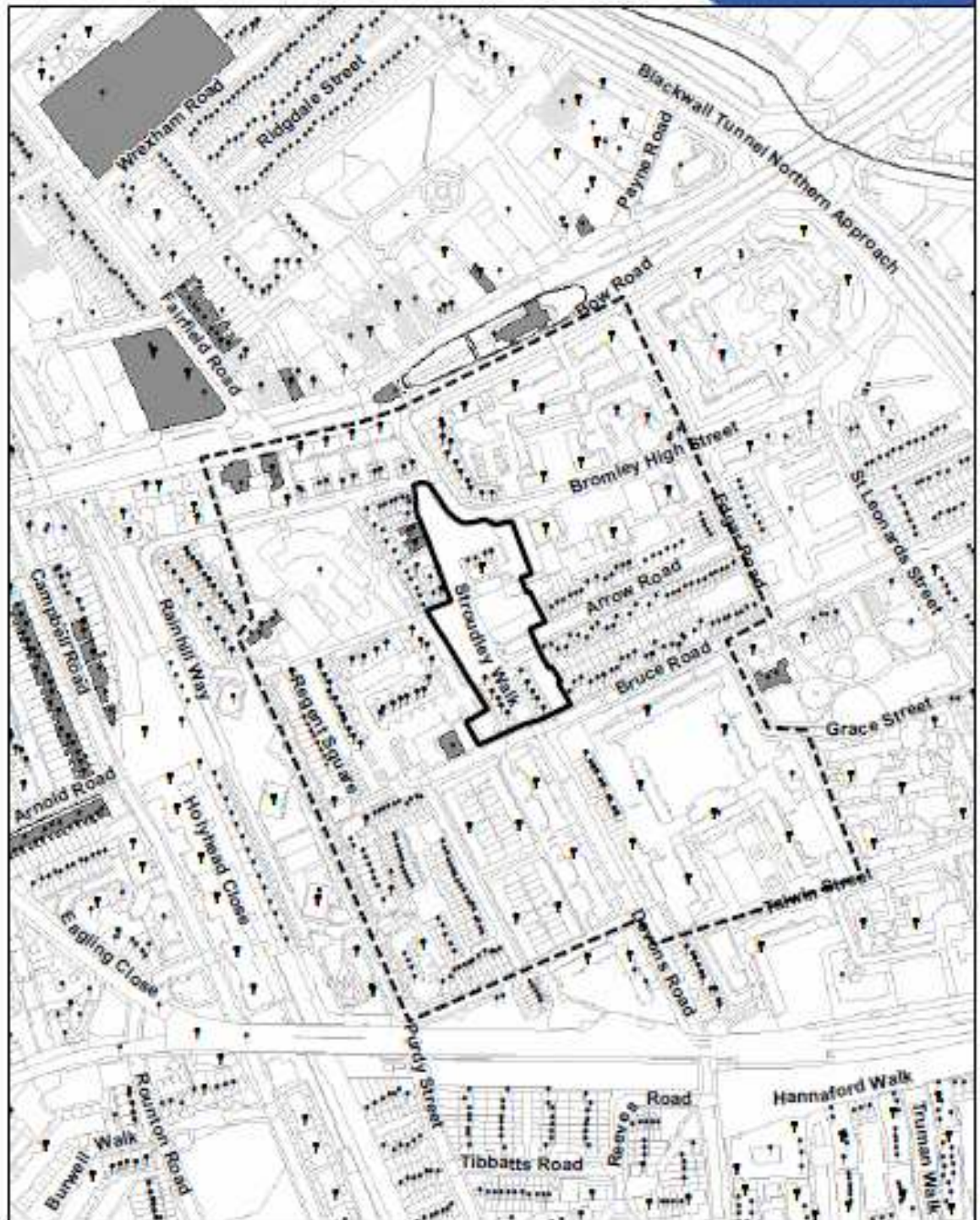
- § Education - Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions 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 2 additional primary places at £14,830 per place, and an additional secondary school places at £22,347 per place. The total education financial contribution sought is **£52,007**.
- § Leisure - A contribution of **£16,971** towards provisions of additional leisure facilities as identified in the Core Strategy.
- § Sustainable Transport – A contribution of **£570** towards Smarter Travel initiatives.
- § Public Realm (Open Space) – A contribution of **£2,541** towards publicly accessible open space within the borough.
- § Public Realm (streetscene and built environment) – A contribution of **£6,650** 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 **£20,961** would go towards the long lease or fit out costs for this development.

8.107 The total s106 financial contribution of **£107,567 (plus 2% monitoring fee)** would normally be required for the size of the development at Phase 1, and this is considered to meet the key tests set out in the NPPF and comply with regulation 122 of the Community Infrastructure Levy Regulations 2010.

## 9. Conclusions

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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