

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

24th January 2013

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
7.1	PA/11/03617	Skylines Village, Marsh Wall	<p>Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys in height, comprising of the following:</p> <ul style="list-style-type: none"> • 764 residential units (Use Class C3); • 1,982 sq.m (GIA) of flexible retail floor space (Use Class A1-A5/B1); • 4,480 sq.m (GIA) of office floor space (Use Class B1) • 2,250sq.m (GIA) of community floor space (Use Class D1); • A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities <p>The application also proposes new public open space, associated hard and soft landscaping.</p>
7.2	PA/12/02856	Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14	<p>Demolition of the existing single storey temporary shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings (43 x 1 bed, 64 x 2 bed, 37 x 3 bed, 4 x 4 bed and 2 x 5 bed), 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works.</p> <p>AMENDED PLANS</p>

Agenda Item number:	7.1
Reference number:	PA/11/03617
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1.0 CLARIFICATION AND CORRECTIONS

- 1.1 The Strategic Development Committee is requested to note the following clarifications and corrections to the report circulated with the agenda.
- 1.2 The following amendments to the submission documents reference numbers are required.

Submission Documents

PA/05/014 A C Proposed Typical Floor 1/300 A1
PA/05/070 A B Building A Plans – Typical Plans - sheet 1 1/250 A1
PA/05/071 A B Building A Plans – Typical Plans - sheet 2 1/250 A1
PA/05/072 A B Building A Plans – Typical Plans - sheet 3 1/250 A1
~~PA/05/073 A Building A Plans – Typical Plans – sheet 4 1/250 A1~~
PA/05/073 superseded by July 2012 Addendum
PA/05/080 A-B Building B Plans - Typical Plans - sheet 1 1/250 A1

- 1.3 The inclusion of a further paragraph under Section 2 of the report that summarises the material planning considerations is recommended – to read as follows:

The proposal makes efficient use of a site which is included within the Isle of Dogs Opportunity Area, as identified in the London Plan (2011) and the Marsh Wall East site allocation, as identified in the Managing Development DPD (Submission Version May 2012) as modified and facilitates an increase in the supply of housing including affordable housing in accordance with Policies 2.13, 3.3 and 3.11 of the published London Plan (2011), Policy SP02 of the Core Strategy and Policy DM3 of the Development Management DPD (Submission Version May 2011) as modified.

Recommendation

- 1.4 Paragraphs 3.2 and 3.3 on page 94-95 of the agenda, which deal with the financial and non-financial planning obligations should be amended to reflect the applicant's

agreement to contribute towards enhancement to South Quays DLR station (to the tune of **£250,000** and a financial contribution towards multi-modal improvements directly to or in the vicinity of Preston's Road roundabout, to the tune of **£100,000**.

- 1.5 These changes/additions to the range of planning obligations are in response to late comments received from the GLA (email received 14th January 2013) which restated TfL's request for a contribution towards improving the accessibility to South Quay DLR station with specific reference to the provision of additional lift access. There have also been on-going discussions with the applicant regarding the desire to improve the safety and multi-modal movements through Preston's Road roundabout and the financial contribution offered by the applicant and suitably reflects the impact of this development on the operation of Preston's Road roundabout and proximity issues. With the required uplift in the 2% monitoring fee (now £124,891) the overall level of agreed planning obligations would be **£6,369,476**
- 1.6 This list of obligations should also reflect the actual percentage affordable housing proposed (35.7% by habitable room).
- 1.7 Following publication of the Committee report the applicant has reviewed their position regarding the 'Development viability review clause to secure any uplift' as referred to in paragraph 3.3, 9.93 and 9.238 in the Committee report. The applicant has requested that the clause be removed as it was felt that introducing uncertainty regarding the maximum level of affordable housing to be provided would be likely to erode potential investor's confidence in the scheme and therefore jeopardise the prospect of the development being delivered. In the light of this and in view of the overall percentage of affordable housing proposed at social target rent, alongside the other financial and non-financial planning obligations, your officers feel (with hindsight) that requiring a review mechanism in such circumstances, would be unreasonable. The requirement for a future review of development viability has therefore been deleted from the report.
- 1.8 Officers remain satisfied that the financial viability of the scheme has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development DPD (Submission Version) and Planning Obligations SPD (2012).
- 1.9 To clarify the position in respect of the proposed youth club accommodation, the S.106 clause should read – "the provision of two floors "shell and core including internal walls" in Block B for a youth and community services at a peppercorn rent for five years, but with the eventual operator obliged to meet service charges".
- 1.10 These changes should be mirrored in the later section of the report which refers again to Planning Obligations and CIL (paragraphs 9.229 – 9.238 inclusive)

General Corrections

- 1.11 Paragraph 5.7, typographical error; heights for Block A1 and A2 should read 11 storeys (including plant) and 15 storeys (including plant) respectively.
- 1.12 Paragraph 7.12 The Environment Agency has confirmed that finished floor levels should be set no lower than 5.1 metres AOD.
- 1.13 Paragraph 7.14 delete last sentence of "Officer Comment" as the GLA made further

comments by email dated 14th January 2013.

- 1.14 Paragraph 9.15 amend to read '*Currently, there is approximately 8,969sqm (GIA) of B1 office space within Skylines Village. The proposed scheme would provide 4,480 5,094 sqm (GIA) of dedicated replacement B1 office space but also 1,982sqm of flexible commercial space (use classes B1/ A1-A5). Whilst the scheme would result in (best case) a net loss of office floorspace of 2,507 1,893-sqm, which assumes that all units identified for flexible use are used for business purposes, the scheme also proposes a significant community floorspace (Class D1) which would generate additional employment. This site is not located within a Preferred Office Location and it is important to recognise that employment can be generated by all commercial uses and is not necessarily limited to B1 uses.*'
- 1.15 To provide further clarification in respect of child play space provision, a more detailed table is produced below. The child play space requirement set out in Table 3 and paragraph 9.106 should read 2,651sqm which results in an under provision of dedicated child play-space of 361sqm.

	Playspace provided on site (sqm)	Playspace policy requirement (sqm)	+/- policy requirement
Under 4 years provision	970	936	34
5-10 years provision	1320	1157	163
11-15 years provision	0	558	-558
Total	2290	2651	-361

- 1.16 Paragraph 9.117 should read(based on 0646ha for ~~1,604~~ 1,599 additional residents).
- 1.17 Paragraph 9.127, penultimate sentence should read ".....applicant has offered the space (shell and core) plus internal walls and a commitment for a peppercorn rent for a period of five years, with a future occupier required to meet service charge costs"
- 1.18 Para 9.176 – delete the word "indicative"

2.0 **CONSULTATION RESPONSES**

Employment and Enterprise

- 2.1 Even though the Employment and Enterprise Team forms part of Development and Renewal and views are reflected in the Planning Considerations section of this report, it is considered appropriate to summarise their comments. There is a standard Planning Obligations SPD request for job opportunities for local people (20% of construction jobs going to local people through the Skillsmatch Service and procurement of local goods and services during the construction phase

There is a financial requirement as part of this development to support and/or provide the training and skills needs of local residents in accessing job opportunities created through the construction and end user phases of the development.

The applicant has committed to providing a Displacement/Relocation Strategy for existing businesses and Employment and Enterprise are content in principle, with the

measures outlined in the Displacement Strategy which is similar to other Displacement Strategies agreed elsewhere. This would be in accordance with the policy approach promoted through Policy DM15 of the Managing Development DPD. It is recommended that this is secured through the S.106 Agreement; with the Council's Employment and Enterprise team requesting input in agreeing the detail of the relocation strategy should planning permission be granted.

3.0 FURTHER REPRESENTATIONS

3.1 Since publication of the agenda a further representations have been received on 17 and 24 January 2013 from two local residents objecting on the grounds of

- Overdevelopment – with 749 flats proposed on the back of the 850 flats that were recently approved on the ASDA site and 249 additional units on Angel House and further flats awaited on the London Arena Site. Lack of infrastructure to support this growing population.
- Heights of buildings – the development is too high at 45 storeys, which will damage the character of the area. The height of the buildings should be considerably reduced to say 5-6 storeys and no more than 10 storeys.
- Oversupply of housing, no point building flats that will remain empty.
- Overcrowding – South Quay DLR is already overcrowded in the mornings
- Reduction in property prices as many more properties come onto the market.

3.2 One of these letters had been previously submitted to the Council and the associated email dated 24th January advises that the view is shared by many residents of the Isle of Dogs.

3.3 In addition, the Council has received a petition in support of the application on 17 January 2013 comprising 42 (forty two) signatures.

3.4 The petition (paraphrased) reads as follows:

The following residents of Blackwall and Cubitt Town Ward support the planning application which will deliver a number of major benefits for the Isle of Dogs community such as:

- 228 new affordable homes (out of 764) with 174 being family sized (3 or more beds)
- The creation of a new 1 hectare public park on the sit which will be open to residents during daylight hours
- Provision of a large level of community floorspace which could be occupied by a youth club, with the remainder being used as a NHS Primary Care Trust or nursery
- In addition to the number of jobs associated with the construction period, the development will create up to 470 jobs which is approximately 3.5 times the number of people currently employed on the site

3.5 For completeness the total representations received on the application at submission stage and in relation to the amended plans are 29 objecting, one stating neither support nor objection and a petition of 42 signatures in support of the application.

4.0 PLANNING OBLIGATIONS AND CIL

4.1 There are proposed changes to the Planning Obligations and CIL Section of the Report to reflect the text outlined in Section 1 of this Update Report

5.0 RECOMMENDATION

- 5.1 Officer's recommendation remains as per the original subject to the amendments set out in Section 1 of this Update Report (Paragraphs 1.4 - 1.7).

Agenda Item number:	7.2
Reference number:	PA/12/02856
Location:	Land to the south of 52 Stainsby Road to the north of 88 Stainsby Road and at the western end of Cotall Street E14
Proposal:	Demolition of the existing single storey temporary shower rooms south of 52 Stainsby Road and the erection of two buildings of 5, 6 and 10 storeys, one on the corner of Stainsby Road/Cotall Street and the other on the corner of Stainsby Road/Lindfield Street comprising 150 new residential dwellings (43 x 1 bed, 64 x 2 bed, 37 x 3 bed, 4 x 4 bed and 2 x 5 bed), together with a 794 sq.m waterside centre (including associated boat storage) (Use Class D1) and café (Use Class A3), cycle parking, private amenity space and other associated works.

1. CLARIFICATION AND CORRECTIONS

General

- 1.1 Application details - the applicant is Poplar HARAC *and East Thames Group*.
- 1.2 Para 4.6 correction - the site has a PTAL (Public Transport Accessibility) of 2. Langdon Park station is 900 metres, All Saints and Poplar DLR stations are 1,200 metres and Westferry DLR is 850 metres walking distance, measured from the midpoint between the frontages of the two sites on Stainsby Road.
- 1.3 Para 6.7 clarification – The proposed development would be car free, although residents with existing parking permits moving into the proposed affordable rented family accommodation, would be entitled to retain their permits, under the provisions of the Council's Permit Transfer Scheme.
- 1.4 Para 8.21 correction – The proposed development seeks to open up access to the park.
- 1.5 Para 8.60 correction – all these issues are addressed in Section 9 of the report.
- 1.6 Para 9.15 correction – 55% of the previous residential footprint area on this site is proposed for development.
- 1.7 Para 9.43 correction - The split level flats in the Cotall Street Block would be raised above park level by 1.2m and would have 1.1m high balustrades. The café terrace would be at grade with the park.

Housing

- 1.8 Para 9.63 correction – The Cabinet reports (December 2008 and March 2011) state that the 94 units (277 habitable rooms) lost through the development of have not been replaced on a number of sites nearby.
- 1.9 For information, the Cabinet reports identify developments at Cedar Wharf, Abbots Wharf and former Stainsby Road garages that have re-provided affordable rented and intermediate accommodation.

- 1.10 Paragraphs 9.59 – 9.74 of the main report sets out the affordable housing proposals for the scheme. SDC are advised that within the affordable rented tenure, the rents proposed are as set out in the table below. The rent levels for the 1, 2 and 3 bed dwellings are set at Tower Hamlets affordable rent (known as POD) levels for the E14 postcode (excluding Docklands) as referred to in Managing Development DPD policy DM3. The 4 and 5 bed units would be set below the Tower Hamlets POD levels. All the affordable rents in the table below are inclusive of service charges.

Dwelling size	Rent per week	Affordable rent level
1 bed	£152.70	POD
2 bed	£168.17	POD
3 bed	£187.85	POD
4 bed	£225	Below POD
5 bed	£225	Below POD

Parking and access

- 1.11 The comment from the Council's Transportation and Highway Section in paragraph 8.31 states that the disabled parking spaces would be outside the red line of the application site.
- 1.12 The amended plans do in fact show provision of an additional three disabled parking spaces within the red line boundary accessed via the on-site turning head off Cotall Street and one space within the curtilage of the Stainsby Road building, accessed off Lindfield Street. Planning conditions have been recommended requiring full details of these spaces to be provided along with highway works necessary to facilitate vehicular access onto the site (Section 278 agreement).

Heritage assets

- 1.13 Para 9.37 sets out the relationship to the Limehouse Cut Conservation Area. The summary of material planning considerations also makes reference to the setting of the Grade II listed building, Saint Saviours Church (para 2.9),.
- 1.14 The SDC are advised that the Cotall Street site is 140 metres from the church and the nearest part of the Stainsby Road site is 165 metres from the church.
- 1.15 Saint Saviour's Church is currently derelict and included on English Heritage's buildings at risk register. The immediate setting of the church is influenced predominantly by the low rise modern residential development in Bartlett Close and Arcadia Street which immediately adjoins the curtilage or the listed building. The wider setting of the church is formed by the open space within Bartlett Park and the backdrop of buildings beyond.
- 1.16 In considering the effect of the proposed development on the setting of the listed church, officers have taken into account the existing residential buildings surrounding three sides of the church, the fact that the proposed development will be seen at some distance in the backdrop to views of the church from the east and that the tallest (ten storey) elements of the proposed buildings would be at the northern and southern ends of the blocks, furthest from the church.
- 1.17 In conclusion, officers are satisfied that the proposed development would not harm the setting of the Grade II listed building and would therefore comply with the NPPF,

policies SP10 of the Core Strategy, DM27 of the MDDPD and saved policy DEV1 of the UDP.

Child play space

- 1.18 For clarification, the figure of 191 sqm of child play space provided within the red-line boundary of the application site and referred to in para's 9.90 - .9.91 (and the table therein) is derived from the open spaces adjacent to the proposed waterside centre and café that are proposed to be gifted to the Council to extend Bartlett Park and not from the private gardens or amenity space.

2. CONSULTATION

- 2.1 Since publication of the agenda, the following representations and consultation responses have been received.

Local representation

- 2.2 Two petitions supporting the proposed development, signed by 553 local residents have been received.
- 2.3 OFFICER COMMENT: SDC Members are asked to note the local support for the proposed development, in addition to the objections and comments reported in Section 8 of the main report.

English Heritage (Archaeology – London region)

- 2.4 English Heritage note that the application site appears to share the location of the first modern development of the area, as shown on the 1819 Horwood Map when a solitary terrace named Mount Pleasant is shown on the same orientation as Stainsby Road, south of the Limehouse Cut. There has been little formal archaeological investigation in the area in the past and in view of the limited modern impact compared to the neighbouring tower blocks, there is potential for remains to be present in addition to the medieval remains recorded nearby on the London Historic Environment Record.
- 2.5 English Heritage advise that the condition, securing archaeological evaluation of the site and any appropriate mitigation works, be added to any forthcoming consent.
- 2.6 OFFICER COMMENT: The recommendation includes a condition requiring archaeological investigation to be carried out and a watching brief undertaken.

NHS Tower Hamlets

- 2.7 NHS Tower Hamlets note that based on the likely population generated from the development, the capital contribution towards health care to mitigate the impact of the development would be £209,641 derived from the HUDU model.
- 2.8 NHS Tower Hamlets note that the amount suggested by Planning Contributions Overview Panel (PCOP) falls short of the suggested amount for capital from the model but this would be offset by the enhanced contribution to Bartlett Park. The provision of additional open space and the improvement of existing are likely to have positive health benefits.

- 2.9 OFFICER COMMENT: The approach to planning obligations is updated below.

3. PLANNING OBLIGATIONS

- 3.1 Additional comments received from NHS Tower Hamlets requesting a capital contribution of £209,641 towards health care facilities. Paragraphs 9.177 – 9.185 and the tables therein explain that in the absence of a formal comment from NHS Tower Hamlets at the time the application was considered by PCOP, a contribution of £75,000 was recommended towards healthcare.
- 3.2 The recent request for a capital contribution has been raised with the Chair of PCOP who is of the opinion that, given NHS Tower Hamlets comments in respect of the health benefits of the proposed park improvements, the recommended contribution and apportionment should stand.
- 3.3 SDC should also note that the contribution towards Bartlett Park improvements is aggregated from:
- the standard open space contribution (£266,295);
 - the standard leisure contribution (£128,704);
 - the standard public realm contribution (£98,400);
 - an additional contribution of (£155,108) offered by the applicant.
- 3.4 In the case of the applicant's additional contribution, SDC will note that this is over and above that required by the SPD policies but has been agreed by PCOP. It is therefore not "necessary" within the meaning of the tests for Planning Obligations in Regulation 122 of the Community Infrastructure Levy Regulations 2011, but it is capable of being a material consideration in determining whether to grant planning permission.
- 3.5 For clarity the tables in the main report have been combined and reproduced below including the amended health care request.

Tower Hamlets SPD priority	Standard contribution	Agreed contribution
Employment training and enterprise	£41,047	£41,047
Idea Stores	£41,814	£41,814
Leisure	£128,704	Nil
Education	£754,744	£754,744
Health	£209,641	£75,000
Sustainable Transport	£4,905	£4,905
Open Space (Bartlett Park Improvements)	£266,295	£648,507
Public realm	£98,400	Nil
Monitoring (2%)	£26,718	£26,718
TOTAL	£1,572,268	£1,592,735

4. PLANNING CONDITIONS

- 4.1 Delivery of the proposed developments dependent on grant funding from the GLA (former Homes and Communities Agency in London). If permission is granted, the timetable to prepare the site for implementation of the development would start almost immediately. The applicant has therefore requested that the triggers for

submitting details to be approved by condition may be onerous if all details have to be approved prior to the commencement of any site preparatory works that could be construed as material operations, falling within the definition of development for the purposes of Section 56 of the Town and Country Planning Act 1990.

- 4.2 In view of the need to ensure that planning conditions are tailored to addressing specific issues and do not impose unjustified controls, officers recommend that a phased approach to the discharge of conditions would introduce an appropriate level of flexibility with the details set out below. This approach would meet the tests and be in line with guidance set out in Government Circular 11/95 "Use of Conditions in Planning Permission".
- 4.3 Conditions 1, 2, 6 and 16 listed in para 3.7 would be required ***Prior to Commencement of the Development.***
- 4.4 All remaining conditions in para's 3.7 would require submission of details to be approved ***prior to commencement of any building works above ground floor slab level.***
5. **RECOMMENDATION**
- 5.1 The recommendation remains as per the original report, subject to the changes to the triggers for the discharge of conditions set out in section 4 above.