

<b>Committee:</b> Development Committee	<b>Date:</b> 12 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Nasser Farooq		<b>Ref:</b> PA/12/01803	
		<b>Ward:</b> Blackwall and Cubitt Town.	

1 **Application Details**

**Location** Betty May Gray House and St Johns House, Pier Street, London, E14

**Existing Use:** Residential Estate

**Proposal:** Regeneration of the Betty May Gray Estate including the refurbishment of existing homes, provision of new homes and replacement of St John's homes. The development comprises the following:

1. Re-cladding Betty May Gray House
2. Demolition of older person's bedsit accommodation of St John's House and the redevelopment of this site to provide a three storey terrace of 12 large family houses with gardens
3. Construction of a part seven, part four storey new block of 29 wheelchair accessible flats for re-provision of older persons (to replace St John's House) within an existing car park
4. The construction of a part seven, part 5 storey building fronting Manchester Road comprising of 27 one, two and three bedroom flats for market sale or intermediate rent

Proposal includes other associated works including car parking, refuse and landscaping.

**Drawing no's** P.05.01, P.10.01, P.10.02, P.10.03, P.10.04,  
P.10.05, P.10.06, P.10.07, P.10.11, P.10.12,  
P.10.13, P.10.14, P.10.15, P.10.16, P.10.17,  
P.12.01.A, P.12.02.A, 2.12.03A, 2.12.04A, 2.12.05A,  
P.12.06A, 2.12.07A, 2.12.08A, P.12.30A, P.12.31A,  
P.12.32A, P.12.40A, P.12.41A, P.12.42A, P.12.50A,  
P.12.51, P.14.01A, P.14.02B, P.14.03C, P.14.04B,  
P.14.05A, P.14.06B, P.14.07A, P.14.08A, P.14.09A,  
P.14.10, P.14.11, P.14.20, P.14.30A, P.14.31B,  
P.14.32A, P.14.33, P.14.40A, P.14.41A, P.14.42A,  
P.14.43A, P.14.44, P.14.50B, P.14.51A,  
13389\SK\300-01 rev B and P.90.01 rev B.

- Documents**
- Arboricultural Survey and Arboricultural Implications Assessment dated January 2012 prepared by Thomsons Ecology ref: ACDN103/001/001
  - Bat Roost Inspection Report dated 4<sup>th</sup> May 2012 prepared by Southern Ecological Solutions.
  - Site Investigation Report reference C12663 dated June 2012 prepared by Ground Engineering
  - Planning Statement & Planning Obligations June 2012
  - Air Quality Assessment dated 14<sup>th</sup> May 2012 dated ACCON UK
  - Affordable Housing Statement prepared by Gateway Housing Association
  - Utilities Statement dated 15<sup>th</sup> June 2012 Ref: 1973.09.02.22 Utilities Statement Rev 0.
  - Sustainability Appraisal dated May 2012 Ref: K110696/NDG/G6 Rev02, prepared by Calford Seaden
  - Pier Street Estate Wind Microclimate dated 27<sup>th</sup> April 2012 prepared by Capita Symonds
  - Environmental Noise Assessment dated 29<sup>th</sup> May 2012 prepared by Cole Jarman
  - Photographs Existing Site and Buildings prepared by Rivington Street Studio
  - Report on the Availability of Natural Daylight and Sunlight dated June 2012 reference K110775/C7 PSD/hmt G8 prepared by Calford Seaden dated June 2012
  - Addendum Report on Daylight and Sunlight dated 7<sup>th</sup> September 2012 prepared by Calford Seaden
  - Ecological Scoping Survey and Biodiversity Statement dated January 2012 prepared by Southern Ecological Solutions
  - Site Waste Management Plan dated 24<sup>th</sup> May 2012 reference 1973.09.02.20 SWMP prepared by Cox Drew Neale LLP
  - Residential Travel Plan dated June 2012 reference 9X1476 prepared by Royal Haskoning
  - Transport Statement dated June 2012 reference 9X1476PL prepared by Royal Haskoning
  - Pier Street Design & Access Statement prepared by Rivington Street Studio
  - Accommodation Summary rev A dated 5<sup>th</sup> September 2012
  - Velfac 200 series- Manufacturers details
  - Josta 2 tier Bicycle Racks P.100.03
  - Corium Sample P.100.02

**Applicant:** Gateway Housing Association

**Ownership:** Gateway Housing Association

**Historic Buildings:** N/A

**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy (2010), the London Borough of Tower Hamlets Unitary Development Plan

(1998), the Council's Managing Development DPD (Submission version 2012), the London Plan (2011) and the National Planning Policy Framework (2012) and has found that:

- 2.2 The proposal is in line with the Mayor of London and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (Submission version 2012) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The proposed development is acceptable in terms of design and appearance. As such, the scheme is in line with policies 7.1 and 7.6 of the London Plan (2011), Policy SP10 of the adopted Core Strategy (2010), policies DM24 and DM26 of the Managing Development DPD (Submission version 2012), and saved policy DEV1 of the Council's Unitary Development Plan (1998), which seek to ensure buildings are of a high quality design and suitably located.
- 2.4 Subject to conditions requiring the submission of full details and material samples the scheme is considered to deliver high quality design, enhancing the street scene and local context. As such, the proposal is in accordance with government guidance set out in the National Planning Policy Framework, Policies 7.8 and 7.9 of the Mayor's London Plan (2011) as well as Policy SP10 of the adopted Core Strategy (2010), saved policy DEV1 of the Unitary Development Plan (1998) and policies DM23 and DM24 of the Managing Development DPD (submission version 2012), which seek to ensure an acceptable standard of design.
- 2.5 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3.8, 3.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policy DM3 of Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy (2010) which seek to ensure that new developments offer a range of housing choices.
- 2.6 The scheme provides acceptable space standards and layout. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010) and policy 3.5 of the London Plan (2011), which seek to provide an acceptable standard of accommodation for existing and future residents.
- 2.7 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy DM4 of the Managing Development DPD (Submission version 2012), and policy SP02 of the Core Strategy Development Plan Document (2010), which seek to improve amenity and liveability for residents.
- 2.8 The proposal would not give rise to any unduly detrimental impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DM25 of the Managing Development DPD (Submission version 2012), and policy SP10 of the of the Core Strategy (2010) which seek to protect residential amenity.

- 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy (2010) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 The development, through a series of methods including communal gas fired boiler and Photovoltaic Panels would result in a satisfactory reduction in carbon emissions and also seeks to secure the code for sustainable homes level 4 which is in accordance with policy SP11 of the Core Strategy (2010) and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.11 Contributions have been secured towards the provision of affordable housing and education improvements for local people in line with Regulation 122 of Community Infrastructure Levy 2010; saved policy DEV4 of the Council's Unitary Development Plan (1998) and policy SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a **legal agreement** to secure the following planning obligations:
- 3.3 Financial contributions
- a) **£83,148** for Education
- 3.4 Non-financial contributions
- a) Minimum of 78% affordable housing, measured in habitable rooms comprising of:
- 4 x one bed intermediate units
  - 11 x two bed intermediate units
  - 3 x three bed intermediate units
  - 21 x one bed affordable rent units
  - 12 x four bed affordable rent units
- b) Car free development.
- c) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- d) A minimum of 16 two-week work experience placements to take place during the construction phase for local Tower Hamlets residents
- e) An expectation that 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

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

### 3.7 **Conditions**

1. Three Year time limit for full planning permission
2. Development in accordance with plans
3. Details of materials
4. Details of lighting, Balcony Screening, Entrance drawings and railings and gates.
5. Compliance with Boundary Plan
6. Compliance with Landscape management plan including the delivery of 35 new trees, details of species to meadow and communal garden, details/ of bird cages and other biodiversity measures
7. Compliance with Arboricultural Report in relation to tree protection
8. Details of ramp access for Blocks 3 and 4
9. Secure by design compliance statement
10. Compliance with Energy Statement and detailed energy strategy
11. Installation of Photovoltaic Panels
12. Details of future proofing to Block 3
13. Pre Assessment and post completion certifications demonstrating Code for Sustainable Homes Level 4
14. Construction Hours (8am – 6pm Monday to Friday, 8am – 1pm Saturday only).
15. Development to comply with lifetime homes standards
16. 10% wheelchair housing retained
17. Implementation of Travel Plan
18. Retention of refuse facilities in accordance with drawing
19. Retention of cycle spaces
20. Retention of disabled spaces
21. Retention of car club spaces
22. Construction management plan
23. Surface Water Drainage details
24. Site remediation details
25. The development shall comply with the requirement of 'Secured by Design'.
26. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

### 3.8 **Informatives**

1. This development is to be read in conjunction with the s106 agreement
2. Developer to enter into a s278 agreement for works to the public highway
3. Developer to contact Council's Building Control service
4. Thames Water informative
5. Compliance with the Town And Country Wildlife Act
4. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

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

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

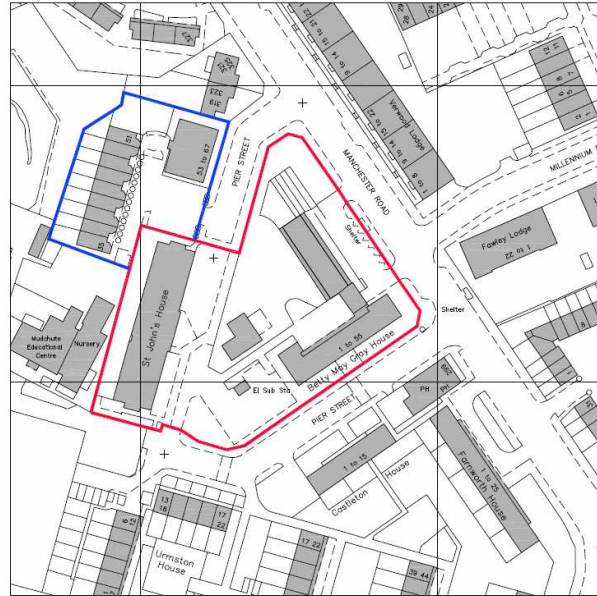
## **Proposal**

- 4.1 The proposal seeks the regeneration of the Betty May Gray Estate comprising of the following works:
- 4.2
- The complete re-cladding of Betty May Gray House
  - The demolition of older person's bedsit accommodation of St John's House and the redevelopment of this site to provide a three storey terrace of 12 x four bed family houses with gardens
  - The re-provision of the older person's bedsit accommodation in a new part four, part seven storey new block of 29 wheelchair accessible flats within an existing car park located to the rear of Betty May Gray House
  - The construction of a part seven, part five storey building fronting Manchester Road comprising of 27 one, two and three bedroom flats for market sale or intermediate rent
  - The proposal also includes other associated works including car parking, refuse and landscaping.

## **Site and Surroundings**

- 4.3 Betty May Gray Estate is a post-war housing estate occupying a triangular plot of land on the eastern side of the Isle Of Dogs within the Blackwall and Cubitt Town Ward.
- 4.4 The site is bounded by Manchester Road, and Pier Street which is located off Manchester Road to the north and runs along the triangular site before re-joining Manchester Road to the south. To the north-west of the site is Mudchute Farm/Park.
- 4.5 The estate contains two residential buildings – Betty May Gray House and St Johns House. Betty May Gray House is a part 9, part 5 storey building in an 'L' shaped design. The 9 storey element is located around 17m off the pavement edge of Manchester Road, the five storey element runs perpendicular from the larger block and fronts Pier Street to the south.
- 4.6 St Johns House is a part one, part two storey residential building accessed off the northern side of Pier Street. St Johns House contains 29 bedsits for older persons accommodation, together with a wardens flat.
- 4.7 A car park is located to the south of the site, as well an energy substation.
- 4.8 The surrounding area contains a number of residential developments with varying building heights.
- 4.9 At the southern corner of Pier Street and Manchester Road outside the application boundary, lies the Pier Tavern - a three storey public house.
- 4.10 The application site is shown on the plan below. The larger outline represents the sites boundary, whilst the smaller line represents the other areas outside the site boundary that are in the applicant's ownership.

4.11



### Planning History

4.12 The following planning decisions are most relevant to the application and relate to the construction of the original buildings:

- PA/56/00411 The erection of two blocks of the balcony access type containing a total of 55 flats; block A of 9 and 5 storeys containing 35 flats and block B of 5 storeys containing 20 flats  
Approved on 20/12/1956
- PA/59/00467 The development for the Isle of Dogs Housing Society Ltd by the erection of 55 dwellings in 5 and 9 storey blocks A and B of maisonettes and flats  
Approved 20/07/1959
- PA/71/00473 The erection of a building containing 28 flats for old people and associated uses, as shown on the submitted plans including alterations to vehicular access and car park.  
Approved on 29/03/1971

## 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:

### 5.2 Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP09	Creating attractive and safe streets and places
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking

### 5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV50	Noise
	DEV51	Soil tests
	DEV56	Waste recycling
	HSG7	Dwelling mix and type
	HGS16	Housing amenity space
	T16	Traffic priorities for new development.

### 5.4 Managing development DPD (Submission Version 2012)

Policies	DM3	Delivering Homes
	DM4	Housing standards and amenity space
	DM11	Living buildings and biodiversity
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM29	Achieving a zero carbon borough and addressing climate change

### 5.5 Interim Planning Guidance for the purposes of Development Control

Policies	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessible and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV15	Waste and recyclables storage
	DEV16	Walking and cycling routes and facilities
	DEV19	Parking for motor vehicles
	HSG3	Affordable housing provision in individual private residential and mixed use schemes
	HSG10	Calculating the provision of affordable housing.

### 5.6 London Plan 2011 (Spatial Development Strategy for Greater London)

3.3	Increasing housing supply
3.5	Quality and design of housing design
3.6	Children and young people's play and informal recreation facilities
3.8	Housing choice
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
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
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.17	Waste capacity
5.21	Contaminated land
6.9	Cycling
6.11	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.15	Reducing noise and enhancing soundscapes
8.2	Planning obligations

5.7 **LBTH Planning Obligations Supplementary Planning Document ( 2012)**

5.8 **National Planning Policy Framework (2012)**

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

**6. CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

**Environmental Health**

Contaminated Land

6.3 The site and surrounding area have been subjected to industrial uses which have the potential to contaminate the area. Given ground works and soft landscaping are proposed, a potential pathway for contaminants may exist and will need further characterisation to determine associated risk. Condition recommended.

6.4 *(Officer comment: A condition is recommended for a remediation strategy to be submitted to and approved)*

Noise & Vibration

6.5 No objections to this development.

Health and Housing Team

- 6.6 Some of the three bedroom units fail to meet the Greater London Authorities London Housing Design Guide which states that dwellings with three or more bedrooms should have two living spaces.
- 6.7 *(Officer comment: All four of the three bedroom units have one living area as opposed to the two suggested in the London Housing Design Guide. Given all 12 of the four bedroom units have more than one living area and that all the units meet the overall space standards as well as the design guide not being is not an adopted Development Plan Document, on balance the lack of two living spaces for some of the units is considered acceptable in this instance, and the amenity of these units is considered acceptable)*

Health and Safety

- 6.8 Construction Phase: The development should comply with the Construction (Design and Management) Regulations 2007
- 6.9 *(Officer comment: This is noted however given this is a Building Control matter, it is considered outside of planning control.)*

**LBTH Landscape Section**

- 6.10 No comments received.
- 6.11 *(Officer comment: A landscape condition is recommended to ensure the landscaping proposed is of sufficiently high quality as shown in the submitted plans)*

**Crime Prevention Officer (CPO)**

- 6.12 Extensive discussions have taken place with the CPO with a view to making the scheme secure by design. These included an office meeting between the officer and the applicant.
- 6.13 *(Officer comment: These discussions have been noted and the scheme has been designed to be secure by design compliant. Final measures of secure by design will be conditioned to ensure they are implemented)*

**LBTH Transportation & Highways**

- 6.14 The site is in an area of average public transport accessibility (PTAL 3), though bus service provision locally is better than this would suggest. Parking occupancy is high/stressed at night on Manchester Road and Millennium Drive at over 80%. Within Pier Street occupancy is at 30%. For the avoidance of increasing pressure on spaces the market housing units (21) must be car-and-permit free. This will need to be applied through a legal agreement.
- 6.15 The applicants are providing a net total of 7 additional spaces for 39 additional homes (St Johns house is being re-provided via Block 4). Of these, two are wheelchair bays and one is car club. This equates to a provision of 0.17 spaces per additional dwelling, which is on balance acceptable.
- 6.16 The car club space has been located close to the access into the site which will not be gated, enabling residents both from within the development and located locally access to the car. This is acceptable and a condition is recommended for the space to be retained.

- 6.17 The overall provision of cycle spaces is acceptable although concerns exist over the hanging cycle space within the porches of the houses.
- 6.18 *(Officer comment: These comments have been noted and the requested conditions are recommended should consent be granted. With regards to hanging cycles whilst these concerns are noted, the houses each have additional space to store cycles within the rear garden if needed. Furthermore, alterations in layout have resulted in a further reduction of two parking spaces to those originally proposed which is welcomed. The level of parking along with its allocation within the blocks is discussed further in the Material Planning Section of the report)*

### **LBTH Biodiversity**

- 6.19 The Ecological Scoping Survey shows that there will not be significant impacts on biodiversity. The bat survey confirms that there are unlikely to be any impacts on bats, which are European protected species.
- 6.20 The estate and surrounding area support a substantial population of the declining House Sparrow. The Biodiversity Statement recommends enhancements, including nest boxes, which would benefit house sparrows. The proposed landscaping includes a number of features which will enhance biodiversity. The most significant of these are areas of meadow in the main open space.
- 6.21 A condition should be imposed that full details of the extent and species mix of the meadow be agreed by the Council and the meadow then implemented as agreed.
- 6.22 Other landscape features which will benefit biodiversity include a log pile, and a number of shrubs and herbaceous plants which will provide nectar for bees and other invertebrates as well as berries for birds. These should be secured by condition.
- 6.23 The Biodiversity Statement makes several other recommendations for biodiversity enhancements, including nest boxes and a hedgehog home. A condition should be imposed that full details (including number, type and location) of nest boxes and other places of shelter for birds, mammals and invertebrates be agreed by the Council, and then installed as agreed.
- 6.24 *(Officer comment: these comments have been noted and it is recommended that these details be secured with full Landscape details)*

### **LBTH Access to Employment**

- 6.25 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. LBTH will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.26 To ensure local businesses benefit from this development the Employment and Enterprise section expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. LBTH will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place.
- 6.27 The Council will seek to secure a financial contribution of £16,240 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.

- 6.28 *(Officer comment: Due to the viability of the scheme it has not been possible to seek a financial contribution for access to employment in this instance. Nevertheless, a clause is recommended in the s106 securing 20% of employment during the construction phase, and procurement within the borough. Please see the material planning section of the report for more information)*

### **Communities, Localities & Culture**

- 6.29 No comments received

### **LBTH Waste Management**

- 6.30 No comments received

- 6.31 *(Officer comment: The level of refuse provided is within the recommended guidelines set within Council policies. Furthermore the refuse is to be collected from within 10m from the highway and as such is considered acceptable)*

### **Environment Agency**

- 6.32 Subject to a condition requiring details of surface water drainage no objections are raised to the scheme.
- 6.33 *(Officer comment: this is noted and a condition requiring further details of surface water drainage is recommended on this consent)*

### **Thames Water**

- 6.34 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.
- 6.35 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 6.36 In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer.
- 6.37 On the basis of information provided, Thames Water advised that with regard to water infrastructure they do not have any objection to the proposal.
- 6.38 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes.
- 6.39 *(Officer comment: these comments have been noted and have been sent to the applicant. An informative will be placed advising the applicant of Thames Water Comments)*

### **London City Airport**

- 6.40 No objections raised.

### **Transport for London**

- 6.41 TfL accepts the need for parking for large residential units, it is recommended that visitor parking should be allocated from existing car parking provision.
- 6.42 The proposed level of provision for electric vehicle charging point is consistent with London Plan standards. Proposed level of cycle parking provision is considered acceptable.
- 6.43 The finalised Travel Plan should be submitted for local authority's approval prior to the occupation of the site. The Travel Plan should be secured via planning obligation.
- 6.44 The submission of Delivery & Servicing Plan prior to the occupation of the site is recommended.
- 6.45 A Construction Management Plan and Construction Logistics Plan should be submitted for approval prior to construction work commences on site.
- 6.46 *(Officer comment: The requested conditions have been recommended on the consent. With regards to parking, two further parking spaces were omitted from the scheme, and as such, the visitor parking would be from the existing provision as recommended by TfL)*

### **Arboricultural Tree Officer**

- 6.47 No comments received.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 414 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.
- 7.2 The Council received 5 letters in objection to the development from local residents raising the following issues:
- 7.3 -Height out of character within the area  
*(Officer comment: the height has been reduced following pre-application discussions to a height that is considered acceptable within the area. This is further explained within the Material Planning Considerations section of this report)*
- 7.4 -Impact on trees / open space / bird nesting  
*(Officer comment: the developments impact on local trees/open space and on birds nesting are all outlined within the Material Planning Considerations section of the report)*
- 7.5 -Right to light  
*(Officer comment: Right to light in itself is not a material planning consideration, it is a separate civil matter. Development resulting in a loss of daylight/sunlight is material to the determination of the application and is discussed within the amenity section of*

this report)

- 7.6 -Overpopulation for Isle of Dogs  
*(Officer comment: The Isle of Dogs and Tower Hamlets in general do not have a ceiling cap on population; the population targets are set by the Mayor of London within the London Plan 2011. However, overdevelopment of sites is considered on a case by case basis, and in the case of the application being considered officers are not of the view the scheme would result in overdevelopment of the subject site. This is discussed further within the Land Use section of this report found within the Material Planning Considerations Section of the report)*
- 7.7 -Impact on health during construction  
*(Officer comment: Whilst this is noted, in itself it is not considered a valid reason for the refusal of the scheme as its impacts tend to be temporary. Nevertheless, a condition for a Construction Management Plan has been included by officers. This plan incorporates measures to control dust and noise during construction)*
- 7.8 -Privacy Impacts  
*(Officer comment: The proposed blocks achieve the minimum separation distances set within policy DEV2 of the Unitary Development Plan (1998). Privacy matters are discussed in more detail within the amenity section of the report)*
- 7.9 -Loss of 15 Sheds  
*(Officer comment: The loss of sheds is due to the siting of Block 3. Further clarification on this point was sought from the applicant who advised that existing residents do not have leases for these sheds, nor do they pay rent for them. Nonetheless, the Betty May Gray residents currently using sheds (11 in total) are to be offered compensation for the loss of use, although this is outside of the planning process. The loss of sheds is not considered to out-weight the benefits of the scheme as outlined in the material planning section of the report)*
- 7.10 -Impact on buses/ DLR services  
*(Officer comment: Transport for London have been consulted on the application and they have not raised any objections along the ground of impact on public transport. as such, it is considered that any additional impact on the local transport network can be accommodated. )*
- 7.11 -Impact on local facilities such as Health and Education.  
*(Officer comment: a financial contribution of £83,148 has been secured towards health. Due to financial viability of the scheme, the applicant is not able to meet the Councils S106 ask, in order to mitigate against the impacts of the development. This is discussed further within the Material Planning Section of the report.)*

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of the Land Use and Density
  2. Design and appearance
  3. Amenity Impacts
  4. Affordable Housing and Dwelling Mix
  5. Quality of proposed accommodation
  6. Highways
  7. Energy and sustainability

- 8. Biodiversity
- 9. Planning obligation

## **Principle of Land Use and Density**

### Land Use

- 8.2 Delivering housing is a key priority both nationally and locally and this is acknowledged within the National Planning Policy Framework, Strategic Objectives 7, 8 and 9 of the Core Strategy and policy 3.1 of the London Plan which gives Boroughs targets for increasing the number of housing units.
- 8.3 Core Strategy 2010 (Core Strategy) policy SP02 sets Tower Hamlets a target to deliver 43,275 new homes (2,885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan 2011 (London Plan) policies 3.3 and 3.4 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.4 Adopted policy SP02 further outlines that the majority of new housing should be focussed within the east of the borough including Blackwall and Cubitt Town where the application site lies.
- 8.5 The site does not have an allocation in the Unitary Development Plan nor the Managing Development DPD (submission version 2012). Taking this into account, and given the surrounding area is predominantly residential in character, it is considered that this development would be an acceptable use of previously developed land and would be in accordance with the above planning policies.

### Density

- 8.6 The London Plan density matrix within policy 3.4 suggests that densities within urban sites with good transport links should be within the range of 200-450 habitable rooms per hectare and between 70-170 units per hectares. This is reinforced by policy HSG1 of the Interim Planning Guidance (IPG) and policy SP02 (2) of the Core Strategy (2010) which seek to correspond housing density to public transport accessibility and proximity to town centres.
- 8.7 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.8 The proposed density when taking into account the existing dwellings is around 556 habitable rooms per hectare. This falls outside the recommended guidelines outlined above. The primary reason for this is the large number of family sized units provided within the development for which there is a substantial demand and borough wide need.
- 8.9 The total number of units works out to around 187 units per hectare. This also falls outside the recommended guidelines of 70-170 units per hectares.
- 8.10 Given the sites location in close proximity to three DLR stations (Island Gardens,

Mudchute and Crossharbour), the proposed District Centre at Crossharbour (around 400m from the site) and the numerous bus stops on Manchester Road, it is considered that this level of development can be supported within this location. The proposal is supported by the Boroughs highways officers and TfL.

- 8.11 Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts on the surrounding area.

### **Design and Appearance**

- 8.12 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 7. Saved policy DEV1 in the UDP and Policy DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.13 These principles are further supported by policy SP10 in the Core Strategy (2010) and policy DM24 of the Managing Development DPD (submission version 2012).
- 8.14 London Plan policies 7.6 and 7.7 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and be a catalyst for regeneration. These aims are further supported by policy SP10 of the adopted Core Strategy, policy DM26 of the Managing Development DPD (submission version 2012), and policy DEV27 of the Interim Planning Guidance (October 2007).

### **The Proposed Scheme**

- 8.15 The proposed scheme consists of the regeneration of the Betty May Gray Estate include the refurbishment and recladding of the existing Betty May Gray House (the smaller block is referred to as Block 1, the larger 9 storey element is referred to as Block 2 within the submitted plans), demolition of St John's house and erection of three buildings of varying heights to provide additional residential accommodation. The new buildings are referred to as Blocks 3, 4 and 5 within this report and the application.
- 8.16 The existing and proposed blocks are shown in the following Block Plan.





### Block 3

- 8.17 This block is proposed to be part 4, part 7 storeys in height and is to be located on a triangular site at the northern corner of Betty May Gray House at the junction of Manchester Road with Pier Street. The lower four floors wrap around to Pier Street with privacy buffers fronting the pavement. The seven storey element of the block is situated on Manchester Road and abuts the 9 storey Betty May Gray House forming a transition in building heights.

### Block 4

- 8.18 This is a part 4 part 7 storey building proposed to be located on the existing car park at the west of the site, close to the entrance of Mudchute Park. The four storey element reflects the heights of buildings around Pier Street. The 7 storey element forms an L shape set back from the main building line. This block is proposed to re-house the old persons bedsits which are to be lost as a result of the demolition of St Johns House.

### Block 5

- 8.19 This is a three storey terrace to be situated where St Johns House is currently located. The mono-pitch roof has its higher side along Pier Street to reinforce its appearance in relation to the taller buildings proposed around it.
- 8.20 In addition, the development would require the relocation of an existing substation which is located on the site of proposed Block 4. This is to be located along the northern part of Pier Street.

### Design

- 8.21 To create a cohesive appearance with Betty May Gray House (BMGH), the proposal involves the re-cladding of BMGH in materials similar to those proposed in the new buildings. These include brick cladding with rendered panels, and recessed balconies. Distinctive openings within the brickwork are also proposed, using alternative brick colours added into or flush with the facades of the various blocks.

- 8.22 The windows to be use in the development are similar to those currently used within the estate and similarly handrails and metal balustrading will be the same throughout the new and existing buildings. This will create a collective and cohesive appearance throughout the estate.
- 8.23 In addition to the over-cladding of BMGH, a new lift core is proposed in a new vertical element adjoining the rear of the existing entrance core. This will flow directly from the existing stairwell and will have a further entrance door from the community garden. The lift will be in addition to the existing lift and will ensure improved access at all times.
- 8.24 In liaison with local residents the refuse arrangements are to change to avoid a current fly-tipping problem, with a newly designed refuse store. In addition, cycle spaces are proposed throughout the development for both the existing and proposed flats.
- 8.25 The height of proposed Blocks 3 and 4 was reduced from 9 storeys following concerns raised by officers at pre-application stage. The resulting height of no more than 7 storeys with a large proportion of the buildings no higher than 4 storeys, sits below the height of Betty May Gray House and is considered to fit comfortably within the streetscene.
- 8.26 The design has evolved following extensive pre-application discussions as well as presentations to CADAP (Conservation and Design Advisory Panel), who are supportive of the design of the development.
- 8.27 The proposal provides a high quality development that would contribute to an identified housing need. The proposed height of the development responds to its local context in accordance with London Plan policies 7.6 and 7.7, policy SP10 of the adopted Core Strategy and policy DM26 of the Managing Development DPD (submission version 2012) which seek to ensure building heights are suitably designed to be of high quality and appropriate height and scale to their context.

#### Security and Safety

- 8.28 Policy 7.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan and policy DM23(3) of the Managing Development DPD seek to ensure that developments are safe and secure.
- 8.29 The scheme design has developed through several discussions with the Councils secure by design officer and has taken into account many of the initial concerns raised. A condition is recommended to ensure secure by design measures are incorporated into the development to ensure the resulting scheme is safe and secure for residents.
- 8.30 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the London Plan, saved policy DEV1 of the Unitary Development Plan and policy DM23(3) of the Managing Development DPD

#### **Amenity**

- 8.31 Adopted policy SP10 of the Core Strategy, saved policy DEV2 of the UDP and DM25 of the Managing Development DPD (submission version 2012) seek to protect

residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

#### Daylight, Sunlight and Overshadowing

- 8.32 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.33 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the 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.
- 8.34 Surrounding the application site exist a number of residential properties which could be impacted by the different blocks of the development. These include Blocks 1 and 2 of the existing Betty May Gray House.

#### Daylight

- 8.35 For calculating daylight to neighbouring properties affected by the 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.
- 8.36 With regards to VSC, BRE Guidelines advise that a loss of vertical sky of more than 20% becomes notable to residents and can potentially be considered as an adverse impact from the development.
- 8.37 The submitted daylight and sunlight reports assess the impact of the proposed development upon neighbouring properties, as well as daylight/sunlight conditions to future residents of the development.

#### Neighbouring Properties

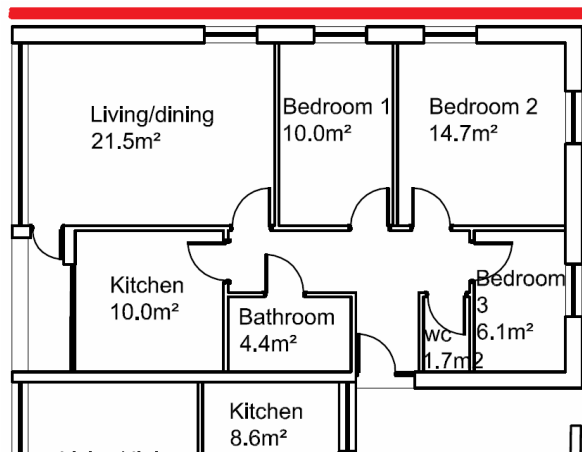
- 8.38 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site, those being:
- 13-22 Urmston House - located to the south of Blocks 4 and 5
  - 1-15 Castleton House- Located to the south of Block 5
  - 35-51 Pier Street- located to the north of Block 4
  - 53-67 Pier street- located to the north of Block 3
  - 319-325 Manchester Road located to the north of Block 3
  - 1-22 Verwood lodge & and 9-29 Ferndown Lodge both located to the north east of Block 3.
  - Betty May Gray House existing blocks 1 and 2
- 8.39 The submitted report confirms that all of the affected windows at 35-51 Pier Street, 319-325 Manchester Road, 319-325 Manchester Road, 1-22 Verwood Lodge, 9-29 Ferndown Lodge and Block 2 of Betty May Gray House would not see a VSC reduction of greater than 20% and as such according to BRE the impact of the

development on these properties is acceptable.

- 8.40 The ground floor properties of Castleton House would see a reduction in VSC of 20-21%. One room would see a 51% reduction in VSC however, given this is a bathroom it is considered acceptable as it is not a habitable room.
- 8.41 The submitted report demonstrates that the four ground floor windows of Urmston House will all see a VSC reduction of between 33 to 39%.
- 8.42 In addition, around 12 rooms within Block 1 of Betty May Gray House would result in a reduction in VSC greater than the 20%. The largest loss is 60% to a secondary bedroom.
- 8.43 Finally, the report outlined that all six of the affected windows to 53-67 Pier Street would see a reduction in VSC of between 22-27%.
- 8.44 As such, the report outlined that Urmston House, 53-67 Pier Street and Block 1 of Betty May Gray all required further testing to ensure the amenity impacts to these properties were acceptable. This further testing is discussed within the following sections of the report.

Block 1

- 8.45 Given Block 1 is within the application site, the submitted drawings outline the location of the affected windows and their uses. The affected façade is located to the south west elevation of Block 1 and contains 5 x three bedroom units, each located on a single floor of the five storey building. Three windows on each of the ground, first, second and third floors would see a VSC reduction of greater than 20%.
- 8.46 The following is part of the ground floor plan containing the affected unit (the layout is repeated over the other affected floors). The solid line represents the affected façade.



- 8.47 The layout of the flats shows that 2 of the 3 affected habitable rooms are dual aspect and would continue to receive light from other windows. The living room windows are larger on the unaffected elevation and are south facing and as such, will continue to receive a good and acceptable level of daylight. This is reflected in the daylight distribution figures for these 8 habitable rooms which show that light would still reach more than 97% of the former value in at least 7 of the 8 windows (four habitable rooms would not actually see any loss of daylight distribution).

- 8.48 This leaves the bedroom labelled as bedroom 1 in the above plan. Spread over four levels these habitable rooms (4 in total) will see a significant loss of VSC, and without any other window providing alternative daylight, these rooms will also see a loss of daylight distribution.
- 8.49 Officers have considered the amenity impacts to these rooms, and on balance, it is considered acceptable given the use of these rooms as a bedroom, and that these are only one of three bedrooms within each unit that actually fail.

Urmston House & 53-67 Pier Street

- 8.50 In order to understand the reasons why Urmston House & 53-67 Pier Street fail the VSC test under the BRE Guidelines it is important to look at the design of the properties. These are shown in the following photographs.

8.51



Urmston House

8.52



53-67 Pier Street.

- 8.53 The photos show the presence of over-hanging balconies and inset residential units in the majority of affected windows. In these instances paragraph 2.2.11 of the BRE Guidelines advise as follows:

- 8.54 *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place....this would show the presence of the balcony, rather than the size of the obstruction, was the main factor in the relative loss of light.*
- 8.55 When taking the overhangs away at Urmston House the loss of VSC to the four windows is between 11 to 13%. This is well within the 20% tolerance level within the BRE guidelines, this demonstrates that the failures at Urmston House are due in part to its design and not the proposed development.
- 8.56 With regards to 53-67 Pier Street, the loss of the balconies above would see VSC fall to around 24%. Whilst this is 4% higher than the recommended BRE Guidelines, given the rooms would continue to receive high sunlighting levels (as outlined in the following section of the report) it is considered acceptable in this instance.

#### Sunlight

- 8.57 The BRE report recommends that for existing buildings, sunlight should be assessed 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.
- 8.58 The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:
- Blocks 1 and 2 of Betty May Gray House.
  - 35-51 Pier Street
  - 319-325 Manchester Road
  - 53-67 Pier Street
  - Verwood and Ferndown lodge
- 8.59 The report demonstrates that 53-67 Pier Street, Verwood and Ferndown Lodge, 319-325 Manchester Road and 35-51 Pier Street will all continue to receive sunlight in excess of the minimum recommended levels set within the BRE Guidelines.
- 8.60 In terms of sunlighting conditions to Block 1, the report outlines that the Living/ Dining Rooms will all continue to receive sunlight in excess of the BRE guidelines.
- 8.61 Finally, the report outlines that many of the windows on the southern façade of Block 2 currently receive less sunlight than the recommended BRE Guidelines, this is presumably because of the existing obstruction caused by the existing Block 1 to the South. The daylight/sunlight assessment outlines that the proposed development would not have a significant impact compared to the impact that currently exists.
- 8.62 Overall, the proposed development is not considered to have an unduly detrimental impact in terms of Daylight or Sunlight to existing residents.

### Overshadowing

- 8.63 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 receive at least 2 hours of sunlight of 21 March”.
- 8.64 The report demonstrates that the majority of the amenity area within the development would receive at least 2 hours of sunshine during 21st March. As such, the proposal is acceptable in accordance with the above BRE guidance.

### Privacy

- 8.65 The proposed development has been sensitively designed to ensure acceptable separation distances between the new buildings and existing buildings.
- 8.66 Block 3 is located 18m from 53-67 Pier Street which is the recommended distance from which any overlooking is considered acceptable. Whilst Block 3 is closer to the pavement edge than Betty May Gray House, the separation distance across Manchester Road is in excess of 30m which will ensure any overlooking that is likely to occur will not adversely impact on the privacy of existing and proposed residents.
- 8.67 Block 4 is located 19m and 22m respectively from Urmston House and Castleton House and as such is considered acceptable to ensure adverse impacts from overlooking are unlikely to occur.
- 8.68 Given Block 5 follows the same general site layout and window arrangements as St John’s House, it is considered that no undue detrimental privacy concerns will arise in excess of what currently exists. The distances between proposed Block 5 to proposed Block 4 is 18m, to proposed Block 3 is 22m, to 35 Pier Street is 14m (same as existing), and to Mudchute Nursery 7m (same as existing).
- 8.69 Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved in accordance with policy SP10 of the adopted Core Strategy, policy DEV2 of the Unitary Development Plan and Policy DM25 of the Managing Development DPD (submission version 2012). These policies seek to protect residential amenity.

### Visual amenity / sense of enclosure

- 8.70 These issues are considered to be subjective. Following an assessment of the application, officers consider that given the separation distances proposed between the application sites and surrounding buildings the proposed development will not give rise to any adverse impacts in terms of visual amenity or sense of enclosure.
- 8.71 In conclusion, it is considered that there would be no undue detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

## **Affordable Housing and Dwelling Mix**

### Affordable housing

- 8.72 Policies 3.10, 3.11 and 3.12 of the London Plan (2011) define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account

site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.

- 8.73 Policy SP02 of LBTH's Core Strategy (2010) seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.74 Consideration has also been given to the changes made to the national definition of the affordable rented product which offers eligible households dwellings at a rent of up to 80% of local market rents. The definition of affordable housing has therefore changed and as outlined below in more detail now includes social rented, affordable rented and intermediate housing.
- 8.75 Part 1 of Policy DM3 of the Managing Development DPD (submission version 2012) sets out the Council's approach to the new affordable rent product. The policy reaffirms the Core Strategy target for 70% of new affordable housing to be for Social Rent and 30% for Intermediate. Where it can be demonstrated that it is not viable to provide this level of Social Rent housing then Affordable Rent will be accepted. The policy confirms that the delivery of larger family homes should still be prioritised for Social Rent.
- 8.76 The subtext to Policy DM3 of the Managing Development DPD (Paragraph 3.3) provides further detail on acceptable Affordable Rent levels are for the Borough as a whole. This has been informed by research carried out for the Council by POD (2011) which takes into account local socio-economic circumstances. In practice, rental levels on each individual scheme will be need to be agreed with the Council to reflect the particular local housing market of that area and the needs of the borough.
- 8.77 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.
- 8.78 Affordable rented housing is defined as:  
Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.
- 8.79 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 ownership and shared equity products, other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.
- 8.80 The application proposes 68 residential units with the total number of habitable rooms being 213. Of these, 51 flats would be affordable housing. By habitable room the scheme provides a total of 78% affordable accommodation comprising 68% affordable rent and 32% intermediate. Estate wide the resulting affordable housing split is 83% affordable/social rent and 17% intermediate.
- 8.81 The following tables explain the existing housing on site, the proposed housing on-



site and the total housing on-site.

8.82

	Market Sale		Intermediate Housing		Social Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
<b>Bedsits</b>	0	0	0	0	27	27	27	27
<b>1 Bed</b>	0	0	0	0	24	48	24	48
<b>2 Bed</b>	0	0	0	0	24	72	24	72
<b>3 Bed</b>	0	0	0	0	10	40	10	40
<b>4 Bed</b>	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>85</b>	<b>187</b>	<b>85</b>	<b>187</b>

**Table 1: Existing housing on site (BMGH and St Johns House)**

8.83 The majority of housing shown in Table 1 is located within Betty May Gray House (BMGH) and is due to be retained. The 21 bedsits and 9 one bedroom units at St John's House are to be demolished and re-provided within the scheme.

8.84

	Market Sale		Intermediate Housing		Affordable Rent		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
<b>1 Bed</b>	6	12	4	8	21	42	31	62
<b>2 Bed</b>	10	30	11	33	0	0	21	63
<b>3 Bed</b>	1	4	3	12	0	0	4	16
<b>4 Bed</b>	0	0	0	0	12	72	12	72
<b>Totals</b>	<b>17</b>	<b>46</b>	<b>18</b>	<b>53</b>	<b>33</b>	<b>114</b>	<b>68</b>	<b>213</b>

**Table 2: Proposed Scheme**

8.85 As outlined in Table 2, a total of 68 new dwellings are proposed within the scheme, of which 51 would be either intermediate or affordable rent. These include the introduction of 12 four bedroom units at affordable rent.

8.86

	Market Sale		Intermediate Housing		Affordable (Social Rent)		Totals	
	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms	Units	Hab Rooms
<b>Bedsits</b>	0	0	0	0	6 (6)	6	6	6
<b>1 Bed</b>	6	12	4	8	36 (15)	72	46	92
<b>2 Bed</b>	10	30	11	33	24 (24)	72	45	135
<b>3 Bed</b>	1	4	3	12	10 (10)	40	14	56
<b>4 Bed</b>	0	0	0	0	12(0)	72	12	72
<b>Totals</b>	<b>17</b>	<b>46</b>	<b>18</b>	<b>53</b>	<b>88</b>	<b>262</b>	<b>123</b>	<b>361</b>

**Table 3: Total provision estate wide minus the loss of accommodation at St Johns House.**

- 8.87 Table 3 shows the resulting housing on the estate. The scheme proposes 78% affordable housing based on habitable room. When taking into account the re-provision of the bedsit accommodation lost within St Johns House the proposal results in an uplift of 60% affordable housing and 38 additional units within the estate.
- 8.88 The overall provision of affordable housing is in excess of the 35% required by Council policy, but as the applicant is a Registered Provider, their main objective is to provide affordable housing, and the housing for private sale is incorporated in order to provide a cross subsidy for the scheme. The scheme is also assisted by grant funding provided by the GLA to support the provision of new Affordable Rent housing.
- 8.89 The rent levels of the one bedroom flats and four bedroom houses will be set at the average Affordable Rent level for the borough within the POD tolerance levels. This follows extensive discussions with the applicant and follows a viability review which demonstrates that the scheme would be unviable if the rent levels were at social rent or at E14 levels excluding the Docklands areas. This was independently reviewed by consultants acting on behalf of the Council.
- 8.90 The rents proposed for this scheme are outlined in the table below with comparisons shown with the borough average as well as the E14 areas.

8.91

Postcode Area	Adjusted (pod) Rents per week				
	1 Bed	2 Bed	3 Bed	4 Bed	5 bed
E14 excluding Docklands	£152.70	£168.17	£187.85	£250.04	£282.98
E14 including Docklands	£206.55	£231.00	£244.50	£271.04	£304.69
Borough average rents all postcodes	£192.26	£213.58	£240.35	£270.65	£297.87
Rents proposed for this scheme	£192.26			£270.65	

- 8.92 Given the application proposes 78% affordable housing, with all the units within the POD levels for the affordable rent tenure, the proposed development is in accordance with the requirements of the London Plan (2011), and the Council's Housing policies as outlined above.
- 8.93 The proposed development replaces the social rented units at St Johns House with affordable rented units resulting in the net loss of 30 social rented units. These include 21 x bedsits, 8 x 1 bedroom flats and 1 x one bedroom wardens flat. Given the replacement provision is one bedroom flats as opposed to bedsits, this is considered acceptable on balance.
- 8.94 Furthermore, the scheme is dependent on GLA funding which stipulates the new rented units have to be provided as affordable rent, as such this is the only viable outcome for the scheme to proceed.
- 8.95 With regards to the 68/32 split in favour of affordable rent, given there is a preference for rented housing, and it is close to the 70/30 split required under policy SP02 of the adopted Core Strategy and policy DM3 of the Managing Development DPD (submission version 2012), it is considered acceptable.

#### Dwelling mix

- 8.96 In total, 16 family sized units are provided, which equates to 24% of the overall accommodation. Policy SP02 requires 30% of developments to be 3 bedroom units or larger, and within the social rented tenure 45% should be for families.
- 8.97 In this case, 36% of the units within the rented tenure would be family sized (for the proposed development). Whilst the overall 24% provision of family sized accommodation is not policy compliant, it is considered that as this scheme is answering a need for a particular number of smaller units to provide accommodation for older persons with only a 1 bed or 2 bed need (the replacement of St Johns House), the under provision of family units as a proportion of the whole scheme is acceptable.
- 8.98 Furthermore, it is important to note that having more family sized units at the expense of the older people's homes would fail to comply with policy DM5 of the Managing Development DPD (submission version 2012), which seeks to protect existing specialist and supported housing.
- 8.99 Overall, it is considered that there is a suitable mix of units within the scheme and it would provide for a wide range of occupants, including the introduction of private units within the estate, therefore promoting a mixed and balanced community.

#### Wheelchair housing

- 8.100 The London Plan requires that 10% of all housing developments are suitable for wheelchair users. In this case 7 units (equating to 10%) will be built out as wheelchair accessible. A further 22 will be wheelchair adaptable including separate storage for a wheelchair. This is supported by officers and is recommended to be conditioned as part of the consent.
- 8.101 In addition to this, the scheme is proposing two lifts each to new blocks 3 and 4 as well as proposing an additional lift to Block 2 of Betty May Gray House. This ensures convenient and accessible access for existing and proposed residents.

#### **Quality of accommodation**

##### Internal space

- 8.102 Policy 3.5 of the London Plan and policy DM4 of the Managing Development DPD (submission version 2012) set out minimum internal space standards which are recommended for all residential developments. The Mayor's design guide also gives advice on the quality of the internal space. For examples storage areas should provide, separate living rooms and kitchens are encouraged as are dual aspect flats.
- 8.103 Each of the flats and the 12 houses all meet the minimum standards within the London Plan, with some of the flats comfortably exceeding the minimum standards. The majority of flats are dual aspect and have separate storage facilities. Which is encouraged within the London Mayor's housing design guide.
- 8.104 Overall, the internal space is considered to be well designed and in general conformity with the above mentioned policies.

##### Daylight and Sunlight

###### *Daylight*

- 8.105 The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms
- 8.106 Out of 134 habitable rooms tested within the development, a total of 8 habitable rooms fail to meet the British Standard ADF values. This equates to 6% of the tested windows. Four of the rooms are Bedrooms and four are a Dining/Living Rooms. Out of these eight failures 3 of the failures are by less than 0.09% of the recommended ADF values.
- 8.107 Five of the ADF failures are located within Block 3, with 4 at ground floor level one at first floor level. The remaining three failures are within the ground floor of Block 4. The majority of these failures are to habitable rooms facing northwards with balconies above. It is considered an acceptable balance needs to be struck between the provision of balconies and daylight within the units.
- 8.108 Overall, given the substantial amount of rooms meet BRE guidelines including all 12 of the four bedroom houses, it is considered that the proposed development is well designed to provide an acceptable standard of daylight to future residents.

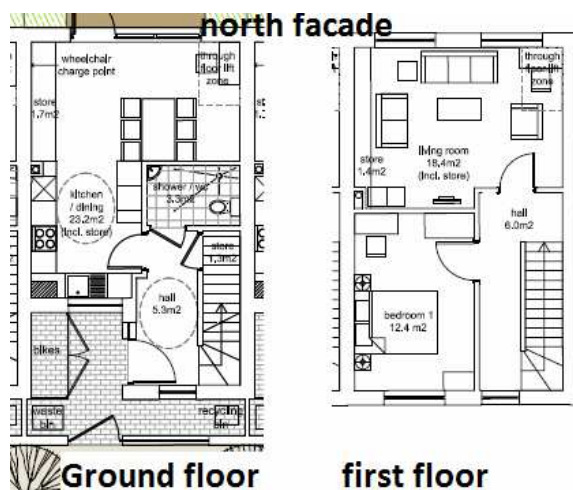
#### *Sunlight*

- 8.109 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:

*“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”*

- 8.110 The submitted report demonstrates that the majority of habitable rooms meet the recommended Sunlight levels as advised by BRE report (2011). The notable failures are 12 habitable rooms within the four bedroom terraces. This is expected to an extent when taking the design of these units into consideration as shown in the ground and first floor plans of these units below.

8.111



8.112 Whilst the ground floor Kitchen/Dining area is dual aspect, it is clear from the plans that the living/kitchen areas are primarily facing towards the north. As such, given the deep entrance the units are not expected to receive much sunlight from the south.

8.113 Given the houses are dual aspect and the upper floors would receive sufficient sunlight, it is considered that overall, the development is suitably designed to provide adequate sunlight to future residents.

8.114 Overall, it is considered that given the urban location, scale and density of the development, that daylight levels within proposed development would overall be acceptable, and in general accordance with the BRE guidelines.

#### Noise and vibration

8.115 A noise and vibration assessment has been submitted with the application to understand the impact these would have on the proposed development. This has been reviewed by the Councils Environmental Health Team, who have confirmed that an acceptable standard has been achieved to ensure the amenity of residents is preserved.

#### Air Quality

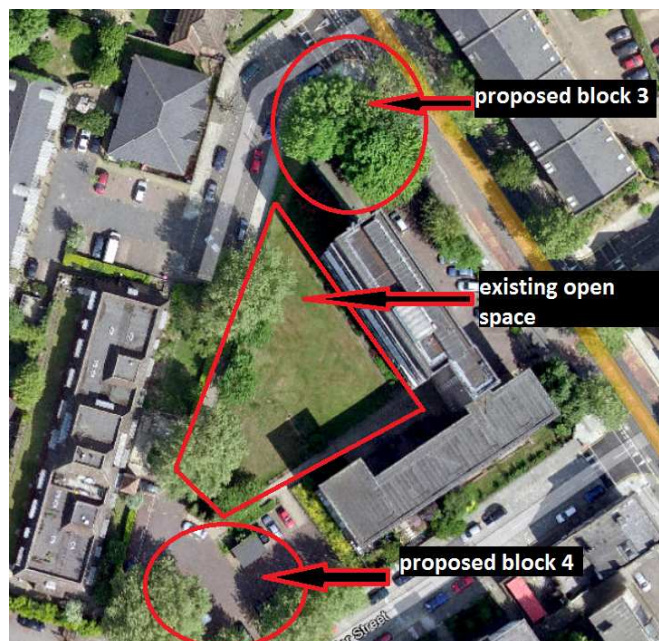
8.116 Policy 7.14 of the London Plan, policy SP03 of the Core Strategy and policy DEV11 of the IPG seek to ensure that air quality is protected. Air pollution has an impact on human health, biodiversity, crops and forests, materials, buildings and cultural heritage. Air Quality testing has identified that the whole of the London Borough of Tower Hamlets has poor air quality. As such, London Borough of Tower Hamlets is within an air quality control zone.

8.117 An air quality assessment has been submitted with the application which outlines the mitigation measures proposed by the development. These include dust generating activities to be located away from residential facades, wheel cleaning, and ensuring demolition works are controlled particularly during windy or dry conditions. Overall, subject to conditions requiring a Construction Management Plan/Construction Logistics Plan the proposed development will have an acceptable level of impact on Air Quality.

#### Open Space

- 8.118 Policy SP04 of the adopted Core Strategy seeks to deliver a network of open space by protecting and safeguarding all existing open space such that there is no net loss.
- 8.119 Furthermore, saved policies DEV12 and HSG16 of the Unitary Development Plan, Policy DEV13 of the Interim Planning Guidance, and policies SP02, SP04 and SP12 of the Core Strategy seeks to promote the good design of public spaces and the provision of green spaces.
- 8.120 Given the siting of the proposed new buildings the impact of the development on open space is limited. Block 4 is primarily situated on an area of hardstanding concrete forming a car-park, and Block 5 is located on a similar footprint to St Johns House.
- 8.121 Block 3, however, is to be located on an area of soft landscaped, open space containing sheds and a number of trees. As a result of this block, there will be a net loss of open space.

8.122



Aerial view showing open space and proposed blocks

- 8.123 The open space within the area currently forms an area of 1764 sqm. The open space resulting from the development would be 624sqm with an additional 348sqm of existing open space allocated as children's playspace (discussed further within this report). The resulting loss is primarily down to the footprint of Block 3 which accounts for 632sqm of the 792sqm loss.
- 8.124 Normally the loss of open space would be resisted in accordance with the above development plan policies. However, in this instance there are a number of reasons why this loss can be justified.
- 8.125 Firstly, a large area of open space to be lost is dissected by a row of sheds and only serves as a visual amenity area shielding the flank wall of Betty May Gray House. It is considered as a result of the siting of Block 3 in this area, the visual amenity function of this part of the open space would no longer be necessary.
- 8.126 In addition to this, previously on site existed a community centre which had a footprint of around 109 sqm located to the north of proposed Block 4. This was demolished in

2010 and turned to open space to improve the appearance of the area. When taking this area into account the overall net loss of open space is reduced further in comparison to what existed around two years ago.

- 8.127 Lastly, the loss of this open space is not considered to lead to a deficiency in open space as outlined below with reference to policy 7.18 of the London Plan (2011).
- 8.128 Policy 7.18 of the London Plan (2011) seeks to protect local open space and address local deficiencies. The policy is accompanied by a table which provides benchmarks for local authorities to assess their own provision of open space. The table categorises spaces according to their size and sets out a maximum desirable distance that Londoners should travel in order to access each category of open space. The London Plan Supplementary Planning Guidance Play and Informal Recreation was adopted in September 2012, and states that this table can provide a benchmark for boroughs to assess their own provision for the different categories of multifunctional open space found throughout London and be used to highlight areas of open space deficiency.
- 8.129 The north-western part of the site provides an entrance to Mudchute Park and Farm. This is a 12 hectare public park and farm located around 60m from the site. Given the parks proximity it is considered that there is not a deficiency of open space within this locality.
- 8.130 Finally, as explained in the following sections of the report, the proposed scheme provides significant improvements to the communal gardens both in terms of biodiversity value and also its overall area, appearance and usability, and this, along with other benefits of the scheme are considered to outweigh the relatively minor loss of open space.

#### Outdoor space – communal

- 8.131 For all developments of 10 units or more, 50sqm of communal amenity space, plus an extra 1sqm for every additional 1 unit thereafter, should be provided. Given this is an estate-wide scheme and the communal amenity space is to be used by existing residents as well as the proposed it is important to look at the estate wide requirements.
- 8.132 Based on the resulting 123 residential units within the scheme, a total of 163sqm of communal amenity space is required. Excluding the child play space (to avoid double counting) the scheme proposes a communal garden of 756.7 sqm.
- 8.133 An additional communal area of 264 sqm is proposed for specifically for Block 4 (Old person's accommodation). This is subdivided into a ground floor garden measuring 216 sqm and a south facing roof terrace measuring 48sqm.
- 8.134 Details of the landscaping for the proposed amenity areas are recommended to be secured by condition. Overall, these are in excess of the requirements and are considered acceptable.

#### Private Amenity Space

- 8.135 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy, saved policy HSG16 of the Unitary Development Plan and policy HSG7 of Interim Planning Guidance promote the good design and the provision of amenity spaces within developments.

- 8.136 Private amenity space is expected to be provided at a rate of 5sqm for 1 bedroom flats with an additional 1sqm for each additional occupant. This is set out in the Mayor's housing design guide and within policy DM4 of the Managing Development DPD (submission version 2012).
- 8.137 Each of the 12 four bedroom houses has a private rear garden measuring at least 30sqm.
- 8.138 All of the proposed flats have some private amenity space in the form of balconies. These all have the recommended depth of 1.5m. In Block 3, these range from 6.3-8.4sq m and for Block 4 for these range from 5.4-7.2sqm.
- 8.139 The overall provision of private amenity space is acceptable and in accordance with the above development plan policies.

#### Child play space

- 8.140 Policy 3.6 of the London Plan, policy SP02 of the Core Strategy, policy O9 of the Unitary Development Plan and policy HSG7 of the Interim Planning Guidance require the provision of appropriate child play space within residential developments.
- 8.141 In addition to general amenity space, for developments which provide residential accommodation need to provide child play space should be provided per child.
- 8.142 Similar to communal amenity space, it is considered that child play space should be considered estate wide especially as space is to be used for existing and proposed residents.
- 8.143 The existing estate does not have any defined child play space, and would have a required provision of 490 sqm based on 49 children. When taking into account the proposed development the required child provision equates to 943sqm (for 94.3 children).
- 8.144 The application is proposing a dedicated child play space area located within the communal amenity space. The space extends to some 348 square metres and is proposed to be provided with equipment to provide safe and convenient on site play facilities. Given the location of the site, the applicant has targeted the 348sqm to the 36 children likely to be under the age of 5 that the estate wide scheme is to generate. This appears to be a pragmatic approach as those of the elder categories are likely to be encouraged to visit the park where much better facilities exist. As such, the lack of facilities for over 5 year is considered acceptable on balance.
- 8.145 Furthermore, it is important to note that all of the 12 x four bedroom houses have private gardens which exceed the minimum requirements set in council policy and could in reality be used as doorstep play space by future occupiers.

#### **Arboriculture Impacts and Biodiversity**

- 8.146 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 Core Strategy and policy DM11 of the Managing Development Development Plan Document 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.
- 8.147 The site is located within a 'Sites of Nature Conservation Importance' (SNIC) and is



adjacent to Mudchute Park which is Metropolitan Open Land. As such, the site is considered to potentially have a high biodiversity value.

- 8.148 The applicant has submitted an Ecological Scoping Survey, Biodiversity Statement as well as an Arboricultural Survey in order to assess the impact of the proposal and any ecological measures proposed by the scheme.

#### Arboricultural Impacts

- 8.149 The submitted Arboricultural report outlines a total of 41 trees and three groups of trees that exist around the application site (total 44). Three of these trees are considered to be trees of high quality and value, in such a condition to make a substantial contribution in the area for at least 40 years (Category A trees)
- 8.150 More than half of the trees (21) are considered to be of moderate quality and value as to make a significant contribution of a minimum of 20 years (Category B trees)
- 8.151 Nineteen trees are considered to be of low quality or be young trees of a stem diameter of 150mm (Category C trees). Lastly, one tree is of poor quality and recommended to be removed regardless of this application due to sound arboriculture practice (Category R trees).
- 8.152 In order to implement the scheme a total of 27 trees (including two groups of trees) are required to be felled. Fourteen of these are Category B trees, 12 are Category C and 1 is a Category R tree. None of the Category A trees which are the substantially significant trees are to be felled.
- 8.153 In order to mitigate the loss of these trees around 35 new trees are proposed within the landscaping plan of the development. Once these trees are established it is considered that they will offset the loss of the existing trees.
- 8.154 The Arboricultural statement also outlines a number of measures aimed at protecting the roots of the existing trees that are to be retained from damage during the implementation of the development. These are recommended to be conditioned within the consent.

#### Ecological Impacts

- 8.155 The submitted biodiversity report identifies local trees and shrubs to be of local value to common garden bird species. In particular, a flock of 25 House Sparrows identified within the shrubs bordering the amenity grasslands.
- 8.156 House Sparrows are a declining species and are within the London Biodiversity Action plan (BAP). All breeding birds are protected under the 'The Wildlife and Countryside Act 1981'. This act ensures that any loss to nesting habitats is undertaken outside of the bird nesting season (March to August).
- 8.157 The provision of the above act should ensure any loss of nesting habitats is not harmful to the nesting of House Sparrows and other species. An informative is recommended on the consent advising the applicant of the need to comply with the above act.
- 8.158 A separate Bat Roost Inspection was carried out to ascertain whether the application site contains any Bats which are a protected species under the Town and Country Wildlife Act. The report outlined that there was no evidence of roosting bats on site

and as such a Protected Species licence would not be required.

8.159 The Council's Biodiversity officer is supportive of the proposal subject to conditions to secure the following:

- 8.160
- A condition should be imposed that full details of the extent and species mix of the meadow be agreed by the Council, and the meadow, then implemented as agreed.
  - A condition requiring retention of a log pile, and a number of shrubs and herbaceous plants which will provide nectar for bees and other invertebrates, and berries for birds.
  - A condition requiring full details (including number, type and location) of nest boxes and other places of shelter for birds, mammals and invertebrates be agreed by the Council, and then installed as agreed.

8.161 Following consultation, concerns have been raised to the impact of the development on a species of birds – Monk Parakeets. These are not a native species to the United Kingdom and are not a priority species within the BAP. Furthermore, the London Biodiversity Partnership which is tasked with implementing the BAP considers this species to be an evasive species of high impact or concern present at specific sites (including Mudchute Park). Taking this into account, limited weight is given to the impact of the development on this species.

8.162 Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the Core Strategy.

## **Highways**

### Parking

8.163 The site has a Public Transport Accessibility Level (PTAL) of 3 which is considered to be of moderate access.

8.164 There are parking policies to be found in the London Plan, the Interim Planning Guidance and the Managing Development DPD, these are as follows:

- London Plan 2011 the standards are 1 – 1.5 spaces per 3 bed flats and less than one space per 1-2 bed flats.
- Interim Planning Guidance standards are up to 0.5 spaces per unit.
- The Managing Development DPD has a requirement of zero parking provision for 0-2 bedroom units and 0.1 for three bedroom units or more.

8.165 The existing estate contains 31 car parking spaces, of which many are not in use. Around 19 are in use serving Betty May Gray House and a further 7 currently serve St John's House, the rest are not allocated.

8.166 Through access on the northern part of Pier Street is currently restricted for vehicles which would have to do U-turns to reach Manchester Road. The entire area of the northern part of Pier Street has been revised to create a staggered vehicle route and narrowed access to create a "Home-zone" style access route with a high level of traffic calming measures. This has enabled more parking to occur on-site without having to develop on the open space.

- 8.167 These works have resulted in the increase in five parking spaces across the estate to 36, which have been allocated to the different blocks.
- 8.168 The existing Betty May Gray House has 19 parking spaces which ensure the residents that currently have designated parking spaces will continue to do so.
- 8.169 No car parking spaces are proposed for Block 3 which contains the private and shared ownership units. It is considered that this block will be secured as 'Car-Free' under the terms of the s106 agreement.
- 8.170 The replacement block for St Johns House is to have 2 designated parking bays plus 1 'essential' parking space. Whilst this is a reduction of 5 spaces, the applicant has confirmed the existing spaces at St Johns House include two spaces occupied by the on-site warden, one allocated to a tenant, one allocated to a visitor and three spaces formally used by tenants are no longer required.
- 8.171 The reduction in parking spaces is achieved by losing the two spaces allocated to wardens, and the three spaces formally used by tenants which are no longer required. The applicant has confirmed that the existing resident will continue to have access to a car parking space.
- 8.172 Block 5 containing the 12 family sized units is to have 12 spaces – one per house. Of the final two spaces, one will be a further disabled access space for use by anyone on the estate who needs it and the final space will be a designated car club bay aimed at promoting sustainable modes of transport.
- 8.173 Within the legal agreement a clause is recommended to ensure that no further occupants of 5 are able to apply for on-street parking permits (subject to the operation of the Council's permit transfer scheme), therefore not adding to the parking pressure in the locality.

#### Cycle parking

- 8.174 Policy 6.13 of the London Plan (2011) requires 1 cycle spaces per 1 and 2 bedroom units and 2 cycles spaces per 3 or more bedroom unit.
- 8.175 In this instance, the applicant is proposing 40 spaces for the 27 units within Block 3 and 28 Cycle Spaces for the 29 units within the old Persons accommodation. 12 more spaces are proposed for the 12 residential units.
- 8.176 Lastly, 8 cycle spaces are proposed for the existing flats within Betty May Gray House.
- 8.177 Both Blocks 3 and 4 had dedicated cycle storage areas, close to the main entrance of the Blocks and the family sized units all have a dedicated spaced within its entrance to accommodate cycle spaces.
- 8.178 Overall, the provision of cycle spaces is in general conformity with the London Plan and is tailored to the needs of the residents within the Blocks. As such, it is considered acceptable in accordance with policy 6.13 of the London Plan (2011), policy SP09 of the adopted Core Strategy (2010) and policy DM22 of the Managing Development DPD (submitted version 2012).

#### Servicing

- 8.179 Policies 6.1, 6.11 and 6.14 of the London Plan, policies SP08 and SP09 of the Core Strategy, policies T16 and T26 of the UDP and policy DM22 of the Managing Development DPD (submission version 2012) seek to minimise the impacts on the highway network and promote efficient and sustainable arrangements for deliveries and servicing.
- 8.180 The proposed residential uses are not envisaged to require a high amount of servicing. Notwithstanding this, the essential parking space can be used for this purpose.

#### Waste storage and collection

- 8.181 Policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG require developments to make suitable waste and recycling provision within the development.
- 8.182 Three refuse stores are proposed, one for each of the existing Betty May Gray House, Block 3 and Block 4. The 12 houses within Block 5 all have individual refuse storage and collection areas for refuse and recycling.
- 8.183 The proposed refuse provision is in accordance with the Council's Refuse arrangements and can easily be collected either from Manchester Road or from Pier Street.
- 8.184 To ensure that the waste storage areas are retained it is recommended a condition of consent is imposed if permission for the development is granted. With such a condition imposed ensuring that the waste storage facilities are retained for the lifetime of the development, it is considered that appropriate provisions for waste and recycling facilities are provided within the development in accordance with policy 5.17 of the London Plan, policy SP05 of the Core Strategy, policy DEV56 of the UDP and policy DEV15 of the IPG.
- 8.185 Overall, the proposed development will not have an unduly detrimental impact upon the safety and free flow traffic, and is in line with policies T16 and T19 of the Council's Unitary Development Plan 1998, policy DM20 and DM22 of the Managing Development DPD (Submission version 2012), and policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) which seek to ensure developments minimise parking and promote sustainable transport options.

#### **Energy and Sustainability**

- 8.186 Policies 5.2, 5.3, 5.4, 5.6 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policy DM29 of the Managing Development DPD (submission version 2012) require development to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.
- 8.187 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total carbon emission savings for this development would be 26% on the baseline figures of 2010. Whilst this is below the 35% required under emerging policy DM29 of the Managing Development DPD (submission version 2012), given this policy has not been formally adopted and that the proposal meets the 25% reduction required within policy 5.2 of the London Plan it is considered acceptable on balance.

- 8.188 The applicant has also confirmed that they are working towards securing code for sustainable homes level 4. Final certificates confirming this will be conditioned.
- 8.189 Policy 5.6 of the London plan requires major developments Major development proposals should select energy systems in accordance with the following hierarchy:
- 1 Connection to existing heating or cooling networks;
  - 2 Site wide CHP network;
  - 3 Communal heating and cooling;
- 8.190 In this instance, the applicant has achieved the 25% reduction without Block 3 having a communal heating system. Whilst a communal heating system is preferable, the applicant has confirmed that the heating system will be future proofed to enable a connection to a wider district heating network, should one become available. On that basis it is considered acceptable and a condition requesting details of the future proofing is recommended.
- 8.191 Overall the proposed Energy Strategy is in accordance with policy SP11 of the Core Strategy and the energy hierarchy within the London Plan (2011) policies 5.2 and 5.7, and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.

## **Environmental Health**

### Contaminated Land

- 8.192 The site has been subject to former industrial uses and as such there is the potential that the land may contain contaminants and remediation work may be required before development can commence on the site. A condition has been recommended by Environmental Health to deal with this issue.

## **Planning Obligations**

- 8.193 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
  - (b) The obligation is directly related to the development; and
  - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.194 The Council's Saved Policy DEV4 of the UDP and Policy SP13 of the Core Strategy (2010) require the Council to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.195 The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure. The monetary contributions are based on the Council Supplementary Planning Document (SPD) on Planning Obligations (adopted January 2012)
- 8.196 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be approximately £1,007,277.54. This has been

applied as follows through the SPD.

8.197 The requested heads of terms were:

Financial Contributions

- a) Community Facilities £69,856
  - b) Education £542,825
  - c) Sustainable Transport £1,830
  - d) Employment £16,239
  - e) Health £90,862
  - f) Public Realm/streetscene £265,915
  - g) 2% Monitoring Fee £19,750.54
- Total Financial Contribution: £1,007,277.54

Non-financial Contributions

- a) 78% affordable housing units
- b) Car and permit free agreement
- c) Commitment to utilise employment initiatives

- 8.198 The application is supported by a viability appraisal which provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use value. In broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied.
- 8.199 In summary, the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.
- 8.200 The report establishes that it is not viable for the proposal to deliver the planning obligations which are required to mitigate against the impact of the proposed development. The applicant's viability report has been independently reviewed on behalf of the council and is considered to be robust in its finding.
- 8.201 There are a number of points to note within the viability report which influences the schemes viability and deliverability, these are outlined below.
- 8.202 Firstly, the refurbishment works proposed to Betty May Gray House including the over-cladding, rendering and new lift are not including in the viability assessment, these will be additional costs that the applicant will be required to fulfil.
- 8.203 In addition, the report outlines that the applicant will be required to pay Home-loss payments to existing residents of St John's House and will also need to relocate the existing substation. These are covered within the viability report and explain the additional costs to the developer.
- 8.204 Lastly, the report outlines that the scheme is only deliverable due to GLA grant funding which has been secured.
- 8.205 The applicant understands the requirement to provide some s106 contributions and

despite the outcome of the viability assessment, have offered a planning contribution of £83,148 towards mitigation. This works out to a contribution of £2,132 per unit for the 39 net additional units within the estate. The contribution is based on the contribution per unit secured on similar schemes which provide affordable housing in excess of 35% by registered providers.

8.206 Whilst the Borough's key priorities are affordable housing, employment, and education, it is considered that the limited S106 package should be focused on the one key priority that the Council has a statutory obligation to meet.

8.207 Financial Contributions

a) £83,148 towards Education

Non-financial Contributions

a) 78% affordable housing units

b) Car free agreement

c) Commitment to utilise employment initiatives (reasonable endeavours to secure 20%)

8.208 Given the applicant is a housing association tasked with the management and delivery of affordable housing, it is considered reasonable for applications in excess of the requested 35% affordable housing to be submitted. This is supported by paragraph 3.5 of the Managing Development DPD (submission version) states that *'the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing.'* The inevitable consequence of this is the reduction of s106 contributions due to the lack of private accommodation to provide profits and s106 contributions.

8.209 The Core Strategy at paragraph 4.4 also highlights the need for affordable homes, stating: *"Tower Hamlets faces significant housing challenges. There is a current affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, which is much higher than the national average of 2.7% of all units. The Community Plan identifies the delivery of a range of affordable, family homes for local people as one of its priorities."*

8.210 The resulting impact from the provision of 12 four bedroom units is a higher child yield which equates to a disproportionately high education contribution sought from the development (53% of the total s106 ask).

8.211 This is noted and the Councils approach to this issue is set within paragraph 5.5 of the London Borough of Tower Hamlets Planning Obligations SPD (adopted in January 2012) which states: *"The Council is aware that developments which exceed the 35% minimum target for affordable homes may result in disproportionate education contributions due to increased child yield. In these instances the SPD will be applied flexibly to ensure it does not constrain affordable housing delivery, particularly of affordable family homes"*.

8.212 In this instance, the high level of affordable housing along with other benefits of the scheme are considered to out-weigh the lack of financial contributions within the scheme.

8.213 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

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

- 8.214 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:
- 8.215 In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
- 8.216 Section 70(4) defines “local finance consideration” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.217 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.
- 8.218 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.219 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £51,800 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 100% affordable housing and will therefore qualify for social housing relief on the majority of this sum.
- 8.220 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.221 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £77,428 within the first year and a total of £464569 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

## **Other Planning Issues**

### **Flood Risk**

- 8.222 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.



- 8.223 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options. The applicant has held extensive pre-applications discussions with the Council and the Environmental Agency which have informed the application.
- 8.224 The site is most liable to flood if the Thames' defences were to breach nearby. The predicted maximum flood depth is estimated to be 3.0m AOD. The guidance on flood risk states that residential uses (being classed as More Vulnerable) should be set 0.3m above the predicted flood level. If the ground floor's finish floor levels cannot be set above this level it will be necessary to provide mitigation measures.
- 8.225 The new blocks' ground floor finished floor levels shall be set at a level, such that, with a 'slot-in' barrier system placed in front of each external door, the buildings will be protected up to 3.3m AOD, i.e. 0.3m above the 3.0m AOD flood level.
- 8.226 In addition, the applicant is proposing mitigating measures for the existing flats with 1.3m 'slot-in' flood barriers placed in front of each external land their occupants. This will ensure the development shall reduce the overall flood risk to this vicinity considerably.
- 8.227 This has been reviewed by the Environmental Agency who has raised no objections to the scheme, subject to a surface water drainage condition.

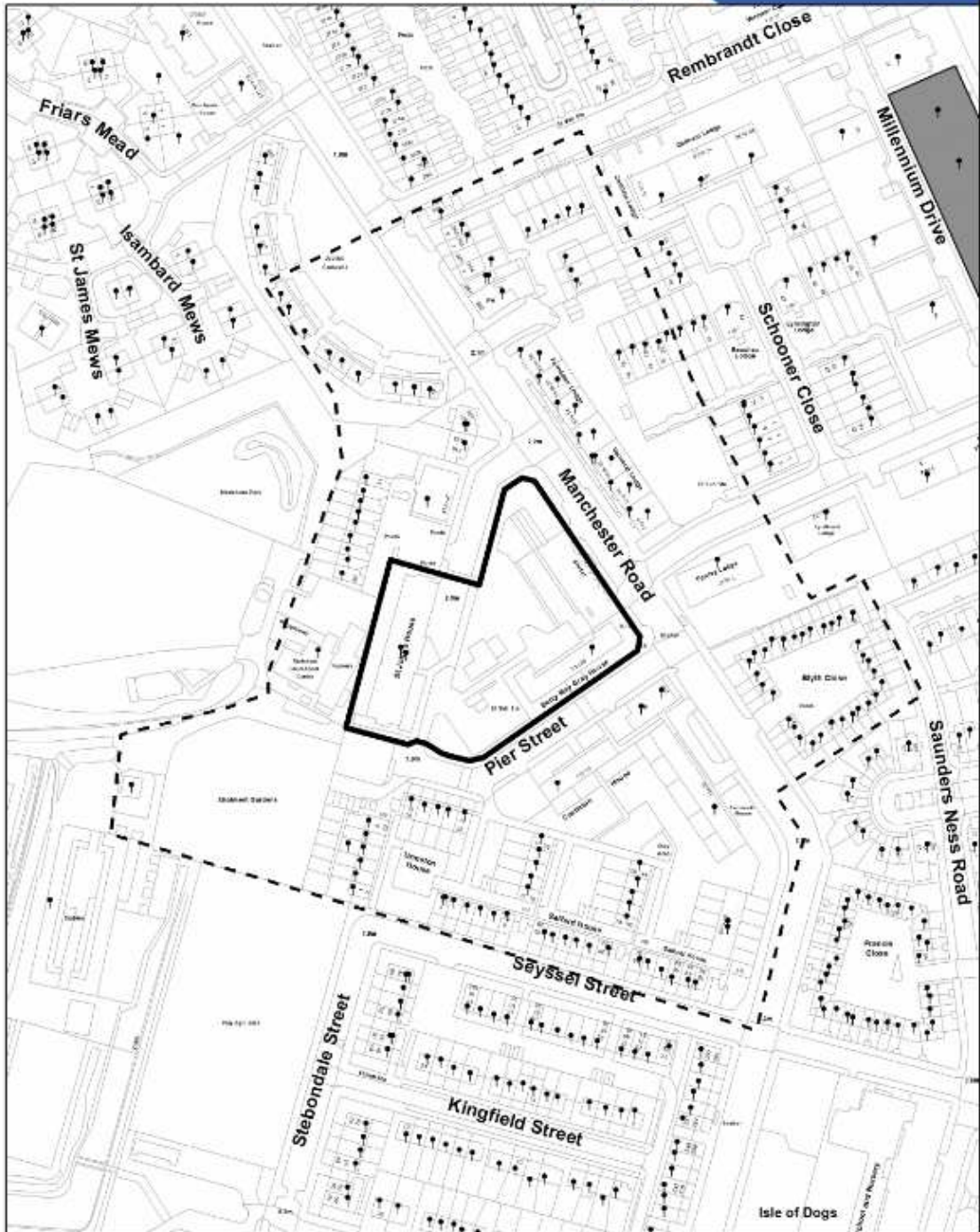
#### CIL

- 8.228 This development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010), as amended. This charge has been calculated based on the new market floor space being created (1480sqm new floor space) as detailed in the submitted CIL Additional Information form.
- 8.229 The CIL contribution based on the above is £51,800. This charge is payable upon commencement of the chargeable development and is in respect of the London Mayoral Community Infrastructure Levy (CIL). The Greater London Authority and Transport for London are responsible for setting the London Mayoral CIL charge and the London Borough of Tower Hamlets is responsible for collecting money on their behalf.


#### **9.0 Conclusions**


- 9.1 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 PA/12/01803





 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 15 m  




1:2,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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