

Committee: Strategic Development Committee	Date: 27 th September 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Amy Thompson		Ref: PA/12/03670	
		Ward: Blackwall and Cubitt Town	

1 Application Details

Location:

ASDA, 151 East Ferry Road, London, E14 3BT

Existing Use:

ASDA supermarket (A1 Retail), petrol filling station, bus stop and associated hard landscaping

Proposal:

Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3) comprising:

1) Full Details

- Demolition of existing supermarket;
- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

2. Outline – All matters reserved

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1-D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and

- Associated plant and servicing.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999 (as amended).

Submission Documents and Drawings

Submission Documents

- Design & Access Statement (Broadway Malyan)
- Design Code Revision B (Broadway Malyan)
- Landscape Design Statement (Fabrik)
- Access Statement (David Bonnett Associates)
- Development Specification Revision B (GVA)
- Transport Assessment & Appendices (Royal Haskoning)
- Travel Plan (Royal Haskoning)
- Stage One Safety Audit (Acorn Projects Ltd)
- Stage One Safety Audit Designers Response (Acorn Projects Ltd)
- Transport Technical Note 1 (Royal Haskoning)
- Transport Technical Note 2 (Royal Haskoning)
- Transport Technical Note 3 (Royal Haskoning)
- Transport Technical Note 4 (Royal Haskoning)
- Transport Technical Note 6 (Royal Haskoning)
- Environmental Statement (JL Planning / Waterman)
- Low & Zero Carbon Energy Systems Appraisal Report (Hoare Lea)
- Sustainability Statement (Hoare Lea)
- Arboricultural Survey Report (Waterman)
- Ecological Mitigation Strategy (Fabrik)
- Design Stage Site Waste Management Plan (Waterman)
- Responses to the Interim Review of the Environment Statement (JL Planning / Waterman)
- Responses to the Final Review of the Environment Statement (JL Planning / Waterman)
- Planning Statement (GVA)
- Viability Report (GVA)
- Retail Capacity & Impact Study January 2012 (JL Planning)
- Statement of Community Engagement (Snapdragon)
- Construction Environment Management Plan (ADP Consultants)
- Development Phasing Revision A (ADP Consultants)
- Landscaping Mitigation Strategy

Drawings

L100; L102; L104; L125; L201_D; L202; L203_D; L204; L205; L206; L207; L208; L209; L21; L211; L212; L213; L214; L215; L216; L220_D; L222; L224; L225; SK10_E; SK17_E; SK18_E; D1726; SK22_C; SK25_C; SK26; SK32_A; 25878-A-01-B1-A; 25878-A-01-00-A; 25878-A-01-02-A; 25878-A-01-04-A; 25878-A-01-100-A; 25878-A-01-101-A; 25878-A-02-B1; 25878-A-EX-02-00; 25878-A-03-00-E-A; 25878-A-03-02-E-A; 25878-A-03-

04-W-A; 25878-A-03-04-E-A; 25878-A-03-TYP-W-A; 25878-A-03-TYP-E-A; 25878-A-A-03-TYP_upper; 25878-A-G-03-04; 25878-A-G-03-05; 25878-A-G-03-06; 25878-A-G-03-07; 25878-A-G-03-08; 25878-A-G-03-09; 25878-A-EX-04-AB; 25878-A-EX-04-CD; 25878-A-04-AA; 25878-A-04-BB; 25878-A-04-CC; 25878-A-04-DD; 25878-A-04-EE; 25878-A-04-FF; 25878-A-EX-05-01; 25878-A-EX-05-02; 25878-A-05-001; 25878-A-05-002; 25878-A-05-003; 25878-A-05-004; 25878-A-05-005; 25878-A-05-006; 25878-A-05-007; 25878-A-05-008; 25878-A-05-009; 25878-A-05-010; 25878-A-05-011; 2578-A-70-DUPLEX-2b4p_a; 2578-A-70-DUPLEX-2b4p_b; 2578-A-70-DUPLEX-2b4p_c-A; 2578-A-70-DUPLEX-3b5p_a; 2578-A-70-DUPLEX-3b5p_b-A; 2578-A-70-DUPLEX-4b6p_a-A; 25878-A-70-PATIO-2b4p_a; 25878-A-70-PATIO-2b4p_b; 25878-A-70-PATIO-2b4p_c; 25878-A-70-PATIO-2b4p_d; 25878-A-70-MAISONETTE_a; 25878-A-70-MAISONETTE_b; 25878-A-70-MAISONETTE_c; 25878-A-70-SCISSOR-3b5p; 25878-A-70-THROUGH-2b4p_a; 25878-A-70-THROUGH-2b4p_b; 25878-A-70-IN_studio; 25878-A-70-IN_1b2p; 25878-A-70-IN_1b2p_large; 25878-A-70-IN_2b3p; 25878-A-70-IN_2b4p; 25878-A-70-OUT-1b2p_53deg; 25878-A-70-OUT-1b2p_large_53deg; 25878-A-70-OUT-2b3p_53deg; 25878-A-70-OUT-2b4p_53deg; 25878-A-70-OUT_1b2p_37deg; 25878-A-70-OUT_1b2p_large_37deg; 25878-A-70-OUT_1b2p_knuckle_37deg; 25878-A-70-OUT_2b3p_37deg; 25878-A-70-OUT_2b3p_37deg; 25878-A-70-TYP_3b5p_corner; 25878-A-70-TOWNHOUSE_4b6p; 25878-A-70-TOWNHOUSE_5b7p; 25878-A-70-TOWNHOUSE_6b9p; 25878-A-70-OUT_1b2p_large_53deg_WAH; 25878-A-70-IN_2b4p_WAH; 25878-A-70-TYP_3b5p_corner_WAH; 25878-A-E-70-East; 25878-A-E-70-North; 25878-A-01-B1-2-A; 25878-A-01-PP-00-2-A; 25878-A-01-PP-00-3-A; 25878-A-01-PP-00-4-A; 25878-A-01-PP-00-5-A; 25878-A-01-PP-00-6-A; 25878-A-01-PP-00-7-A; 25878-A-01-PP-02-2; 25878-A-01-PP-02-4; 25878-A-01-PP-02-5; 25878-A-01-PP-02-6; 25878-A-01-PP-02-7; 25878-A-01-PP-Z-A; 25878-A-01-PP-04-2; 25878-A-01-PP-04-4; 25878-A-01-PP-04-5; 25878-A-01-PP-04-6; 25878-A-01-PP-04-7; 25878-A-01-PP-04-E-1-A; 25878-A-01-PP-04-E-2-A; 25878-A-01-PP-04-E-3; 25878-A-01-PP-04-E-4; 25878-A-01-PP-04-E-5; 25878-A-01-PP-04-E-6; 25878-A-01-PP-04-E-7-8-A; 25878-A-01-B1; 25878-A-RMPH-01-00 and 25878-A-RMPH-01-04.

Applicant: ASDA Stores Limited and Ashborne Beech
Owner: Various
Historic Building: N/A
Conservation Area: N/A

2. BACKGROUND

- 2.1 This application was reported to the Strategic Development Committee on 16th August 2012. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the mixed use redevelopment of the site.
- 2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- 2.3 1. Lack of affordable housing provision, with particular reference to social target rent

- provision;
 2. Impact of the development on the sustainability of education provision on the Isle of Dogs; and
 3. Building height, with particular regard to comments from CABE (Commission for Architecture and the Built Environment)
- 2.4 Additionally, the Committee further agreed that a parking management strategy should be secured as part of the S106 agreement, so as to be able to negotiate parking provision with the developers and to the deletion of the words “during the construction phase” from the financial provision relating to allocation of £352,081 for Employment Skills and Training in the S106 agreement. It was also suggested that the s106 Agreement incorporate an overage clause. These matters are discussed further within section 4 of this report.
- 2.5 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the potential implications of that decision.

3.0 PROPOSED REASONS FOR REFUSAL

- 3.1 Officers interpreted Members’ reasons and have drafted reasons for refusal to cover the issues raised.

3.2 Reason Number 1

- 3.3 *The proposed development fails to deliver an acceptable amount affordable housing, and within that, fails to deliver a insufficient provision of social rent units. The proposal is therefore contrary to policies SP02 of the Core Strategy (2010), DM3 of the Managing Development DPD (Submission Version 2012), HSG3 and HSG 10 of the Interim Planning Guidance (2007) and 3.10, 3.11 and 3.12 of the London Plan (2012), which seek to deliver the maximum reasonable amount of affordable housing, across a defined range of tenures.*

Consideration

- 3.4 The reason given by Members has two elements to it – the first being the overall proposed provision of affordable housing (31% by habitable room), and the second being the amount of social rented housing within that provision (7% by habitable room; 30 units). These two issues have been considered by officers in turn.

Overall Provision of Affordable Housing

- 3.5 The London Plan 2011 (LP), LBTH Core Strategy 2010 (CS) and LBTH Managing Development DPD submission version 2012 (MD DPD) seek to secure the maximum reasonable amount of affordable housing. The MD DPD sets a target requirement of 35% - 50% on developments of 10 or more units, however the policy clarifies that this is subject to viability.
- 3.6 The National Planning Policy Framework 2012 (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 3.7 Throughout the consideration of the planning application officers sought to secure the greatest provision of affordable housing the scheme could viably deliver. Through this negotiation, the overall percentage of affordable housing increased from 21% by habitable room (166 units) to 31% by habitable room (224 units).
- 3.8 In order to attain the 31%, modifications were made to the phasing strategy of the development, to shorten the timeframe for delivery, thus improving cash flow and reducing

interest costs.

- 3.9 Following the meeting of the 16th of August, the applicants reviewed the financial viability of the proposal again, to determine whether the scheme could reasonably afford any increase in affordable housing.
- 3.10 Six scenarios were tested by the applicants and reviewed by the Council's consultants. It has been concluded again that the scheme cannot afford an increase in the amount of affordable housing at this stage, and to do so would impact upon the deliverability of the proposal, together with its ability to mitigate against the impacts of the development.
- 3.11 For example, if the proportion of affordable housing were to increase it would have a severe implication upon the S.106 Financial Contributions, which total £6,679,997, and are proposed to contribute towards Employment, Education, Public Open Space, Car Club, Health, DLR, London Buses and Real Time Information Boards in order to mitigate against the impacts of the proposal.
- 3.12 Table 1 below summarises the various sensitivity options carried out by the applicant, none of which are viable, and would on advice from the Councils independent consultants, result in an undeliverable scheme.

Option	Alteration Made	Revised Affordable Rent (HR%)	Revised Social Rent (HR%)	Revised Intermediate (HR%)	Total Affordable (HR%)	Viable/Deliverable ?
Planning Submission	None (s106 £6.68M)	14%	7%	10%	31%	YES
1	Reduce s106 to nil	17%	7%	10%	34%	NO
2	Reduce s106 to nil	13.5%	9.5%	10%	33%	NO
3a	Reduce s106 to £3M	15%	7%	10%	32%	NO
3b	Reduce s106 to £3M	11.5%	9.5%	10%	31%	NO
4	Switch Social Rent to Affordable Rent	23%	0%	10%	33%	NO
5	Switch Social Rent to Affordable Rent	0%	17%	10%	27%	NO

Table 1: Various Sensitivity Testing

- 3.13 The Council's viability consultants have advised that to alter the proposed mix in line with

any of the alternatives put forward would worsen the scheme's ability to be delivered through a number of factors, including an increase in negative cashflows.

- 3.14 Considering this, officers remain of the view that the proposal is delivering the maximum reasonable amount of affordable housing, considering viability, and this approach is in line with London Plan and Tower Hamlets adopted policies.

Amount of Social Rent Units

- 3.15 Concern was raised at the Committee regarding the provision of Social Rent units, particularly when considering the number of units proposed (30 units out of 224 affordable units). Table 2 from the original officers' report (and associated update report) is repeated below.

3.16

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	30	3.53%	191	6.99%
Affordable Rent	108	12.71%	384	14.05%
Affordable Intermediate	86	10.12%	273	9.99%
Total Affordable	224	26.35%	848	31.03%
Market Sale	626	73.65%	1885	68.97%
Total	850	100%	2733	100%

Table 2: The proposed overall indicative mix

- 3.17 Policy DM3 of the MD DPD seeks that the delivery of Social Rent units are maximised, specifically for larger homes, and that Affordable Rent units will be supported only when this has occurred. The document notes that this approach enables the housing needs of the borough to be met.
- 3.18 All of the 30 Social Rent units are family sized in order to best meet the needs of residents of the Borough, and to meet the requirements of policy DM3 of the MD DPD. However the result of this is that in floor area (and habitable room) terms the Social Rent units are more land hungry than other tenures on a per unit basis, given there are no 1 or 2 bed sized flats.
- 3.19 By way of comparison, the Social Rent units have an average floor area of 112sqm per unit, whilst the Affordable Rent units have an average floor area of 75sqm per unit, Intermediate units 69sqm per unit, and Market Sale units 70sqm per unit.
- 3.20 Accordingly, the comparatively low percentage of Social Rent units (which includes 27 houses and 3 flats) is a symptom of the prevalence of family units within this tenure, the provision of which is a priority for the Borough. The number of Social Rent could be increased by revising the mix to one and two bedroom units, however the result of this change would be a lack of family sized housing in the scheme.
- 3.21 A significant amount of sensitivity testing has been undertaken in order to arrive at the final housing schedule, and officers remain of the view that the balance between the overall amount of affordable housing and the provision of social rent units within that is acceptable.

Additional Testing

- 3.22 Since this application was last reported to committee additional sensitivity testing has been carried out regarding the provision of overall affordable housing and Social Rent units.
- 3.23 Increasing the amount of Social Rent units (and decreasing the amount of Affordable Rent units) would have a negative effect on the overall provision of affordable housing.

Increase in Social Rent Units

- 3.24 If all of the Affordable Rent units within the scheme were revised to Social Rent, the overall provision of affordable housing would fall to 27% (from 31%) (refer to Table 1, option 5, para 3.12).
- 3.25 This would deliver 185 affordable units, broken down to 77 Intermediate and 108 Social Rent. By habitable room this is 10% Intermediate and 17% Social Rent.
- 3.26 Officers do not support such a change, as it fails to deliver the maximum reasonable amount of affordable housing, and in pure planning policy terms there is no delineation between Affordable Rent and Social Rent. The GLA have also advised that such an approach would not be in conformity with the London Plan.

Affordable Rent vs Social Rent

- 3.27 The Affordable Rent model was introduced by the Government in 2011, and is intended to be the main type of new affordable housing supply. This type of housing is let by RSL's to households who are eligible for social rented housing, and is subject to controls that require a rent of no more than 80% of the local market rent.
- 3.28 80% of market rent is not considered to be truly affordable within Tower Hamlets, and accordingly the applicant agreed to set the rent level in line with recent research undertaken by an organisation called POD, on behalf of the Council. This research concluded that to increase affordability, rents should be charged at 65% of market rents for 1 beds, 55% of market rents for 2 beds, and 50% of market rents for 3 beds and larger.
- 3.29 Market rents fluctuate in different parts of the borough and hence the POD research considers affordable rent levels by postcode.
- 3.30 For the E14 area, including the higher value Docklands area rents, affordable rents (including service charges), as identified by the POD research, should not exceed:
- 1 beds at £206.55 per week;
 - 2 beds at £231.00 per week and
 - 3 beds at £244.50 per week.
- Considering this, officers were able to negotiate rent levels of:
- 1 beds at £163 per week;
 - 2 beds at £195 per week and
 - 3 beds at £234 week.

Conclusion

- 3.31 The reason for refusal recommended by Members is based on both the overall amount of affordable housing, together with the amount of Social Rent housing within that.
- 3.32 Officers are of the view that, as reported on the 16th of August 2012, the proposal is delivering the maximum reasonable amount of affordable housing possible, and any increase in the proposed 31% would have a significant impact on the scheme's ability to mitigate against its impacts through s106 financial contributions.
- 3.33 Furthermore, if the number of Social Rent units were to be increased, it would have a negative effect on the overall 31% provision of affordable housing, and would render the proposal undeliverable.
- 3.34 The proposed Affordable Rent units are at rent levels below those indicated by the POD report as genuinely affordable within the local area, and therefore considered to be truly affordable.

- 3.35 It is therefore considered by officers that the proposed scheme is compliant with policy in terms of the provision of affordable housing, in that it delivers the maximum reasonable amount of affordable housing to ensure the viability of the proposal, as well as a tenure split which meets the provisions of policy DM3 of the MD DPD.
- 3.36 Furthermore, a review mechanism has been agreed with the applications, whereby the financial viability of the proposal would be reviewed after Phase 4, and if the scheme is better off financially than original forecast, the increased profit would be captured for the delivery of affordable housing. This is further discussed within para's 4.5 – 4.9 of this report.

Reason Number 2 – Education provision

- 3.37 The second reason for refusal suggested by Members relates to concerns that the proposed development would have a detrimental impact upon the sustainability of education provision on the Isle of Dogs. The main concern of the Committee related to an existing shortfall of school places on the Isle of Dogs, and concern that the proposed development would further exacerbate this existing issue.
- 3.38 Officers have interrogated policy in order to draft a reason for refusal on this basis, however officers are of the view that there is no policy basis upon which to defend a reason for refusal of this nature. Accordingly, it is recommended that this reason is not included, and no wording has been provided as it would be very difficult for officers to defend at appeal, and in the opinion of officers would likely result in the award of costs against the Council.

Consideration

- 3.39 The thrust of education-related policies within the CS, UDP, MD DPD and IPG encourage the growth, provision and protection of school places within the Borough. As the scheme being considered does not propose the loss of school places, these policies are not applicable to the application at hand.
- 3.40 Infrastructure delivery policy SP13 of the CS requires the provision of planning obligations in relation to proposed developments, and a contribution towards Education is noted as a priority within this policy. The applicant has agreed to a financial contribution of £3,142,971 towards the provision of additional primary and secondary school places in the Borough in order to mitigate against the impacts associated with the proposed development. This is the full s106 contribution required by the Council's adopted s106 SPD (2012), and accordingly there are no planning grounds to seek the applicant to increase this obligation.
- 3.41 It is a statutory duty of the Council to ensure sufficient primary and secondary school places for residents of the Borough. LBTH Children, Schools & Families Directorate has confirmed that the proposed s. 106 contributions from this scheme are acceptable. Where s. 106 contributions are received, their use is pooled to assist meeting the costs of the programme of creating additional school places across the borough.
- 3.42 There is a continuing need for additional school places to respond to the projected rising school age population. Some existing primary school sites have been expanded but many do not have capacity to do so. The Council is seeking to secure new sites for schools through the Core Strategy and Managing Development DPD.
- 3.43 In the Isle of Dogs area, Arnhem Wharf School has been expanded by 30 places a year and St Luke's School has an extra 30 places a year from September 2012. Proposals are in development for expansion of Woolmore School as part of the Blackwall Reach redevelopment which, although not in this immediate area, will contribute to the overall supply of places for local residents. Further school sites across the borough are being investigated for expansion potential and these will be brought forward where suitable.
- 3.44 As the applicant has agreed to pay the full s106 SPD ask towards education, it is likely that the Council would face costs in the event that this scheme were to go to Public Inquiry.

Considering this, it is recommended by officers that, if minded to refuse the planning application, a delivery of Education places is not used as a reason for refusal.

Reason Number 3 – Height of Building with relation to CABE comments

- 3.45 *The proposed development, by virtue of the 23 storey tower building in the NW quadrant of the site would appear as an over-dominant feature, out of character with the surrounding pattern of development. Furthermore, the application submission in outline form fails to give sufficient comfort that the scheme will deliver the necessary quality of living environment and architecture. The proposal is therefore contrary to policies DEV1 of the Unitary Development Plan (1998), DEV2 and DEV27 of the Interim Planning Guidance (2007), SP10 of the Core Strategy (2010) and DM24 and DM26 of the Managing Development DPD (submission version 2012).*

Consideration

- 3.46 At the meeting on the 16th of August specific mention was made of the tower element of the proposal, and as such this has formed the basis of the reason for refusal outlined within para 3.45 of this report.
- 3.47 Officers have liaised further with CABE in this respect. They have advised that they support the principle of redevelopment, however did not have the necessary assurances regarding the quality of both its architecture and living environment and its potential local and long distance impact. Nevertheless, they confirmed that they did not consider the proposal would harm the view from the Greenwich World Heritage site.
- 3.48 CABE have confirmed that they would not attend a Public Inquiry in support of the Council if the planning application is refused for this reason.
- 3.49 Officers remain of the view that the scheme is acceptable in respect of the tall building.

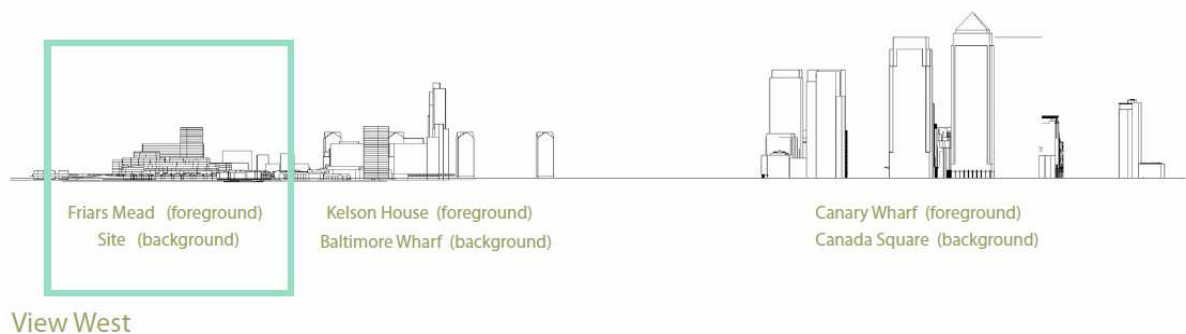


Figure 1 – Western view of key buildings, Isle of Dogs

- 3.50 Figure 1 illustrates the relationship of the proposed development with other key existing and consented schemes on the Isle of Dogs. This demonstrates that the proposal steps down in height appropriately from One Canada Square as required by policy.
- 3.51 Throughout pre-application negotiations for several, the height and massing of the proposal has changed significantly. Initially the proposal included a circa 40 storey tower in the SW quadrant of the site, adjacent to Mudchute Park. However, following negotiation with officers and consultation with Mudchute Park and Farm, the massing was reduced substantially to a maximum of 23 storeys, and moved away from the sensitive edge of the Park.
- 3.52 Officers remain of the view that the height of the tower is acceptable, in that it provides a transition down the Island from One Canada Square, to the extant 43 storey Baltimore Wharf (London Arena Site), to the development site, and onward further south and east to the more residential scale of the Isle of Dogs.

- 3.53 Additionally, whilst the tower element of the proposal is to be considered in outline, the proposal includes the necessary safeguards to ensure a high quality of architectural design. The proposed parameter plans set out allowable massing envelopes, defined in terms of the maximum and minimum for each block, and these must be adhered to in conjunction with the massing principles set out within the design code. The design code sets further guiding principles regarding massing, design details, materials, public realm and open space, amenity space, and residential layouts through the use of 'codes' which must be adhered to, 'advisories' for guidance and 'illustrative' diagrams.
- 3.54 The applicants submitted material samples with the application, and the Borough's Urban design officer visited sites to see full-scale examples of some of the materials. Accordingly, officers are satisfied that the quality of materials will be seen through to the detailed design of the outline phase of development.
- 3.55 In terms of the environmental impacts of the tower, the report presented on the 16th of August adequately demonstrated that the proposal did not result in poor environmental conditions such as microclimate and daylight/sunlight impacts.
- 3.56 Accordingly, officers remain satisfied that the height of the maximum 23 storey tower is appropriate within the context of the surrounding area, and the parameter plans together with design code will serve to ensure that a high quality, environmentally sensitive development would be delivered.

4.0 Further Comments

Parking Management Strategy

- 4.1 At the meeting of the 16th of August, the Committee noted that a parking management strategy should be secured as part of the S106 agreement, so as to be able to negotiate parking provision.
- 4.2 A car Parking Management Strategy is required under Part B of the Decision Notice as specified in the original officer's report. The condition could be drafted to seek to maximise the provision of parking spaces for family Affordable Rent and Social Rented units.

Employment Skills and Training Financial Contribution

- 4.3 It was suggested by the Committee that the words "during the construction phase" be deleted from the financial provision relating to allocation of £352,081 for Employment Skills and Training within the s106 Agreement, should planning permission be granted.
- 4.4 It was confirmed at the Meeting that this would be acceptable.

Overage (Review Mechanism)

- 4.5 The principle of the incorporation of an overage clause was also discussed by the Committee.
- 4.6 "Overage" is the term normally used in the context of a property transaction, to mean a sum which the vendor may be entitled to receive after completion, if a specified condition is satisfied. The condition may be the grant of a new planning permission, or the grant of planning permission for a new (perhaps more valuable) use of the site.
- 4.7 With relation to the planning application being considered, it is considered appropriate to incorporate a review mechanism which officers believe will achieve the intended aspiration of the committee. This means that within the s106 Agreement there will be the requirement after phase 4 of development for the proposal to be re-appraised, and any uplift in profit is captured, and used for the delivery of affordable housing.

- 4.8 In the first instance, these funds would be used to convert the tenure in Block D from private to Social Rent, and following that, a cash in-lieu payment would be made to the Council for the delivery of affordable housing.
- 4.9 The applicant has confirmed they agree to the incorporation of a review mechanism at phase 4 of development.

Pharmacy

- 4.10 At the committee meeting of the 16th of August 2012 it was confirmed that the applicant agrees to a clause within the s106 Agreement to offer first right of refusal to Britannia Pharmacy, to occupy one of the A1 retail units within the new District Centre.

5.0 ADDITIONAL REPRESENTATIONS

- 5.1 Since the decision of the Committee on the 16th of August 2012, the Council has received one additional representation from a local resident of Glengall Grove, suggesting that the applicants liaise with residents on Glengall Grove should they intend on revising the proposal.

(Officer Comment: The committee did not raise concern regarding impacts on Glengall Grove, and as such the proposal is considered acceptable in this respect)

6.0 IMPLICATIONS OF DECISION

- 6.1 Should Members decide to re-affirm their previous resolution and refuse planning permission there are a number of possibilities open to the Applicant. These would include (though not limited to):-
- The Mayor of London has the right to call in the application for determination. It is possible that the Mayor of London would renegotiate the s106 and affordable housing package.
 - Resubmit an amended scheme to attempt to overcome the reasons for refusal.
 - Lodge an appeal against the refusal of the scheme.

7.0 CONCLUSION

- 7.1 Officers consider that reason for refusal no. 1 - Affordable Housing - is unlikely to be successfully defended at appeal, given that officers are satisfied that the scheme is delivering the maximum reasonable amount of affordable housing, with a tenure split which is compliant with national and local policy. However, the risks of an award of costs against the Council remains low,
- 7.2 Officers consider that a reason for refusal based upon – Education Provision – is unlikely to be successfully defended at appeal.
- 7.3 The onus is on the Council to deliver school places, and the Councils' education department has confirmed that they are supportive of the proposal. The proposed scheme sits within the acceptable density matrix of the London Plan, and accordingly it is considered that the applicant has fulfilled their obligations in this respect.
- 7.4 Given that there is no policy basis upon which to base such a reason for refusal, officers are of the view that the Council would be liable to have costs awarded against it, for seeking to defend such a reason for refusal at appeal.

- 7.5 Officers consider that reason for refusal no. 3 – Building Height – is unlikely to be successfully defended at appeal, given that there is a clear transition in height from the taller elements of Canary Wharf down to the lower-rise scale and more residential character of the areas surrounding the site. Once again, the risks of an award of costs against the Council remains low.

8.0 OFFICER RECOMMENDATION

- 8.1 Notwithstanding the above, there has been no change in circumstances of policy since the referral of the appended report to Members on the 16th of August 2012. Officers consider that on balance the proposal is acceptable for the reasons set out in paragraph 2 of the appended report and therefore the **officer's recommendation remains APPROVAL**, in accordance with section 3 of the original officers report, together with the following additions:

Legal Agreement

- a) First right of refusal to Britannia Pharmacy for occupancy within new District Centre
- b) Review Mechanism
 - o Review at end of Phase 4
 - o Block D amended from Private to Social Rent
 - o Further uplift to the Council as cash in lieu payment
- c) Employment Skills and Training
 - o £352,081 *Employment and training during the construction phase*
 - o £263,435 *End use phase training*

Conditions

- a) Car Parking Management Strategy as required under Part B of the Decision Notice extrapolated to require maximisation of parking spaces for Social Rent and Affordable Rent family sized units.
- 8.2 Officers have proposed two reasons for refusal based on the resolution of Members at the meeting on the 16th of August 2012 and these are set out at paragraphs 3.3 and 3.45 of this report.
- 8.3 If, despite officer recommendation, Members vote to refuse planning permission, it is recommended that two reasons for refusal are agreed, relating to affordable housing provision and height of the tall building.

1. *The proposed development fails to deliver an acceptable amount affordable housing, and within that, fails to deliver a insufficient provision of social rent units. The proposal is therefore contrary to policies SP02 of the Core Strategy (2010), DM3 of the Managing Development DPD (Submission Version 2012), HSG3 and HSG 10 of the Interim Planning Guidance (2007) and 3.10, 3.11 and 3.12 of the London Plan (2012), which seek to deliver the maximum reasonable amount of affordable housing, across a defined range of tenures.*
2. *The proposed development, by virtue of the 23 storey tower building in the NW quadrant of the site would appear as an over-dominant feature, out of character with the surrounding pattern of development. Furthermore, the application submission in outline form fails to give sufficient comfort that the scheme will deliver the necessary quality of living environment and architecture. The proposal is therefore contrary to policies DEV1 of the Unitary Development Plan (1998), DEV2 and DEV27 of the Interim Planning Guidance (2007), SP10 of the Core Strategy (2010) and DM24 and DM26 of the Managing Development DPD (submission version 2012).*

9.0 APPENDICIES

- 9.1 Appendix One – Report to Strategic Development Committee 16th August 2012

Committee: Strategic Development	Date: 16 th August 2012	Classification: Unrestricted	Agenda Item No: 7.
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Amy Thompson		Ref No: PA/11/3670	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: ASDA, 151 East Ferry Road, London, E14 3BT
Existing Use: ASDA supermarket (A1 Retail), petrol filling station, bus stop and associated hard landscaping

Proposal: Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3) comprising:

1) Full Details

- Demolition of existing supermarket;
- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

2. Outline – All matters reserved

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1-D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning

(Environmental Impact Statement) Regulations 1999 (as amended).

Drawing Nos:

Submission Documents

- Design & Access Statement (Broadway Malyan)
- Design Code Revision B (Broadway Malyan)
- Landscape Design Statement (Fabrik)
- Access Statement (David Bonnett Associates)
- Development Specification Revision B (GVA)
- Transport Assessment & Appendices (Royal Haskoning)
- Travel Plan (Royal Haskoning)
- Stage One Safety Audit (Acorn Projects Ltd)
- Stage One Safety Audit Designers Response (Acorn Projects Ltd)
- Transport Technical Note 1 (Royal Haskoning)
- Transport Technical Note 2 (Royal Haskoning)
- Transport Technical Note 3 (Royal Haskoning)
- Transport Technical Note 4 (Royal Haskoning)
- Transport Technical Note 6 (Royal Haskoning)
- Environmental Statement (JL Planning / Waterman)
- Low & Zero Carbon Energy Systems Appraisal Report (Hoare Lea)
- Sustainability Statement (Hoare Lea)
- Arboricultural Survey Report (Waterman)
- Ecological Mitigation Strategy (Fabrik)
- Design Stage Site Waste Management Plan (Waterman)
- Responses to the Interim Review of the Environment Statement (JL Planning / Waterman)
- Responses to the Final Review of the Environment Statement (JL Planning / Waterman)
- Planning Statement (GVA)
- Viability Report (GVA)
- Retail Capacity & Impact Study January 2012 (JL Planning)
- Statement of Community Engagement (Snapdragon)
- Construction Environment Management Plan (ADP Consultants)
- Development Phasing Revision A (ADP Consultants)
- Landscaping Mitigation Strategy

Drawings

L100; L102; L104; L125; L201_D; L202; L203_D; L204; L205; L206; L207; L208; L209; L21; L211; L212; L213; L214; L215; L216; L220_D; L222; L224; L225; SK10_E; SK17_E; SK18_E; D1726; SK22_C; SK25_C; SK26; SK32_A; 25878-A-01-B1-A; 25878-A-01-00-A; 25878-A-01-02-A; 25878-A-01-04-A; 25878-A-01-100-A; 25878-A-01-101-A; 25878-A-02-B1; 25878-A-EX-02-00; 25878-A-03-00-E-A; 25878-A-03-02-E-A; 25878-A-03-04-W-A; 25878-A-03-04-E-A; 25878-A-03-TYP-W-A; 25878-A-03-TYP-E-A; 25878-A-A-03-TYP_upper; 25878-A-G-03-04; 25878-A-G-03-05; 25878-A-G-03-06; 25878-A-G-03-07; 25878-A-G-03-08; 25878-A-G-03-09; 25878-A-EX-04-AB; 25878-A-EX-04-CD; 25878-A-04-AA; 25878-A-04-BB; 25878-A-04-CC; 25878-A-04-DD; 25878-A-04-EE; 25878-A-04-FF; 25878-A-EX-05-01; 25878-A-EX-05-02; 25878-A-05-001; 25878-A-05-002; 25878-A-05-003; 25878-A-05-004; 25878-A-05-005; 25878-A-05-006; 25878-A-05-007; 25878-A-05-008; 25878-A-05-009; 25878-A-05-010; 25878-A-05-011; 2578-A-70-DUPLEX-2b4p_a; 2578-A-70-DUPLEX-2b4p_b; 2578-A-70-DUPLEX-2b4p_c-A; 2578-A-70-DUPLEX-3b5p_a; 2578-A-70-

DUPLEX-3b5p_b-A; 2578-A-70-DUPLEX-4b6p_a-A; 25878-A-70-PATIO-2b4p_a; 25878-A-70-PATIO-2b4p_b; 25878-A-70-PATIO-2b4p_c; 25878-A-70-PATIO-2b4p_d; 25878-A-70-MAISONETTE_a; 25878-A-70-MAISONETTE_b; 25878-A-70-MAISONETTE_c; 25878-A-70-SCISSOR-3b5p; 25878-A-70-THROUGH-2b4p_a; 25878-A-70-THROUGH-2b4p_b; 25878-A-70-IN_studio; 25878-A-70-IN_1b2p; 25878-A-70-IN_1b2p_large; 25878-A-70-IN_2b3p; 25878-A-70-IN_2b4p; 25878-A-70-OUT-1b2p_53deg; 25878-A-70-OUT-1b2p_large_53deg; 25878-A-70-OUT-2b3p_53deg; 25878-A-70-OUT-2b4p_53deg; 25878-A-70-OUT_1b2p_37deg; 25878-A-70-OUT_1b2p_large_37deg; 25878-A-70-OUT_1b2p_knuckle_37deg; 25878-A-70-OUT_2b3p_37deg; 25878-A-70-OUT_2b3p_37deg; 25878-A-70-TYP_3b5p_corner; 25878-A-70-TOWNHOUSE_4b6p; 25878-A-70-TOWNHOUSE_5b7p; 25878-A-70-TOWNHOUSE_6b9p; 25878-A-70-OUT_1b2p_large_53deg_WAH; 25878-A-70-IN_2b4p_WAH; 25878-A-70-TYP_3b5p_corner_WAH; 25878-A-E-70-East; 25878-A-E-70-North; 25878-A-01-B1-2-A; 25878-A-01-PP-00-2-A; 25878-A-01-PP-00-3-A; 25878-A-01-PP-00-4-A; 25878-A-01-PP-00-5-A; 25878-A-01-PP-00-6-A; 25878-A-01-PP-00-7-A; 25878-A-01-PP-02-2; 25878-A-01-PP-02-4; 25878-A-01-PP-02-5; 25878-A-01-PP-02-6; 25878-A-01-PP-02-7; 25878-A-01-PP-Z-A; 25878-A-01-PP-04-2; 25878-A-01-PP-04-4; 25878-A-01-PP-04-5; 25878-A-01-PP-04-6; 25878-A-01-PP-04-7; 25878-A-01-PP-04-E-1-A; 25878-A-01-PP-04-E-2-A; 25878-A-01-PP-04-E-3; 25878-A-01-PP-04-E-4; 25878-A-01-PP-04-E-5; 25878-A-01-PP-04-E-6; 25878-A-01-PP-04-E-7-8-A; 25878-A-01-B1; 25878-A-RMPH-01-00 and 25878-A-RMPH-01-04.

Applicant: ASDA Stores Limited and Ashborne Beech
Owner: Various
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 o The principle of redeveloping the site to provide a new District Centre comprising a relocated supermarket and associated car park, flexible retail and commercial use, community centre, housing and open space is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policies ID9, IOD11 and IOD12 of the Interim Planning Guidance (2007), SP01, SP03 and the Cubitt Town Vision of the Core Strategy (2010) and DM8 together with the aspirations of site allocation No. 19 of the Managing Development DPD (Submission Version 2012).
- 2.3 o The scheme proposes an appropriate amount and type of flexible retail floorspace, and relocated and expanded supermarket, meeting an identified demand for such activity within the Crossharbour area. It has been demonstrated that the proposal will not result in an unacceptable impact upon the vitality of existing nearby centres, and as such the proposal is in accordance with policy RT3 of the Interim Planning Guidance (2007), policy SP01 of the Core Strategy (2010) and the NPPF (2012).
- 2.4 o The proposal makes efficient use of the site with a mixed use redevelopment and as such accords with policy 3.3 and 3.4 of the London Plan (2011), policies S07 and SP01 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998), policy

DM1 of the Managing Development DPD (Submission Version 2012) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

- 2.5 o The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development DPD (Submission Version 2012) and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 o Impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 o On balance the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission Version 2012) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the site of Metropolitan Open Land, being Mudchute Park and Farm are acceptable, and accord with, policies 3.5 and 7.17 of the London Plan (2011), policies DEV1, DEV2 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012) and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the nearby by Conservation Areas.
- 2.9 o The scheme would deliver improved permeability and accessibility through the scheme whilst being designed to provide a safe and secure environment for residents. The development accords with policy DEV1 of the Council's Unitary Development Plan (1998), policies SP09 and SP10 of the Core Strategy (2010), policies DM23 and DM24 of the Managing Development DPD (Submission Version 2012) and policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.10 o Transport matters, including parking, access, servicing and reconfigured bus layout are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.11 o Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (Submission Version 2012) and policies DEV5 to DEV9 of

the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

- 2.12 o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

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

Financial Obligations

- d) Employment Skills and Training
 - o *£352,081 Employment and training during the construction phase*
 - o *£263,435 End use phase training*
- e) Education
 - o *£1,735,110 primary school places in the borough*
 - o *£1,407,861 secondary school places in the borough*
- f) Public Open Space
 - o *£881,275 towards the delivery of public open space in the Borough*
- g) Car Club
 - o *£35,913 towards the provision of car club on the site, including 1 year membership for residents*
- h) Health
 - o *£923,342 towards the NHS Primary Care Trust*
- i) Dockland Light Railway station improvements
 - o *£400,000 Contribution towards upgrade of Crossharbour DLR station*
- j) London Buses
 - o *£510,000 towards Increased capacity of a local bus service*
- k) Real Time Information Boards
 - o *£40,000 towards provision of boards within the site*
- l) S106 monitoring at 2% of sub total (£130,980)

Total Financial Contribution **£6,679,997**

Non-Financial Obligations

- m) 31% affordable housing by habitable room
 - 7% Social Rent
 - 14% Affordable Rent (POD Level)

- 10% Intermediate
- n) Family Housing secured by percentage floor space
 - 100% Social Rent
 - 37.9% Affordable Rent
 - 23.2% Intermediate
 - 24.4% Private
- o) Affordable Housing delivered across phases as follows:
 - Phase 1 = 62.2%
 - Phase 2 = 79.9%
 - Phase 3 = 0%
 - Phase 4 = 11.9%
 - Phase 5 = 0%
- p) Obligations on completion - no more than 60% market housing to be completed until 50% affordable housing completed; no more than 80% market housing to be completed until 70% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed, per phase
- q) Affordable business unit strategy and marketing strategy
- r) Shop mobility scheme for accessibility to the District Centre
- s) Community Centre
 - to Shell and Core (estimated at £3.7M)
 - Peppercorn rent in perpetuity (25 years)
 - £0 service charge
 - Fallback to commuted sum
- t) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- u) 40% jobs to local people in ASDA
- v) Car club, operation for three years minimum, and one years free membership per household
- w) On Street Parking Permit-free development
- x) Travel Plan
- y) Code of Construction Practice
- z) Agreements with London buses to be completed prior to implementation
- aa) Parking strategy including Variable Message Signing 'VMS'
- bb) Public Art – on-site details to be secured
- cc) Lease Agreement with Mudchute Park and Farm
- dd) Off-site Highways Works (estimated at £1.2M)
 - Remodelling to Marsh Wall/Limeharbour Junction
 - New raised table, pedestrian crossing and associated works on East Ferry Road
- ee) Relocated Cycle Hire Docking Station (£70,000)
- ff) 24 hour access to public open space
- gg) Travel Plan
- hh) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

CONDITIONS & INFORMATIVES

3.4 **A. Time Limits, approved drawings / documents and content of development**

Commencement within 3 years

Submission of reserved matters applications (Timing)

Implementation in accordance with Phasing Plan

Implementation of Phasing Plan

- Development in accordance with Design Code
- Development in accordance with Approved Plans
- Quantum of floorspace Phase 1
- Quantum of floorspace Phase 2
- Quantum of floorspace Phase 3
- Quantum of floorspace Phase 4
- Quantum of floorspace Phase 5
- Quantum affordable housing by Phase
- Quantum Family Housing
- Sale of comparison goods supermarket capped at 49.6%
- Quantum of Built Floorspace across the Development
- Quantum of individual retail units by Phase
- Minimum Areas of Amenity Space
- Maximum No.s of parking spaces
- Minimum No.s cycle parking spaces
- Hours of trading, supermarket
- Hours of demolition/construction
- Hours of hammer driven piling
- Lifetime Homes
- 10% Wheelchair
- Minimum BREEAM Excellent for non residential floorspace
- No blocking of footway and carriageway
- No infiltration of surface water drainage into the ground

3.5 **B. Site-Wide Pre-commencement Conditions**

- Details of bus facilities
- Construction Management Plan
- Basement Plan including 20% charging points
- Biodiversity mitigation measures (15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow), in accordance with approved biodiversity plan
- Biodiversity surveys to be undertaken and submitted prior to demolition
- Car Parking Strategy
- Details of East Ferry Road and Lime Harbour/Marsh Wall works (s278)
- No occupation until interim arrangements for Bus layover implemented
- No impact piling shall take place until a piling method statement has been approved
- TV/Broadband reception study

3.6 **C. Phase 1 – New supermarket, Southern Retail, Block G, Public Square, Relocated Bus Stop, Basement Parking**

- Archaeology
- Full details including samples of all new materials
- Landscape design statement and plan
- Access statement
- Security management scheme - secure by design and CCTV
- Interim vehicular and pedestrian arrangements
- Highway design and necessary safety audits
- Deliveries and servicing plan
- Construction Management Plan
- Noise attenuation
- Waste Management Strategy
- Recycling facilities
- Energy Strategy considering up to date policies and guidance
- Sustainability statement considering up to date policies and guidance
- Impact study - water supply infrastructure
- Foul and surface water drainage details
- Compliance with plan submitted to London Fire and Emergency Planning Authority
- Details of Brown and Green Roofs
- Site remediation and Investigation

Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy
No occupation until details of ventilation associated with A3, A4.
Full details of each retail unit including hours of operation
Details of boundary treatment to secure phase

3.7 **D. Phase 2 – Blocks E, F, K and L, southern pedestrian route from public square to Mudchute Park, Northern Access Road, Eastern Mews**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
Affordable Housing Delivery Strategy
Play Space Strategy
Archaeology
Full details including samples of all new materials
Highways - detailed design of all site accesses (including general arrangement and visibility splay drawings);
Detailed design of: high street, northern servicing road, landscaping including playspace and inclusive play, lighting, pedestrian bridge, amenity areas
Details of boundary treatment to secure phase
Access statement
Security management scheme - secure by design and CCTV
Interim vehicular and pedestrian arrangements
Highway design and necessary safety audits
Deliveries and servicing plan
Construction Management Plan
Noise attenuation
Waste Management Strategy
Energy Strategy considering up to date policies and guidance
Sustainability statement considering up to date policies and guidance
Impact study - water supply infrastructure
Foul and surface water drainage details
Compliance with plan submitted to London Fire and Emergency Planning Authority.
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy
No occupation of the development until highway improvements have been completed at Marsh Wall/Lime Harbour junction

3.8 **E. Phase 3 - Residential blocks H, I & J over retail (south)**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
Affordable Housing Delivery Strategy
Play Space Strategy
Full details including samples of all new materials
Detailed design of: Southern amenity areas, landscaping including playspace and inclusive play, lighting
Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
Details of boundary treatment to secure development zone
Access statement
Security management scheme - secure by design and CCTV
Interim vehicular and pedestrian arrangements
Highway design and necessary safety audits
Deliveries and servicing plan
Construction Management Plan

Noise attenuation
No occupation until details of ventilation associated with A3, A4.
Full details of each retail unit including hours of operation
Waste Management Strategy
Energy Strategy considering up to date policies and guidance
Sustainability statement considering up to date policies and guidance
Impact study - water supply infrastructure
Foul and surface water drainage details
Compliance with plan submitted to London Fire and Emergency Planning Authority.
Basement Layout including details and location of 20% charging points
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy

3.9 **F. Phase 4 - Retail (north) and residential blocks A, B & C, Northern diagonal route, Taxi stand**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
Affordable Housing Delivery Strategy
Play Space Strategy
Archaeology
Full details including samples of all new materials
Detailed design of: High street, landscaping including playspace and inclusive play, lighting
Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
Details of boundary treatment to secure phase
Access statement
Security management scheme - secure by design and CCTV
Interim vehicular and pedestrian arrangements
Highway design and necessary safety audits
Deliveries and servicing plan
Construction Management Plan
Noise attenuation
No occupation until details of ventilation associated with A3, A4.
Full details of each retail unit including hours of operation
Waste Management Strategy
Energy Strategy considering up to date policies and guidance
Sustainability statement considering up to date policies and guidance
Impact study - water supply infrastructure
Foul and surface water drainage details
Compliance with plan submitted to London Fire and Emergency Planning Authority.
Basement Layout including details and location of 20% charging points
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy

3.10 **G. Phase 5 – Block D, residential between ASDA and Friars Mead, Eastern Mews**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.
Affordable Housing Delivery Strategy
Play Space Strategy
Full details including samples of all new materials
Detailed design of: Northern amenity areas, landscaping including playspace and inclusive play, lighting

Archaeology
Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
Details of boundary treatment to secure phase
Access statement
Security management scheme - secure by design and CCTV
Interim vehicular and pedestrian arrangements
Highway design and necessary safety audits
Deliveries and servicing plan
Construction Management Plan
Noise attenuation
Waste Management Strategy
Energy Strategy considering up to date policies and guidance
Sustainability statement considering up to date policies and guidance
Impact study - water supply infrastructure
Foul and surface water drainage details
Compliance with plan submitted to London Fire and Emergency Planning Authority.
Basement Layout including details and location of 20% charging points
Details of Brown and Green Roofs
Site remediation and Investigation
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)
Fire Strategy

3.11 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.12 **Informatives:**

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice

3.13 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.14 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

Site and Surroundings

The application site

4.1 The subject site comprises an area of 4.5 hectares and comprises the existing ASDA supermarket site, together with a parcel of land extending onto Mudchute Park. The application site is bounded by East Ferry Road to the west, Island Health and the rear of predominantly 4 storey residential properties along Glengall Grove, with lower-scale community buildings to the north, the rear gardens of two storey residential properties on Friars Mead to the east, and Mudchute Park and Farm to the south which is designated as Metropolitan Open Land.

4.2 The site does not lie within a conservation area, nor does it contain any listed buildings. The

closest conservation areas are Coldharbour (approx 750m to the northeast), Chapel House (approx 400m to the south) and Island Gardens (approx 650m to the south).

- 4.3 The site itself is currently occupied by an ASDA supermarket dating back to the 1980s which includes a café and opticians, an ASDA petrol filling station, bus interchange and approximately 600 parking spaces.

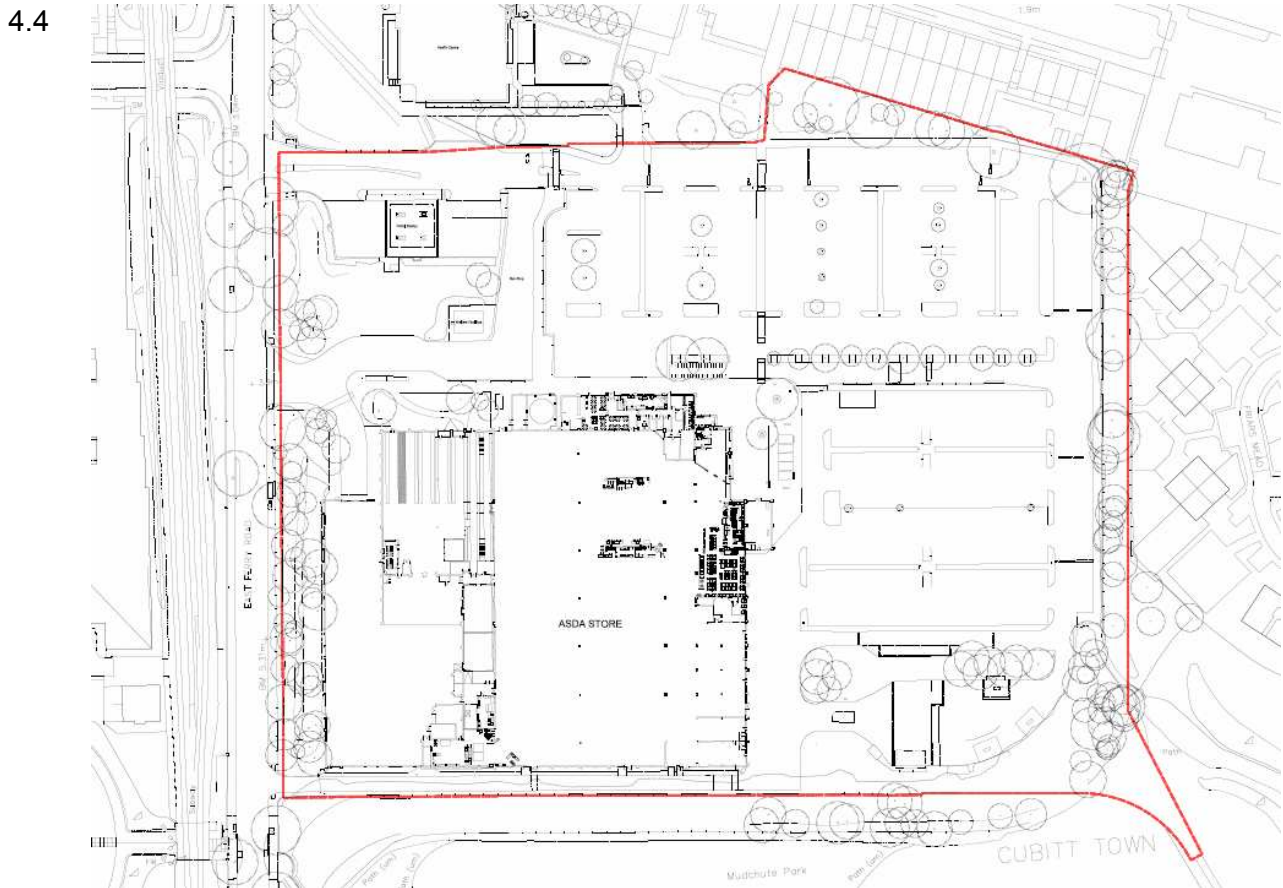


Figure 1: The application site (as existing)

Transport infrastructure and connectivity

- 4.5 Vehicular access is provided from East Ferry Road, with pedestrian access from East Ferry Road, Glengall Grove, Friars Mead and Mudchute Park. The site has a Public Transport Accessibility Level (PTAL) of 4, indicating good accessibility to public transport. The Crossharbour DLR station is situated approximately 200m from the centre of the site, and the bus interchange within the site serves 4 bus routes. The D3, D6, D8 and 135 connect with Canary Wharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

Proposal

- 4.6 The proposal is a hybrid application, for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3).
- 4.7 Full planning permission is therefore being sought for the following:
- Demolition of existing supermarket;

- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

4.8 And outline planning permission is sought for:

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1 and D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

4.9 All matters associated with details of appearance, landscaping, layout and scale and access are reserved for future determination.

Application Documents

4.10 With regard to the outline planning application, the applicant has submitted three 'control' documents, together with a number of supporting documents containing information, analysis and evidence to support the regeneration proposal.

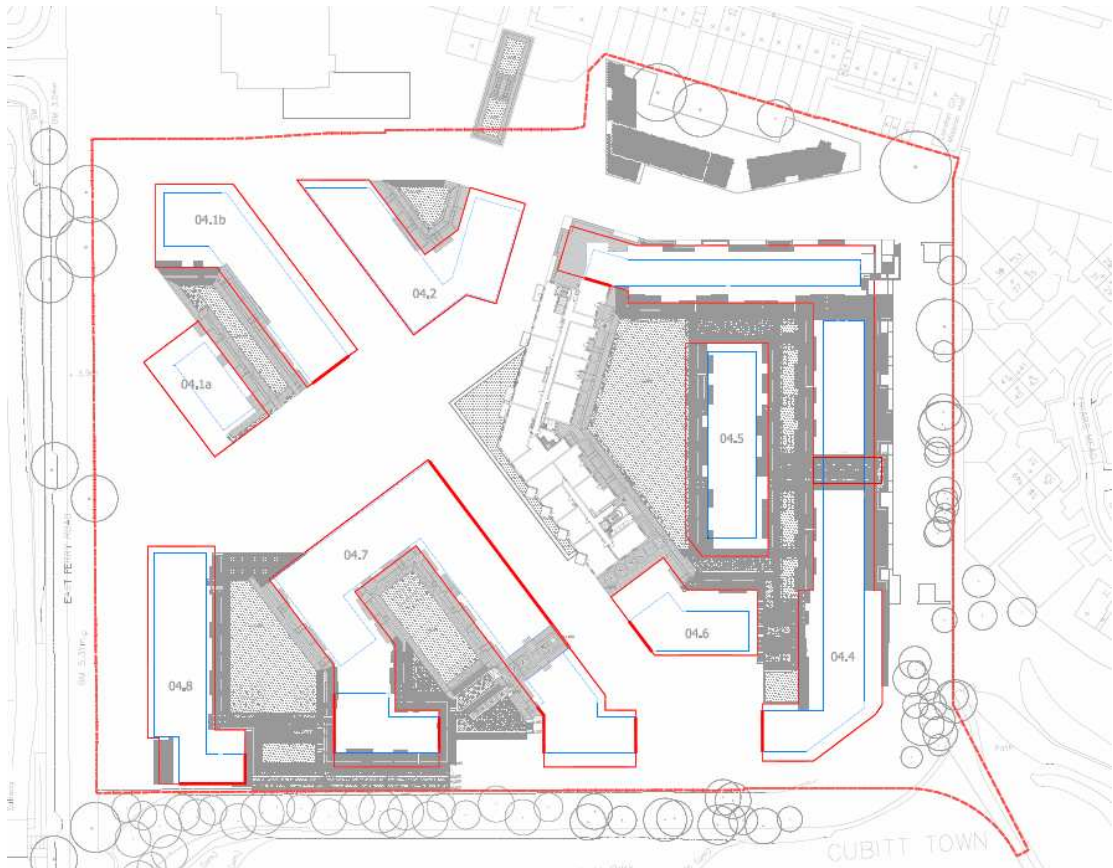


Figure 2: The blocks as presented in the parameter plans (Podium)

4.11 The proposal will be controlled through the use of the three control documents, as follows:

- Parameter Plans – these define the extent of the streets, spaces and buildings across the site against a series of minimum and maximum dimensions. Due to level changes across the site, together with the horizontal division of some buildings between outline and detailed consent, the parameter plans are divided horizontally into Ground Floor Level 00, Transition Level 02 and Podium Level 04. **Figure 2** above shows one of the submitted parameter plans, which identifies the building parcels at podium level. The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation.
- The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
- The Design Code – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of any of the parcels defined in the parameter plans will need to comply with the design code if they are to be considered acceptable.

Relevant Planning History

4.12 ID/80/0001 – Planning permission granted for superstore, petrol station, car park, library and health centre, 2 May 1980.

Numerous additional planning and advertisement consent applications since this original approval.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV15	Tree Retention
	DEV17	Siting and Design of Street Furniture
	DEV43	Archaeology
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV63	Green Chains
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP3	Change of use of office floorspace
	EMP6	Employing Local People
	EMP7	Enhancing the Work Environment & Employment Issues
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG4	Loss of Housing
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
	T3	Extension of Bus Services
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S4	Local Shopping Parades
	S10	Shopfronts
	OSN3	Blue Ribbon Network
	OS9	Children’s Playspace
	SCF8	Encouraging Shared Use of Community Facilities
	SCF11	Meeting Places
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Proposals:		Area of Archaeological Importance or Potential Flood Risk Area - Combined Flood Zone 3 Isle of Dogs Area Action Plan
Policies:	DEV1	Amenity
	DEV2	Character and Design

DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV23	Hazardous Dev & Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
CON1	Listed Building
CON3	Protection of WHS's, London Squares, Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views

Interim Planning Guidance – Isle of Dogs Area Action Plan 2007 (IOD AAP)

Development Sites:	ID9	Crossharbour District Centre
Policies:	IOD1	Spatial strategy
	IOD2	Transport
	IOD3	Health
	IOD4	Education
	IOD5	Open Space
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD9	Waste
	IOD10	Infrastructure and Services
	IOD11	A new District Centre for the Isle of Dogs
	IOD12	Site allocations in the Crossharbour District Centre

Core Strategy Development Plan Document 2010 (CS)

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
	SP13	Planning Obligations
Annexe 9:		Cubitt Town Vision, Priorities and Principles

Managing Development Plan Document - Submission Version May 2012 (MD DPD)

Allocations:	19	Crossharbour Town Centre
Proposals:		Zone 2 (water space)
Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Spatial Development Strategy for Greater London (London Plan 2011)

- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential

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

London Plan Supplementary Planning Guidance/Documents

- London Housing Design Guide 2010
- Interim Housing SPG
- London View Management Framework 2010
- Draft London View Management Framework 2011
- Housing
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Providing for Children and Young People's Play and Informal Recreation 2008
- Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- Draft All London Green Grid 2011
- Draft Housing 2011
- Draft London World Heritage Sites – Guidance on Settings 2011

Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)

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 & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 Following the confirmation of 10% wheelchair residential units, 10% of parking bays to be wheelchair accessible, lighting, street furniture, accessible cycle parking, inclusive play, surface treatments and gradients, fire escape and lifetime homes criteria, the proposal is considered acceptable in accessibility terms, subject to conditions.

6.4 (OFFICER COMMENT: Conditions have been attached to secure further details of the above, as well as a compliance condition for the provision of min 10% wheelchair housing and parking bays)

LBTH Aboricultural Officer

6.5 No objections to proposal, although concern raised regarding the level of tree planting. Requested a tree-planting scheme, to reflect the density of development, and/or a financial contribution toward tree planting in nearby parks and highways sites.

6.6 (OFFICER COMMENT: A landscaping condition including details of tree planting has been attached which includes the planting of 315 new trees, and a s106 financial contribution towards public realm improvements has been secured)

LBTH Biodiversity

6.7 The proposed link through to Mudchute Park, which is a Site of Metropolitan Importance for Nature Conservation (SMINC) is acceptable in principle, provided that the Council secure details of the landscaping of that part of the site which shows wildlife of sufficient quality to justify its inclusion in a SMINC, together with the retention of the remaining woodland strip along the southern boundary of the site.

6.8 Lighting might be an issue for foraging bats, both during construction and operation. A condition should ensure that lighting near the southern and eastern perimeter of the site is directed inwards to minimise spillage beyond the site.

6.9 Green roofs on the residential blocks, ideally brownfield-style or other bio-diverse green roofs, should be secured by condition if possible.

6.10 The Ecology Chapter of the Environmental Statement (ES) lists a number of biodiversity enhancements which will be provided on the site as mitigation for the adverse impacts. These include new trees and native hedges and provision of bird and bat boxes. The provision of at least 15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow indicated on the plans, should be secured by condition.

6.11 Trees and scrub within the application site are likely to support nesting birds. A condition should be imposed that clearance of such vegetation should be undertaken between September and February inclusive (i.e. outside the nesting season) or, if this is not possible, vegetation to be cleared should be surveyed for nesting birds by a suitably-qualified ecologist and, if nests are found, the vegetation left undisturbed until the young birds have fledged.

6.12 (OFFICER COMMENT: Conditions have been attached as requested)

LBTH Communities, Localities & Culture

6.13 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The proposed development of 850 units is calculated to result in 1,745 residents and an employee yield of 1559. Accordingly, following review by the Council's Planning Contributions Overview Panel, the following financial contributions are requested:

- Open space: £881,275
- Delivery of Community Facility

6.14 (OFFICER COMMENT: The contribution noted above has been agreed with the applicant, as detailed in section 3 of this report)

LBTH Children, Schools & Families

6.15 The Children, Schools and Families section continue to develop proposals for more school places to respond to increasing need. They will do this by identifying school sites with the potential to expand. In the E14 area they have already identified a proposal to expand Woolmore Primary School. In the longer term the Council will be identifying additional sites for school use through the ongoing LDF process.

6.16 The funding that is received towards additional school places from s106 contributions is pooled and the funding used with other resources to fund the overall programme of providing school places across the borough, contributing to creating a sustainable local community

6.17 The following financial obligations are sought:

- £1,735,110 towards 117 primary school places in the borough
- £1,407,861 towards 63 secondary school places in the borough

6.18 Total contribution request: £3,142,971

6.19 (OFFICER COMMENT: The above financial contributions have been agreed with the applicant, as detailed in section 3 of this report)

LBTH Enterprise & Employment

6.20 No objection, subject to the following obligations:

Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by

businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;

- A financial contribution of £352,081 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. In exceptional circumstances and with the prior agreement of the Council, the developer may deliver their own in-house training programme where appropriate. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

End Phase

- The Council seeks a monetary contribution of £263,435 towards the training and development of unemployed residents in Tower Hamlets to access either:
 - i) jobs within the A1-A4, and B1 uses in the end-phase
 - ii) jobs or training within employment sectors in the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(OFFICER COMMENT: These obligations have been secured, together with confirmation of 40% of end user jobs in the ASDA store to be offered to local people)

LBTH Environmental Health

6.9 Contamination

No objections, subject to a condition to secure a site investigation and remediation.

(OFFICER COMMENT: A contamination and remediation condition has been included within section 3 of this report)

Noise and Vibration

No objection to the proposal, subject to conditions to secure the following:

- Internal noise level for bedrooms and living rooms to meet the "good standard" of BS8233;
- Details of noise insulation between any residential and commercial premises;
- Hours of construction;
- Noise management plan during demolition/construction;
- Details of any mechanical and electrical plant to be used and any associated noise and vibration to be at least 10 dB below the normal background noise at the times required to operate. Guidance can be sought from BS4142;
- Details of any kitchen extraction plant for A1 – A4 use.

(OFFICER COMMENT: Conditions have been attached as requested, as well as conditions to restrict the hours of operation of the commercial units and their associated delivery and servicing times)

Health & Housing

No objections subject to the proposed units satisfying the GLA's London Housing Design Guide.

(OFFICER COMMENT: The Design Code will ensure that the standards of the GLA's Housing Design are adhered to)

LBTH Housing

- 6.10 The scheme proposes 31% affordable housing by habitable rooms across the scheme, through a blended provision of affordable rent, social rent and shared ownership housing.

Overall the housing section is supportive of the proposal.

(OFFICER COMMENT: Matters relating to the proposed housing are discussed in detail within the Material Considerations section of this report)

LBTH Sustainability & Renewable Energy

6.11 Energy

The information provided in the energy strategy is principally in accordance with adopted climate change policies and follows the revised “Energy Hierarchy”. The detailed element of the scheme proposes BREEAM ‘Excellent’ and Code for Sustainable Homes Level 4. However, the energy strategy will need to respond to the emerging Managing Development DPD Policy DM29. The applicant will need to detail how the new targets can be delivered for the relevant phases and subsequent planning applications. An appropriately worded Condition should be applied to ensure a detailed energy strategy and sustainability strategy are submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application.

Sustainability

The sustainability strategy should include the appropriate Code for Sustainable Homes and BREEAM pre-assessments to demonstrate how the development achieves the highest levels of sustainable design and construction and appropriate rating in accordance with the policies at the time of the subsequent submission.

(OFFICER COMMENT: Conditions have been attached as requested)

LBTH Transportation & Highways

- 6.12 The applicants submitted a Transport Assessment as part of their proposals, which was interrogated by the Council’s Highways section. Further information and amendments were requested.

Transport Assessment

LBTH Highways had concerns over the impact of the development proposals on the surrounding highway network. The Transport Assessment that has been produced in support of the planning application concludes that the additional traffic generated by the proposal could be accommodated within the existing highway network, although an upgrade to the junction between Marsh Wall and Lime Harbour would be necessary.

(Officer comment: This upgrade has been secured through the s106 Agreement)

Parking and Highway Capacity

The highways section requested a reduction the level of parking in order to reduce the impact on the local highway network. This was subsequently reduced by 30 spaces from 785 to 755 (604 retail and 151 residential spaces). This reduction is supported by LBTH Highways and together with a Car Parking Management Plan and improvements to the Marsh Wall/Limeharbour junction, the proposal is considered acceptable in parking and highway capacity terms.

London Buses

The scheme proposes the reconfiguration of bus services within the site. London Buses (through TfL) instigated a redesign of the proposed bus layover, and are

supportive of the proposed arrangement. LBTH Highways are also supportive of the proposed layout for buses, which is explained fully within the Transport section of this report.

If planning permission is granted for this hybrid application, there are a number of aspects which will need to be dealt with by future detailed/reserved matter applications (outline phase). These include:

- Detailed design of parking areas, including ramp gradients, head height clearances, etc;
- Detailed design of all site accesses not included within the detailed element of the proposal;
- Detailed design of cycle parking areas;
- Detailed design of refuse and recycling collection;
- Detailed design of servicing areas (including Delivery & Servicing Management Plans);
- Travel Plans;
- Detailed design of highway layout within the site boundary (including relocation of existing cycle hire docking station on East Ferry Road – to be agreed with LBTH and TfL respectively);
- Detailed design of on-street parking layouts.

S106 Obligations

Following review at the Planning Contribution Overview Panel, obligations should be secured towards the following local improvements:

1. Lime harbour/Marsh Wall Junction
2. Car Club

The following non-financial obligations should also be secured:

4. Permit free agreement
5. All highways works to be undertaken by the Council at the applicant's cost

Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- No occupation of Phase 1 of the development until highway improvements for the junction of Marsh Wall/Lime Harbour have been designed in detail, and no occupation of Phase 2 until these works have been completed
- No occupation until interim arrangements for Bus layover implemented
- Section 278 Highways Agreement
- No blocking of footway and carriageway during construction

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested s106 obligations and conditions/informatives have also been recommended, as detailed within section 3 of this report).

LBTH Waste Management

- 6.13 No objections to the servicing strategy proposed, although full details of capacity for refuse and recycling to be secured by condition. Requested feasibility of URS to be considered.

(OFFICER COMMENT: A condition has been attached requiring the submission of full details of the refuse and recycling facilities)

English Heritage (Statutory Consultee)

- 6.14 English Heritage has raised concern with regard to the lack of information submitted with regard to aspects of this application. They note that the development would form an important component of views from Greenwich, rising immediately above the trees of Island Gardens which themselves appear immediately above the distinctive silhouette of the historic buildings of the Old Royal Naval College complex.

In particular, English Heritage raised concern regarding the outline form of the application, noting that *“the Council must satisfy itself that it has the necessary level of information and degree of certainty with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site (including the impact on the London Panorama from Greenwich Park towards Canary Wharf, from assessment point 5A.1)”*

(OFFICER COMMENT: The Heritage impacts of the proposal are discussed in greater detail below, within the material planning considerations section of this report. In summary, it is considered that sufficient detail has been submitted and assessed through the applicant’s Environmental Statement, to allow full consideration of the visual and heritage impacts of the proposal)

Environment Agency (Statutory Consultee)

- 6.15 No objections subject to the following conditions being imposed:
- Development to be carried out in accordance with the submitted Flood Risk Assessment
 - Contamination and verification reports to be approved prior to commencement/occupation
 - No commencement of development until such time as a scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels has been approved
 - No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved
 - No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

Greater London Authority (GLA - Statutory Consultee)

- 6.16 In summary, the GLA advised that the proposal (as original submitted) did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

Principle of development

The principle of a mixed-use development with an enhanced retail offer is acceptable.

The community land uses proposed, along with other retail and commercial uses such as cafes, gym and smaller local shops will create a holistic district centre and will enhance local facilities and services.

Urban design, heritage impacts and access

The overall principles of the scheme considered acceptable, and it is of high design quality. Further information sought regarding tightening of the design code, parameters and phasing.

Housing

Unit mix should be revised to provide an increase in the proportion of family-sized

units, with further information regarding the family units within the affordable element of the scheme. Further information required regarding density calculations.

Climate change mitigation and adaptation

Further details requested regarding regulated savings at each tier of the energy hierarchy.

Child play space

Clarification regarding child yield figures and associated play space requested.

Inclusive design and access

Information regarding key accessible routes through the scheme requested.

Amenity

Information regarding single aspect units requested.

Noise and air quality

The proposal is acceptable in this respect.

Biodiversity

No significant species identified on site however there is opportunity to improve conditions through the use of rooftops – green and brown roofs.

Transport

Further work is required regarding arrangements for buses, the pedestrian/passenger interchange experience, reduction in car parking, cycle hire and legible London schemes.

Community Infrastructure Levy

The applicant will need to include appropriate contributions relating to CIL.

(OFFICER COMMENT: Following these comments from the GLA, the applicant has submitted further clarification details with relation to the design code, density, parameters and phasing, re-designed the bus layover, density calculations and reduced the level of parking. The proposed indicative unit mix is considered acceptable in relation to local planning policy, and it is recommended that a s106 Agreement secure the minimum amount of family units across tenures. The submitted design code provides further detail regarding the quality of accommodation, which is considered acceptable. Further discussion regarding the final details are outlined within section 8 of this report.)

Royal Borough of Greenwich (Statutory Consultee)

6.17 No objections.

London City Airport (Statutory Consultee)

No safeguarding objection, subject to the following conditions:

- Any alterations to the maximum parameter will require a fresh consultation with London City Airport.
- Given the proximity of the development to the airport, all relevant insulation in building fabric including glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested

(OFFICER COMMENT: Conditions are attached relating to noise attenuation as requested)

National Air Traffic Services Ltd (Statutory Consultee)

6.18 No safeguarding objections.

NHS Tower Hamlets PCT (Statutory Consultee)

6.19 Tower Hamlets PCT requested the following contributions based on the proposed mix:

- Total capital planning contribution: £1,190,995
- Total revenue planning contribution: £4,567,020

(OFFICER COMMENT: Only the capital contribution is sought in line with standard practice. In light of the viability constraints of the proposed development, the s106 package has been reviewed by the Council's Planning Contribution and Overview Panel and a contribution of £923,342 has been apportioned. This is further discussed in section 8 of this report, below)

Transport for London (Statutory Consultee)

6.20 Parking

TfL sought a reduction in car parking numbers, in order to ensure that the development minimised its impacts upon the Transport for London Road Network. A parking strategy and variable message signing at the entrance to the car park are also sought.

Cycle parking levels are supported, although the scheme proposes insufficient electrical charging points.

6.21 (OFFICER COMMENT: The number of parking spaces has been reduced, and conditions are attached securing a parking strategy and electrical charging points)

6.22 Trip Generation

The trip generation methodology is accepted.

6.23 London Buses

TfL liaised with the applicant post-submission, in order to re-design the proposed bus stop area in order to ensure it is technically operational and safe.

A financial contribution of £510,000 is sought toward bus network capacity.

6.24 Dockland Light Railway (DLR)

The greatest proportion of trips to/from the District Centre will be undertaken on the DLR. Accordingly, works are necessary to improve the public realm around the station and provide a legible access route. A contribution of £1,350,000 toward these works is therefore sought.

6.25 Cycle Hire Scheme

A financial contribution of £70,000 is sought for the relocation of a cycle hire docking station on East Ferry Road. A contribution is also sought toward the provision of a new cycle hire docking station at Crossharbour DLR station, at a cost of £30,000.

6.26 Legible London

A financial contribution of £22,500 is sought towards the Legible London wayfinding strategy to allow easy navigation of routes within the site and to surrounding centres and public transport nodes.

6.27 Real Time Information Boards

A financial contribution of £40,000 is sought for the relocation of a cycle hire docking station on East Ferry Road.

6.28 Travel Planning

The objectives of the submitted Travel Plan are robust, and monitoring should be secured through a Legal Agreement.

- 6.29 A construction logistics plan should be secured by condition, and the delivery and servicing plan is considered robust.
- 6.30 (OFFICER COMMENT: The applicant has agreed to meet some of the financial contributions initially requested by TfL. TfL have agreed with the negotiated position as outlined within paragraphs 8.349 – 8.353 of this report)

British Broadcasting Corporation – Reception Advice

- 6.31 No comments received.

Commission for Architecture and the Built Environment (CABE – part of the Design Council)

- 6.32 CABE are supportive of the principle of redeveloping the site to form the focal point of a new District Centre for the Isle of Dogs. They note that the distinction between the schemes' urban and parkside character has strength as a concept and has resulted in a logical site plan and approach to the built form and landscape.
- 6.33 However, they are not convinced that that the buildings will achieve the necessary quality of living environment and architecture. The CABE response points out matters which the Council should have regard to in the determination of the application:
- Residential access and flat layouts should be reviewed;
 - Whilst the diagonal pedestrian desire line is supported, a less direct, stepped alignment could have added benefits;
 - The tall building and residential wrapping of the store should be shown in detail;
 - An extended timeline between phases could undermine the quality of the environment created;
 - Welcome definition of a street frontage to East Ferry Road, although consider that more commercial units are needed to create an active frontage;
 - Community square is welcomed, as is the gently rising high street, although success will depend upon animated frontages;
 - Northern section of the high street may have benefitted from a shift towards East Ferry Road;
 - Park square to the south supported, although the application should make it clear how public the pedestrian routes will be beyond this;
 - The outline proposals suggest a calm approach to the massing of the parkside blocks, and a coherent composition overall;
 - Concern raised regarding the quality of accommodation – in particular successful podium blocks, in terms of quality landscaped space, access for residents and services.
 - Eastern residential street supported, however concern regarding the quantum of single aspect units;
 - Insufficient assurances regarding the final design quality (due to outline nature of the proposal);
 - Microclimate at base of buildings a concern, due to lack of detail;
 - Long distance views suggest the proposal would not harm the view from the Greenwich World Heritage Site;
 - Concern regarding phasing and prospect of the District Centre being left unfinished for a number of years. As such, consider that the tall building, supermarket and residential wrapping/above it are considered at detailed application stage.

- 6.34 (OFFICER COMMENT: Matters relating to design are discussed within section 8 of this report. Following a review of the submitted financial viability assessment, officers are satisfied that the proposal is deliverable as set out in the proposed phasing strategy. The number of single aspect units has been considered in the overall context of the proposal, and

is considered acceptable.)

London Fire and Emergency Planning Authority

- 6.35 Private fire hydrants may be required within the site; a fire strategy should be supplied as soon as possible; concern raised regarding access for fire personnel to podium level, and detailed layouts of streets requires careful thought to ensure access.

(OFFICER COMMENT – Pre-commencement conditions attached accordingly)

Thames Water

- 6.36 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following conditions be imposed:

- The development should not be commenced until impact studies of the existing water supply infrastructure have been approved; and
- No impact piling shall take place until a piling method statement has been approved

- 6.37 Thames Water also state that the Environmental Statement has information on aspirations of surface water attenuation and foul flows however requests an informative advising that the drainage strategy for the whole development be submitted to indicate:

- Points of connection to the public sewer.
- Existing foul and surface water flows off site compared against proposed/anticipated volumes of discharge during storm conditions (e.g. 1 in 10, 30 & 100 storm + climate change).

- 6.38 (OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy)

7. LOCAL REPRESENTATION

- 7.1 A total of 5889 neighbouring properties within the area shown on the map appended to this report 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 notification and publicity of the application were as follows:

No of individual responses: 236 Objecting: 132 Supporting: 97 Neither: 7
No of petitions received: 4 (3 in objection, 1 in support)

- 7.2 The following local groups/societies made representations:

- Mudchute Park and Farm (Support)
- Island Health Trust (Object)
- London City Mission (Support)

- 7.3 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:

7.4 In objection

Land Use

- A new District Centre is not needed/There is no demand for more shops
(Officer comment: The Council has identified the need for a new District Centre, which is imbedded in adopted and emerging policy. The submitted retail impact assessment identifies a need for a new retail offer on the Isle of Dogs)

- Viability of existing shops threatened;
(Officer comment: An impact assessment has been carried out in order to ensure that the vitality and viability of nearby shopping centres will not be unduly detrimentally affected)
- Asda is busy at peak times, and this will be worsened;
(Officer comment: The Asda store is proposed to be expanded in order to meet the demand)
- Excessive density;
(Officer comment: The proposed density is in compliance with the London Plan)
- Britannia Pharmacy within the ASDA will be displaced, and there is no re-provision for them;
(Officer comment: Asda will have convenience outlets within the store, and there are opportunities within the other retail uses of the District Centre for a pharmacy)

Design & Heritage

- Loss of views and change in relationship between Mudchute Park and Farm, and Canary Wharf, Christ Church and Greenwich;
(Officer Comment: As discussed within section 8 of this report, the relationship of the proposal with Mudchute Park and Farm, Canary Wharf, Christ Church and view from Greenwich is considered appropriate)
- Development fails to step down from commercial area to the north (Canary Wharf) in accordance with development plan;
(Officer comment: As discussed within section 8 of this report, it is considered by officers that the development steps down appropriately)
- Impact of buildings on enjoyment of Mudchute Park and Farm;
(Officer comment: The impacts upon Mudchute Park and Farm have been considered in the assessment of the application. It is considered that the proposal steps down appropriately to achieve a positive transition between the park and farm, and the new development)
- Scale of development not in keeping with surrounding;
(Officer comment: It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site)
- Over-development – Isle of Dogs already densely populated;
(Officer comment: The density of the site is considered acceptable given the site's PTAL and lack of overdevelopment symptoms)
- Impact upon Greenwich landmarks;
(Officer comment: It is considered that the proposal sits comfortably within the backdrop of the Greenwich World Heritage Site, and other landmarks)

Amenity

- Overshadowing impacts upon Island Health and nearby residential properties;
(Officer comment: Overshadowing impacts to Island Health have been considered by officers, and whilst this building was not assessed within the ES, given that it is a multi-aspect community building, the impacts are not considered unduly detrimental. The Amenity section of this report considers the impacts to residential properties, and concludes that they are acceptable on balance)
- Noise pollution;
(Officer comment: This is discussed within the amenity section of this report, and with appropriate conditions, it is not considered that the proposal would result in unduly

detrimental noise impacts)

- Loss of privacy;

(Officer comment: As discussed within the Amenity section of this report, design mechanisms boundary treatments and appropriate separation distances would ensure that neither existing neighbouring occupiers nor future residents would be unacceptably overlooked)

- Construction impacts – noise, air pollution and associated health risks;

(Officer comment: If planning permission is granted, a construction management plan would be secured in order to ensure that impacts during construction are appropriately controlled)

- Detrimental impact upon enjoyment of Mudchute Park and Farm;

(Officer comment: It is not considered by officers that the proposal would have an unduly detrimental impact upon the enjoyment of Mudchute Park and Farm. The proposal would alter the view from the farm, and overlooking would be improved. This could improve security for users.)

- Provision of certain mainstream retail stores will make area unsafe;

- Increased crime, social, health and wellbeing problems;

(Officer comment: A condition has been attached to secure CCTV and security details, as well as secure by design details)

- Lack of leisure and sporting facilities;

(Officer comment: The proposal includes a community centre and new public open space, and it is considered that there are sufficient leisure and sporting facilities to assist with meeting the needs of new residents)

- Inadequate youth services;

(Officer comment: A new community centre is proposed within the development, although the end user will be determined at a later stage in the development)

- Solar glare impacts from proposed development;

(Officer comment: The element of the proposal submitted for detailed approval does not contain extensive areas of glazing at high levels. The final design of the outline scheme including tower would not be finalised until reserved matters stage, at which point material selection and orientation would be assessed to ensure solar glare was not unduly detrimental)

Housing

- The proposal does not take into account the additional infrastructure required for the increase in housing, such as school provision, recreation, environmental services; health facilities, dentists, and transport provision; An impact study was requested relating to the effect on GP's and schools;

(Officer comment: Officers consider that the s106 package agreed with the applicant appropriately mitigates against the additional demand associated with the proposed development)

- The proposal should deliver 75% affordable housing;

(Officer comment: Policy seeks the maximum reasonable amount of affordable housing, with a target for 35%. The scheme proposes 31% by habitable room, which is the maximum reasonable amount the scheme can deliver)

- There is no demonstrable need for private flats in the locality; There are vacant new build flats within the vicinity of the site;

(Officer comment: The Core Strategy identifies the need to deliver 43,275 new homes from 2010 to 2025 in line with targets set out in the London Plan, and the Cubitt Town 'place' is identified as an area for this be delivered)

- Social housing not proposed;
(Officer comment: 31% affordable housing is proposed, of which 23% is Social Rent, 45% Affordable Rent and 32% Intermediate)

- The proposal should include more larger family properties;
(Officer comment: The housing section has considered the amount of family housing proposed, in that 51% of the rented units within the affordable tenure are family sized, and considers it to be acceptable)

Highways & Transportation

- The proposal would create traffic congestion (during construction and implementation);
- Construction works in the area are impacting upon the state of local roads;
(Officer comment: As discussed within the Transportation section of this report, it is not considered that the proposal would have an unduly detrimental impact upon the safe and free flow of the highway network, subject to conditions and s106 obligations)

- The proposal would result in an increase in parking congestion, with potential overspill parking into Island Health Trust;
(Officer comment: The parking provision on-site at present is under-utilised, and the provision has been increased to accommodate the proposed development. The applicants have agreed to fund the cost of the installation of a barrier arm at Island Health if overspill is an issue, and an assessment of this within 6 months of full operation has been attached via condition)

- DLR, Jubilee Line and buses cannot accommodate additional capacity;
(Officer comment: Subject to financial contributions, TfL are satisfied that the public transport network can accommodate the additional demand)

- Access for Emergency services restricted;
(Officer comment: An engineered solution to emergency access has been proposed. A condition has been imposed requiring a full assessment to approved by the LFEPA)

- Underground car park not accessible to taller vehicles;
(Officer comment: The underground car park has been designed to accommodate large servicing lorries, and engineered to meet the specific needs of larger vehicles to deliver to the site)

- Level of cycle parking spaces is excessive;
(Officer comment: Policies support the promotion of non-car modes of transportation, and the amount of cycle parking is considered appropriate for the proposed development)

- Car-free developments are unsuccessful;
- Too much parking proposed;
- Not enough parking proposed;
(Officer comment: The proposal accommodates a 0.18 residential parking provision. It is important to accommodate vehicles where necessary, however providing too much can have a detrimental impact upon the free-flow of traffic. Car-free developments are considered an appropriate tool for ensuring this)

Other

- The proposal implies that the pedestrian path will extend over land outside of the application boundary (Island Health Land);
(Officer comment: The proposal indicates that a pedestrian path could extend over Island Health Land, however this is indicative only, and does not make a presumption in favour of future development)

- Increased risk of flooding and water pollution;
(Officer comment: The material considerations section of this report assesses flood risk and outlines conditions to ensure appropriate flood mitigation and surface water drainage. Thames Water and the Environment Agency have commented on the application, and support the proposal subject to conditions)
- Cubitt Town Library not the same as Idea Stores – implication that both could be accommodated;
- No provision for an Idea Store – which is needed;
- Provision of Idea Store not supported;
(Officer comment: This scheme does not propose the closure of Cubitt Town Library, nor does it propose the inclusion of an Idea Store. A community space is proposed which could be used by a number of end-users)
- Loss of petrol station – no other station on the Isle of Dogs, and provides the best rate;
(Officer comment: The proposal does not include the re-provision of the existing Asda petrol station. There are no local policies which either restrict the loss of petrol stations, or support provision of them)
- Worsening of Broadband and television connections;
(Officer comment: A condition to secure details of reception feasibility attached)
- The proposal will not attract families, but young professionals;
(Officer comment: As discussed within the Housing section of this report, there is the need within the Borough to cater for a range of unit sizes. The mix proposed is broadly in line with policy, and provides a large number of family sized units)
- Health and safety implications associated with demolition, including petrol station;
(Officer comment: health and safety will be considered in the code for construction practice and construction management plan)
- Isle of Dogs needs small specialist shops, services, nurseries;
(Officer comment: The mix of retail units has been assessed within the submitted retail impact assessment. The s106 Agreement secures an Affordable business unit strategy and marketing strategy to seek to provide affordable workspace. The proposal includes floorspace which could accommodate a nursery)
- Scheme proposes 25/26 storey building, when applicant representatives have indicated maximum of 21/23 storeys;
(Officer comment: The scheme proposes a 23 storey building up to a maximum height of 86.65m AOD, including all associated plant and lift overruns. This is clear within the application documents and agreed description of development)
- Supermarket to be made smaller, and will be more expensive;
(Officer comment: The supermarket is expanding. There is no indication within the submitted documentation that it would be more expensive)
- Carcinogens in the soil – impacts on health;
(Officer comment: Conditions have been attached to ensure appropriate contamination and remediation)

7.5

In Support

- The proposal would create jobs;
- The proposal would result in aesthetic improvements and regeneration;
- Additional housing supported;
- New facilities and retail space supported;

- Improvements to local public transport;
- Additional affordable housing;
- Improved trade for existing businesses;
- More public open space and community amenity.

7.6 Mudchute Park and Farm

The trustees of Mudchute Association support the proposal, noting that they have had dialogue with the developer, resulting in the redesign of the scheme which went some way to mitigating the impacts of views from the public space. Their support is subject to a lease agreement with the Association (or the Council as Landowner), of £35,000 per annum in perpetuity, until one day prior to the expiry of that lease.

Whilst the Agreement of the terms of this lease agreement can be secured through the s106 Legal Agreement, this would sit outside of the planning Heads of Terms, and Members should be aware that this Agreement is not considered necessary to grant Planning Permission.

The Association also has an interest in the flexible D1/D2 space proposed within the development and have agreed with the developer that they would get first right of refusal on some of this space if planning permission is granted.

7.7 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application:

- Only representations from those living on East Ferry Road, Glengall Grove, Friars Mead should be given weight (with relation to petition in favour of the development);
- When the site was sold to ASDA it was on the basis that only low-rise buildings could be built;
- Everyone on the Isle of Dogs should have been consulted;
- Loss in value of properties;
- There are other sites which could be redeveloped;
- Misleading photos within the submission;
- The proposal is to facilitate Council Tax payments;
- Proposal does not include relocation of Island Health
(Officer comment: Island Health is not being relocated or demolished. It remains in its existing location)
- The proposal would block views to Greenwich from properties at 122 East Ferry Road
(Officer comment: The loss of an unprotected view is not considered to be a material planning consideration)

8. **MATERIAL PLANNING CONSIDERATIONS**

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

- Principle of Development and Land Uses
- Density
- Transport, Connectivity & Accessibility
- Design
- Heritage & Conservation
- Housing
- Amenity
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health

- Biodiversity
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

Principle of Development and Land Uses

- 8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.4 At the local level, the Council’s Retail and Leisure Capacity Study 2009 undertook a survey of residents in the Borough to determine the current shopping patterns and to act as a base for predicting future needs. According to this study, aside from the high end offer available at Canary Wharf, the bulk of comparison expenditure by residents takes place outside of the Borough. Notwithstanding the comparison goods on offer within the ASDA store, there remains a distinct lack of value comparison offer on the Isle of Dogs.
- 8.5 This study fed into the Council’s Core Strategy 2010, within which Cubitt Town is identified as an area where there will be residential growth, supported by a revitalised and expanded Crossharbour Town Centre. CS policy SP01(4) identifies Crossharbour as a key project in the delivery of additional comparison and convenience retail floorspace in the Borough. Core Strategy Annexe 9 “Delivering Placemaking” sets out the vision for Crossharbour, as depicted by figure 2 below.

8.6

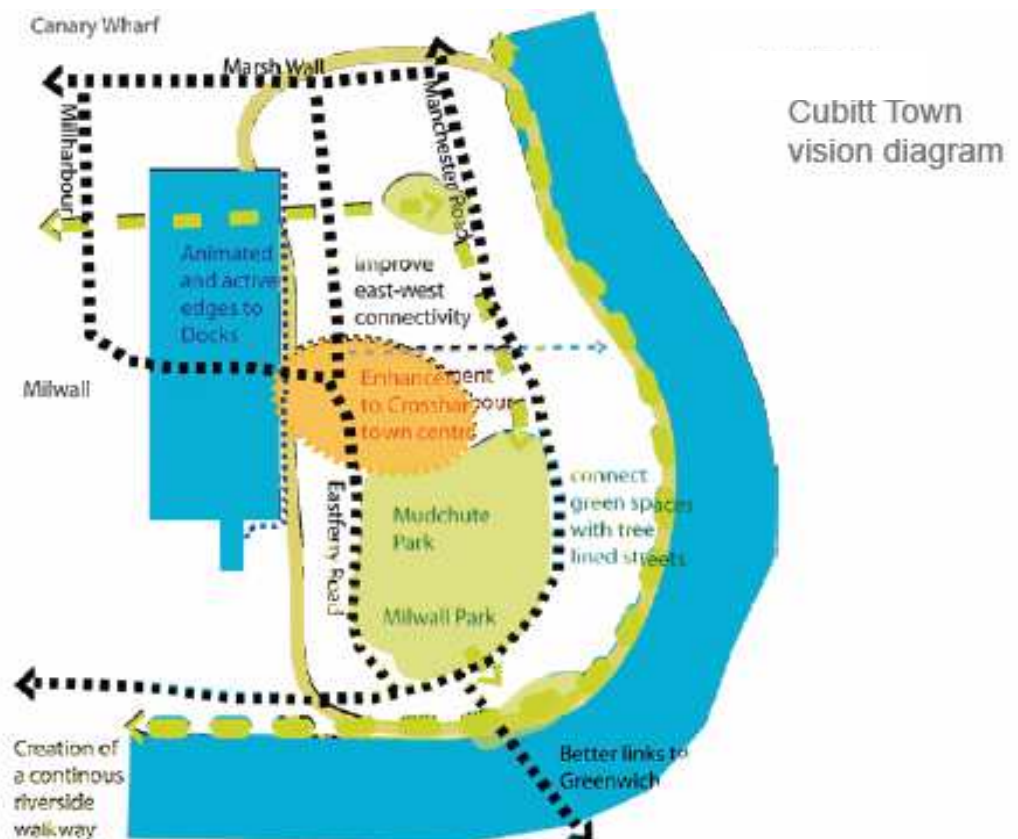


Figure 3: Cubitt Town Vision diagram (Source: LBTH Core Strategy 2010, figure 2)

- 8.7 The Vision provides guiding principles including:
- New development focussed in the north of Cubitt Town;
 - Housing types suitable for families promoted south of Cubitt Town and around Millwall Park;
 - New public square framed by active retail and leisure uses at Crossharbour Town Centre to animate the area;
 - Development should protect the setting of Mudchute and Millwall Park and protect general views from these parks towards Canary Wharf,
 - Development should provide a transition between higher rise commercial area to the north and low-rise residential to the south and east.
- 8.8 The site allocation for Crossharbour Town Centre as detailed within the emerging MD DPD supports the Core Strategy's Vision of a comprehensive mixed-use development. In particular, the site allocation requires:
- District centre on a new public square;
 - Housing;
 - Community Centre;
 - Retail floorspace;
 - Other town centre compatible uses.
- 8.9 The principle of the delivery of a retail-led mixed-use development is therefore supported at strategic and local level. With regard to the Core Strategy's vision for Cubitt Town, the proposed hybrid planning application provides for a new District Centre with additional comparison and convenience retail floorspace, up to 850 residential units as well as community floorspace. The new retail space will be located on a new high street, and surrounding a public square, and the proposal includes a new route into Mudchute Park together with a re-provided transport interchange for buses.
- 8.10 With particular regard to the proposed provision of up to 28,845sq.m of retail floorspace (Use Classes A1-A4) including an expanded ASDA superstore (14,114sqm), the applicant has submitted a Retail Capacity and Impact Study in support of the planning application.
- 8.11 The submitted Study considered the impact of the proposal on surrounding retail centres, these being:
- Major Centre
- Canary Wharf
- Neighbourhood Centres
- Quarterdeck
 - Manchester Road
 - Westferry
- Local shopping provision outside of Neighbourhood Centres on the Isle of Dogs
- Pepper Street
 - Castalia Square
 - Amsterdam Road
 - Claude Street
 - East Ferry Road
 - Samuda Estate
- 8.12 From the submitted study, it is evident that the convenience stores in nearby centres and parades have been trading alongside the existing ASDA store for many years. As the bulk of additional retail floorspace proposed is for comparison goods (non-food retail), the important day to day role of convenience stores is expected to remain unchanged.

- 8.13 The fact that there remains such high leakage of comparison spend outside of the Borough, indicates that higher order centres such as Canary Wharf do not address many of the comparison goods needs of local residents. The comparison floorspace proposed is intended to deliver a 'value' offer for residents.
- 8.14 This study submitted accordingly concludes that there is capacity in the market to accommodate the uplift in retail floorspace, and the proposal will not unduly detrimentally affect the vitality of existing centres, including local centres and shopping parades. This is on the basis that there is a site-specific need for additional retail floorspace on the Isle of Dogs, to serve both existing and future residents of the island.
- 8.15 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes a new public square and link through to Mudchute Park, and a new community centre. The proposed community use is therefore considered to accord with policy SP03, which encourages provision of "high quality social and community facilities".

Petrol Filling Station

- 8.16 A significant number of the letters of representation received from residents raised concern over the loss of the petrol filling station.
- 8.17 Whilst there are no local or national policies which either protect or promote petrol stations, officers requested that the applicant investigate whether it would be feasible to re-provide a petrol filling station as part of the current proposals. The applicants subsequently carried out an options appraisal to determine the feasibility and deliverability of a petrol filling station on site.
- 8.18 The only reasonable site for a new petrol filling station was identified along the northern access road, beneath the residential element of Block C, although the Council's Highways section advised that it is unlikely that a petrol tanker would be able to service the facility. Other sites would not have been feasible in terms of health and safety, and would have seriously impacted upon the regenerative potential of the site.
- 8.19 Furthermore, it is clear that providing a petrol filling station within the scheme would have an impact upon the values of the residential properties located in the vicinity of the station. The viability information in this respect was interrogated on the Council's behalf, and it was agreed that the inclusion of a petrol filling station within the scheme would have a substantial impact upon the affordable housing provision delivered, reducing it by approximately 14%.
- 8.20 An additional consideration is the fact that the applicants could close down the petrol filling station at any time, and would not require planning permission to demolish it.
- 8.21 For those travelling off the Island, whether heading east, west or north, there are existing petrol stations located within the Borough, on the logical routes off the Island. If heading East, there is an ESSO by the Lower Lea Crossing; heading North there is a Texaco near All Saints DLR station, and another on Burdett Road; and heading West on The Highway are a BP and another Texaco.
- 8.22 There is no policy basis to require the retention of a petrol station within the site, and the inclusion of a new petrol station would have significant implications upon the ability to deliver affordable housing within the Borough, and to realise the full regenerative potential of the site.
- 8.23 It is considered that the proposal will deliver a new high quality District Centre for the Isle of Dogs, with improved accessibility, community facilities, retail shops, public open space and housing, and accordingly the broad principles of the proposal are therefore in accordance with the London Plan, Core Strategy and MD DPD.

Density

- 8.24 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4.
- 8.26 In terms of density characteristics, the GLA's stage 1 refers to the site as having a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 606 habitable rooms per hectare, thus complying with the guidance within Table 3.2.
- 8.27 The scheme incorporates new pedestrian routes through the application site, as well as s106 obligations towards public realm and connectivity and improvements towards the Lime Harbour/Marsh Wall intersection.
- 8.28 The development does not present any symptoms of overdevelopment nor have any significantly adverse impacts on the amenity of existing and future residential occupiers as discussed further on within this report. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Transport, Connectivity and Accessibility

- 8.29 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.30 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.31 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site sits to the east of East Ferry Road. Crossharbour DLR station is located across East Ferry Road immediately to the north-west of the subject site. The existing bus interchange within the site serves 4 bus routes. The D3, D6, D8 and 135 connect with Canary Wharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

Highways

- 8.32 The application proposes two entrances to the subject site – the main vehicular entrance is along the southern boundary of the site, providing access to underground car park and bus waiting area. The second vehicular access is via the existing dropped curb to the north of the site which provides current access for visitors to ASDA and Island Health. This entrance is proposed to be used by servicing vehicles and a lesser number of private vehicles associated with residential units which are proposed to wrap around the relocated ASDA

supermarket.

Servicing and Deliveries

- 8.33 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 8.34 The supermarket and larger non-food retail units will be serviced from the main site access, situated at the southern end of the site. Servicing for the ASDA store would comprise the following:
- 5 fresh deliveries between 22:00 and 08:00
 - 3 ambient deliveries between 08:00 and 14:00
 - 2 ambient deliveries between 14:00 and 21:00
 - 2 chill/frozen deliveries between 12:00 and 21:00
 - 1 George (clothing) delivery around 08:00 (6 per week)
 - 3 direct deliveries (bread/milk, etc) usually AM
- 8.35 The proposed non-food retail is expected to generate 7 service vehicle movements two-way daily. Additional servicing access is proposed for the other uses from the secondary vehicular route at the north of the site.
- 8.36 Servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the detailed scheme and further phases.

Waste, Refuse & Recycling

- 8.37 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of both the detailed scheme and further phases.
- 8.38 Notwithstanding the above, the indicative scheme shows that within the southern residential blocks, residents have access to communal refuse chutes on each floor which direct refuse to storage points at ground and podium levels. The inclusion of refuse lifts allows waste to be transferred from podium to ground levels, where refuse vehicles using the southern access road collect the waste.

The northern and eastern residential blocks are situated on driveable streets, hence refuse is collected directly from street level via communal refuse stores.

As the majority of development considered within this proposal is in outline, the submitted Design Code sets out the principles to guide future reserved matters applications.

Car Parking

- 8.39 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.40 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels for the Isle of Dogs. These levels are 0 parking for units of less than 3 bedrooms, and 0.1 for 3 bedrooms plus.
- 8.41 The site currently has 600 parking spaces associated with the existing supermarket use.

- 8.42 The scheme proposes a maximum of 755 car parking spaces within a basement and at surface level. 604 of these spaces are allocated for retail (556 standard spaces, 28 disabled and 20 parent & child), and 151 for residential use (126 standard, 25 disabled). 21 of these spaces are allocated for affordable housing units. The overall parking provision reflects a ratio of 0.18 spaces per residential unit.
- 8.43 The residential parking is in accordance with LBTH IPG Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit. However is in excess of the MD DPD Planning Standard 1 which allows for 0.1 spaces per family unit (3 bed plus), and no parking for smaller units.
- 8.44 The proposed commercial/retail parking is to serve the existing ASDA supermarket as well as the wider District Centre. The proposal sees an uplift of 4 spaces beyond the existing arrangement on site, which is vastly under-utilised at present. IPG and MD DPD policies seek zero parking for retail uses.
- 8.45 The applicant has submitted a Transport Assessment which considers the impact of the development upon the highway network. This assessment was based upon the initial proposal which included a total of 785 parking spaces, with the results indicating that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years. The proposed development would result in a small impact in the PM peak on Aspen Way (East) and Preston's Road, which would experience a change of +1% and +2% respectively. In addition, the results suggest that the development would result in the need for remodelling to the junction of Lime Harbour and Marsh Wall.
- 8.46 Considering the above, the Borough's Highways department support the proposed parking levels, subject to remodelling of the Lime Harbour/Marsh Wall Junction and East Ferry Road adjacent to the site.
- 8.47 Accordingly, and as supported by LBTH Highways, the applicant has agreed to fund remodelling work to the Lime Harbour/Marsh Wall junction as well as works to East Ferry Road which include a new raised table and pedestrian crossing as part of s278 highways works. Highways have also requested that an on street parking permit-free agreement be secured through the S106 restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme).
- 8.48 In addition to the above, further measures to discourage car use in this development proposal include 1255 cycle parking spaces, 2 car club spaces together membership for residents for a three year period, improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements beyond the site boundary.
- 8.49 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed District Centre, whilst ensuring the free flow of traffic on the surrounding highway network.

Provision for Cyclists

- 8.50 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 1,255 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan policy 6.13. Provision is proposed to be within a mixture of basement, courtyard and secure communal areas. Furthermore, the provision of Sheffield stand visitor spaces within the public square is welcomed. Full details of the cycle parking are secured via condition for each phase.

- 8.51 Opposite the application site on East Ferry Road lies a 17-point Cycle Hire docking station. The scheme proposes a reconfigured bus layout, resulting in the need to relocate this station within the site boundary. This is at a cost of £70,000 – a sum which is requested by TfL, and agreed by the applicant as a development cost, and would be secured as such within a s106 Legal Agreement.

Public Transport Improvements

- 8.52 CS policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.

Buses

- 8.53 Four bus services terminate at the site (D3, D6, D8 and 135). To enable the development of the site as a District Centre, a reconfiguration of these facilities is proposed. This involves the creation of a layby on East Ferry Road and a bus layover within the service access area along the site's southern boundary.
- 8.54 Throughout the application process the applicant has worked with London Buses and the Borough's Highways section to redesign the proposed interchange. The final iteration of the bus stop has the support of TfL, allowing the D routes to drop off and pick up within the subject site. The 135 will drop off and pick up just south of the District Centre.
- 8.55 A stage 1 road safety audit has been carried out on the revised design, and several recommendations were made regarding the layout, which have been incorporated into the detailed design.
- 8.56 TfL have confirmed that they are satisfied that the proposed arrangements can operate safely, and do not raise objection to the proposed approach for buses.
- 8.57 TfL have requested a financial contribution of £510,000 towards London Buses. Currently routes 135, D3 and D7 all have high loadings, particularly in the AM peak northbound, and it is expected that bus trips generated from the proposal would increase bus loadings. Upon receipt of the funds, TfL would agree with the Borough on the nature of the improvements once the funds are forthcoming, but have advised that these would be within the Isle of Dogs area.

Docklands Light Railway

- 8.58 TfL considers that it is likely that most trips to the District Centre via the DLR will be made from Crossharbour station. A programme of works has already been identified to improve this station, relating to overall quality, safety and ease of access and egress. TfL and the applicants have agreed to a financial contribution of £400,000 for improvements to Crossharbour DLR station.

Pedestrian Environment

- 8.59 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities. The proposal incorporates a new diagonal north-south high street route linking East Ferry Road and Mudchute Park. The design code seeks to ensure active retail frontages and residential overlooking to this route, ensuring a high level of passive surveillance.
- 8.60 The design code seeks to secure high quality public realm within the site, with high quality materials, the use of natural stone paving, high quality integrated lighting and timber street furniture. The applicants have also agreed to a financial contribution of £873,903 towards

public realm/open space improvements within the vicinity of the site. It is expected that this will contribute towards:

- Improvements within Mudchute Park including the refurbishment and maintenance of existing routes;
- 'Legible London' directional signage is also proposed to assist the pedestrian environment and general wayfinding.

8.61 In addition, remodelling works to East Ferry Road through the introduction of a raised table and new pedestrian crossing via a s278 highways agreement would further serve to improve the pedestrian experience along East Ferry Road.

8.62 Conditions are recommended seeking full details of the improvement works to be delivered as a result of the above agreed financial obligations towards public realm improvements.

Inclusive Access

8.63 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the CS and Policy DM23 of the MD DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

8.64 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

8.65 The submitted design and access statement details that the scheme is fully inclusive, with access to amenity areas and public transport via integrated pedestrian routes rather than through segregated accessible circulation. The new pedestrian route through to Mudchute Park is fully accessible to all with DDA compliant ramped approach.

8.66 The principles of inclusive design are enshrined within design code, ensuring that the development adheres to inclusive access design policy.

Other

8.67 A contribution of £40,000 has been secured for the provision of real-time information which supports DLR' within the vicinity of the subject site.

Design

8.68 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

8.69 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. In 2010 CABE released a guidance document for supermarket-led regeneration (Supermarket-led Development: Asset or Liability), which sets out principles of good supermarket-led design.

8.70 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimising the potential of the site.

8.71 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are

sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. CS policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

8.72 The planning application is in hybrid form, with phase 1 (84 residential units, retail space, replacement supermarket, basement and relocated bus stop) in detail for determination, and the remainder of the development in outline with all matters reserved. Details of layout and external appearance are therefore reserved until a later date. However, the planning application includes parameter plans, which set a framework within which the layout of buildings and spaces will arrive. A Design Code has also been submitted, which sets out mandatory requirements that reserved matters applications must accord with, as well as promoting further design aspirations. The application is supported by a Design and Access Statement, which includes an indicative masterplan, illustrating how the scheme parameters may be interpreted. The indicative layout is shown below.



Figure 4: the indicative masterplan

8.73 The proposal incorporates three development zones, which are subdivided further into building parcels. The development zones are shown below.

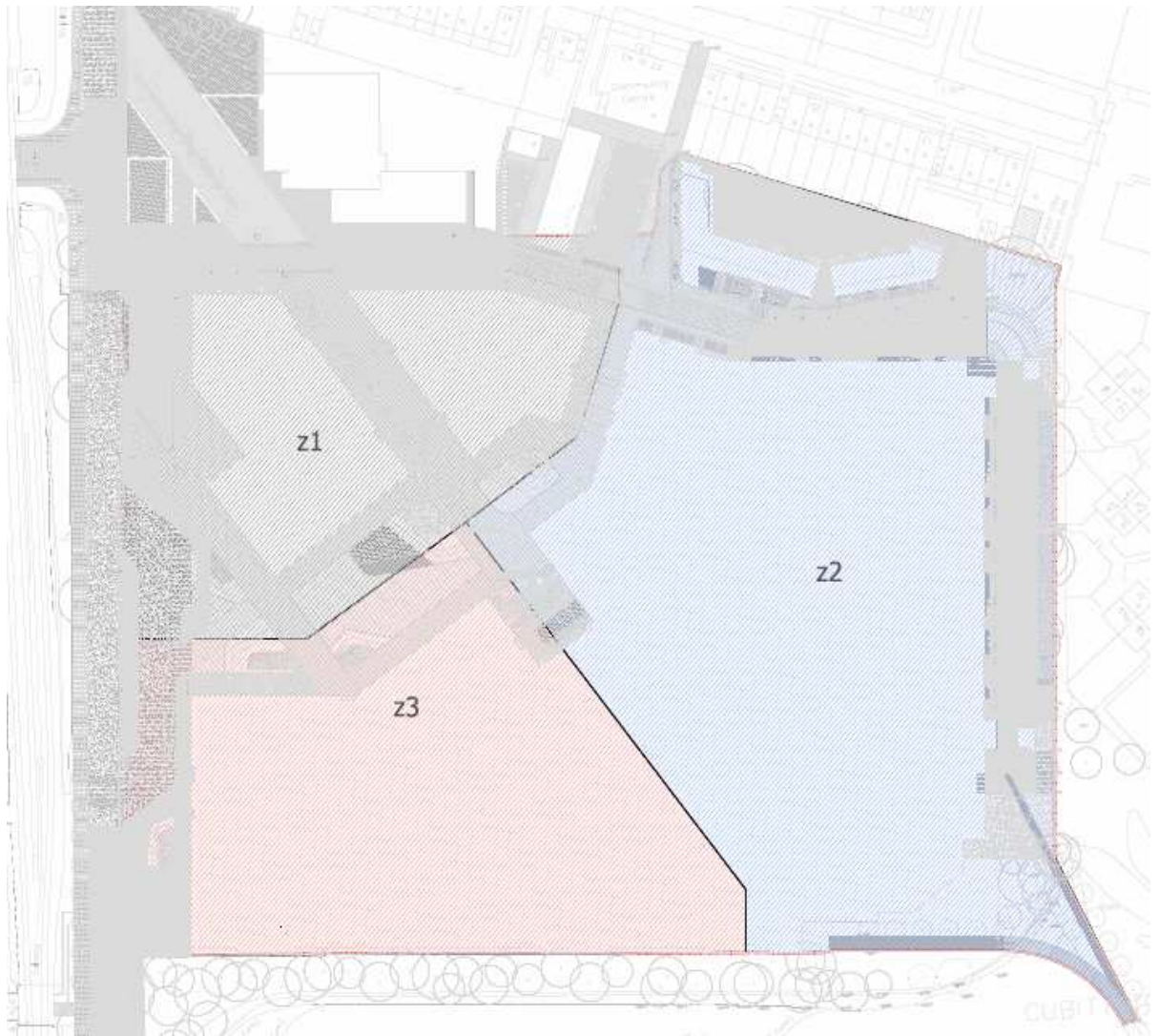


Figure 5: The development zones

- 8.74 The proposal is split into three Development Zones, although the delivery of the proposal will come forward in accordance with the Phasing strategy outlined in paragraphs 8.355 – 8.363 of this report, which would be secured within a s106 Legal Agreement. Development can arrive subject to the rules in the Design Code and on submitted parameter plans. The development zones are as follows:
- 8.75 Zone 1: Blocks A, B and C, including flexible retail space, community space, residential units, public open space and routes through the site.
- 8.76 Zone 2: Blocks D, E, F, G, K and L including new supermarket, flexible retail space, residential units, public open space, bus stops, basement and route through to Mudchute Park.
- 8.77 Zone 3: Blocks H, I and J including new flexible retail space, residential units, public open space, basement and bus stops.
- 8.78 Within the overall outline boundary sits the detailed application. The detailed part of the application is spread across basement, ground level and residential Block G which sits above the relocated supermarket, and comprises 84 residential units.



Figure 6: Ground Floor Plan - Detail

- 8.79 The ground floor plan above illustrates those elements being proposed in detail at ground level, which include the relocated superstore, flexible retail space, bus layover and servicing area, together with access to basement parking and new public square.
- 8.80 The two following plans set out the detailed layouts at 'transition' level and 'podium' level.
- 8.81 At 'transition' level it can be seen that the diagonal pedestrian route through to Mudchute Park is also secured in detail, together with the new pedestrian bridge.
- 8.82 At 'podium' level Block G above the supermarket together with associated amenity space for residents is also secured.

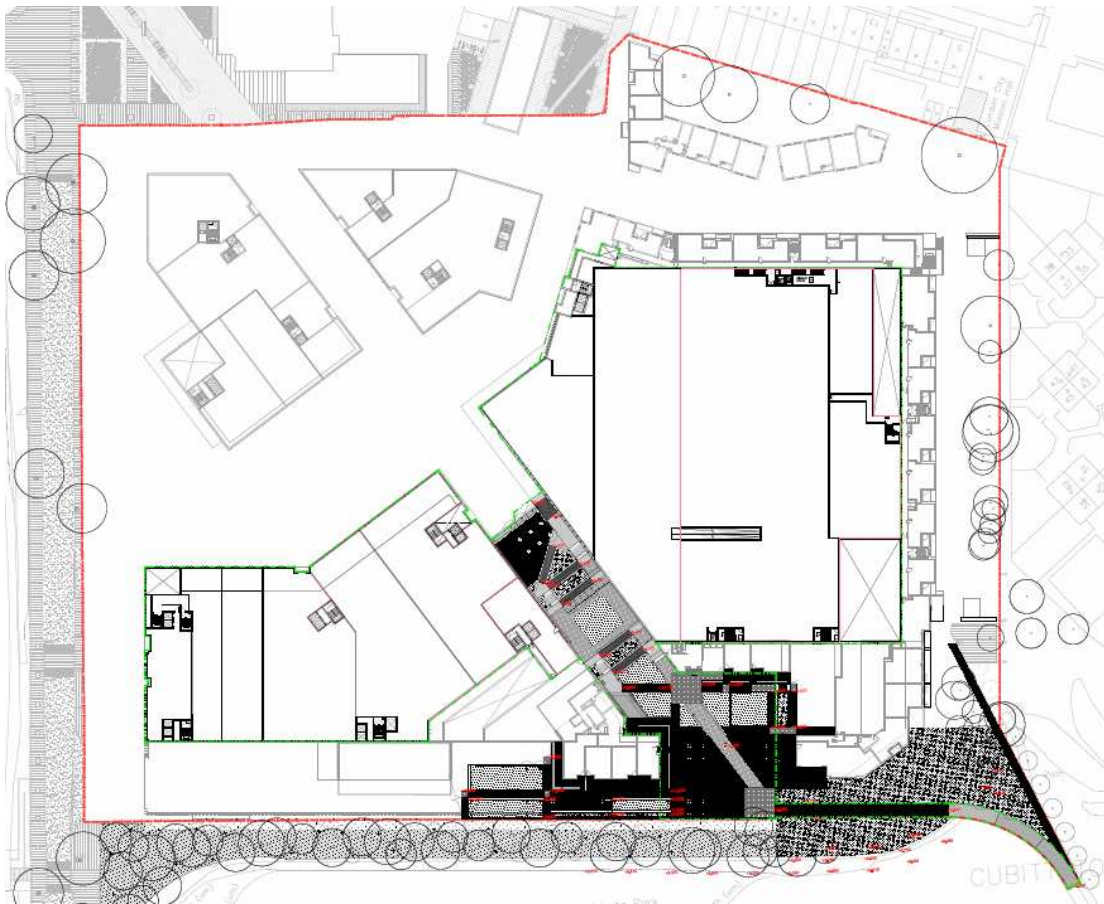


Figure 7: Transition Level Plan - Detail



Figure 8: Podium Level Plan - Detail

8.83 The proposal covers an area of 4.5 hectares, and proposes development within Blocks

labelled A to L, as shown on the indicative masterplan.

Development Zone 1 (Northern Area, Blocks A, B and C)

- 8.84 Development Zone 1 is located to the north-east of the site, to the south of Island Health and east of East Ferry Road. A new square is the focus for community and civic activities as it is surrounded and defined by Block's A, B and C to the north. This zone contains the northern part of the diagonal high street.



Figure 9: Blocks A, B and C – Zone 1

- 8.85 Block A is the tallest building within the proposal, with a rectangular floorplate up to a maximum height of 86.65m AOD, or 23 storeys as shown on the indicative scheme. This block contains flexible retail space at ground and first, with residential above, and is linked with Block B by a 2 storey podium level which has amenity space on its roof.
- 8.86 Block B is proposed to a maximum of 37.65m AOD, and is shown on the indicative scheme as approximately 7 storeys as shown on the indicative scheme, and also contains flexible retail space at lower levels with residential above.
- 8.87 Block C is proposed to a maximum height of 34.65m AOD, and is shown on the indicative scheme as approximately 7 storeys. This block contains flexible commercial space at lower levels, the proposed community facility and a shop mobility unit. This block frames the diagonal high street, pedestrian route from Glengall Grove and public open space.

Development Zone 2 (Eastern Area, Blocks D, E, F, G, K and L)

- 8.88 Development Zone 2 is located on the eastern side of the site, adjoining the rear of properties on Glengall Grove, as well as Mudchute Park. This zone contains the southern part of the diagonal high street, new supermarket, residential blocks and public and private

amenity space.



Figure 10: Blocks E, F, G, K and L – Zone 2

8.89 The supermarket sits underneath Blocks E, F, G, K and L.

Block D comprises a linear residential block with houses with front doors onto a northern mews street. This block reaches a maximum height of 18.4m AOD, and shown on the indicative scheme as reaching 4 storeys.

8.90 Block E wraps the supermarket in residential development along its northern and eastern perimeter. Again, front doors are proposed onto the northern and eastern mews streets, and cores provide access to upper-level units. Block E is proposed to a maximum height of 29.1m AOD and is shown on the parameter plans as being 7 storeys, stepping back at upper floors.

8.91 Block F is also a residential block, sitting above the western extent of the supermarket, defining semi-private pedestrian routes at podium level. The maximum height proposed for this building is also 29.1m AOD, with a height of 4 storeys above podium.

8.92 Block G is proposed in detail, providing 84 residential units in a building 35.1m AOD, 6 storeys above podium. This building overlooks the new public square and transition high street as it climbs up to podium level. This block falls within the detailed part of the proposal.

8.93 Block K sits to the south of Block G, providing residential units accessible from the new high street. This block is proposed to a maximum height of 35.01m AOD, shown as 5 storeys above podium in the indicative scheme.

8.94 Finally Block L adjoins the southern extent of Block E at the south-west boundary of the site. This block includes a café at podium level providing views over Mudchute Park, together with residential units to a maximum height of 29.1m AOD, with a height of 4 storeys above podium shown in the indicative scheme.

Development Zone 3 (Western Area – Blocks H, I and J)

- 8.95 The western area is bound by East Ferry Road to the west and Mudchute Park to the south. This zone contains the larger format retail stores within the southern block, main entrance into the basement car park together with bus stand area below podium, public square and rising high street, together with the new bus stop.



Figure 11: Blocks I, H and J – Zone 3

- 8.96 The new public square is proposed to be defined on its southern edge by larger retail format stores, with residential development above. Between the blocks semi-private communal space is proposed.
- 8.97 Block I is situated on the western boundary of the site, proposed to a maximum height of 40.65m AOD at its northern end, and stepping down to a maximum of 28.65m AOD at its southern end adjoining Mudchute Park (4 – 8 storeys above podium in indicative scheme). This is represented as 4 – 8 storeys above podium within the indicative scheme. It is proposed as a residential block accessible from both East Ferry Road and the central courtyard area.
- 8.98 Block H is arranged in a U-shape above the larger format retail which faces onto the public square. The eastern wing which aligns the rising high street is proposed to a maximum height of 37.65m AOD, stepping down to 25.65m at its southern extent where it becomes Block J. Adjoining the public square maximum heights vary between 31.65m and 43.65m AOD (7 – 9 storeys above podium in indicative scheme), and stepping down to 28.65m (3 storeys above podium in indicative scheme) at the southern tip of the western wing.

This zone provides areas of semi-private amenity space between blocks, meeting Mudchute Park at a similar level allowing for landscaping and views over the park.

Assessment

- 8.99 Whilst the majority of the application is in outline form, it is considered that the overall design strategy (secured via requirements in the Design Code) and proposed layout parameters and development specification carefully balances all of the site constraints and opportunities and provides an acceptable option for the redevelopment of the subject site to secure the delivery of a new District Centre.
- 8.100 The general bulk, scale and mass of the building blocks proposed are considered acceptable as the overall massing steps down from the taller buildings to the north (Canary Wharf), following an established pattern of development set by developments such as Baltimore Wharf and Kelson House as one moves south down the Isle of Dogs. The tallest element of the proposal is situated at the north-western corner of the site, providing a marker for the District Centre and assisting with wayfinding, with scale stepping down toward the lower scale developments to the east of the site at Friars Mead, and north of the site along Glengall Grove. The distribution of heights is considered to be appropriate and conducive to successful placemaking.
- 8.101 The overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site, providing step-free access through to Mudchute Park. The location of pedestrian routes, open spaces and play space is considered to be acceptable, as the building layout ensures that they will be well surveillanced and legible.
- 8.102 It is considered that the location of retail frontages aligning the new high street and public square will create activity, and a new hub is appropriate and in accordance with CS and MD DPD policies, which seek the delivery of a new District Centre at Crossharbour.
- 8.103 Whilst the majority of the application is in outline, the visual appearance of the buildings and the overall palette of materials outlined in the Design Statement and Design Code are considered to be sympathetic to the site's context within a protected view, introducing elements of brick, glass, timber, render and pre-cast concrete. It will be for the reserved matters stage to confirm the quality of this detail and suitable conditions are recommended.
- 8.104 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the Crossharbour area. The proposal appears sensitive to the character of their surroundings in terms of overall layout, bulk, scale and use of materials. However the detailed reserved matters will confirm this further.

Detailed

- 8.105 The detailed element of the scheme includes the larger retail format stores and bus layover/servicing area within development zone 3, the supermarket and residential block G within development zone 2, and areas of public open space including the new square and rising high street to podium level with new pedestrian bridge access to Mudchute Park, and new bus stop.
- 8.106 Block G is constructed of pre-cast concrete on its elevation which faces the public square, along with all other blocks with this orientation within the outline scheme. At podium level the internal courtyard areas have a softer, more natural palette, introducing a mix of brick and timber, giving the podium level a more residential feel for future residents.
- 8.107 The elevational detail is simple yet strong, with deep window reveals and a mixture of projecting and inset balconies serving to break up the façade and provide interest.
- 8.108 The proposed supermarket and retail stores are more contemporary in design, with double height glazed shopfronts. Residential entrances are expressed through recesses in the

façade.

- 8.109 The detailed elements of the scheme are able to be delivered as the first phase of development, providing a mix of retail and residential uses, with appropriate areas of open space and communal amenity to serve the new population.
- 8.110 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

Building Heights and Tall Buildings

- 8.111 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.112 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life. Tall buildings can be included as part of outline planning applications however the CABI / EH guidance notes that "outline planning applications for tall buildings will need to include a comprehensive assessment of the site context and a visual impact assessment based on maximum and minimum scale parameters as part of the EIA".
- 8.113 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The policy also states that development will need to provide a transition between taller buildings in Canary Wharf and the lower heights of the surrounding areas.
- 8.114 The proposed development provides a transition in scale between the high rise office buildings of Canary Wharf, and residential scale of the area around Crossharbour. Of particular note is an extant consent for a 43 storey tower on the former London Arena site, now known as 'Baltimore Wharf'. This development sits north-west of the subject site, providing a marker by which to signalise a reduction in scale from Canary Wharf to the proposed scheme. Figure 12 provides a western view of the Isle of Dogs, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building within the north-west corner of the site is considered acceptable in principle.

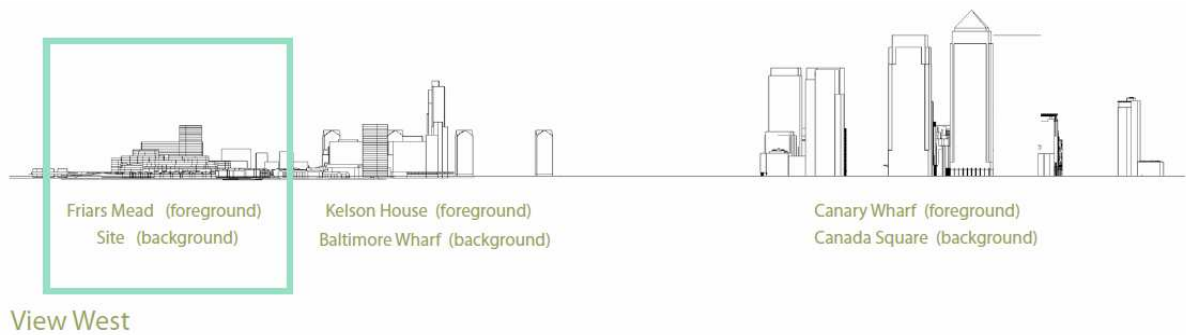


Figure 12 – Western view of key buildings, Isle of Dogs

- 8.115 The taller buildings have a higher proportion of private for sale accommodation and smaller unit sizes, hence Development Zones 1 and 3 have the majority of private residential accommodation, and Development Zone 2 has a higher proportion of affordable accommodation. The scale of buildings reduces towards the eastern and southern boundaries towards Glengall Grove, Friars Mead and Mudchute Park.
- 8.116 As detailed above, the application proposes a tall building at the northwest corner of the site within Development Zone 1. English Heritage has raised concern regarding the principle of a tall building of up to 23 storeys in outline form, given it is situated within an LVMF viewpoint, and suggested that the maximum parameters should be shown from this viewpoint. This is discussed below.
- 8.117 Submitted parameter plans set out allowable massing envelopes, defined in terms of the maximum and minimum, for each block. These must be adhered to in conjunction with the massing principles set out within the design code. These set rules on how the mass within the parameters should be designed and sets build-to lines, maximum heights in set locations, maximum and minimum storey differences between buildings as well as locations where steps and offsets must take place. Through applying the design codes, the maximum parameter can be sculpted to result in an almost infinite number of options totalling the maximum development area set within the planning application. Consequently assessing the maximum model would represent an undeliverable massing. The indicative scheme has been tested to provide a representative example of how the design codes can be applied to the parameter plans, and visualisations of the indicative scheme have been produced from various locations.
- 8.118 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which, following consideration, indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

The Design Code

- 8.119 To ensure the principles identified above are delivered through the detailed design of each phase of the development, a Design Code has been developed by the applicant in consultation with officers. The design code provides the design approach to be taken with each development zone and the various individual blocks within.
- 8.120 The Design Code sets principles regarding massing, design, access, public realm and open space, amenity space, residential layouts and relationships through the use of 'codes' which must be adhered to, 'advisories' for guidance, and 'illustrative' diagrams.
- 8.121 This Design Code is a fundamental instrument in establishing the design principles for outline proposals, and ensures that the reserved matters applications will deliver a high quality scheme.

Heritage & Conservation

- 8.122 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.123 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved policies DEV1 and DEV34 of the UDP, policies DEV2, CON1 and CON2 of the IPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.124 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Strategic Views

- 8.125 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect. English Heritage suggested that the Borough satisfy itself with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site.
- 8.126 A view from assessment point 5A.1 was submitted with the proposal, and viewed in detail by officers of the Council and English Heritage. From this viewpoint the development is difficult to identify. The taller elements of the development would be visible, however they blend in with the existing cluster of tall buildings within the area. The distinctive pyramidal peak of One Canada Square remains.

Local Views and Impacts

- 8.127 Views surrounding the site have been considered and assessed, although there are no protected local views.

Glengall Grove

- 8.128 Properties that back onto the site along Glengall Grove would have clear views of the proposed development, visible above the island Health Centre. For other properties along Glengall Grove and in its vicinity the majority of built form within the site would be screened although taller elements would be visible above existing properties.

East Ferry Road

- 8.129 The completed development would create a landmark building within the streetscene of East Ferry Road, creating an edge to the road and a more vibrant streetscene. Long views of East Ferry Road are screened by intervening built form, and from Mudchute DLR station only the tall building is visible.

Friars Mead

- 8.130 The middle and upper storeys of the completed development would be visible from Friars Mead. The setback of tower elements from the eastern boundary would minimise views of the proposal in close proximity so that taller elements would not dominate properties on Friars Mead and the general composition of views would remain. However, it is noted that

due to the suburban feel of Friars Mead the views of the completed development would alter the largely open and vegetated skyline, bringing the 'the City' closer to views from this area.

Millwall Dock

- 8.131 Block A and taller elements of the proposal would be visible from views across Millwall Dock, which would be seen above the built form and eastern boundary of vegetation which surrounds the dock.

Mudchute Park and Millwall Park (Metropolitan Open Land -MOL)

- 8.132 Policy 7.17 of the London Plan (2011) affords the strongest protection to London's MOL. The loss of MOL is not supported, although appropriate development can include small scale structures to support outdoor open space uses and minimise any adverse impacts on the openness of MOL. Policy SP04 of the Council's Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss, and improve access to MOL in the Borough, with specific mention to Mudchute Park and Millwall Park.
- 8.133 The proposed development including the proposed tower, would be visible from within Metropolitan Open Land (MOL) immediately to the south of the site.
- 8.134 The design of the proposal seeks to respond sensitively to Mudchute Park, hence the tall building (Block A) has been set back from the boundary, and there is a distinct step up in mass from Mudchute Park to the tower. Views through to the Canary Wharf cluster would be maintained, albeit in an altered form with the introduction of built form within the foreground.
- 8.135 Nevertheless, whilst the views would be altered, it is considered the sensitive palette of materials and stepping down nature of the mass would serve to provide an appropriate transition to the park level. The development's design is considered to be a sympathetic response to the setting and character of the MOL, given the urban nature of the surroundings, in which existing tall buildings provide an existing backdrop. The creation of a new urban edge on to the MOL of Mudchute Park would be handled appropriately through the proposed scale and appearance, and is therefore the views through to the north are considered acceptable.

Mudchute Farm

- 8.136 Views within Mudchute Farm will remain relatively uninterrupted due to the screening effect of trees.

Christ Church

- 8.137 An objection was raised on the basis of the relationship of the proposal with Christ Church. This church sits to the south east of the development site, and it is not considered that the proposal would have detrimental impacts upon views to or from this heritage asset.
- 8.138 On balance it is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Greenwich Naval College (World Heritage Site), as well as nearby Chapel House and Island Gardens Conservation Areas. Importantly the proposed massing steps away from Mudchute Park, ensuring that the impacts upon this Metropolitan Open Land are not unduly affected.

Archaeology

- 8.139 In accordance with English Heritage's advice, archaeology conditions have been attached.

Housing

- 8.140 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

- 8.141 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.142 The application proposal will deliver up to 850 residential units, 84 of those coming forward as part of the detailed application.

Affordable Housing

- 8.143 As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable room, or 224 units.

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	30	3.53%	191	7.02%
Affordable Rent	108	12.71%	384	14.11%
Affordable Intermediate	86	10.12%	273	10.03%
Total Affordable	224	26.35%	848	31.17%
Market Sale	626	73.65%	1873	68.83%
Total	850	100%	2721	100%

Table 1: The proposed indicative overall tenure mix

- 8.144 The detailed proposal (Phase 1) includes a 62% affordable housing provision by habitable room, or 59.5% by units.

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	0	0.00%	0	0.00%
Affordable Rent	50	59.52%	173	62.23%
Affordable Intermediate	0	0.00%	0	0.00%
Total Affordable	50	59.52%	173	62.23%
Market Sale	34	40.48%	105	37.77%
Total	84	100%	278	100%

Table 2: The proposed detailed tenure mix

- 8.145 The proposed overall delivery of 31% affordable housing by habitable is below the Council's minimum requirement of 35%, however policy allows for the financial viability to be considered in this respect. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing which the scheme can deliver.

Housing Type and Tenure Mix

- 8.146 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.147 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3

and 6 bedrooms.

- 8.148 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new rented homes to be for families.
- 8.149 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.150 Table 3 shows the applicant's indicative outline unit and tenure mix:

	studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	38	223	218	147			626
Intermediate		33	33	12	8		86
Social Rent		0	0	3	18	9	30
Affordable Rent		22	45	41			108
	38	278	296	203	26	9	850

Table 3: Summary of indicative Outline tenure unit mix

- 8.151 Table 4 shows the applicant's detailed unit and tenure mix

	Studio	1 Bed	2 Bed	3 Bed	4 bed	5 bed	TOTAL
Market Sate		13	13	8			34
Intermediate							0
Social Rent							0
Affordable Rent		7	28	15			50
							84

Table 4: Summary of Detailed tenure unit mix

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

Table over Page

	Affordable Housing	Private Housing
	Social Rent/Affordable	Intermediate Market Sale

		Rent								
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	316	22	16%	30%	33	38%	25%	261	42%	50%
2bed	296	45	33%	25%	33	38%	50%	218	35%	30%
3bed	203	44	32%	30%	12	23%	25%	147	23%	20%
4bed	26	18	20%	15%	8			0		
5bed	9	9			0			0		
Total	850	138	100%	100	86	100%	100	626	100%	100

Table 5: Indicative overall unit and tenure mix

8.153 The table below describes the proposed detailed mix in the context of the Borough's preferred dwelling mix:

		Affordable Housing						Private Housing		
		Social Rent/Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	20	7	14%	30%	0	0%	25%	13	38%	50%
2bed	41	28	56%	25%	0	0%	50%	13	38%	30%
3bed	23	15	30%	30%	0	0%	25%	8	24%	20%
4bed	0	0	0%	15%	0			0		
5bed	0	0			0			0		
Total	84	50	100%	100	0	0%	100	34	100%	100

Table 6: Detailed unit and tenure mix

8.154 Within the Affordable Housing tenure, the application proposes social rented, affordable rented and Intermediate housing.

8.155 Social rented housing is defined as: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

8.156 Affordable rented housing is defined as: Rented housing let by registered providers of social

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

- 8.157 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.158 The Council's Housing team are supportive to the provision of affordable housing.
- 8.159 The affordable element is split 68:32 in favour of rented, this is broadly in line with the Council's policy target of 70:30.
- 8.160 The scheme proposes to deliver the one, two and a proportion of the three bed homes at Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The proposed rent levels of £163 for 1 beds, 195 for 2 beds and £234 for three beds are below the POD ceilings for this area and therefore acceptable in terms of affordability. The larger family sized four and five bed homes are proposed at social rents. This blended approach to the rented tenure is supported by officers.
- 8.161 Though there is an under provision of one beds within the rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 52% provision against a 45% target, including 4 and 5 bed homes for social rent.
- 8.162 There is an over provision of one beds and an under provision of two beds within the Intermediate tenure, and the housing section has suggested some of the one beds be converted into two beds so that the provision is closer to the Council's targets. However, given that the proportion of family housing within the rented and private tenures exceeds targets, officers consider the Intermediate mix acceptable.
- 8.163 If planning permission is granted it is recommended that a condition be attached to ensure that a minimum of 10% of units are wheelchair accessible, details of which to be submitted and approved.
- 8.164 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the social rented tenure is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Internal Space Standards

- 8.165 The submitted planning application is in hybrid form. The internal arrangements of the outline elements of the proposal are therefore yet to be designed in detail. However, the applicant is committed to meeting the internal space standards set out within both the Housing Design Guide and London Plan. The accompanying Design Code, requires that detailed reserve matters applications accord with the internal space standards in accordance with the Housing Design Guide and London Plan.
- 8.166 The proposed detailed residential units within Block G (the detailed scheme) are designed to the Housing Design Guide standards and therefore are acceptable in terms of internal space standards.

Private and Communal Amenity Space

- 8.167 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant.
- 8.168 The overall indicative scheme should provide 890sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers 6,155sqm of communal amenity space, which exceeds policy and is therefore considered acceptable.
- 8.169 Within this, the detailed scheme should provide 124sqm of communal amenity space to accord with policy DM4 of the MD DPD. The detailed element delivers approximately 1000sqm of communal amenity area at podium level. This area includes approx 575sqm of defined playspace, meaning that when Phase 1 is delivered, residents will have access to appropriate amenity areas.
- 8.170 The private amenity space of the outline indicative scheme has not been worked up in detail, although indicative floorplans show the use of balconies and terraces to provide private amenity space. Nevertheless, the submitted Design Code requires that the reserved matters applications accord with the private amenity space standards as set out by the London Mayor's Housing Design Guide (2010) and therefore the MD DPD, i.e. a minimum of 5 sq. m for 1-2 person dwellings and an extra 1 sq. m for each additional occupant. The Design Code details that this will largely be provided by a mixture of balconies and roof terraces.
- 8.171 Within the detailed element of the proposed, all residential units within Block G have private amenity space, in the form of terraces or balconies, which is considered acceptable.

Child Play Space

- 8.172 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.173 Using LBTH child yield calculations and based on the overall submitted indicative unit mix, the overall development is anticipated to accommodate 381 children and accordingly the development should provide a minimum of 3,810sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. The submitted public realm strategy details that the development proposes to deliver 2660sq.m of play space, resulting in a shortfall of 1150sqm.
- 8.174 The child yield for the detailed scheme is expected to be 53.7 children, thus the detailed element of the proposal should provide a minimum of 537sqm of child play space. The detailed proposed includes 575sqm of child playspace within a communal amenity area at podium level, thus compliant with policy.
- 8.175 The proposed approach to play overall is to deliver facilities for children aged 0 – 11 on site. The GLA's 'Providing for children and young people's play and informal recreation' SPG (2008) sets out targets for proportions of playspace by age group. This proportional approach to the child yield results in the need for 1489sqm of playspace for children aged 0 – 4, and 1413sqm of playspace for children aged 5 – 10. The scheme delivers 1420sqm of playspace for children aged 0 – 4 and 1240sqm of playspace for children aged 5 – 11. Combined, this delivers 2,660sqm of playspace onsite for children aged 0 – 11, thus meeting the policy for children aged under 11.

- 8.176 Nevertheless, there is an obvious shortfall in provision for children aged 12 and over, where the scheme should provide 917sqm. The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Within 400 metres of the site lies St Johns Park to the northeast, which is equipped for children aged 5 and above. Within 800 metres lies the Millwall Park MUGA for all ages, adventure playground for 5 – 11 years olds, football pitches for 12 and over and an equipped playground.
- 8.177 It is therefore considered that there is sufficient provision within walking distance of the site to meet the needs of older children. Additionally, a financial contribution of £879,903 has been secured to be used toward the deliver of open space within the Borough. These funds can also be used for the delivery of play equipment.
- 8.178 A condition has been attached requiring the submission of details of the play space strategy for each phase, including details of accessible play equipment.
- 8.179 Importantly, the submitted Design Code provides the indicative layout, and sets out the figures noted above for play provision for children aged 0 – 11. It also sets out a specific code requiring play for children aged 12+ to be delivered within 15 minutes walking time.
- 8.180 Accordingly, the Design Code gives officers an assurance that the level of playspace proposed according with the figures noted above, would be secured on site. On balance the proposal is therefore considered to comply with the aforementioned policies.

Wheelchair Housing and Lifetime Homes Standards

- 8.181 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.182 The accompanying Design Code ensures that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

Open Space

- 8.183 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces and the development proposals will accord with the objectives of this policy.
- 8.184 Policies DEV12 and HSG16 of the UDP, Policy DEV13 of the IPG, and policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 8.185 Based on the occupant and employee yield of the development, the proposal should deliver approximately 24,000sqm of public open space. However the scheme delivers 7,030sqm of public open space (excluding playspace).
- 8.186 The proposed amount of open space provided within the development falls below LBTH's standard of 12 sq. m per one occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy), and would provide approximately 3.5sq.m per person. Accordingly, the Council's CLC department have agreed to a financial contribution of £879,903 to mitigate this impact, which would be used to provide and improve public open spaces in the borough.

8.187 On balance, it is considered that the scheme benefits outweigh the shortfall in open space per capita. The submitted public realm strategy and Design Code have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard, and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

Amenity

Daylight, Sunlight and Overshadowing

8.188 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

8.189 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

8.190 Section 9 of the Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

Daylight

8.191 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.

8.192 British Standard 8206 recommends ADF values for new residential dwellings, these being:

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

8.193 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties, as well as its impact upon itself.

Proposed Development

8.194 The daylight assessment for the new blocks to be constructed has been carried out by testing regular points on the elevations of the proposed buildings.

8.195 Of the outline element of the proposal, the windows tested experience VSC which would allow reasonable daylighting of the interior given suitable window design. This assessment did not include the inclusion of balconies, which could impact outcomes where the VSC results were in the low ranges. Such windows include the courtyard corners of Block H.

8.196 Of the rooms assessed within Block G (detailed element of the proposal), four fall considerably below the minimum recommended ADF factor (0.2 versus a requirement of 1; 1.04, 1.05 and 0.86 versus a requirement of 1.5), and all of these rooms are situated at the lowest floor, level 4. Rooms analysed were on levels 4, 7 and 9, and it is therefore likely that rooms in similar positions on floors 5 and 6 would also fail.

8.197 Nevertheless, considering the worst case, that the four rooms which fail on floor 4 could also fail on 5 and 6, this indicates a total failure of 12 rooms in total, equating to approximately 5% of all the rooms within Block G. In a development such as that proposed – a new retail-led

mixed use development, these figures are considered by officers to be acceptable.

Neighbouring Properties

- 8.198 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site, those being:

To the north of the site

- Marina Point;
- Aegon House
- Finwhale House
- 47 – 65 Glengall Grove
- 45 Glengall Grove
- Community Centre at 37 – 43 Glengall Grove
- 5 – 35 Glengall Grove
- London City Mission School
- Cubitt Town School

To the east of the site

- 37, 47, 49 and 51 – 57 Friars Mead

- 8.199 A letter of objection was received on the basis that Island Health was not assessed. The BRE guidance suggests that residential buildings are assessed, and in some cases non-residential buildings where there is a particular requirement for sunlight. The daylight and sunlight assessment was reviewed on behalf of the Council by the BRE (who wrote the guidance by which assessments are carried out), who did a site visit as part of their assessment. They conclude that the methodology is appropriate, and accordingly officers consider that given this is a non-residential multi-aspect building, it is not required for this building to be assessed.
- 8.200 Of the residential windows analysed on Glengall Grove and Friars Mead, windows serving the ground floor at 29 and 35 Glengall Grove fail to achieve the BRE guidelines for loss of daylight. It can also be reasonably inferred that ground floor windows at 31 and 33 Glengall Grove would also fail to achieve the guidelines.
- 8.201 The failure of the VSC test for these windows is marginal, with No.35 achieving a ratio of 0.76 and No.29 achieving 0.74 – both against a target of 0.8. It can be reasonably inferred that failures at No.s 31 and 33 would be similar.
- 8.202 Considering the low overall proportion of failures, with just 4 potential window failures of the residential properties surrounding the subject site, on balance it is considered that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.
- 8.203 The failure of one window within the community centre on Glengall Grove is considered acceptable on balance, given that the centre is dual aspect, receiving acceptable levels of daylight from alternative facades.

Sunlight

Proposed Development

- 8.204 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.205 *“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours*

should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”

- 8.206 The applicants’ submission contends that an acceptable level of sunlight for the proposed development would be 10%, as opposed to the 25% set out in the BRE guidance.
- 8.207 Assessed against the 25% of probably sunlight hours, approximately 50% pass, and 50% fail within the outline scheme. Assessed against the 10% threshold the result is 86% pass, 14% fail.
- 8.208 Within Block G (detailed phase), of the 5 windows analysed on level 4 which face within 90 degrees of due south, 3 fail to achieve the guidance. These are all angled, recessed windows on the elevation facing south west, and the rooms they serve are those which also fail the guidelines for ADF and daylight distribution.
- 8.209 With the exception of one window which received 1% of annual probably sunlight hours and no winter sunlight, all of the living rooms do receive some sunlight, and those that do not achieve the guidelines have a balcony where they can receive sunlight outdoors.
- 8.210 On balance, the sunlight for the proposed development is considered acceptable.

Neighbouring Properties

- 8.211 The BRE report recommends that for existing buildings, sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.212 All of the windows analysed for sunlight achieve the minimum BRE guideline.

Overshadowing

- 8.213 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should received at least 2 hours of sunlight of 21 March”*.

Proposed Development

- 8.214 On the whole, the majority of the overshadowing results for the proposed amenity areas are acceptable, aside from 6 out of 10 private gardens to Block D. This is a linear block with private gardens which sit north of the building.
- 8.215 The rest of the areas of open space have been designed to utilise areas of sun, particularly the areas of play space which have mostly been positioned in the sunniest areas of the development. 19 out of the 21 areas of play space receive acceptable levels of sunlight.

Neighbouring Properties

- 8.216 Of the neighbouring properties tested, three gardens on Glengall Grove fail to achieve the BRE guideline for permanent overshadowing, two of which serve the same set of dwellings which have ground floor windows failing the daylight test. The third property is No. 13 Glengall Grove which to some extent is a victim of its own layout, being long and thin compared to the neighbour properties.

- 8.217 No. 35 Glengall Grove exhibits a ratio of 0.54, or a loss of 46% of the area receiving at least 2 hours of sunlight prior to development (moderate adverse impact). No. 33 has a ratio of 0.70, and No. 13 of 0.66 (both minor adverse impact).
- 8.218 At present there are no substantial obstructions to the south of the affected properties on Glengall Grove, aside from the ASDA carpark, and beyond that Mudchute Park. Accordingly, these properties currently experience levels of sunlight which are atypical of that expected in an urban part of London such as the subject area. The ASDA site is identified as a development site in adopted and emerging policy, and the three affected properties will retain acceptable levels of sunlight to their garden, albeit at a reduced ratio. On balance, the impacts are therefore considered acceptable.
- 8.219 Overall, the daylight and sunlight results for both the proposed and existing residential units and public spaces indicate that the scheme will deliver good levels of amenity for new residents, whilst ensuring the amenity of neighbouring properties is not unduly detrimentally affected.

Air Quality

- 8.220 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.221 The Air Quality assessment (chapter 11 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.
- 8.222 Regarding the air quality in the completed development, the assessment focuses on traffic-related emissions to air, as such emissions are identified as the main source of air pollution within the Borough. An assessment of other elements of the scheme is also carried out, including the energy centre and supermarket. The new supermarket itself would incorporate modern plant and facilities with improved efficiencies and lower emissions than the current store.
- 8.223 The report concludes that the operational impacts of the completed development would be at worst minor adverse, and at best minor beneficial. A number of measures to encourage non-car modes of travel would be championed within a Travel Plan (secured via legal agreement) which would also further minimise the predicted effects.
- 8.224 The effect of operational traffic and the heating plant at existing receptors are predicted to result in minor adverse impacts at worst, to minor beneficial at best, and the effect of introducing new residential units to the site is considered negligible.
- 8.225 On balance and subject to the imposition of appropriate conditions, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area. The Borough's Environmental Health Officer has confirmed acceptance of the assessment, subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 8.226 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, policy DEV2 of the UDP, CS policy SP02, policy DM9 of the MD DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Noise and Vibration

- 8.227 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.228 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.229 The Council's Noise officer has considered the submitted noise report, and is of the view that the proposal is acceptable in noise terms, subject to conditions to secure adequate noise attenuation measures. Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.
- 8.230 Conditions requiring the submission for approval of hours of operation for any A3/A4 uses has been included within section 3 of this report.
- 8.231 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD.

Sense of Enclosure, Outlook and Privacy

- 8.232 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.
- 8.233 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the north fronting Glengall Grove, and the east fronting Friars Mead. In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.
- 8.234 Along Glengall Grove separation distances between directly facing habitable rooms windows exceeds 18 metres in all but one case, where the distance is 17 metres. However the window in question is a secondary north-facing living room window within the proposed scheme, which if developed out at reserved matters stage, would be able to be designed to be obscurely glazed and non-opening. This would allow light for occupants, but avoid overlooking.
- 8.235 Along the eastern boundary with Friars Mead, there are no directly facing habitable room windows within 18 metres of each other. The properties on Friars Mead are arranged obliquely to the development, and the narrowest separation distance between a habitable room window of the proposed development and the footprint of a property on Friars Mead is more than 25 metres.
- 8.236 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the site.
- 8.237 With relation to overlooking to existing residential properties, it is not considered that levels of overlooking will be any different from that normally experienced from neighbouring

properties, where a first floor window typically overlooks neighbouring gardens. Boundary treatments have been designed following consultation with residents of Friars Mead. Measures incorporated include the provision for each property to have level access to an individual gate with individual keys, existing wall continued as opposed to a fence to ensure separation, play area closest to Friars Mead to be created as a natural play area avoiding excessive equipment, cycle store location to be moved, and tree retention and new planting along the boundary. The details of the boundary treatment are in outline, and thus would be designed in detail at reserved matters and condition stages, in order to appropriately treat inter-relationships between properties. The affected residents would be consulted at that stage.

- 8.238 In terms of impacts on itself the indicative scheme has been designed to avoid directly facing habitable rooms within 18 metres. The design code which would inform the development of the reserved matters applications specifies that the minimum separation distances between directly facing habitable rooms must be at least 18 metres.
- 8.239 The proposals are therefore generally in keeping with the abovementioned policies.

Energy & Sustainability

- 8.240 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.241 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)

The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.242 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:
- 2011-2013 = 35% CO₂ emissions reduction;
 - 2013-2016 = 50% CO₂ emissions reduction; and
 - 2016-2031 = Zero Carbon
- 8.243 The Low and Zero Carbon Energy Appraisal Report, submitted in support of the planning application, follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the space heating and hotwater requirements (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO₂ emissions. The CO₂ emissions achievable from this approach are noted as circa 30%. Whilst this falls short of the emerging DM29 policy requirements it exceeds the London Plan Policy 5.2 requirements and is considered acceptable for the first phase of the development proposals.

- 8.244 The current proposals for delivering the space heating and hotwater for the site are considered acceptable and propose a single onsite energy centre with heat distribution in the form of a single community heating network serving all the residential and commercial uses on the development. However, the size of the proposed system needs to be detailed and appropriate calculations submitted to demonstrate the plant has been sized appropriately. The supplementary information (see attached email) notes that a ~750kWth CHP would be required to achieve the 30% reduction
- 8.245 BREEAM (Excellent) and Code (Level 4) ratings are currently proposed as minimum levels, and considered acceptable. However, as the proposal are for an hybrid application, it is recommended that a condition is attached to ensure a detailed energy strategy and sustainability strategy per phase are submitted to demonstrate the design is in accordance with the policies at the time of reserved matters applications. This would relate to both the overall carbon savings and Code for Sustainable Homes/BREEAM ratings.

Contamination

- 8.246 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.247 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested, and is attached in part 3 of this report.

Microclimate - Wind

- 8.248 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 8.249 Wind tunnel testing is the most well established and robust means of assessing the pedestrian wind environment. The wind tunnel tests enable the pedestrian level wind microclimate of a site to be quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind tunnel tests deliver a detailed assessment of the wind conditions around a site for all wind directions in terms of both pedestrian comfort and strong winds.
- 8.250 The submitted Environmental Statement assessed the microclimate of the proposed development, and found that the majority of testing points were suitable for the purpose of the use (for example, amenity areas were suitable for sitting out and walking) during the summer season, with windier results for the worst case winter season. Appropriate mitigation can ensure that entrances to buildings are appropriate in microclimate terms, and accordingly these would be considered in detail at the reserved matters stage of the proposal. The results for the detailed element of the proposal are acceptable.

Flood Risk

- 8.251 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 8.252 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 8.253 These options include setting all habitable (sleeping accommodation) finished floor levels above the 1 in 200 year breach level, with the majority of residential development above ground floor at 14.5m AOD and above.

- 8.254 In terms of surface water flooding, Thames Water has confirmed that there are no particular capacity issues in the area, however they require that the development mirrors the current situation with respect to the rate at which flows discharge to the sewer system. Accordingly, SuDs would be incorporated into the completed development as living roofs, rainwater harvesting and attenuation tanks, and rain gardens would also be incorporated amongst the living roofs. This would assist in achieving runoff discharge restricted to 51 l/s up to an including the 1 in 100 year rainfall event including for impacts of climate change for the lifetime of the event.
- 8.255 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Environmental Impact Assessment

- 8.256 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.257 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.258 The ES addresses the following areas of impact (in the order they appear in the ES):
- Socio-Economics
 - Archaeology and Built Heritage
 - Transport
 - Acoustics
 - Air Quality
 - Water Resources and Flood Risk
 - Ground Conditions and Contamination
 - Ecology and Nature Conservation
 - Telecommunications
 - Daylight, Sunlight and Overshadowing
 - Microclimate – Wind
 - Reflected Solar Glare
 - Night-Time Lighting
 - Cumulative Effect
- 8.259 As the majority of the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building parcels'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the Environmental Statement and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the impacts identified and assessed in the Environmental Statement and further information on which this current application has been determined they may need to be

reassessed and/or a new application submitted.

- 8.260 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and accordingly the ES has adequately addressed all the requirements of the EIA regulations.
- 8.261 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.262 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Health Considerations

- 8.263 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.264 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.265 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.266 The applicant has agreed to a financial contribution of £923,342 to be pooled to allow for expenditure on health care provision within the Borough.
- 8.267 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to Muchure Park.
- 8.268 The proposal also includes retail spaces (Use Class A1–A4) which does not include take-aways, but does include restaurants. As the use is flexible, the details and allocation of the retail floor space would be secured through a planning condition to ensure that there is no over-concentration of any particular use types which could detract from the healthy and attractive life styles in line with policy SP03 of the Core Strategy.
- 8.269 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Biodiversity

- 8.270 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.
- 8.271 Mudchute Park is classed as Metropolitan Open Land.
- 8.272 Policy 7.17 of the London Plan (2011) affords the strongest protection to London's MOL. The loss of MOL is not supported, although appropriate development can include small scale structures to support outdoor open space uses and minimise any adverse impacts on the openness of MOL. Policy SP04 of the Council's Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss, and improve access to MOL in the Borough, with specific mention to Mudchute Park and Millwall Park.
- 8.273 The south east corner of the application site overlaps with the Mudchute Site of Metropolitan Importance for Nature Conservation (SMINC) (the highest grade of non-statutory wildlife site in London and one of only 2 such sites that are entirely within Tower Hamlets) and Local Nature Reserve (LNR).
- 8.274 Within the area of the overlap, there will initially be a negative impact on the SMINC due to the removal of trees, clearance of vegetation and some earthworks for the construction of the new level access route through to Mudchute Park.
- 8.275 However, the applicant has submitted details of key areas of ecological mitigation, and the Council's Biodiversity officer is satisfied that with appropriate conditions the Council can ensure that once restored and re-landscaped, the part of the application site within the SMINC is of sufficient value for biodiversity to warrant continued inclusion within the SMINC. Accordingly, the proposal will serve to improve accessibility as sought by policy SP04 of the Core Strategy, whilst ensuring that the development will not result in the permanent reduction in the area of a SMINC, which is contrary to regional and local planning policies.
- 8.276 The Council's Biodiversity officer is supportive of the proposal subject to conditions to secure the following:
- details of the landscaping for that part of the site where the new pedestrian path to Mudchute is proposed. The details would be required to demonstrate that the landscaping would provide wildlife of sufficient quality to justify its inclusion in a Site of Metropolitan Importance for Nature Conservation;
 - the retention of the rest of the woodland strip along the southern edge of the site be secured by condition, however this is outside of the application boundary and therefore its removal is not proposed by this development;
 - condition to ensure that lighting near the southern and eastern perimeter of the site is directed inwards to minimise spillage beyond the site, in order to ensure foraging bats are not disturbed;
 - details of green/brown roofs within the development;
 - landscaping details, including the provision of at least 15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow indicated on the plans;
 - clearance of on-site vegetation should be undertaken between September and February inclusive (i.e. outside the nesting season) or, if this is not possible, vegetation to be cleared should be surveyed for nesting birds by a suitably-qualified ecologist, and if nests are found, the vegetation left undisturbed until the young birds have fledged.
- 8.277 Through planning conditions any impact to the existing biodiversity and ecology value can be

minimised, and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Section 106 Agreement

- 8.278 The NPPF requires that planning obligations must be:
- (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.
- 8.279 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.280 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.281 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education
- The Borough's other priorities include:
- Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability
- 8.282 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has risen from a maximum of 24% to 31%.
- 8.283 Within the submitted viability assessment the scheme was considered deliverable and viable with a 31% affordable housing provision with a mix of affordable rent, social rent and shared ownership units. Also factored into this was a maximum s106 package of **£6,272,000**, and in addition to this the application would be liable for a CIL charge of approximately **£3.7 million**. This was not factored into the financial appraisal.
- 8.284 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers have negotiated a contribution request of **£6,679,997**.
- 8.285 This can be summarised as follows:
- Education: £3,142,971
 - Enterprise & Employment: £615,516
 - Community Facilities: On-site in kind facility, built to shell and core and provided to

the Borough at peppercorn rent in perpetuity with £0 service charge (cost to applicant of approximately £3.7 million)

- Public Realm: £881,275
- Health: £923,342
- Highways: £35,912 (car club for residents)
- Transport for London: £950,000
- Monitoring & Implementation 2% of total

- 8.286 Additionally, the scheme delivers improvements to the Marsh Wall/Limeharbour junction which are expected to cost circa £1,200,000, as well as a relocated cycle hire docking station at a cost of £70,000 and s278 highways improvements to East Ferry Road.
- 8.287 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision for S106 contributions beyond the amounts specified above. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 31% by habitable room. The developer has agreed to the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigate against its impacts.
- 8.288 The development also provides wider regeneration improvements, such as improved public realm, legibility, accessibility and retail offer for residents, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability.

Affordable Housing

- 8.289 As described in previous sections of this report, a minimum of 31% (hab room) of the overall resulting scheme will be for affordable housing.
- 8.290 Based on the supporting viability report and the site constraints, officers accept the site circumstances and it is recommended that the proposed quantum of affordable housing is supported.
- 8.291 It is important to note that the amount of affordable housing permitted will be monitored, controlled and apportioned through phasing conditions to ensure these obligations are fulfilled throughout the lifetime of the developments implementation.

Education

- 8.292 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough.
- 8.293 As such, based on the adopted Planning Obligations SPD, the increase in units results in the need for 117 additional primary school places. This amounts to a requested contribution of £1,735,110.
- 8.294 Regarding secondary school provision the SPD calculates that the development will result in a need for 63 additional spaces which equates to a requested £1,407,861 contribution.
- 8.295 The applicant has offered to meet both these financial contribution requests totalling £3,142,971 for education and this is welcomed by officers.
- 8.296 The LBTH Education department has advised that it is continuing to develop proposals for more school places to respond to the rising need. This is done by identifying school sites with the potential to expand. An example of this in the E14 area is a proposal to expand Woolmore Primary School.

- 8.297 The funding that is received towards additional school places from s106 funds is pooled, and the funding used with other resources to fund the overall programme of providing school places across the Borough.
- 8.298 Within the MD DPD Site Allocations, a site on the Isle of Dogs has been identified to potentially deliver a school – this being Westferry Printworks. Two options are suggested within the DPD, for the provision of either a secondary school or primary school as part of a wider mixed-use development.

Enterprise and Employment

- 8.299 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 8.300 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.
- 8.301 A financial contribution of £352,081 has been agreed with applicant towards skills and training at construction phase. In addition, a further £263,435 is sought towards jobs within the end-phase of the development.
- 8.302 The applicant has agreed to participate in the Skillsmatch programme and meet the financial contribution requests for skills and training, as well as a commitment to use best endeavours to ensure that 40% of employees within the ASDA store are local residents. This is welcomed by officers.

Community Facilities

- 8.303 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.
- 8.304 A £254,010 contribution towards community facilities, together with £667,302 for Leisure Facilities is calculated based on the SPD.
- 8.305 However the applicant has agreed to deliver a new community facility within the site, to shell and core and peppercorn rent in perpetuity (25 years), together with £0 service charge. The value of this facility is circa £3.7 million. This facility is considered an in-kind contribution and it is therefore appropriate to off-set this facility against the Community Facilities contribution within the SPD.
- 8.306 At this stage of the process officers do not know the detailed nature of the community use, access or management arrangements of the proposed facility, however this will be explored at reserved matters stage in order to secure benefits for all Borough residents and is subject to on going negotiations with the applicant

Public Realm

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

Public Open Space

- 8.308 The development is proposing 7,030sqm of new and refurbished Public Open Space. By

applying the SPD against population uplift the development remains deficient in providing on site open space and therefore a contribution of £1,147,556 is calculated to mitigate against the impacts of the proposal. The applicants and officers have agreed to a contribution of £881,275.

- 8.309 The viability toolkit indicates that the scheme cannot provide any further financial contributions towards open space. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms.
- 8.310 The proposed development would introduce a new public square on an area which is currently used as a car park, as well as step-free access via a new high street from East Ferry Road to Mudchute Park. It is considered that these benefits would greatly improve open space quality and provision within the area. As a result the quality of life for existing and future residents will be enhanced and therefore it is considered that to some extent the quality of the open space proposed should be considered in the context of the overall shortfall.
- 8.311 Officers also recognise the significant benefit of refurbished and new open spaces across the site and will seek to ensure through the S106 and conditions that a fully detailed landscape masterplan is produced for the site as a whole, and also per phase.
- 8.312 In light of the above, officers accept the viability constraints of this site and welcome the applicants agreement to the £881,275 contribution requested. Overall, officers consider the proposal mitigates its impact upon open space within the locality of the development.

Streetscene, Built Environment Improvements, Highways

- 8.313 Based on the SPD, an obligation of £208,728 is sought towards Street scene and Built Environment Improvements.
- 8.314 However, it is considered that this contribution can be off-set by public realm improvement works which will be delivered through the s278 highways agreement. This includes a new raised table and pedestrian crossing along East Ferry Road. Additionally, the applicant has agreed to fund the remodelling of the Marsh Wall/Lime Harbour junction. These works would serve to improve the pedestrian environment for existing and future residents.
- 8.315 In summary officers welcome the applicant's commitment to delivering public realm and highways improvements in the immediate surrounding areas to benefit of local residents in the borough. It is therefore considered that the development adequately mitigates its impact in this respect.

Sustainable Transport

- 8.316 Officers have secured a contribution of £35,913 towards the provision of a car club on the site. Residents will be given one year free membership, and there will be space for three car club cars within the development.
- 8.317 This contribution has been off-set against the SPD calculated of £26,175.

Health

- 8.318 The SPD requests that the borough also prioritise health facilities to mitigate the increasing future population of the borough.
- 8.319 The Tower Hamlets NHS sought a sum of £5,758,015 towards capital costs of delivering new health facilities and revenue costs within the borough as result of the developments impact. In accordance with CIL regulations officers consider that revenue costs should not be secured by new development. However the capital costs for new facilities is considered

reasonable to secure from new development and regarding this contribution type the NHS requests a total of £1,190,995.

- 8.320 In response to this request, the applicant submitted a viability assessment that states the scheme can only afford a £923,342 for health facilities.
- 8.321 Officers can verify that the applicants viability assessment is sound in that the scheme can only afford a maximum sum of £923,342 towards health facilities. This sum together with significant improvements to open spaces, environment and accommodation at the site and within the wider area are considered to not only improve the health of residents but mitigate impact on health facilities resulting from the development. Therefore the applicants proposed financial contribution is considered acceptable.

TfL Transport

- 8.322 TfL have noted that the development is likely to generate demand for additional bus capacity and request a sum of £510,000 towards a new service to improve residents' access to public transport. The applicant has agreed to this request which is welcomed by officers
- 8.323 TfL originally sought a contribution of £1,350,000 towards improvements to the Crossharbour DLR station by installing a new accesses and canopy to cover the platforms. The applicant has agreed to contribute £400,000 and TfL have agreed this sum in principle.
- 8.324 TfL have also requested £70,000 for the relocation of an existing cycle hire docking station on East Ferry Road, to move within the development site. The applicants have agreed to this as a development cost of the proposal, and it is included within Section 3 of this report. A contribution of £30,000 was also sought to provide a new cycle hire docking station adjacent to the Crossharbour DLR station. This contribution is not considered necessary to mitigate against the impacts of the development, particularly given the docking station which would be re-provided within the site, and viability concerns. Accordingly, TfL have agreed to remove this request.
- 8.325 A contribution of £22,500 was sought by TfL towards Legible London signage. Due to viability constraints, TfL have agreed to forgo this request, however the public realm contribution of £881,275 could be used to deliver signage within the site.
- 8.326 TfL have also requested a financial contribution of £40,000 towards Real Time Information Boards. These boards advise passengers of expected bus times, and can be provided within the public realm. The applicants have agreed to this contribution, which is supported.

Monitoring & Implementation

- 8.327 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement of 2%.

Delivery

- 8.328 The proposed development would come forward over five phases, as secured through the s106 Agreement:

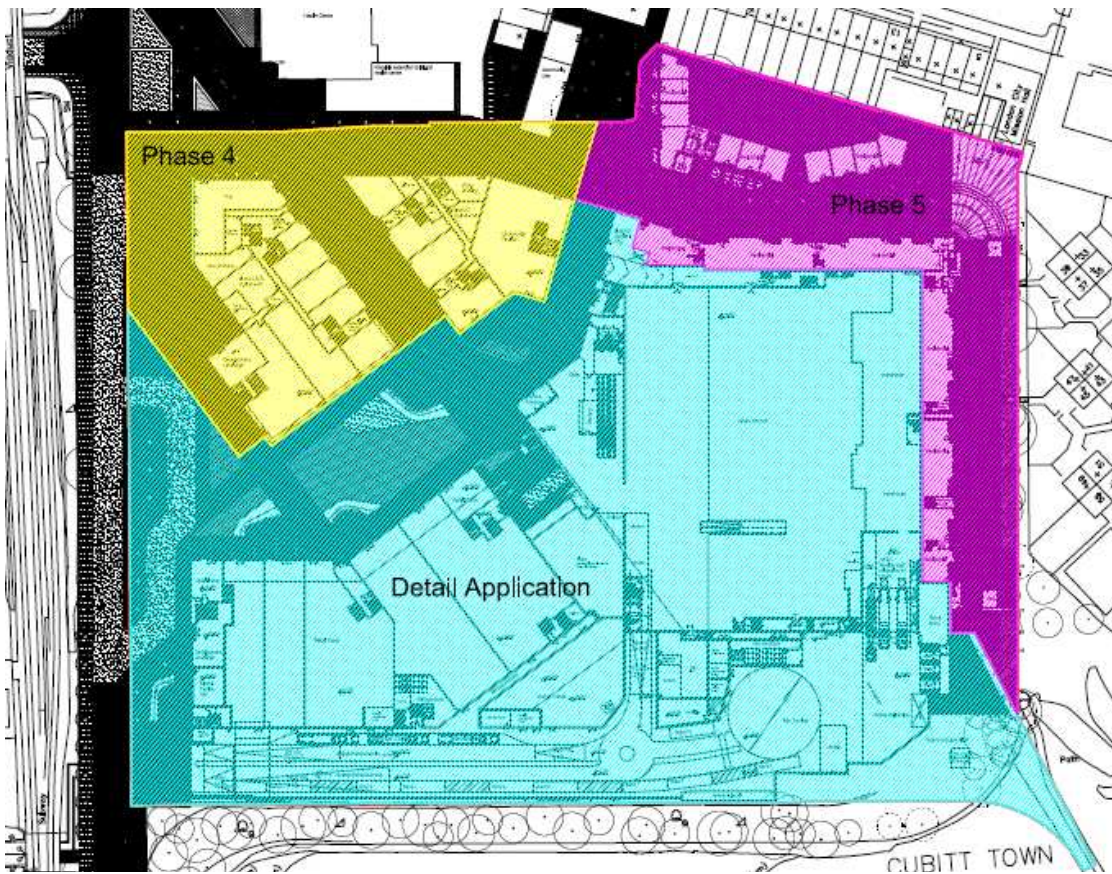


Figure 13: Ground Floor Phasing Plan

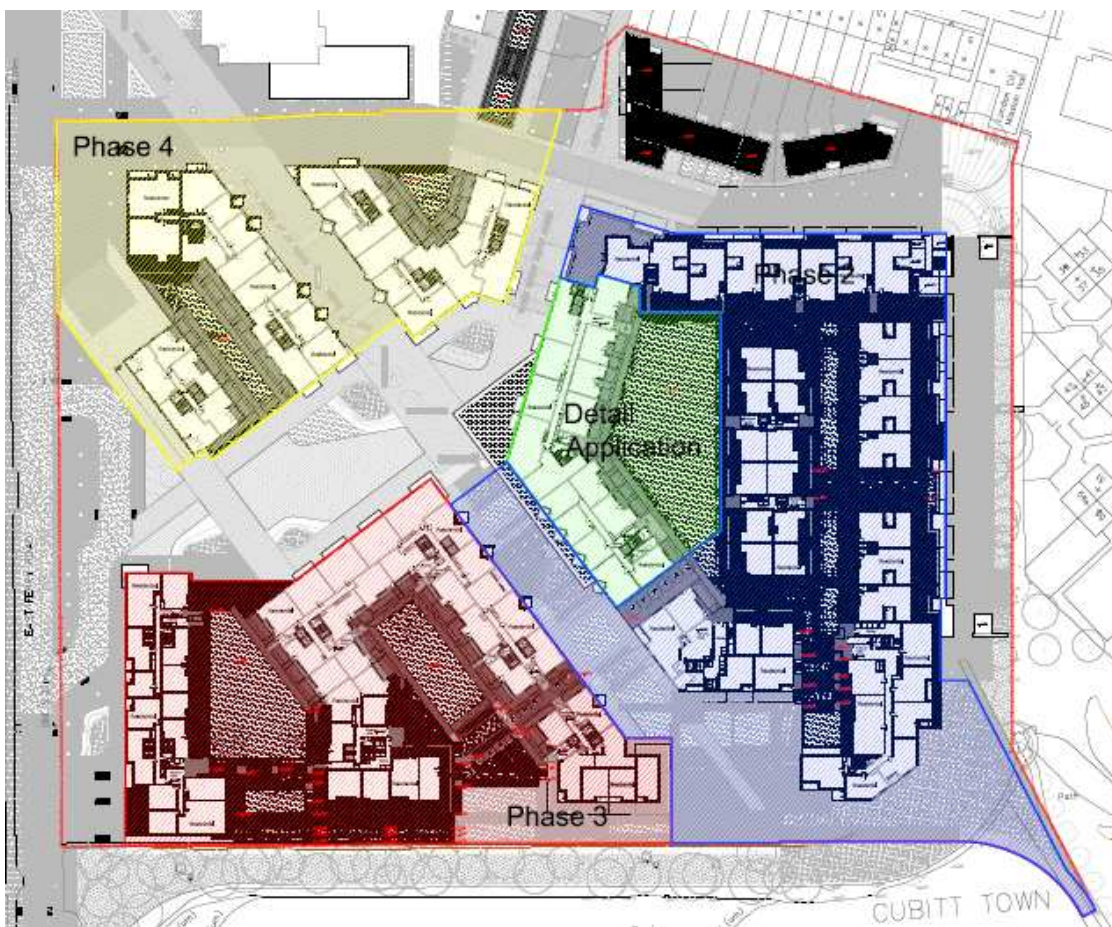


Figure 14: Podium Level Phasing Plan

8.329 The two phasing plans above show how the different phases come forward over ground and

podium level.

8.330 Phase 1 comprises the detailed part of the application being considered, including:

Ground Level

- Demolition of existing store
- Construction of new store
- Construction of basement
- Closure of petrol filling station
- Bus stop relocation
- Southern retail constructed

Podium Level and above

- Construction of Block G (Residential – 34 private units, 50 affordable units)

8.331 Phase 2 comprises:

Ground Level

- Northern access road completed

Podium Level and above

- Residential blocks E, F, K and L (Residential – up to 40 private units, 47 affordable units)
- Pedestrian route to Mudchute Park completed

8.332 Phase 3 comprises:

Podium Level and above

- Residential blocks H, I and J (Residential – up to 305 private units)

8.333 Phase 4 comprises the detailed part of the application being considered, including:

Ground Level

- Northern retail
- Northern diagonal route

Podium Level and above

- Residential blocks A, B and C (Residential – up to 214 private units, 30 affordable units)
- Taxi stand

8.334 Phase 5 comprises:

Ground Level

- Residential block D, and residential between store and Friars Mead (Residential – 30 private units)

Podium Level and above

- Construction of Block G (Residential – up to 34 private units, 50 affordable units)

8.335 In terms of the delivery of affordable housing, the phasing above ensures that the affordable housing is delivered in tandem with the private. Further constraints will be introduced into the s106 Agreement if Members are minded to approve planning permission, securing the following:

- The proportion of social rent (7%), affordable rent (14%) and intermediate (10%) housing units;
- The proportion of family units within each tenure, this being social rent (100%), affordable rent (37.9%), intermediate (23.2%) and market (24.4%);
- Amount of affordable housing per phase, by habitable room (Phase 1 = 62.2%; Phase 2 = 79.9%; Phase 3 – 0%; Phase 4 = 11.9%; Phase 5 = 0%);
- Obligations on occupation – no more than 60% market housing to be completed until 50% affordable housing completed; no more than 80% market housing to be completed until 70% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed, per phase

8.336 Through the above phasing and s106 mechanisms, officers are satisfied that the development could be delivered in a logical way, ensuring that the appropriate infrastructure and amenity provisions are in place for each stage of development. Additionally, the affordable housing will be delivered alongside the private housing, delivering mixed and balanced communities throughout the delivery period.

Human Rights Considerations

8.337 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

8.338 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

8.339 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.340 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

8.341 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

8.342 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.343 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

8.344 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

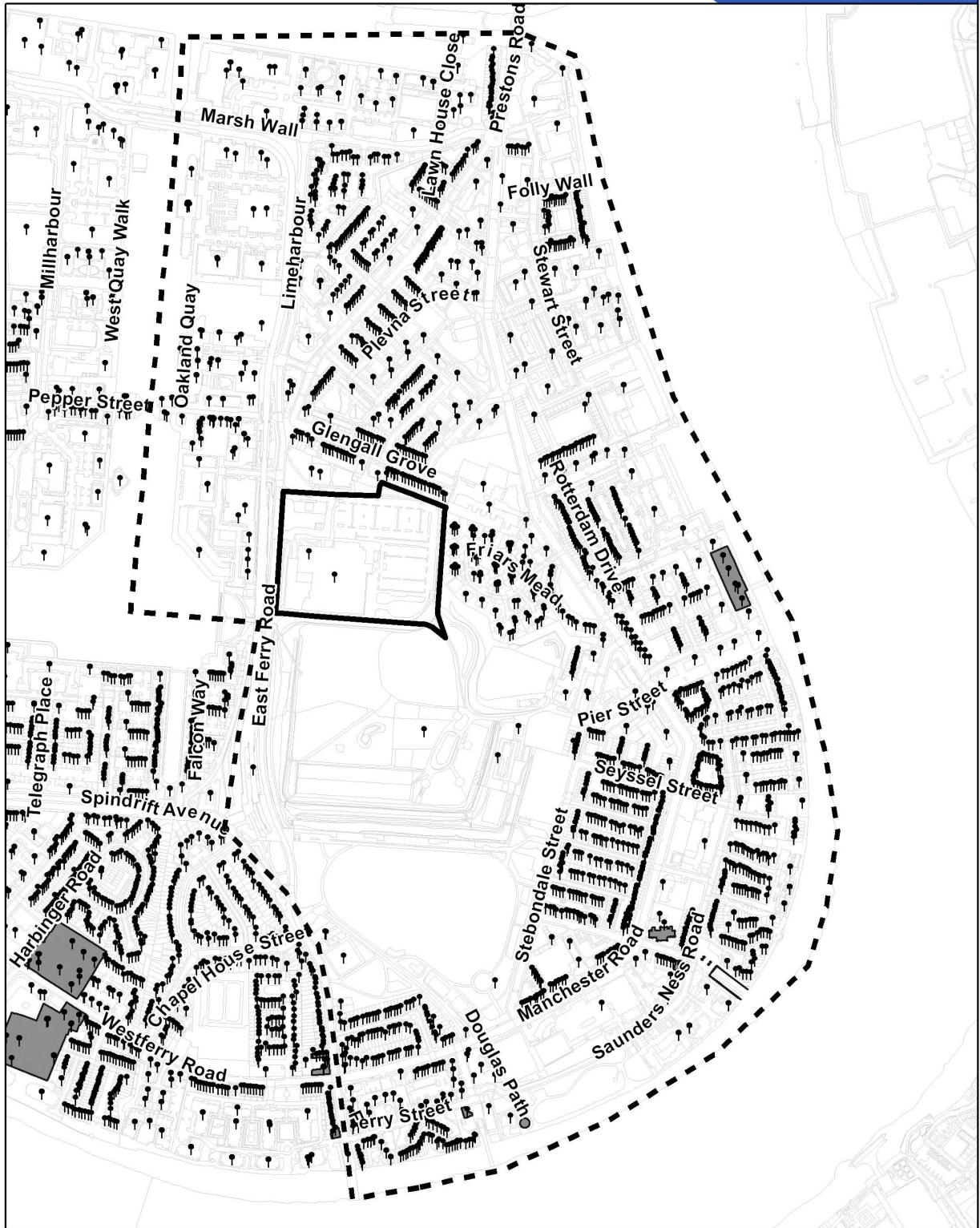
Equalities Act Considerations

- 8.345 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.346 The contributions towards various community assets/improvements and infrastructure improvements (such as access to open space and contributions to transport improvements and education) addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.347 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.348 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.349 The contributions to affordable housing support community wellbeing and social cohesion.

Conclusions

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.


Planning Application Site Map



 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 150 m




1:7,885

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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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

16th August 2012

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda item no	Reference no	Location	Proposal
7.1	PA/12/00920	Cayley Primary School, Aston Street, E14 7NG	4-storey extension to adjoin southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.
7.2	PA/11/03824	Orchard Wharf, Orchard Place, London	<p>Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details</p> <p>Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>
7.3	PA/11/3670	ASDA, 151 East Ferry Road	Hybrid planning application for demolition and comprehensive redevelopment

Agenda Item number:	7.1
Reference number:	PA/12/00920
Location:	Cayley Primary School, Aston Street, London, E14 7NG
Proposal:	4-storey extension to adjoin southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.

1.0 FURTHER REPRESENTATIONS

- 1.1 Since the writing of the main report, one additional representation has been received from a local resident who has noted that construction works have started on site and often before the standard 8am hours of permitted construction.
- 1.2 *(Officer response: The education department have confirmed that the works on the proposed extension have not commenced and the any construction noise has come from preparing the site for the temporary classrooms. The contractors have been made aware of the requirement to not undertake works before 8am in the morning and the particularly early start referred to by the resident was due to the contractor arriving from outside London and anticipating delays due to the Olympic Road restrictions. There were no delays so the vehicle arrived before the anticipated time.)*
- 1.3 The resident has also reiterated the concern regarding the impact upon traffic and congestion caused by the additional pupils and staff and consideration should be given to all of the Borough's residents rather than just the need to provide additional school places.
- 1.4 *(Officer response: There is a need for new school places within the Borough and this site has been identified by the education as having the potential to be expanded. The second entrance on Repton Street has been opened up as a pupil entrance to alleviate some of the congestion on Aston Street, a pedestrian crossing is also proposed on Aston Street to aid the safety of pupils, staff and local residents. It is considered that these measures sufficiently mitigate the impact the additional pupils and staff would have on the local highway network.)*
- 1.5 Concerns have also been raised about the installation of a pedestrian crossing in front of 29 Aston Street.
- 1.6 *(Officer response: This is considered necessary for the safety of pupils, parents and staff. It is not considered that the installation of the pedestrian crossing would have a significant impact upon the residents of no. 29. The main habitable windows face Matlock Street with only a door facing onto Aston Street.)*

2.0 CLARIFICATION AND CORRECTIONS

- 2.1 The hours of construction are reported incorrectly within the report. Condition 4 should read as follows: Hours of construction 8am – 6pm Monday to Friday and 8am – 1pm Saturday.

3.0 RECOMMENDATION

- 3.1 Officer's recommendation remains Approval.

Agenda Item number:	7.2
Reference number:	PA/11/03824
Location:	Orchard Wharf, Orchard Place, London
Proposal:	<p>Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>

1.0 FURTHER REPRESENTATIONS

- 1.1 Since the writing of the main report, further representations have received from existing objectors to the proposals, principally re-iterating the objections raised within the May and August committee reports. These objections and comments are not therefore repeated as they have been noted in the reports before the Strategic Development Committee. A copy of these comments are available to view.
- 1.2 New objections raised have been set out below:
- 1.3 Members should be made aware that the Safeguarded Wharves Review is still under consultation and has not been finalised.

(Officer comment: The committee report highlights that the Safeguarded Wharves Review July 2012 is a further consultation draft to which the GLA are inviting comments on only the changes highlighted within the document. There are no changes proposed to the Orchard Wharf site and therefore it is not considered that the designation of the site will be altered.)

- 1.4 Further comments are invited on the Safeguarded Wharves Review July 2012 document until August 28th 2012.

(Officer comment: as stated above, further comments are invited, but only to the changes which have been made to this document and no changes have been proposed to the designation of Orchard wharf.)

- 1.5 No details of the GLA response to the Grafton Group's representations are provided within the August committee report. The Grafton Group comments stated that the site had the potential to be released if the capacity could be replicated on an alternative site. In summary, the GLA advise there is no in principle objection to consolidation of Orchard Wharf, however the full response reads as follows:

"No in principle objection to consolidation, however there are a number of substantial issues that would have to be resolved before this could be considered as a serious proposition and continued designation is appropriate-particularly as there is operator interest in using the wharf."

(Officer comment: Members are required to assess the application before them.

There has been no information presented with regard to the possibility of consolidation.)

- 1.6 The committee report does not advise that the Safeguarded Wharves Review July 2012 has revised and reduced the demand figures for aggregates.

(Officer comment: The demand figures within the Safeguarded Wharves document have been revised to show a reduction in demand from 0.9 million tonnes of constructions material to 0.8 million tonnes to the period up to 2031. This demand is still proposed to be met through the allocation of Orchard wharf to serve the north east sub region.)

- 1.7 The GLA analysis of economic demand is not considered to be robust and further objections are proposed to be issued to the GLA.

(Officer comment: This is highlighted as a comment only)

- 1.8 The Safeguarded Wharves Review July 2012 is only a material consideration for the members concerns regarding the safeguarding of the Wharf, not the other environmental, transport and visual effects arising from this development.

(Officer comment: This application is being presented afresh to members and is recommended for approval as the application is not considered to cause environmental, transport and visual impacts and Committee Members are asked to consider the application and all issues afresh.)

- 1.9 The applicants have also responded to the above comments raised, a copy of the letter is available to view.

- 1.10 The GLA have also issued further comments which respond to the comments raised above. A copy of this letter is available to view.

2.0 RECOMMENDATION

- 2.1 Officer's recommendation remains Approval.

Agenda Item number:	7.3
Reference number:	PA/11/3670
Location:	ASDA, 151 East Ferry Road
Proposal:	Hybrid planning application for demolition and comprehensive redevelopment






1.0 FURTHER REPRESENTATIONS

1.1 Friars Mead Boundary

1.2 Following the publication of the main report, a resident of Friars Mead contacted the case officer seeking confirmation that the proposal included boundary treatment along the eastern edge, which the developers had designed in response to consultation with residents whose rear gardens adjoin the development site.

1.3 The revised Design Code (Rev B) which is reference on Page 196 of the planning report includes the layout which was worked up with residents, as shown below:

Eastern Mews/Friars Mead Boundary Works

-  The following criteria for the Eastern Mews/ Friaras Mead boundary should be developed, in conjunction with the Friars Mead residents:
-  The existing flood protection bund is to be retained or replaced to provide the same level of protection as existing.
-  Trees should be retained wherever possible, though weaker specimens should be removed to make way for additional planting, with the inclusion of evergreen species to provide year round cover. The timing of bund works and its planting should occur early on in the construction programme to benefit Friars Mead residents as early as possible.
-  Adjacent and west of the bund a boundary wall, with acoustic performance, must be constructed and include individual gates linking as closely as possible to the location of gates from rear gardens at Friars Mead. Any paths between these gates should be kept as level as possible and their surface material to be of a quality in keeping with the rest of the development.
-  West of the boundary wall, and additional line of trees is to be provided by spacing car parking bays and allowing for areas of planting at their ends, to ensure that a distinct avenue of trees is visible when looking north or south along the Mews; a dual benefit for Mews and Friars Mead residents.



These principles are illustrated in the adjacent plan.

1. Play area: The play areas are to be developed as a natural play area, with a connection to the London City Mission Hall. The existing flood protection bund in this area is retained or replaced to provide the same level of flood protection.

2. The proposed wall is extends north.

3. Wall adjacent to cycle store in line with wall further south.

4. Trees will be retained where possible.

5. Consideration should be given to minimising the risk of children climbing on the roof of bike store.

6. Tree planting between the line of parking bays to provide an 'additional layer' of tree planting and shade parking bays

7. The wall includes individual gates linking as closely possible to locations of gates from rear gardens of Friars Mead. Any paths connecting to the gates are to be kept as level as possible.



1.4 The purpose of the Design Code is to inform how the reserved matters applications would be designed, and set out principles for development. The Design Code it specifies that the boundary should be developed in conjunction with Friars Mead residents. The indicative plan and accompanying notes are 'Illustrative' - setting out how matters could be addressed, but the final detail would be worked up at a later date.

1.5 Additionally, the Council is statutorily required to carry out public consultation upon the submission of a reserved matters application for this part of the site. Page 203, point 3.10 lists the conditions for Phase 5 of the development, and if planning permission were approved the first condition under this phase could read:

- 1.6 *"The details of reserved matters of the layout, scale, design and appearance of the buildings, the means of access thereto and the **landscaping as well as details of boundary treatments** and vehicular and cycle parking provisions shall be submitted to an approved in writing by the Local Planning Authority prior to the commencement of Development within Phase 5 **in consultation with residents***

Reason: To ensure that the Local Planning Authority has control of those matters that have been reserved from the grant of outline planning permission and in accordance with DEV1 of the UDP, SPO1 of the CS and policies 7.6 and 7.7 of the London Plan.

1.7 Brittania Pharmacy

- 1.8 A further representation has been received on behalf of Brittania Pharmacy, which currently sits within the existing ASDA store. The pharmacy is not satisfied with the officers response to their concern within the planning report (Page 222, point 7.4), and seeks confirmation that the Council would secure either by condition or Legal Agreement that a pharmacy would be secured within the scheme.

- 1.9 It is not appropriate to secure end users within the proposal beyond floorspace for the standard use classes (a pharmacy falls within Use Class A1 - Retail). Nevertheless, the proposal secures a significant amount of retail floorspace which could be used as a pharmacy if interest were shown. ASDA have confirmed that they are currently in discussions with Brittania Pharmacy regarding the renewal of their lease.

1.10 One Housing/Island Homes

- 1.11 The Council did not write to Island Homes/One Housing Group specifically as part of the notification exercise. Nevertheless, consultation letters were sent to every property along Glengall Grove (which would include One Housing/Island Homes tenants), addressed to owner/occupier in accordance with the statutory duty to consult and also in accordance with the Statement of Community Involvement which requires notification of neighbouring occupiers. Details of the proposal were also published in East End Life on two occasions within the last 8 months, and displayed site notices around the site on two occasions.

- 1.12 One Housing contacted the case officer raising concern regarding development taking place on land in their ownership, and the fact they had not been consulted.

- 1.13 Case officer confirmed that the proposal is only for development within the red-line site plan, and any development outside of this is indicative only. Accordingly, the scheme does not propose development on land owned by One Housing.

1.14 7 Letters from members of the public requesting the item be deferred

Requests received seeking this item be deferred as insufficient preparation time had been allowed, and the date falls within the holiday period.

- 1.15 The date and time of this meeting have been published, together with the calendar of Council meetings for this municipal year since the Council's Annual General Meeting on the 16th May.

- 1.16 Given the volume of planning applications that need to be considered by either the Development or Strategic Development Committees, the Council has determined that these Committees should continue to meet during the summer months.

- 1.17 Specific agenda items for each meeting are put together some time before the

meeting date itself and the final agenda is published and made publicly available a week before the meeting. In this instance the agenda was published and made available on the Council's web site on Wednesday the 8th August. This was in accordance with the Council's normal procedures. When a planning application is included on a Committee agenda, those who have made representations on the application are notified by the Council of the Committee date by letter despatched by 1st class post. In this instance these 236 letters dated the 9th August, were despatched on the morning of Friday 10th August and so should have been received by recipients the following day.

1.18 Accordingly, the decision has been taken to maintain the scheduled date and time.

1.19 1 additional letter of objection, re-iterating previous reasons for objection

1.20 No further comments.

1.21 1 additional letter of support

1.22 No further comments.

2.0 CLARIFICATION AND CORRECTIONS

2.1 Table 1, para 8.143, page 248 is amended as follows:

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	30	3.53%	191	7.02% 6.99%
Affordable Rent	108	12.71%	384	14.11% 14.05%
Affordable Intermediate	86	10.12%	273	10.03% 9.99%
Total Affordable	224	26.35%	848	31.17% 31.03%
Market Sale	626	73.65%	1873 1885	68.83% 68.97%
Total	850	100%	2721 2733	100%

2.2 The error in the report has minor implications upon the final percentages in this table, however the officers conclusion in para 8.145 remain unchanged.

2.3 Paragraph 8.316, page 268 refers to 3 carclub spaces, however this should read 2 car club spaces

2.4 Paragraph 8.334, page 271. Reference is made to 'Podium Level and above – Construction of Block G (Residential – up to 34 private units, 50 affordable units). This should be taken as deleted as this element of the scheme could come forward in phase 1 (Paragraph 8.330, page 270).

2.5 Paragraph 8.335, page 271.

- First bullet point: The proportion of 7%, 14% and 10% affordable housing by tenure should refer to habitable rooms, not housing units.

2.6 Paragraph 8.335, page 271, fourth bullet point and paragraph 3.1 (m), page 200.

- A varied obligation has been agreed for Phase 2, this being: no more than 70% market housing to be completed until 30% affordable housing completed;

no more than 80% market housing to be completed until 60% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed.

- 2.7 Paragraph 8.48, page 233 Clarification: The agreed funding would provide 1 year membership and a commitment by the operator to run the scheme for a minimum of 2 years.
- 2.8 Paragraph 8.60, page 234 states £873,903 agreed towards public realm improvements. This should be amended to read £881,275 as quoted elsewhere in the report.
- 2.9 Paragraph 8.173, page 252. The final figure of 1150sqm should be amended to read 1159sqm.
- 2.10 Paragraph 8.175, page 253. This paragraph is amended to read as follows:
- 2.11 The proposed approach to play overall is to deliver facilities for children aged 0 – 11 on site. The GLA's 'Providing for children and young people's play and informal recreation' SPG (2008) sets out targets for proportions of playspace by age group. This proportional approach to the child yield results in the need for 1489sqm of playspace for children aged 0 – 4, and 1413sqm of playspace for children aged 5 – 10. The scheme delivers 1420sqm of playspace for children aged 0 – 4 and 1240sqm of playspace for children aged 5 – 11. Combined, this delivers 2,660sqm of playspace onsite for children aged 0 – 11, thus providing a shortfall of 242sqm for children aged under 12.
- 2.12 Paragraph 8.176, page 253. The shortfall for children aged under 12 should read 1159sqm.

3.0 RECOMMENDATION

- 3.1 Officer's recommendation remains Approval.

