

Committee: Strategic Development	Date: 16 th November 2006	Classification: Unrestricted	Agenda Item No: 6.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for decision	
Case Officer: David Gittens		Ref No: PA/06/01097	
		Ward(s): Bromley By Bow	

1. APPLICATION DETAILS

Location: Land Bounded By Bow Common Lane, Furze Street and Devons Road, Devons Road, London, E3.

Existing Use: Temporary open space, scrap yard, industry and warehousing.

Proposal: In outline, demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services, B1 (Business) or D1 (Non residential institution) and 640 sq m of B1 (Business) or D1 (Assembly and leisure) floorspace.

Drawing Nos: 697_200; 697_210; 697_1000; 697_1100; 697_1101; 697_1102; and 697_1103; 697_1104; 697_1105; 697_1106; 697_1120;

Applicant: Telford Homes

Owner: Luminus, Visionhire, Barry Shotter, Ali Soyer Abraham Hadjailt, Edward Leszek Gradosielski, Peter Richard Whiley, Derek Neal Chapman, Newspace Developments Limited, Barbara Beatrice Chambers, London Borough of Tower Hamlets.

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Reasons for grant

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- In principle, the redevelopment of the site to provide 215 residential units and 220 sq m of A1/A2/B1 or D1 commercial floorspace and 640 sq m of B1 or D1 commercial floorspace is acceptable, subject to appropriate planning obligations agreements and conditions to mitigate against the impact of the development and minimise any adverse impact for future occupiers of the proposed development; and
 - It is considered that the proposed use would not have an adverse impact on the residential amenity of surrounding properties. A number of conditions are recommended to secure submission of reserved matters and submission of details of external lighting, sound insulation, and to control noise and hours of construction.

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP, draft LDF and London Plan		David Gittens 020 7264 5260

3. RECOMMENDATION

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

- A. Referral to the Secretary of State pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure application involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
- B The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer to secure the following:

Phase 1

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
- b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
- c) A financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
- d) Local labour in construction.
- e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.

Phases 2 and 3

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
- b) A financial contribution of £180,000 to undertake Home Zone treatment of Furze Street or alternatively an estimated financial contribution of £50,000 to break out and turf Furze Street;
- c) Preparation of a right of way "walkway agreement" for crossing through the site between Bow Common Lane and Furze Street;
- d) A financial contribution of £20,000 towards signage and pedestrian and cyclist routes in the vicinity;
- e) A financial contribution towards public transport services;
- f) A financial contribution towards education to mitigate the demand of additional population on education facilities;
- g) A financial contribution towards healthcare in accordance with the NHS HUDU model to mitigate the demand of the additional population on health care services on the delivery of phases 2 and 3;
- h) A financial contribution to support access to employment initiatives;
- i) A financial contribution of £35,000 towards public art;
- j) Local labour in construction;
- k) 'Car free' arrangements to restrict the occupants of the development from applying for residents parking permits.

- C That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for outline planning permission.

Phase 1

- 1) Submission and approval of the landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 2) The materials to be used on the external faces of the development.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 4) Investigation of land contamination and the implementation of remediation measures.
- 5) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 6) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 7) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 8) Details of any external lighting.

Phases 2 and 3

- 1) No development shall commence until such time as the owner of the land enters into an agreement pursuant to section 106 of the Town and Country Planning Act in respect of the matters referred to in paragraph "B Phases 2 and 3" above.
- 2). The submission and approval of the following reserved matters:
 - a) The design of the buildings.
 - b) External appearance of the buildings.
 - c) The landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 3) The materials to be used on the external faces of the development.
- 4) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00am and 6.00pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 5) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00am and 4.00pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 7) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Councils approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 8) Details of external lighting.
- 9) Details of recycling, refuse storage and collection to be submitted for the Council's

written approval.

- 10) Investigation of land contamination and the implementation of remediation measures.
- 11) Details of surface and foul water drainage systems.
- 12) No soakaways shall be constructed in contaminated ground.
- 13) Details of foundation design.
- 14) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to Phase 1 Condition 4 and Phases 2 and 3 Condition 9 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY and the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX. Tel: 08708 506 506.
- 3) With regard to Phase 2 Conditions 10, 11, and 12 (measures to prevent pollution of ground/surface water, foul and surface drainage system, and foundation design) you should contact the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts AL10 9EX. Tel: 08708 506 506.
- 4) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development Order) 1995.
- 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
- 6) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY regarding any alterations to the public highway.

3.3 That, if by 28 February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application is made for demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services), B1 (Business) or D1 (Non residential institution) and 640 sq m of B1 or D1 floorspace.
- 4.2 The proposal involves the provision of a group of seven closely placed blocks fronting Devons Road at 5 storeys, terminating with a 6 storey block on the corner with Furze Street. The remainder of the northern part of the site would have 3 storey houses and 4 storey blocks fronting Furze Green. Bow Common Lane would be fronted by three blocks of between 4 and 5 storeys. The proposal incorporates a pedestrian walkway that runs between the southern end of Furze Street and Bow Common Lane.
- 4.3 Of the 215 residential units it is proposed that 67 will be affordable and 148 will be private for sale. This would equate to 35% affordable housing provision by habitable rooms. In total, there will be 96 one-bedroom flats, 88 two-bedroom flats, 15 three-bedroom flats, 8 three-bedroom town houses, and 8 four-bedroom town houses. The commercial floorspace would be provided on the ground floor; concentrated primarily on the Devons Road and Bow Common Lane frontages.

- 4.4 The northern part of the site (Phase 1) is subject to an application for detailed planning permission (PA/06/1096) reported elsewhere on this agenda and in that respect the two schemes are identical. Landscaping is reserved by both applications and in respect of the southern part of the site (Phases 2 and 3), this application seeks approval to siting, means of access with the design and external appearance of the buildings reserved for future determination.

Site and Surroundings

- 4.5 The site covers an area of 0.94 hectares and is bounded by Bow Common Lane to the west, Devons Road to the north, Furze Street to the east, and other commercial uses to the south. The northern third of the site is currently a temporary open space that was initially laid out in the early 1980s by the former Greater London Council (GLC). It was subsequently transferred to Tower Hamlets by the Greater London Residuary Body. The GLC erected a Notice on the land to advise that it was for the temporary use of the public. This notice has been maintained by the Council. The uses within the rest of the site include a printing works, vehicle repairs and an open yard used for the breaking and storage of heavy commercial vehicle parts.
- 4.6 Adjoining the site to the south east, fronting Hawgood Street and Limehouse Cut is the modern 3/4 storey Invicta Close/Alphabet Square development of residential and live/work units. To the east of the application site across Furze Street is Furze Green, a 0.8 hectare Council owned publicly open space. At the north end of Furze Green is a recently constructed children's play area.
- 4.7 The wider area surrounding Furze Green and along Devons Road and Bow Common Lane comprises predominantly of residential blocks that vary in height from 4 to 6 storeys.
- 4.8 The site is located approximately 300 metres, from Devons Road DLR station to the east, providing services between Stratford, Canary Wharf and Lewisham. There are three bus routes serving the site (309, 323 and D8 services) and the site is located approximately 600 metres east of Burdett Road, which has additional bus routes.

Planning History

- 4.9 The northern most part of the development site was initially laid out as temporary public open space in the early 1980s by the former Greater London Council (GLC) and was subsequently transferred to Tower Hamlets by the Greater London Residuary Body. The GLC had erected a Notice on the land to advise that it was for the temporary use of the public. This notice has since been maintained.
- 4.10 A number of minor planning permissions have been granted for a few of the commercial sites over the last 15 years or so that are not relevant to this application.
- 4.11 In July 1992, the Council served an enforcement notice on the southern part of the site on the western side of Furze Street requiring that the use of the land for the storage of scrap stop.
- 4.12 In February 2005, the Planning Inspectorate dismissed an appeal by the current applicant against the Council's refusal of planning permission for the redevelopment of part of the current application site on the west side and southern end of Furze Street by the erection of a building between 5 to 9 storeys high for use as 130 residential flats, 979 sq. m of floorspace for use as Class A1 (Shop), A3 (Food and drink), B1 (Business) or B8 (Storage and distribution) with car parking in a semi basement. At 1,119 habitable rooms to the hectare (hrph) net, the Inspector agreed that the scheme was an overdevelopment and did not comply with the Council's dwelling mix policies.

4.13 In November 2005 the Furze Street Area Development Brief for was approved by the Council's Cabinet as Interim Planning Guidance. The Development Brief area principally covers the application site and the Furze Green open space to east.

4.14 The Development Brief promotes a range of uses including residential development, affordable housing and new employment opportunities. It also presents a clear framework for improvements to Furze Green linked to developer contributions arising from the redevelopment of the temporary open space within the northern part of the application site to deliver a comprehensive development solution.

5. POLICY FRAMEWORK

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

Unitary Development Plan

Proposals: No 85 Flood Protection Areas
Land Between Furze St, Devons Road & Bow Common
Allocated for Business Use and Open Space – Development
Brief to be prepared

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed use Developments
DEV12	Landscaping
DEV13	Tree Planting
DEV17	Street Furniture
DEV18	Public Art
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV57	Nature Conservation
DEV59	Use of Land for Nature Conservation
EMP6	Employment of Local People
HSG2	New Housing Development
HSG3	Affordable Housing
HSG8	Wheelchair Accessible Housing
OS1	Protection of Open Space
OS3	Implementation of a Programme of (open space) Improvements, subject to resources
OS4	Planning permission for temporary open space
OS7	Loss of Open Space
T9	Discourage Non-Essential Private Car Journeys
T13	Essential Parking Needs
T15	Capacity of Transport System
T17	Parking Standards

Emerging Local Development Framework

Proposals: C34 Development site within forthcoming Central Area Action Area
Plan boundary. Designation undetermined.

Core Strategies:

CP1	Creating Sustainable Communities
CP2	Equality of Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth

CP9	Employment Space for Small Businesses
CP10	Strategic Industrial Locations and Local Industrial Locations
CP11	Sites in Employment Use
CP15	Provision of a Range of Shops and Services
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP25	Housing Amenity Space
CP27	High Quality Social and Community Facilities to Support Growth
CP30	Improving the Quality and Quantity of Open Spaces
CP37	Flood Alleviation
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development With Transport
CP42	Streets for People
CP43	Better Public Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies:

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV9	Sustainable Construction Materials
DEV10	Disturbance From Noise Pollution
DEV12	Management of Demolition and Construction
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
EE1	Land Adjoining Industrial Location
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provision in Individual Private residential and Mixed use Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space

Planning Standards

Planning Standard 1:	Noise
Planning Standard 2:	Residential Waste Refuse and Recycling Provision
Planning Standard 4:	Tower Hamlets Density Matrix
Planning Standard 5:	Lifetime Homes

Supplementary Planning Guidance/Documents

Furze Street Area Development Brief

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG24	Planning and Noise
PPG25	Development and Flood Risk

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

LBTH Parks

- 6.1 Regrets the loss of open space but takes some comfort in the potential to turn Furze Street into a Home Zone that may create an environment in which people feel their children can safely play outside their front doors and supplement the remaining open space of Furze Green. Supports the section 106 financial contributions to improve Furze Green and look forward to working with the developer and local community in delivering an improved local amenity with increased access and permeability.

LBTH Housing

- 6.2 Whilst the detailed application for area 1 proposes 35% affordable housing, the remaining phases are slightly under at 34%. Since this is an outline application, and its deliverability is uncertain the affordable housing element should meet the minimum 35% policy level.

LBTH Education

- 6.3 Recommend that a contribution is sought from the applicant for additional primary school places as follows:

Phase 1 - 9 primary places @ £12,342 = £111,078
Phase 2 - 6 primary places @ £12,342 = £74,052
Phase 3 - 11 primary places @ £12,342 =£135,762

Total £186,027

LBTH Environmental Health

- 6.4 Concerned at potential for noise conflict between the proposed residential and adjacent industrial uses. Recommends a Noise Survey and details of sound insulation/attenuation measures to protect future together with a condition to secure decontamination.

LBTH Highways

- 6.5 The site location is well served by public transport. The DLR at Devons Road and numerous bus routes are available on Bow Common Lane, Devons Road and Burdett Road, all within easy walking distance. However no off street parking is proposed. Therefore a section 106 car free agreement is required. The repaving of both footways and resurfacing of the carriageway of Furze Street is required including the footway frontage of Bow Common Lane. The development will create a redundant crossover to the Devons Road frontage which will need to be removed. These works will be carried out by the Council, under a S278

agreement at the developer's cost.

Environment Agency

6.6 No objection subject to conditions safeguarding against water pollution.

Tower Hamlets Primary Care Trust

6.7 Based on 2 years revenue contribution, calculate that the three separate phases would generate the following requirement in revenue and capital contributions respectively:

Phase 1: £296,321 + £62,200 = £358,521

Phase 2: £197,957 + £48,950 = £246,907

Phase 3: £331,159 + £75,450 = £406,609

Total £1,011,767

7. LOCAL REPRESENTATION

7.1 A total of 270 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 5 Objecting: 4 Supporting: 1
No of petitions received: Nil

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

Objecting

Open Space:

- The proposals would result in an unacceptable loss of open space and mature trees.

Design:

- The proposed six storey building would be unattractive.

Amenity:

- The proposal would give rise to a loss of light.
- The proposals do not recognise the fact that if Area 1 (the northern part of the site) is developed independently there will be significant noise intrusion from the industrial uses on the neighbouring sites.
- Units located on the ground floors of Areas 1 and 3, adjacent to the proposed commercial and associated service areas will be afforded limited aural and visual privacy.
- There is no acoustic report accompanying the application.
- Rear private open space of proposed townhouses would be afforded little privacy from living areas and associated private amenity areas in the adjacent 4-6 storey apartment buildings proposed.

Highways:

- The absence of car parking is inappropriate and conflicts with the development brief.

Supporting

- The existing industrial buildings and scrap yard do not fit in with the other residential buildings around it.
- The open space the Devons Road end is often used by fly tippers.
- The suggested redevelopment of Furze Green can only be of benefit to the area as currently the green is not very accessible due to the entire perimeter being surrounded by metal railings.
- The proposed retail units will give residents more choice and shops closer to home.

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- On behalf of Luminous Group that owns a considerable proportion of the development site. Discussions need to occur immediately between the applicant, Luminous Group, and the Council to provide certainty of implementation across the site.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Housing policy
3. Residential density
4. Design
5. Amenity issues
6. Highways issues
7. Section 106 obligations

Land Use

8.2 The principle land use issues relate to the loss of the temporary open space; the loss of employment use; and the acceptability of the proposed uses.

8.3 As mentioned, the site was laid out as open space on a temporary basis. The 1998 UDP designates the application site as Open Space/Industrial Employment Area. UDP Policy OS1 safeguards sites allocated for open space. UDP policy OS4 says temporary planning permission will normally be granted for temporary public open space where land would otherwise remain vacant. The Plan says that such permission will not prejudice the ultimate grant of planning permission for other appropriate development. UDP policy OS7 resists loss of public open space having significant recreation or amenity value except inter-alia *“where the development is laid out as temporary open space in accordance with policy OS4”*. The Council’s emerging LDF Policy OSN2 states that development on open space will only be allowed if ancillary to an open space function.

8.4 UDP policy EMP1 promotes employment growth that meets the needs of local people and opposes development resulting in a loss of employment generating uses (EMP2). However, exceptions to EMP2 will be considered for example where the loss of employment generating land is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.

8.5 Policy EE2 of the emerging LDF states that proposals for redevelopment/change of use and/or a reduction in employment floorspace may be considered where the site is considered unsuitable for continued employment use due to its location accessibility, size and condition; and where the creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal.

- 8.6 Policy CP19 of the Council's emerging LDF states that the Council will seek to direct all the required housing provision to Brownfield sites appropriate for housing whilst policy CP20 states that the Council will seek to maximise residential densities, taking into account the individual relative merits of sites and their proposals. The LDF proposals map designates the site as a development site within forthcoming Central Area Action Area Plan boundary.
- 8.7 At present the overall site contains approximately 2,993 square metres of employment floorspace across a range of ownerships and different uses. Some of these uses are particularly incompatible with residential locations.
- 8.8 The applicants anticipate that there is significant potential for the employment uses proposed within the modern buildings to have a greater employment density than the existing commercial floorspace on the site. In addition they state that studies of this part of East London indicate that there is a demand for accommodation from businesses that are residential compatible.
- 8.9 The key objectives of the Furze Street Area Development Brief was to promote the co-ordinated redevelopment of the existing industrial area and temporary open space to secure a high quality mixed use development providing new employment opportunities, new housing including affordable and family accommodation. This was to go in hand with improvements to the quality of Furze Green Open Space and its use by the local community.
- 8.10 In this context the loss of open space and redevelopment of the whole site to include the mix of new uses as proposed is in keeping with the Furze Street Area Development Brief. Further, in refusing planning permission in 2004 for the redevelopment of the southern part of the site alongside Furze Street, the Council did not raise any land use objection. The Inspector said: *"I agree with this approach. The scheme would secure the removal of an incongruous and unsightly use from an area that is primarily residential in character and a more effective use of urban land, providing housing and employment opportunities."*

Housing Policy

- 8.11 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Emerging LDF Policy HSG2 states that the Council require the intermediate and market housing to provide an even mix of dwelling sizes including a minimum provision of 25% family housing comprising 3, 4, and 5 plus bedrooms. Whilst LDF Policy HSG3 states that in seeking to negotiate the maximum reasonable amount of affordable housing on individual mixed use schemes, the Council will have regard to the economic viability of the proposal, other site requirements, including other planning contribution requirements and the need to ensure that new housing development responds to housing needs.
- 8.12 The proposal would provide 215 residential units with the following mix:

	Number of Units	% of Total Units	HSG2 Policy Requirement)
1 Bed	96	44.5%	
2 Bed	88	41%	
3 Bed	23	10.5%	25%
4 Bed	8	4%	
TOTAL	215	100%	100%

- 8.13 Whilst there would be a shortfall of family accommodation assessed against the emerging LDF, at the time the application was in formulation, the Furze Street Area Development Brief did not require family units in the market accommodation. However, the applicant has redesigned the scheme to include 23.5% family units by habitable room on the basis of

anticipated changes in policy. This is considered acceptable.

8.14 Policy CP19 of the Council's emerging LDF states that all housing should contribute to the Council's housing needs whilst Policy CP22 of the LDF states that the Council will seek a minimum of 35% affordable housing on developments proposing 10 new dwellings or more. Emerging LDF Policy HSG3 states that in seeking to negotiate the maximum reasonable amount of affordable housing on individual mixed use schemes, the Council will have regard to the economic viability of the proposal, other site requirements, including other planning contribution requirements and the need to ensure that new housing development responds. Emerging LDF Policy HSG10 states that affordable housing will be calculated using habitable rooms as a primary measure to allow for the most suitable mix of housing. The proposed residential mix includes 35% affordable housing on a habitable room basis.

8.15 The affordable housing for rent would comprise the following dwelling mix:

	Number of Units	Number of Habitable Rooms	% of Total Habitable Rooms	LBTH Housing Needs Survey (Unit Basis)
1 Bed	16	32	20%	20%
2 Bed	19	57	35%	35%
3 Bed	8	32	20%	30%
4 Bed	8	40	25%	15%
TOTAL	51	161	100%	100%

8.16 The applicants have agreed that 35% of all habitable rooms shall be affordable housing which complies with the current LDF policy. They have also agreed to an 80/20 split between the affordable rent/intermediate housing tenure. In terms of habitable rooms the application includes 45% of the rented provision as 3 and 4 bed family houses by habitable room. This is in line with the expected minimum indicated as required by the Council's Housing Needs Survey.

8.17 The houses have been designed as substantially larger than the Council's minimum size standards.

8.18 All the residential units meet with the Council's space standards and in some instances these are exceeded substantially, which is welcomed.

Residential density

8.19 Policy HSG9 of the UDP provides a guideline of 247 habitable rooms per hectare for new residential densities although exceptions are given. LDF policy CP20 states that the Council will seek to maximise residential densities, taking into account the individual relative merits of sites and their proposals.

8.20 The site has a public transport accessibility level (PTAL) of '3' where the anticipated density range would normally be up to 450 habitable rooms per hectare (hrph), in accordance with the London Plan and the emerging LDF. This was adopted in the Furze Street Area Development Brief. At an average density of 634 hrph the density of the scheme exceeds this level. However, the scheme is considered acceptable in the context of UDP Policy HSG9 in that:

- The proposed development is located in an area with reasonable access to public transport, open space and other local facilities (in this case buses directly serving the site and located 300 metres from Devons Road DLR station),
- The proposal does not result in any consequence typically seen in an overdeveloped site (i.e. poor size of flats, significant loss of light to adjacent properties, loss of privacy/overlooking of adjacent amenity space, lack of

amenity space or a development out of context with its surroundings.

Design

- 8.21 The proposal has generally been designed in accordance with the Development Brief and achieves all the design principles developed in the brief. Whilst slightly higher than what was anticipated in the Development Brief, the bulk and massing is successfully resolved creating a scheme that is still much lower than some of the recent developments in the area and far more compatible with the local context than the scheme refused by the Planning Inspectorate in 2005.
- 8.22 The scheme has achieved variations in height and massing at appropriate locations and has therefore produced interest and character. The blocks are mainly positioned at the back edge of the pavement as anticipated by the Development Brief to help reinforce the existing street edge and define new pedestrian routes.
- 8.23 The family units, the houses in particular, are appropriately located directly facing Furze Green or with relatively direct access to it.
- 8.24 The distances between habitable room windows meet or exceed the Council's minimum standards. The external design details have been provided for Phase 1 part only. Although there would be some minor over looking of private amenity spaces within all phases of the proposal, this would be to a level that is generally consistent with urban locations. Most units within the scheme would have direct access to private amenity space whilst there is over 500 square metres of private communal open space available within Phase 1. In addition, the site is located adjacent Furze Green to which improvements would be made as a result of the scheme. Accordingly, the amenity space proposed is considered acceptable.
- 8.25 All the housing is designed in accordance with 'Lifetime Homes' requirements, 10% of which would be wheelchair accessible.
- 8.26 Overall, it is considered that the proposal represents a scale, massing and design which would respond well to the site's context, including its relationship with Furze Green and emerging development in the area.

Amenity

- 8.27 In support of the application, the applicants have provided an analysis of the shadowing that the scheme would cause. Review of this information would indicate that only Phase 1 of the scheme causes any overshadowing. As mentioned in the accompanying report, impact on the residential block across the road at 213 Devons Road and across Devons Road would be minimal.
- 8.28 Should the development proceed in phases, there is the potential for the proposed residential accommodation to experience noise and disturbance from the existing industrial uses nearby. Accordingly it is recommended that, should planning permission be granted, that the applicants provide a detailed noise study with recommendations to protect future occupants of the residential accommodation from noise disturbance.

Highways

- 8.29 The scheme has been considered by the Council's Highways Department who consider that the non provision of car parking is acceptable. They recommend that "car free" arrangements be put in place to restrict the occupants of the development from applying for residents parking permits together with a section 278 agreement under the Highways Act to fund essential improvements to the adjoining highways.

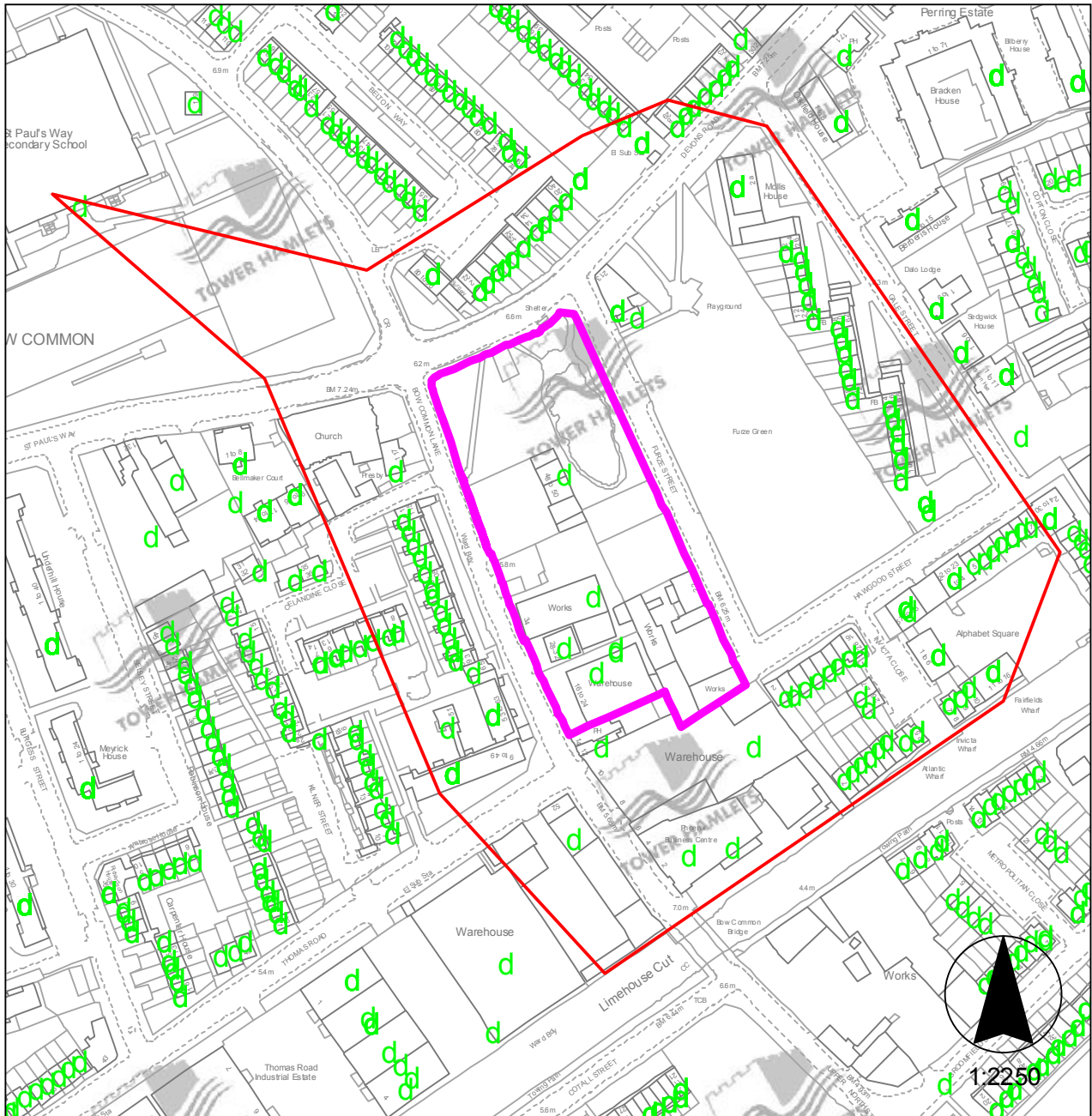
Section 106 obligations

- 8.30 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging LDF make clear that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.31 The Secretary of State advises that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and to be reasonable in all other respects. The applicants have agreed to make the following planning obligations to mitigate against the impact of Phase 1 of the proposed development:
1. Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
 2. A financial contribution of £2,500 per saleable habitable room towards the improvement of Furze green open space;
 3. A financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road;
 4. Local labour in construction; and
 5. 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.
- 8.32 The Education Department has calculated that the proposal would generate a child yield of 26 additional primary school places in the area requiring a total contribution of £320,892. Tower Hamlets Primary Care Trust calculated that, overall the proposal could generate a requirement of £1,012,037 (£825,437 in revenue contributions and £186,600 in capital contributions) in respect of increased demands on health services.
- 8.33 Whilst the ownership and likelihood of an outcome in respect of Phase 1 is certain, this is less so with regard to Phases 2 and 3. Accordingly, it is expected that the elements that would normally be secured by s106 agreement that relate to Phases 2 and 3 should be secured by a "Grampian" condition as recommended above.
- 8.34 In relation to this, the certainty of Phase 1 of the proposals provides the necessary funding for the improvement and on-going management of Furze Green. Accordingly, it is considered appropriate that Phase 1 should not provide any obligations in respect of financial contributions to Education and Health provision.
- 8.35 It is considered that the planning obligations recommended above are appropriate in this case and accord with the Government's guidance.

9 CONCLUSIONS

- 9.1 In land use, housing, design and traffic terms the development is considered satisfactory. Whilst it would involve the loss of temporary public open space, this would be compensated by improvements to Furze Green that would make it have greater utility for the local community. The scheme would secure the removal of an incongruous and unsightly use from an area that is primarily residential in character and a more effective use of urban land, providing housing and employment opportunities. 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.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Land Bounded By Bow Common Lane and Furze Street on Devons Road, Devons Road, London, E3