

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.5
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Terry Natt		Ref No: PA/06/01809	
		Ward(s): Shadwell	

1. APPLICATION DETAILS

Location: Land bounded by Schoolhouse Lane, Cable Street, and Glasshouse Fields, London E1

Existing Use:

Proposal: Erection of a part four / part seven storey building to provide 198 residential units; 1865 sq.m of B1 floorspace; 220 sq.m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping. (Amendment to planning permission PA/03/1731) (This application supported by an Environmental Impact Assessment)

Drawing Nos: 12029_14_01, 12029_14_02, 12029_14_03, 12029_14_04 (B), 12029_14_05 (B), 12029_14_06 (B), 12029_14_07, 12029_14_08, 12029_14_09, 12029_14_10, 12029_14_11, 12029_14_12, 12029_14_13, 12029_14_14

Applicant: Kier London

Owner: Newlon Housing Trust

Historic Building: 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 London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) In principle, the erection of a part four / part 7 storey building to provide 198 residential units; 1865 sq.m of B1 floorspace; 220 sq.m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping is acceptable, subject to appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
- b) It is considered that the proposed use would not have an adverse impact on the residential amenity of the surrounding properties. A number of conditions are recommended to secure the submission of details of materials, landscaping, external lighting, plant, and to control noise and hours of construction;
- c) The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement
- d) An appropriate level of employment floorspace has been provided on site and the scheme would bring the benefits of job creation, enhancement of the streetscape and

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		Xxxx Xxxx 020 7364 xxxx

public realm.

- e) Although there is a reduction in the number of approved housing units on site as compared to the extant permission approved on 18 August 2004 for 211 residential units and 4500 sq.m. of employment floorspace, the proposal retains the same number of affordable housing units.
- f) The scope of the Environmental Impact Assessment is supported.

3. RECOMMENDATION

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

- A. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Car free agreement
 - b) Green travel plan
 - c) Provision of Affordable housing: **41 units**
 - d) Highway Improvement Works **£50,000**
 - e) Local Labour in construction
 - f) Upgrade of the adjacent games court on Cable Street **£100,000**
 - g) A contribution towards the provision of an indoor play area within the Glamis Road Adventure Playground **£100,000**
 - h) Contribution to London Cycle Network capital works on Cable Street **£10,000**

3.2 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 Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building;
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements)
 - Cycle parking design and location
 - The design of the lower floor elevations of commercial units including shopfronts and community space.
- 3) Landscape Management Plan required
- 4) 278 agreement to be entered into for Highway works surrounding the site
- 5) S38 agreement for the construction and adoption of the new road
- 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Hours of operation limits – hammer driven piling (10am – 4pm)
- 9) Details required for on site drainage works
- 10) Full particulars of the refuse/ recycling storage required
- 11) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 12) Details of finished floor levels required
- 13) Details of surface water source control measures required
- 14) Renewable energy measures to be implemented
- 15) Black redstart habitat provision required
- 16) Land contamination study required to be undertaken
- 17) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice

- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3.3 That, if by 18 July 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 Erection of a part four / part 7 storey building to provide 198 residential units; 1865 sq.m of B1 floorspace; 220 sq.m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping. (Amendment to planning permission PA/03/1731)
- 4.2 A previous scheme on this site was approved at the Council's development committee meeting on 18 August 2004. In summary, the current proposal is an amendment to the previously approved scheme and the main differences are as follows:
 1. The removal of the bespoke B2 industrial space situated within the proposed basement;
 2. The removal of basement parking resulting in a reduction of car parking spaces from 121 to 31 spaces; and
 3. A reduction in the number of residential units from 211 to 198 (but no reduction in affordable housing provision).
 4. A change in the mix of units on site, including an increase in the number of family housing units. (See discussion below for details)

Site and Surroundings

- 4.3 The site area is 0.895 hectares and previously comprised a collection of one and two storey buildings of various ages, occupied by T W Ides Paragon Limited. The site has historically been used for various industrial glass manufacturing processes (B2 uses) since the 17th Century. In response to the approved scheme, various buildings on site are currently under demolition, with the remainder of the site in the process of remediation.
- 4.4 The site is bounded by Schoolhouse Lane and Glasshouse Fields to the East and West respectively, with Cable Street to the north. An artificially surfaced outdoor football pitch abuts the Northeast corner of the site. The Shadwell Institute to the South of the Site and fronting The Highway is used for the ancillary educational purposes linked to the Bishop Challoner School. Further East of the site is a series of industrial estates built in the late 70's and early 1980's. The Western end of the site comprise a variety of general and special industrial premises including a mixed use development owned by the Genesis Housing Group.

Planning History

4.5 The following planning decisions are relevant to the application:

PA/01/01101 On 13 March 2002, the Council approved a resolution to grant Conditional Outline planning permission to the Diocese of Westminster for the demolition of existing buildings and redevelopment of the application site for the purposes of education use. This was subject to a legal obligation agreement to provide financial assistance to relocate T W Ides Paragon Ltd in accordance with EMP2 (1) of the UDP. This resolution is extant although the legal agreement has not yet been completed.

PA/03/01660 In September 2003, a planning application was submitted for the Demolition of the existing buildings and redevelopment of the site by the erection of a part six storey building on the Cable Street frontage and part nine storey building on the Schoolhouse Lane frontage (inc. basement) for mixed use purposes comprising office/light general industrial uses (29, 350 sq.ft), 232 self contained flats and 39 live work units inclusive of basement/ground level parking. The application was withdrawn in December 2003.

PA/03/01731 A planning application was approved at development committee on 18 August 2004 for a scheme comprising 4532 sq.m of commercial (mix of B1 and B2) floorspace, 210 sq.m of A1 floorspace and 211 self-contained residential flats with ancillary parking and servicing.

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:	141	Council will seek to enhance and preserve existing employment uses.
Policies:	DEV1	Area of archaeological importance or potential
	DEV2	General design and environmental requirements
	DEV3	Development requirements
	DEV4	Mixed use developments
	EMP1	Planning obligations
	EMP2	Employment growth
	EMP8	Sites in employment use
	HSG2	Small businesses
	HSG3	New housing development
	HSG7	Affordable Housing
	HSG8	Housing Mix and Type
	HSG9	Provision of wheelchair units in housing schemes
	HSG13	Housing Density
	HSG15	Internal residential space within residential developments
	HSG16	Development affecting residential amenity
	T17	Amenity space
	T21	Parking and vehicular movement standards
	S6	Improvement of pedestrian routes
	ST15	New retail development
	ST16	Expansion of local economy
	ST35 and S6	Promotion of local job opportunities
	IS10	Retail development
		Shopfronts

Emerging Local Development Framework

Proposals:	C42	Unspecified (awaiting central area AAP)
Core Strategies:	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP20	Sustainable residential density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP41	Integrating development with transport
Policies:	DEV1	Amenity
	DEV2	Character and design

DEV3	Accessibility and inclusive design
DEV4	Safety and security
DEV5	Sustainable design
DEV6	Energy efficiency
DEV12	Management of demolition and construction
DEV17	Transport assessments
EE2	Redevelopment/change of use of employment sites
DEV1	Amenity
DEV2	Character and design
DEV3	Accessibility and inclusive design
DEV4	Safety and security
DEV5	Sustainable design
DEV12	Management of Demolition and Construction

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

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

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Highways

- 6.2 The reduction in parking places from 125 to 31 spaces is to be welcomed. Adequate provision has been made for disabled parking. It is noted that the parking places are to be strictly controlled. The courtyard parking area is for disabled and special use and the Glasshouse Fields parking area is only for the commercial element of the development.
- 6.3 It is also noted that the development will be subject to a S106 car free agreement. This will be both for the residential and commercial sections of the new buildings.
- 6.4 A Transport Assessment has been submitted which is acceptable, given the now low level of parking. There will be an insignificant effect on the local road network, including the Highway which is a heavily trafficked Transport for London Road. 10 of the courtyard parking places are accessed from Schoolhouse Lane whereas the balance of 21 are accessed from Glasshouse Fields via Cable Street. The re-opened section of Glasshouse Fields will have a point closure towards its southern end to prevent vehicular access onto The Highway and maintain a low accident risk.
- 6.5 The closure point is shown as being created by demountable bollards. Having discussed this with cleansing, a gated closure is preferred for emergency and refuse vehicles.
- 6.6 The original scheme, with all car access from Schoolhouse Lane, required the bottom end of this road to be made one-way northwards to prevent access onto The Highway and reduce the risk of increased accidents. With the small amount of courtyard parking, this is now redundant.
- 6.7 There will extensive S278 highway improvement works around the perimeter of the site. These works will be carried out by the Council and at the developers cost.
- 6.8 The existing development covers the line of Glasshouse Fields with the exception of a

pedestrian path along the western side. The intention is to set back the new development and provide a new section of road linking the north and south sections of Glasshouse Fields. This will require a S38 agreement for the construction and adoption of the new road.

- 6.9 There is a sealed S106/278 agreement dated 9th Jun 2005 for the consented development. This is now redundant and a new agreement should be drafted. Since the original highway requirements were identified, we have initiated a new Capital works scheme for extension of the London Cycle Network on Cable Street. The new S106 should include for a contribution towards these works in the sum of £10K.

Environmental Health

- 6.10 The Environmental Impact Assessment was considered to be satisfactory. The daylighting and sunlighting survey as well as noise assessment survey were considered to be acceptable in principle. The following observations were made to ensure that the environmental health impacts of the proposal are minimised:
- I. Mitigation measures for dust control are required
 - II. Provision of cycle stores ;
 - III. Site contamination mitigation measures are required including redemption strategy;
 - IV. Need for a Section 61 consent for noise abatement;
 - V. Restriction on hours of work;
 - VI. Ventilation provision for kitchen/bathroom areas;
 - VII. Hours of delivery to be restricted.

6.11 Air Quality

The following conditions must be adhered to in relation to air quality:

- A traffic management plan must be submitted detailing all routes to be used by construction vehicles. The plan must also detail any vehicle maintenance programmes to be employed.
- All on and off-road vehicles must comply with the applicable European Emission Standards at the time construction begins.

TfL

- 6.12 The proposed development provides 31 off-street car parking spaces, of which 10 spaces will be allocated for the residential component and 21 spaces for the commercial component. Two spaces will be allocated for disabled use – one each for the above components. TfL supports the low car parking provision for the residential component.
- 6.13 However, TfL is concerned that the proposed 21 spaces for 220sqm retail and 1,860sqm office use would not be necessary. With a PTAL score of 4, it is considered that the car parking provision proposed for commercial use is unreasonably high. A reduction to the car parking spaces should be considered so that it is consistent with the London Plan requirements.
- 6.14 118 cycle parking spaces will be provided. The cycle parking provision should be consistent with the TfL Cycle Parking Standards, as referred to in the London Plan (Annex 4, Para 37), and 217 spaces should be provided for this development, as follows:
- 204 residential units - 1 space / unit (204 spaces)
 - 1860sqm office use - 1 space / 250sqm (8 spaces)
 - 220sqm retail use - 1 space / 50sqm (5 spaces)
- The proposed retail elements are submitted for flexible permission of land-uses within A1 to A3. In view of this flexibility, this could result in one use class only. Therefore, the above level of cycle parking provision should be provided. Additional provision for visitors at ground level should be considered.
- 6.15 TfL recommends the above concerns be addressed. TfL can confirm that the proposal as it

stands will not result in any unacceptable impact to the TLRN.

Environment Agency

6.16 The Environment agency has assessed this application as having a low environmental risk:

English Heritage

6.17 No objections raised.

English Heritage (Archaeology)

6.18 No objections, subject to conditions securing the provision of archaeological post-excavation work on site

7. LOCAL REPRESENTATION

7.1 A total of 88 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:

7.2 No individual responses or petitions were received.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Whether or not an appropriate amount of employment floorspace has been provided on site;
2. Reduction in the number of approved housing units on site and retention of affordable housing units
3. Mix of housing units
4. Amenity impacts on surrounding properties as a result of changes to the scheme
5. Reduction in the number of car parking spaces

Employment Floorspace

8.2 Policies EMP1 and EMP2 of the adopted UDP encourage employment growth through the re-use of vacant land and justify the loss of employment generating uses where the loss can be made good by replacement with good quality buildings likely to generate a reasonable density of jobs on suitably sited land.

8.3 The loss of the B2 basement floorspace will not result in a reduction in employment levels generated by the site as it stood prior to the planning permission granted in August 2004. TWI Paragon previously employed 50 people on the site prior to its decision to re-locate to premises outside the Borough. It is not likely that this number would have significantly increased had the proposed re-development gone ahead. This amended scheme proposes 1,730 m² of high quality, flexible B1 space and 290m² of retail floorspace. This is approximately the same amount of floorspace space that was occupied by TWI Paragon.

8.4 Methodology by Arup Economics in respect of employment density for use by English Partnerships and Regional Development Agencies has been submitted with the application. When applied to the current scheme, it demonstrates that the number of jobs which are likely to be generated by the scheme would be almost double the number employed by TWI Paragon Ltd. More significantly, it is estimated that there will be no net loss of jobs on this

site.

- 8.5 Using the prescribed figure of 19 sq. m per employee for general office development, the methodology would suggest that the proposed development would result in approximately 91 people being employed within the B1 commercial element of the site, excluding the retail unit.
- 8.6 It is also noted that there were serious reservations expressed regarding the proximity of the B2 uses to both surrounding residential uses and future occupants when the application was approved in 2004. The removal of this element of the approved scheme will ensure an increase in residential amenity, a reduction in disruptive deliveries and an increase in amenity space.
- 8.7 With a likely increase of almost double the employment levels of the previous use of the site, the proposal accords with the emerging LDF, which seeks to implement the 100 000 – 150 000 target for new job creation to 2016 set by the London Plan. The increase in likely employment levels also means that the scheme should be considered favourably in terms of Policy EE2 of the emerging LDF, which takes into account job numbers as well as floor space when assessing the suitability of a scheme and Policy E3B.4 of the London Plan which encourages developments with complementary mixed uses, especially in areas with good access to public transport.

Housing

- 8.8 Affordable Housing
UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.8 of the London Plan states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Borough's own affordable housing targets.
- 8.9 The Local Development Framework – Core Strategy and Development Control Submission Document Policy CP22 seek 50% affordable housing provision from all sources across the borough with a minimum of 35% affordable housing provision on site's capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.
- 8.10 A total of 41 affordable housing units out of the total 198 units is proposed, representing 21% provision overall (Or 138 out of 535 habitable rooms: 26%). This scheme does not meet the Council's minimum target of 35% and the London Plan and LDF target of 50%. However, it does represent an improvement on the previous scheme which allowed for 41 units out of 211 for affordable housing (19%). On this basis alone is the amount of affordable housing acceptable.
- 8.11 The affordable housing for rent would comprise the following dwelling mix:

	No of Units	No of habitable rooms	% of total habitable rooms	LBTH Housing Needs Survey Unit basis
1 bed	7	14	12%	20%
2 bed	12	36	32%	35%
3 bed	12	48	42%	30%
4 bed	2	10	9%	10%
5 bed	1	6	5%	5%
TOTAL	34	114	100%	100%

Of the affordable housing provision of 83% would comprise social rented accommodation and 17% intermediate in terms of habitable rooms. This does not accord with the London Plan's objective that 70% of the affordable housing should be social rented and 30% intermediate but does meet the requirements of Policy HSG5 of the Local Development Framework – Core Strategy and Development Control Submission Document that requires a social rented to intermediate ratio of 80:20 for grant free affordable housing.

8.12 Dwelling Mix

On appropriate sites, UDP Policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.

8.13 Local Development Framework – Core Strategy and Development Control Submission Document HSG6 specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is again identified as a priority reflecting the findings of the Borough's Housing Needs Survey as well as the draft East London SRDF. The Policy provides the required breakdown of provision for development proposing 10 units and above. In terms of family accommodation, the Policy requires 45% of social rented housing without subsidy, 40% of social rented housing with subsidy, 10% of intermediate and 25% of market housing to comprise units with 3 or more bedrooms respectively.

8.14 The proposal would provide for 198 residential units in the following mix:

	Total No of Units (Approved Scheme)	Total No of Units (Proposed Scheme)	% of total Units (Proposed Scheme)
1 bed	72	47	24%
2 bed	125	119	60%
3 bed	14	28	14%
4 bed	0	2	1%
5 bed	0	2	1%
TOTAL	211	198	100%

The scheme provides 16% family units (3, 4 and 5 bedroom units) across all tenures. More importantly, the scheme provides 15 out of a total of 34 socially rented housing units (44%) within the socially rented affordable housing component.

8.15 Across all tenures, there is a prima facie shortage family housing and the scheme would not normally be acceptable. However, in comparison with the previously approved scheme, it represents an improvement in the amount of affordable housing proposed and the provision of more family units in place of smaller units. On this basis the scheme can be supported.

Density

8.16 The proposal will result in a density of 657 HRH, which exceeds the existing UDP density requirements. However, the density is acceptable in light of Table 4B.1 of the London Plan which indicates that densities of 450-700 HRH are appropriate in urban sites with good transport links.

Design

8.17 The overall design is acceptable in policy terms and will make a positive contribution to the streetscape. The amended scheme is not significantly different from the scheme approved in August 2004 in terms of overall design and height where the agreed massing and footprint of the building responds positively to the typology of the area and seeks to address various amenity concerns including privacy, sense of enclosure and daylight and sun lighting within

habitable rooms leading off the internal courtyard. The proposal has been agreed with input from the crime prevention officer and thus meets with the Council's main objective in creating a safer living environment, which is welcome.

Amenity

- 8.18 With regard to the proposed scale and design of the scheme, the resulting scheme has evolved with continual dialogue and input from the Council's urban design officers. Further, the proposal has been redesigned and set back to overcome some of the amenity issues originally identified relating to outlook, privacy, daylighting and sunlighting of adjoining dwellings. The resulting scheme is considered appropriate in terms of mass, scale and design to the application site.

Parking

- 8.19 Changes to the scheme result in a reduction of the number of car parking spaces from 121 car parking spaces as approved in the 2004 scheme to 31. The reduction in the number of car parking spaces is supportable in light of Planning Standard 3 contained in the Core Strategy and the London Plan that specifies a *maximum* car parking provision of 0.5:1 for residential units and 1: 1250 sq.m (B1).
- 8.20 Cycle parking will be increased to 118 spaces, which although under the emerging standards is slightly below the minimum requirements, is acceptable in light of being an improvement on the consented scheme.

Sustainable Development/ Renewable Energy

- 8.21 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal is generally consistent with the London Plan energy policies and an appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

Access

- 8.22 The scheme will yield much needed accommodation including affordable homes and accommodation for key workers. The access statement submitted highlighted the developer's commitment to provide all accommodation to lifetime home standards to be adaptable for mobility housing.. Most of the units have relative ease of access to disabled parking bays. The statement confirms that 10% of the resulting accommodation will be accessible by wheelchair. The applicant has also amended the scheme to address concerns raised by the access officer.

EIA

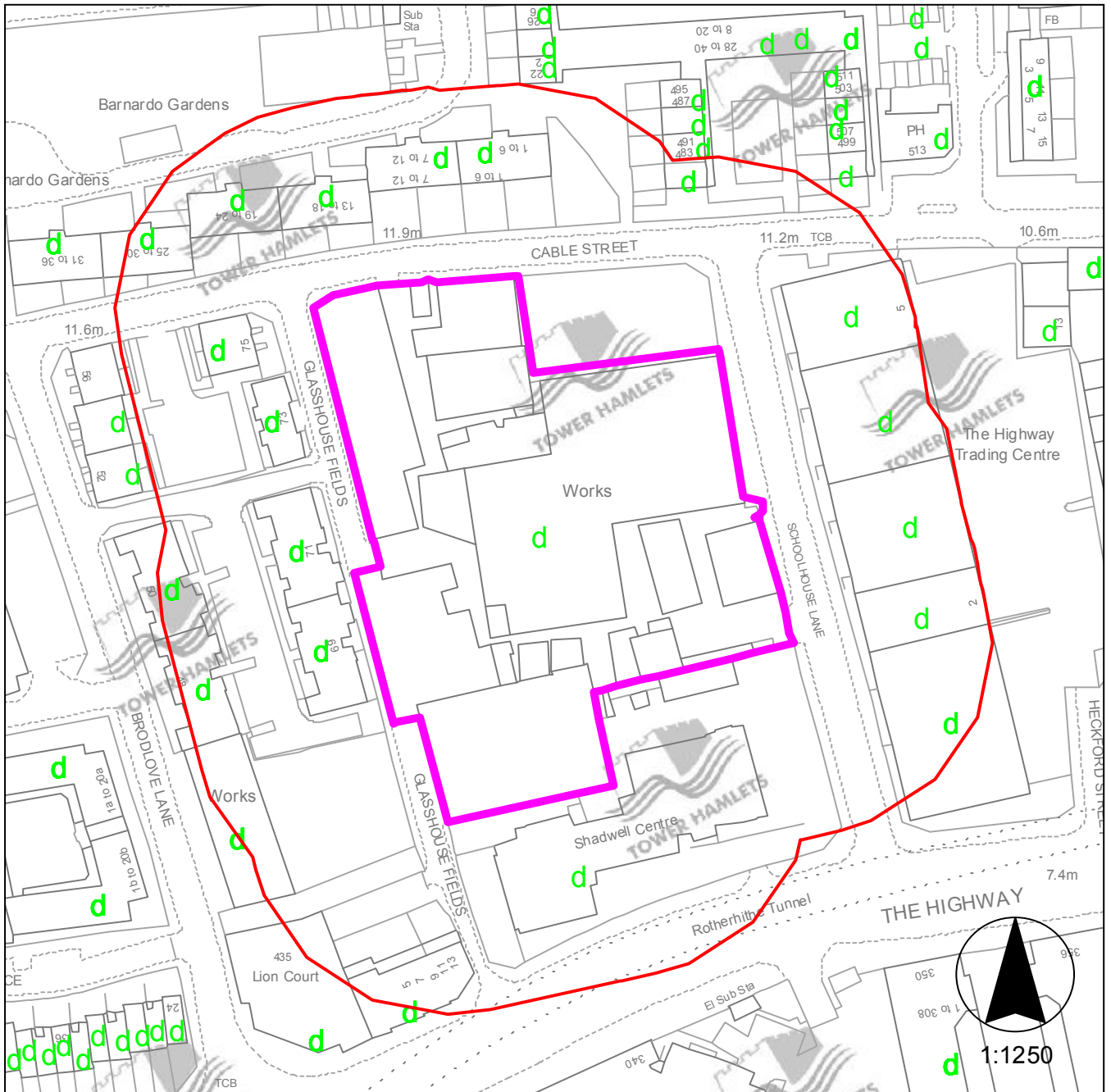
- 8.23 The applicant has submitted an updated EIA with the application. Although many of the statements have not been updated since the previous approval from 2004, this is acceptable given the relatively minor nature of amendments to this scheme. The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

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.

LAND BOUNDED BY SCHOOLHOUSE LANE, CABLE STREET AND GLASSHOUSE FIELDS, LONDON E1

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