

Committee: Strategic Development	Date: 13 th June 2013	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Graham Harrington		Ref No: PA/12/00637	
		Ward(s): East India and Lansbury	

1. APPLICATION DETAILS

Location: Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14

Existing Use: Vacant/Cleared site

Proposal: Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 5 to 22 storey buildings to provide 206 dwellings and 129 sqm of new nursery space falling within use class D1, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

Drawing Nos: Submission Documents

Design and Access Statement dated March 2012,
Design and Access Statement Addendum dated January 2013,
Tower Analysis dated September 2012
Planning Impact Statement dated March 2012,
Affordable Housing Statement dated March 2012,
Daylight and Sunlight Analysis Report prepared by XC)2 dated November 2011,
Design Note prepared by XCO2 dated 30/7/12 (Daylight and sunlight),
Design Note prepared by XCO2 dated 02/08/12 (Daylight and Sunlight),

Flood Risk Assessment prepared by M3 Mayer Brown dated November 2011,
Air Quality Assessment prepared by M3 Mayer Brown dated November 2011,
Energy Report prepared by XCO2 dated November 2011,
Sustainability Statement prepared by XCO2 dated November 2011,
Transport Assessment prepared by M3 Mayer Brown dated November 2011,
Email from Tim Gaskell dated 13th August 2012 with supplementary Highways and Transport information,
Landscape Design report, prepared by HED (rev 02) dated 06.12.11,
Wind Microclimate Analysis Report prepared by XCO2 dated November 2011,
Noise & Vibration Assessment prepared by M3 Mayer Brown dated November 2011,
Ground-Borne Noise & Vibration Mitigation Package - Train Induced Vibration Assessment prepared by M3 Mayer Brown dated August 2012,
Air-Borne Noise Mitigation Package - External Building Fabric Report prepared by M3 Mayer Brown dated August 2011,

Note on Community Involvement prepared by polity dated November 2012,
Radio and Television Signal Interference Assessment prepared by HOARE LEA
Geo-Environmental Interpretative Report prepared by CARD Geotechnics dated Feb 2004
Landscape and Public Realm- Outline Specification dated 25 November 2011
Affordable Housing Viability Submission dated May 2013 (Confidential)
Letter from HEDC dated 16th May 2013 (with appendices) regarding Viability Revisions (Confidential)

Drawings - 3220 (PL) 001, 3220 (PL) 50, 3220 (PL) 09 Rev B, 3220 (PL) 10 Rev a, 3220 (PL) 11 Rev B, 3220 (PL) 12 Rev B, 3220 (PL) 13 Rev a, 3220 (PL) 14 Rev B, 3220 (PL) 15 Rev B, 3220 (PL) 16 Rev B, 3220 (PL) 17 Rev B, 3220 (PL) 18 Rev B, 3220 (PL) 19 Rev B, 3220 (PL) 20 Rev A, 3220 (PL) 21 Rev A, 3220 (PL) 22 Rev B, 3220 (PL) 100 Rev B, 3220 (PL) 101 Rev B, 3220 (PL) 102 Rev B, 3220 (PL) 103 Rev B, 3220 (PL) 104 Rev A, 3220 (PL) 105 Rev A, 3220 (PL) 106 Rev A, 3220 (PL) 107 Rev B, 3220 (PL) 108 Rev B and HED-949-L-100 05, Fire Strategy Diagram

Applicant: Ballymore
Owner: Ballymore
Historic Building: N/A
Conservation Area: N/A

Report Context

- 1.1 The application to redevelop this site was submitted in April 2012. Following discussion with officers and amendments, the application was reported to the Strategic Development Committee on 6th March 2013 with an officers' recommendation for approval. After consideration of the substantive and update reports, Members resolved not to accept the officers' recommendation and were minded to refuse planning permission for the proposal because of six specific concerns (set out in paragraph 4.6)
- 1.2 The applicant has submitted a number of significant amendments to the proposal in an effort to address Members' concerns. These are set out in detail in paragraph 4.7. Given the extent of the revisions to the proposals, the consequential need to re-consult, and the changes to the membership of the Strategic Development Committee since the original proposal was considered in March 2013, officers took the view that it would be more appropriate to report the application back to the Committee not as a deferred item, but as an item under Section 7 of the agenda (Planning Applications for Consideration).

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), Managing Development Document (2013) and associated Supplementary Planning Guidance; as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
 - The principle of redeveloping the site to provide a residential led development with an ancillary ground floor children's' nursery unit(D1 Use Class) is acceptable in land use terms, and is consistent with adopted national and local planning policy, in accordance with policy 3.1 and 4.8 of the London Plan 2011, SP01, SP02 and SP12 of the Core

Strategy (2010) and DM1, DM3 and DM8 of the Managing Development Document (2013).

- The proposal makes efficient use of the site with a mixed use redevelopment and optimises residential density and as such accords with policy 3.3 and 3.4 of the London Plan (2011) and policies S07 and SP02 of the Core Strategy (2010).
- The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policies DM24 and DM25 of the Managing Development Document (2013) which seek to ensure development acknowledges site capacity by optimising density and that it does not have an adverse impact on neighbouring amenity.
- Impacts of the development on the amenity of neighbours in terms of loss of light, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- On balance the quantity and quality of housing amenity space, communal space, publicly accessible open space and child play space are acceptable and accords with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development Document (2013) which seek to improve amenity and liveability for residents.
- The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the Langdon Park Conservation Area, the context of local and strategic views are considered to be acceptable, and accord with policies 3.5, 7.6, 7.7, 7.8 and 7.11 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy 2010 and policies DM24, DM27 and DM28 of the Managing Development Document (2013) which seek to ensure buildings are of a high quality design and sensitive to the boroughs heritage assets.
- Transport matters, including car and cycle parking and access are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development Document (2013) which seek to ensure developments minimise parking and promote sustainable transport options.
- Environmental sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013), which seek to promote sustainable development practices.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, transportation improvements, education facilities and employment opportunities for residents, community facilities, public realm improvements and sustainable transport in line with the NPPF, policy LBTH POLICY and the Councils adopted Planning Obligations SPD (2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.
- The Local Planning Authority has worked with the applicant in a positive and proactive manner by making available and employing a formal pre-application process, including free duty officer advice and through the use of a Planning Performance Agreement. The Local Planning Authority has also produced policies and provided written guidance, all of

which are available on the Council's website and which has been followed in this instance.

3. RECOMMENDATION

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

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

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

Financial Obligations

- a) Enterprise and Employment: £50,023
 - b) Community Facilities (Idea Stores and Leisure): £259,755
 - c) Education (Primary and Secondary School Places): £555,753
 - d) Health: £258,942
 - e) Sustainable Transport: £26,171
 - f) Public Realm Improvements (Public Open Space and Streetscene): £383,543
 - g) TfL (DLR improvements): £250,000
 - h) Sub-total: £1,784,187
 - i) Monitoring (2%): £35,684
- Total: £1,819,871

Non-Financial Obligations and Affordable Housing

- j) 31.5% affordable housing by habitable room
- k) Payment of a financial contribution of £230,492 for the provision of off-site affordable housing in lieu of additional on-site affordable housing
- l) Affordable housing financial viability review mechanism if development is not commenced within 2 years from date of a decision notice (to secure a further financial contribution for the provision of further off-site affordable housing if financial viability improves before development starts)
- m) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- n) On Street Parking and Permit-free development
- o) Travel Plan
- p) Code of Construction Practice
- q) Electric Vehicle Charging Points
- r) 9 parking spaces allocated to on-site affordable family housing
- s) Communal play space and child space accessible to all future residents of the development
- t) Public realm area, publicly accessible open space and footpaths through site to be open to the public
- u) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

CONDITIONS & INFORMATIVES

1. Three year time limit
2. Compliance with approved plans and documents
3. Submission and approval of samples of external materials
4. Submission of details to demonstrate adaptability of duplex units to provide

accessible units

5. Details of Landscaping and Public realm to include play space, ramps and boundary treatments, to be approved in consultation with London city Airport
6. Delivery of Energy Strategy
7. Code for Sustainable Homes- Code Level 4
8. Details of living roofs on Blocks 2 and 3 to be submitted to and approved by the Council before commencement of development – with implementation in accordance with approved details.
9. Development to comply with Secure by Design
10. 100% of homes secured to Lifetime Homes Standard
11. 33 dwellings (16%) to be designed to be 'easily adaptable' to wheelchair housing;
12. Notwithstanding Condition 2, 1:50 scale floorplans of all proposed 'easily adaptable' Social Rented units to be submitted to and approved by LPA prior to commencement
13. Submission and approval of Land Contamination details (and remediation works), details to be agreed in consultation with Environment Agency
14. Foundation design to include elastomeric bearings
15. Cycle parking for residential units to be provided in accordance with approved plans
16. Refuse and recycling provision to be provided in accordance with approved plans
17. Details of cycle parking for the commercial unit to be submitted and approved in consultation with TfL
18. Servicing Management Plan to be submitted and approved in consultation with TfL
19. Highway Improvement Works to be submitted and approved
20. Construction Environmental Management Plan to be submitted and approved in consultation with TfL
21. Impact study of existing water supply infrastructure, to be approved in consultation with Thames Water
22. Car Parking Management Plan to be submitted and approved in consultation with TfL
23. Detail of construction methodology adjacent to the DLR to be submitted and approved in consultation with TfL
24. Unrestricted access to be maintained to Langdon Park Station during the construction phase of the development
25. Restriction of use of ground floor non-residential unit to D1 use (children's nursery) with no permitted change from this use
26. Restricted hours of opening for the ground floor children's nursery to 07.00 to 19.00 (associated outdoor play area 08.00 to 18.00)
27. Environment Agency condition- Development to be completed in accordance with the FRA submitted and hereby approved
28. Environment Agency condition- Submission and approval of surface water drainage details

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

3.5 **Informatives:**

- S106 required
- S278 required
- Internal room layouts to comply with Inclusive Access BS8300:2009 (2010)
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice
- London Fire and Emergency Planning Authority Advice

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

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

planning permission.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The application site

- 4.1 The subject site comprises an area of 0.41 hectares and is broadly rectangular in shape. The site is currently cleared and unoccupied, with hoardings surrounding its perimeter. The site falls in height by between approximately 0.35m to 0.6m south to north.
- 4.2 The site boundaries are formed by Cording Street to the north, the DLR tracks to the east, Carmen Street to the south (which is a pedestrianised street connecting Langdon Park DLR Station with Chrisp Street) and Chrisp Street to the west. The area to the north of Cording Street comprises 2 to 3-storey industrial buildings. The 16-storey Parkview Apartments building stands immediately to the south of the site, the other side of Carmen Street. This building has planning permission to be extended by three storeys to a 19-storey building. To the south of that, on the west side of Chrisp Street is a recently completed housing development of between 6 and 9-storeys. A housing development of between 4 and 9-storeys is currently being built immediately opposite the site, on the west side of Chrisp Street.
- 4.3 The site is not located in a conservation area, nor does it contain any listed buildings. The closest conservation area is Langdon Park, which lies to the east of the site.

Transport infrastructure and connectivity

- 4.4 The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the site's south-eastern boundary and therefore provides excellent connectivity in and out of the borough providing connections to the West End, the City, Stratford and City Airport. Bus stops exist on Chrisp Street located a 2 minute walk from the site and run in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town.

Proposal

Original Scheme

- 4.5 The application to redevelop this site was submitted in April 2012. Following discussion with officers and amendments, the proposal (hereafter referred to as the original scheme) was reported to the Strategic Development Committee on 6th March with an officers' recommendation for approval. This sought permission for the following:
- Erection of part 5 to 22 storey buildings;
 - 223 residential units, including 22.2% affordable housing;
 - 129sqm of floorspace comprising A1, A2, A3, A4, B1, D1 and/or D2 uses;
 - 39 car parking spaces provided at basement level (including 4 disabled bays); and
 - On site cycle parking spaces.
- 4.6 After consideration of the substantive and update reports, Members resolved not to accept the officers' recommendation and were minded to refuse planning permission for the original scheme because of concerns over the matters listed below. Please note, these have been placed in a different order than they appear in the Committee's resolution in order to group them into themes. The concerns were:
- (a) Housing mix in relation to the high number of 1-2 bed and studio units;
 - (b) Lack of affordable housing particularly social housing;

- (c) Height, bulk, scale and design in relation to its lack of coherence with the surrounding area;
- (d) Relationship/ lack of cohesion with the adjoining Langdon Park Conservation Area.
- (e) Overdevelopment; and
- (f) Size of the shop unit.

Revised Scheme

4.7 The applicant has sought to address the concerns of Members by bringing forward a significant number of revisions to the original scheme and additional supporting material. The submitted revisions can be summarised as follows:

Design

- Changes to internal layouts of buildings (to allow for a different dwelling mix);
- Consequential minor changes to some elevations;
- Changes to landscaped areas (to allow for a different distribution between communal amenity space and play space); and
- Relocation of a sub-station and changes to the proposed ground floor commercial unit and surrounding area (to allow for use as a children's nursery).

Dwelling Mix

- Removing all proposed 16 studio units (reducing the proposed percentage dwelling mix of studios from 7% to 0%);
- Reducing the number of 1-bed units from 105 to 70 (reducing the proposed percentage dwelling mix of 1-bed units from 47% to 34%) with the proposed percentage dwelling mix of proposed studio and 1-bed units reducing from 54% to 34%;
- Increasing the number of proposed 'family' (3-bed plus) units from 20 to 39 (increasing the proposed percentage dwelling mix of family homes from 9% to 18%); and
- Reducing the overall number of units from 223 to 206 (with the revised dwelling mix resulting in an increase in the number of habitable rooms from 568 to 607).

Affordable Housing

- Increasing the amount of on-site affordable housing provision from 22% to 31.5% (by habitable room) split 69:31 Social Rent: Intermediate;
- Switching all of the previously proposed Affordable Rented units to Social Rented units;
- Payment of a financial contribution of £230,492 for the provision of additional off-site affordable housing; and
- Offering a review mechanism to increase financial contributions for off-site affordable housing if values improve further.

Commercial unit

- Replacing the proposed flexible use ground floor commercial unit (A1, A2, A3, A4, B1, D1 and/or D2 uses) with a proposed children's nursery only use (D1) (with associated outdoor space).

The revised scheme can be summarised as follows:

- Erection of part 5 storey to 22 storey buildings;
- 206 residential units, including 31.5% affordable housing;
- 129sqm of floorspace comprising D1 use;
- 39 car parking spaces provided at basement level (including 4 disabled bays); and
- On site cycle parking spaces.

Relevant Planning History

- 4.8 PA/04/01620; Application for Demolition of existing buildings and construction of four blocks up to 17 storeys comprising 821sqm commercial/community floorspace (B1/D1 uses), 125sqm retail space (A1/A2/A3 uses) and 154 residential units, plus amenity space and car parking. Members resolved to grant planning permission subject to the completion of a S106 agreement. However, a legal agreement was not signed and a decision was not therefore issued for this scheme.
- 4.9 Whilst the resolution to grant permission established a principle for the redevelopment of the application site for a residential-led mixed-use development, there is no extant consent at the site which the developers could seek to implement.

5. POLICY FRAMEWORK

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

5.2 Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Town Centre Activity
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

5.3 Managing Development Document 2013 (MDD)

Policies:	DM1	Development within the town centre hierarchy
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites

DM29 Zero-Carbon & Climate Change
DM30 Contaminated Land

5.4 **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

5.5 **Spatial Development Strategy for Greater London (London Plan 2011)**

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.1 Developing London's Economy
- 4.8 Supporting a successful and diverse retail sector
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings

- 7.8 Heritage Assets and archaeology
- 7.11 London View Management Framework
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.6 London Plan Supplementary Planning Guidance/Documents

London Housing Design Guide 2012
 Housing Supplementary Planning Guidance Nov 2012
 Sustainable Design & Construction 2006
 Accessible London: Achieving an Inclusive Environment 2004
 Shaping Neighbourhoods Play and Informal Recreation SPG 2012
 Early Minor Alterations to the London Plan June 2012- DRAFT

5.7 Government Planning Policy Guidance/Statements

NPPF The National Planning Policy Framework 2012

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

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

6. CONSULTATION RESPONSE

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

Original Scheme

6.2 The following were consulted regarding the original application:

LBTH Accessibility Officer

- 6.3
- The internal layout of units should comply with guidance in BS8300:2009 (2010);
 (**Officer comment:** It is recommended that an informative is added to any permission to ensure the applicants are aware of the standards the new build development should achieve).
 - The site should be provided with level thresholds;
 (**Officer comment:** The site provides level access with ramps in and around the site and internal lifts to the upper floors and basement level).
 - Details of adaptability of the duplex units should be provided;
 (**Officer comment:** It is recommended that these details are secured by condition for approval at a later date).
 - Further information regarding disabled parking provision, visitor parking and taxi drop off requested;
 (**Officer comment:** Four disabled parking spaces are proposed for the basement, the scheme provides no visitor car parking on-site. Whilst there is no designated taxi drop off point, the basement would be accessible for drop-off purposes with lifts to provide access to the upper levels).
 - The scheme should provide adequate external lighting;
 (**Officer comment:** It is recommended that these details are secured by condition for approval at a later date).
 - Ramps within the public realm should be at a crossfall of no greater than 1:50;

(**Officer comment:** It is recommended that these details are secured by condition for approval at a later date, plans show the ramps being provided at 1:20)
Cycle parking should have the flexibility to accommodate tricycles and scooters;
(**Officer comment:** The applicant is now proposing a dedicated mobility scooter/charging room within the basement).

LBTH Biodiversity Officer

6.4 No comments received to date.

LBTH Parks and Opens Spaces

6.5 No comments received to date.

LBTH Arboricultural Officer

6.6 No objections.

LBTH Energy Officer

6.7 The information provided in the energy strategy is principally in accordance with adopted climate change policies. The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine is in accordance with London Plan 2011 policies. Photovoltaic Panels (PV) are also proposed on site. The total anticipated CO2 savings are expected to be 36% which exceeds local policy requirements of the Managing Development Document. The applicant is also achieving a Code for Sustainable Homes Level 4. A condition is recommended to secure implementation of the energy strategy.
(**Officer Comment:** A condition is recommended to secure the delivery of the energy strategy as proposed and the delivery of Code Level 4 is achieved within all new dwellings).

LBTH Building Control Officer

6.8 No comments received to date.

Crime Prevention Officer

6.9 The following comments have been provided:

- Gates to the car park should be secured to prevent unauthorised access and the basement should be provided with CCTV;
(**Officer comment:** Details of security gates and boundary treatment would be conditioned - and secured at a later date, although amended basement plans do incorporate the controlled access gates suggested by the CPO).
- It is expected that no access should be provided to the rear of the site (abutting the DLR line);
(**Officer comment:** The design at ground floor level (gates at Cording and Carmen Street) will prevent access to the rear of the site.)
- It is requested that only one pedestrian access is provided into the development;
(**Officer comment:** The access from Carmen Street and Cording Street provide level access into the various blocks within the site, whilst concerns are raised over the isolation of the access on Cording Street, should concerns arise from loitering, the applicant is able to provide gates to this elevation to secure the entrance.)
- Metal Louvers are a climbing hazard;
(**Officer comment:** Through scheme revisions, louvres are now only proposed from the 2nd floor onwards and therefore present less concerns for climbing)
- An access control system should be implemented at the site;
(**Officer comment:** This is a management consideration for review by the applicants at a

later date. A concierge desk is provided at ground floor level within the Tower Block (Block 1)).

- Signage should be provided to deter unauthorised access;

(Officer comment: This is a management consideration for review by the applicants at a later date).

A condition will also be imposed to ensure the development is compliant with Secure By Design standards.

LBTH Housing Officer

6.10 - This application proposes to deliver 31.5% affordable housing within this development. Whilst this is below the Council's minimum policy target of 35% affordable housing requirement, the viability of the offer is currently being independently tested to establish if this is the maximum viable quantum of affordable housing.

(Officer comment: Affordable housing, including viability, is discussed in detail in Section 8)

- The tenure split within the affordable is 69%:31% in favour of social rented housing. This is broadly in line with the Council's 70:30 target therefore acceptable.

- The unit mix within the social rented is 12% one bed units against a target of 30%, 36% two bed against a target of 25%, and a 42% provision of three beds against a target of 30%. 9% of 4 bed units against a target of 15%. Overall the scheme is providing 51% social rented family housing, which is slightly above our policy of 45% family units. Given the borough high needs for family affordable rented units within the borough this is deemed acceptable.

- Within the intermediate tenure there are 48% of one bed units against our target of 25%, 48% of two bed units against our target of 50%, there are 4% of three bed units against a target of 25%. We would suggest a better balance of one and two bed units within the private mix of the scheme.

(Officer comment: dwelling mix is discussed in detail in Section 8)

- The scheme is delivering 33 wheelchair accessible units across the scheme, which is above our 10% policy requirement. The applicant also proposes to provide 9x accessible wheelchair social rent units and will allocate 4 wheelchair car parking spaces. 1:50 scale drawings for Social Rented identified as wheelchair/accessible units in order to obtain comments from O.T. Team.

(Officer comment: A condition is recommended to require the submission and approval of 1:50 scale drawings for these units).

- All units will be designed to the space standards set within the Mayor of London's Housing Design Guide. The applicant has provided a separate kitchen in all of the larger affordable family rental units which is welcomed.

- Important to ensure secure by design.

- Need to ensure that the scheme is achieving policy requirements on child play spaces standards within the scheme.

(Officer comment: 100% of required 0-5 year old play space would be provided on-site)

- Subject to the points raised above, overall we would be supportive of this application.

Environmental Health

6.11 Contaminated Land

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

(Officer comment: It is recommended that a contamination and remediation condition is included in a decision notice).

6.12 Noise and Vibration

Officers are happy for Planning Permission to be considered. EH does request the provision of elastomeric resilient bearings on the foundation during the construction stage as a mitigation method.

(**Officer comment:** It is recommended that a condition to secure elastomeric resilient bearings is included in a decision notice).

LBTH Highways Officer

6.13 A summary of the Highway comments are provided below:

- The proposed level of car parking is acceptable;

- The development should be secured as permit free;

(**Officer comment:** It is recommended that this is secured through a legal agreement)

- Revisions are requested to the disabled car parking bays;

(**Officer comment:** The proposed layout has been amended to provide 4 policy compliant disabled parking bays)

- Provision of electric vehicle charging points;

(**Officer comment:** charging points are proposed at basement level)

- The proposal only shows 260 cycle parking spaces, the scheme is required to deliver 268;

(**Officer comment:** The revised scheme only requires 245 cycle parking spaces. However, it continues to propose 268 cycle parking spaces, thus allowing some spaces for visitors, in accordance with policy requirements.)

- No details have been provided for the commercial cycle spaces;

(**Officer comment:** Given the limited floorspace of this unit and the number of spaces required for the commercial unit, it is considered that these can be accommodated externally, this is to be conditioned with details to follow at a later date)

- Servicing to the tower block is proposed via Carmen Street, with the remainder of the servicing via Cording Street and the on-site basement. In principle, the only concern raised is with the Carmen Street servicing arrangements. It has now been agreed that residential servicing will be provided on street, from Chrisp Street and only limited servicing to the commercial unit will be via Carmen Street. This will be restricted through a Servicing Management Plan to limited trips and hours of servicing, although a site wide servicing plan will be secured through condition;

(**Officer comment:** It is recommended that a condition secures a Servicing Management Plan).

- A Highway Improvement Works condition is also to be secured to ensure appropriate works around the perimeter of the site;

(**Officer comment:** It is recommended that a condition secures Highway Improvement Works).

- A Travel Plan and Construction Management Plan should also be secured by condition as part of any consent;

(**Officer comment:** It is recommended that a condition secures a Travel Plan and Construction Management Plan.)

- Planning obligations of £20,000 should also be secured towards highways works within the vicinity of the site;

(**Officer Comment:** This is discussed further within the main body of the committee report).

LBTH Employment and Enterprise Officer

6.14 No objection, subject to the following obligations:

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;

- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;

- A financial contribution of £48,617 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction

phase of all new development and for the end user/ commercial unit operation. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

(Officer Comment: The revised scheme requires a larger financial contribution of £50,023 to satisfactorily address training needs. The obligations requested and larger financial contributions have been agreed and it is recommended that these are secured through a S106 legal agreement).

LBTH Communities, Localities and Culture

6.15 Communities, Localities and Culture note that the increase in population as a result of the proposed development would increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. The proposed development of 223 units is calculated to result in 403 new residents and 13 employees. Accordingly the following financial contributions are requested:

- Idea Stores/Libraries/Archives: £51,060
- Sports Facilities: £185,781

6.16 **(Officer comment:** The revised scheme of 206 units but greater affordable housing and children's nursery would generate a slightly larger residential population of 413, but only 8 employees. This means that the required financial contributions to satisfactorily mitigate impacts on these services and facilities would need to increase to £259,755. The larger financial contributions have been agreed and it is recommended that these are secured through a S106 legal agreement).

LBTH Children, Schools & Families

6.17 No comments received to date.

(Officer comment: The required financial contributions to mitigate the demand for additional school places arising from the revised scheme have been calculated using the Planning Obligations SPD 2012. Accordingly, the school child yield from this development requires contributions for 15.6 primary school places and 23 secondary school places. This requires a financial contribution £555,753 towards the provision of additional school places (this is larger than the contribution that would have been required for the original scheme).

(Officer comment: The financial contributions required by the SPD have been agreed and it is recommended that these are secured through a S106 legal agreement).

LBTH Waste Policy and Development Officer

6.18 No objection to the waste storage arrangements.

London Fire and Emergency Planning Authority (LFEPA)

6.19 Initial comments were received requesting further information of pump appliance and water supplies, which should accord with Section B5 of Approved Document B. Following this, the applicants liaised with the LFEPA and prepared a plan to show compliance with the guidelines, drawing no. 3220/SK/100.

London City Airport

6.20 No objection is raised to the proposed development subject to the imposition of two conditions regarding the height of cranes during the construction phase and proposed landscaping.

(Officer Comment: It is recommended that the requested conditions are attached to a decision notice).

English Heritage Archaeology

- 6.21 There are no known sites or finds within the immediate vicinity, and a watching brief during the construction of the new DLR station did not yield any significant results. As such, no watching brief or conditions are necessary for this development.

Thames Water

- 6.22 Thames Water have raised no in principle objections subject to the imposition of a condition which requires further impact studies of the existing water supply infrastructure to be submitted and approved in consultation with Thames Water. Other standard informatives have also been requested relating to drainage and fat traps.

(Officer Comment: It is recommended that the requested conditions and informatives are attached to a decision notice).

National Air Traffic Services Ltd (NATS)

- 6.23 No objection raised.

Natural England

- 6.24 No objection raised.

London Underground Limited

- 6.25 No objection raised.

Mayor of London (GLA Stage 1 Report)

- 6.26 In summary, the Mayor of London has advised that the original scheme did not comply with the London Plan, but that there were possible remedies. In particular, the Mayor made the comments set out below.

Principle of development

- The principle of the use of the site is acceptable and has previously been agreed under planning application PA/04/01620. The proposed commercial uses comply with London Plan policy 4.8; supporting a successful and diverse retail sector.

Housing

- Affordable Housing provision is below the borough requirement and therefore details of the viability review will determine the acceptability of this level of provision. Whilst the density of the scheme exceeds the guidance, given the highly accessible location and prominent corner location, the site is suitable for a landmark building and therefore justifies increased density levels.

(Officer comment: It should be noted that the revised scheme significantly increases the amount of proposed on-site affordable housing from 22.2% to 31.5% and increases residential density from 1,385hrpah to 1,480hrph).

Child play space

- The scheme is within walking distance of Langdon Park, Limehouse Cut and Bartlett Park and all contain playspace facilities. It is also supported that 0-4 and most 5-11 years are provided with on-site child play space. Older children within the 5-10 and 11-15 year old group would be able to use Langdon Park, subject to a contribution toward public open space improvements.

(Officer comment: The revised scheme incorporates on-site play space for 0-10 year olds in accordance with the 10sqm per child standard, i.e.516sqm).

Urban design

- The overall principles of the scheme are considered acceptable, and it is of high design quality. The proportion of dual aspect units is encouraging and all units meet or exceed the minimum floorspace standards.

Tall Buildings/Views

- The location of the tower in the south east corner is viewed as acceptable and there is no objection to a tall building on this site, subject to an assessment of the longer range views to demonstrate that there is no unreasonable harm to local or more distant environments. The lower block is also considered to be acceptable.
- No concerns are raised with the layout and access of the proposed development, the proposal provides activation of frontages and enhances the street relationship.
- The building line does not encroach into the safeguarded DLR space along the eastern boundary.
- It has been requested that the 6th and 7th floor of the lower block to the north of the site are removed in order to enhance the quality of the courtyard amenity space.

(Officer comment: This has not been incorporated and on balance it is not considered that this reduction in bulk and scale is likely to reduce overshadowing. A full assessment of overshadowing of the courtyard has been undertaken and the courtyard area meets the BRE standards. The loss of the floorspace would also reduce the affordable housing provision at the site as this block comprising the majority of the affordable housing within the scheme).

Residential Quality

- All units comply with the floorspace standards of policy 3.5 and 72% of units will be dual aspect with no north facing single aspect units, which is acceptable. The provision of 10% accessible units is also welcomed.

Access and Inclusive design

- Wheelchair accommodation is provided across all three tenures and is welcomed. The amenity space and balconies will all be fully accessible, as will access to and from the residential cores. Blue badge parking spaces are provided in the basement. Public realm improvements are proposed around the vicinity of the site and these should be level or gently ramped. The proposal broadly complies with London Plan policies.

(Officer comment: As the area is within the vicinity of the site and formal public highway land, the works would be undertaken through the S278 agreement and not by the developer).

Sustainable Development

- The carbon dioxide savings within the development are 36%. This exceeds the targets within policy 5.2 of the London Plan.
- Confirmation is requested of the size of the energy centre.

(Officer comment: The energy centre measures 180sq.m)

Climate Change Mitigation

- The application proposes a green/brown roof. The proposals therefore comply with London Plan policies and supplementary planning guidance.

Transport

- In principle the scheme is supported subject to conditions and provision of planning obligations- full comments set out with the 'TfL' section below.

Community Infrastructure Levy

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

Conclusions

- Whilst the application is broadly acceptable in planning terms, the following remedies could possibly lead to the application being compliant;
- Housing- further interrogation of the viability information;
(Officer comment: This is discussed in full in the body of the committee report).
- Children's Playspace- Applicant to confirm the playspace facilities within Langdon Park and LBTH to secure contributions;
(Officer comment: Whilst there are facilities within Langdon Park, financial contributions have been secured to fund improvements to public open spaces in the vicinity of the site).
- Urban design- further information/revisions sought;
(Officer comment: Whilst it is noted that a reduction in height is sought for the lower block. This reduction was sought in order to improve the courtyard amenity space. The submitted daylight and sunlight assessment concludes that the courtyard would meet the BRE requirements and would not be unduly overshadowed. It is not therefore considered necessary to reduce the height as requested. The height is considered acceptable in townscape terms).
- Transport- further information and obligations are required;
(Officer comment: see response to TfL comments below for full information).

Transport for London (TfL)

6.27 Car Parking

- The level of car parking is supported. Provision of 20% of all spaces to be fitted with active Electrical Vehicle Charging Points (EVCP) and a further 20% fitted with passive EVCP infrastructure to allow for future conversion. A permit free agreement should be secured to prevent future residents parking in the area. The applicants are asked to identify on or off street car club parking spaces. A car parking management plan should be conditioned as part of any approval.
(Officer comment: The EVCP and permit free agreement will be secured through the S106 agreement. The applicant has agreed to provide 9 on-site basement car parking spaces for affordable family sized units; therefore it is not considered that there is sufficient capacity on site to provide a car club space. Whilst a car club cannot be accommodated on site, a car club space is proposed as part of an adjoining development, therefore this space will be promoted through the Travel Plan delivered at the site. It is recommended that a condition is attached to a decision notice requiring a car parking management plan).

6.28 DLR Infrastructure

- TfL request a condition regarding construction methodology adjacent to the DLR line. A condition is required to ensure unrestricted access to Langdon Park station during the construction phase of the development. It is also requested that a condition is imposed preventing encroachment into Carmen Street through the laying out of tables and chairs. Full details of the boundary treatment along the DLR boundary line shall be submitted to TfL for approval, via an appropriate condition. Any construction method statement secured at the site should be consulted on with TfL given the proximity of the DLR line.
(Officer comment: It is recommended that all requested conditions are added to a decision notice).

6.29 DLR Capacity

- Contributions are requested of £250,000 to fund enhancements to passenger facilities at the station.
(Officer comment: This has been agreed and it is recommended that this is secured through a S106 agreement).

6.30 Cycle Parking

- The cycle parking provision complies with London Plan standards. The applicant should seek to provide access to showering and changing facilities for the ground floor

commercial unit.

(Officer comment: The applicant has investigated options to provide showering facilities, however, there is considered to be insufficient floorspace to provide the facilities without significantly reducing the floorspace of the unit. It is considered excessive to provide these facilities for the scale of commercial unit proposed – which in the revised scheme is proposed as a children’s nursery. On balance, officers do not consider that this could be a reason for refusal on the grounds that it is unlikely to be upheld on appeal).

6.31 Buses

- The impact of this development on the bus network is negligible and can be accommodated within the existing infrastructure.

6.32 Construction Deliveries and Servicing

- The principle of using Carmen Street, and relocating the existing fire access gate is acceptable, subject to a Delivery and Servicing Plan being secured. A construction and logistics plan is also required to be submitted and approved via an appropriate condition.

(Officer comment: It is recommended that this is secured via conditions).

6.33 Travel Planning

- Full details of a Travel Plan should be secured through the S106 agreement.

(Officer comment: It is recommended that this is secured through a S106 agreement).

Canal and River Trust

6.34 No comments received to date.

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

6.35 No comments received to date.

Environment Agency

6.36 No objection to the development as proposed.

Conditions are requested to be attached regarding implementation in accordance with the assessment submitted and surface water drainage.

(Officer Comment: It is recommended that the requested conditions are included in a decision notice).

BBC

6.37 No comments received to date.

British Telecom

6.38 No comments received to date.

EDF Energy

6.39 No comments received to date.

English Heritage

6.40 No comments received to date.

Tower Hamlets Primary Care Trust

- 6.41 Financial contributions of £280,311 are required for this development to secure appropriate capacity within local healthcare facilities.
(**Officer comment:** The reduction in the number of proposed units in the revised scheme means that this figure reduces slightly to £258,942. This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).

National Grid

- 6.42 No comments received to date.

6.43 **Revised Scheme**

Given the nature of the revisions to the application, all external organisations that were consulted on the original scheme have been consulted on the revised scheme. At the time of writing this report, no comments had been received. Any comments that are received will be included in an update report.

7. LOCAL REPRESENTATION

Original Scheme

- 7.1 A total of 4,546 neighbouring properties within the area shown on the map appended to this report were notified about the original application and invited to comment. The original application was also publicised in East End Life and public notices have been displayed around the site. The number of representations received from neighbours and local groups in response to notification and publicity of the original application were as follows:

No of individual responses: 12 Objecting: 12 Supporting: 0
No of petitions received: 0

- 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:

7.3 **Land Use**

- Commercial ground floor use will increase anti-social behaviour and disturbance in the area- lack of policing resources to patrol this problem;

(**Officer comment:** This comment was made on the original scheme, which would have allowed for a range of retail, business and leisure uses. The revised scheme proposes a children's nursery (only), which is unlikely to lead to anti-social behaviour.

- Overdevelopment of Poplar/excessive density of development;
- Given the scale of adjoining development it is not considered that this proposal is necessary to regenerate the Poplar area;

(**Officer comment:** The density of the proposed development is considered acceptable given the site's PTAL and lack of overdevelopment symptoms; this is discussed in detail within the 'Land Use' section of the committee report).

7.4 **Design & Heritage**

- Proposed buildings are too tall;

(**Officer comment:** It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site).

- The proposed height does not relate to the surrounding area;

(**Officer comment:** It is considered that the proposal sits comfortably within the backdrop of the skyline, local views, and other landmarks).

7.5 **Amenity**

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

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

- Loss of light/overshadowing.

(**Officer Comment:** On balance, the impact of the proposed development is not considered to be unduly detrimental on the existing residential occupiers. An independent daylight and sunlight review has been undertaken and full details are set out within Section 8 of the report).

- Overlooking/Loss of Privacy and perception of overlooking from high level balconies

(**Officer comment:** The separation distances between the proposed development and neighbouring properties are considered to be acceptable and will not lead to a substantial loss of privacy. This is discussed further within Section 8 of the committee report).

- The large windows within the development add to the perception of overlooking and should be amended;

(**Officer comment:** The large windows will be set behind the proposed balconies/amenity spaces and it is considered that this set back reduces the level of overlooking to adjoining properties, it is not considered that amendments to the windows details are necessary).

7.6 Housing

- No private amenity space within the units which will lead to increased pressure on public open spaces;

(**Officer comment:** Private amenity space is proposed for all residential units).

- There is no information provided on affordable housing provision within the scheme
- Insufficient affordable housing is proposed within this scheme (less than 20%).

(**Officer comment:** The revised scheme proposes the delivery of 31.5% of affordable housing. This is discussed in detail within the main body of the report).

7.7 Highways & Transportation

- Increased vehicular congestion in the area;

(**Officer Comment:** LBTH and TfL have assessed the Transport Assessment submitted and consider the proposal to be acceptable subject to the imposition of a permit free agreement).

- Conflict between vehicles and school children crossing to get to Langdon Park School.

(**Officer Comment:** There is an existing pelican crossing at the site which provides safe crossing for pedestrians along Chrisp Street).

- Car free policy should be secured at the site

(**Officer Comment:** The residential and commercial unit will both be secured, through the legal agreement, as car and permit free).

7.8 Other

- Impact on local infrastructure including traffic, drainage, doctors surgeries;

(**Officer comment:** It is recommended that financial contributions are secured to mitigate against the infrastructure impacts of this development).

- The provision of open space at the junction of Carmen Street and Chrisp Street will encourage loitering;

(**Officer comment:** The redevelopment of the site and the provision of natural surveillance from the new residential units are likely to enliven the space and deter loitering. The delivery of public open space is supported given the borough wide shortage).

- No real/substantial efforts at pre-application community engagement were undertaken;

(**Officer comment:** The applicants undertook a public consultation event on the 19th October 2011 and notified local residents in advance that the event was taking place. In addition, through the planning application process, community engagement has been undertaken as part of the formal submission).

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

- Loss of Views;

(Officer comment: The loss of an unprotected view is not considered to be a material planning consideration).

Revised Scheme

- 7.10 Given the nature of the revisions to the application, the revised scheme has been the subject of the following local re-consultation: written notification to all those who commented on the original scheme; public notices displayed around the site and statutory adverts in East End Life. At the time of writing this report, a letter in support of the scheme had been received from Matchbox Day Nursery Limited (the proposed operator of a children's nursery). Any additional comments that are received will be set out in an update report.

8. MATERIAL PLANNING CONSIDERATIONS

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

- Principle of Development and Land Uses
- Density
- Design
- Heritage and Conservation
- Housing
- Amenity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination
- Flood Risk
- Health Considerations
- Section 106 Planning Obligations
- Localism Act
- Human Rights Considerations
- Equalities Act Considerations

Principle of Development and Land Uses

- 8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states "the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs".
- 8.4 As noted under the Planning History heading above, in 2005 the Council resolved to grant planning permission for a 17 storey residential led development.
- 8.5 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. The key issues for consideration under this planning application are whether the current proposals meet current planning policies.

Non-residential Uses- Ground Floor Level

- 8.6 The application proposes the provision of a 129sqm (GIA) double height commercial unit on the ground floor of Block 1 (the tower), next to the proposed public realm area adjacent to the DLR bridge. The original scheme proposed a range of potential uses to maximise the

prospect of the unit being let. These included uses falling within Classes A1 (Retail Shops), A2 (Financial and Professional Services), A3 (Restaurants/Cafes), A4 (Drinking Establishments), B1 (Business), D1 (Non-Residential Institutions) and/or D2 (Assembly and Leisure).

- 8.7 When the Committee considered the original scheme on the 6 March 2013, Members were concerned about the size of the proposed unit and included this concern as one of six reasons for not accepting the officers' recommendation. Although not included in the Members' resolution not to accept officers' previous recommendation, concern was also expressed about the use of the proposed commercial unit, given the large range of potential uses
- 8.8 The revised scheme keeps the size of the unit the same at 129sqm. However, it proposes that this unit is used for a single use – as a children's nursery capable of providing pre-school childcare and education for up to 35 children (depending on age of children). Revisions to the layout of this part of the ground floor on Building 1 (the tower) and adjoining land, including the minor re-positioning of a proposed electricity sub-station, would also enable the provision of adjoining and secure outdoor play space (approximately 44sqm). The applicant is in discussion with Matchbox, a 'not for profit' provider of child care services who generally charge below typical commercial rates.
- 8.9 The proposed single-use of the unit as a children's nursery should remove any concern that Members may have had about adverse impact on the Crisp Street District Centre and would help cater for the higher child yield expected to be generated by the revised scheme. Children's nurseries are compatible with housing and do not raise any significant concerns in terms of amenity. The use would also help animate the scheme by introducing an appropriate non-residential use next to the proposed public realm area along the southern boundary of the site. This element of the proposed development accords with Core Strategy Policy SP03 (Creating healthy and liveable neighbourhoods) and policies DM8 (Community infrastructure) and, subject to a condition restricting hours of use to 07.00 to 19.00 (associated outdoor play areas 08.00 to 18.00), DM25 (Amenity) in the Managing Development Document.

Density

- 8.10 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.11 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the Core Strategy also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.12 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The site and surrounding area has a largely 'urban' character and the average number of habitable rooms per unit is between 2.7 and 3.0. Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 200 to 700 habitable rooms per hectare (hrph) and 70 to 260 units/hectare (u/h).
- 8.13 When the Committee considered the original scheme on the 6 March, Members considered that the proposed residential density of 1,385hrph (not 1,534hrph as reported) and 544u/ha represented overdevelopment. The revised scheme proposes a reduction in the number of units from 223 to 206 and a different dwelling mix, as outlined below. This results in an

increase in proposed density when measured in habitable rooms to 1,480hrph, but a reduction in the density when measured in units to 502u/ha.

- 8.14 A high residential density (particularly one that exceeds the indicative density range in the London Plan) can be an indicator of overdevelopment. However, a high residential density is not, in itself, a reason for refusal. For residential density to be a reason for refusal, a proposed high density would need to manifest itself in ways that cause significant harm to interests of acknowledged importance, such as:
- Inadequate access to sunlight and daylight for proposed or neighbouring homes;
 - Sub-standard dwellings (size);
 - Insufficient open space (private, communal and/or publicly accessible);
 - Unacceptable housing mix;
 - Unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
 - Unacceptable increase in traffic generation;
 - Detrimental impacts on local social and physical infrastructure; and
 - Detrimental impacts on visual amenity, views, character of surrounding area.
- 8.15 Officers consider that the revised scheme would provide good quality homes, including larger family-sized maisonettes, of an appropriate mix alongside the delivery of on-site affordable housing. They also consider that the scheme would be high quality, would respond to the local context and would deliver a positive relationship to the surrounding area. They do not consider that it would result in any of the adverse symptoms of overdevelopment to warrant refusal nor have any significantly adverse impacts on the amenity of existing or future residential occupiers.
- 8.16 The GLA Stage I Report also noted that the site location is on an important arterial road, on a prominent corner, immediately adjacent to a park, where a landmark building is promoted through planning policy and that this may justify increased density levels.
- 8.17 Given the above, officers consider that the revised scheme would optimise the residential density of the site and help create a sustainable place in line with London Plan Policy 3.4 and Policies SP02 and SP10 of the Core Strategy.

Design

- 8.18 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.19 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.
- 8.20 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 8.21 Core Strategy policy SP10 and Policy DM23 and DM24 of the Managing Development Document seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.22 This is a full planning application for the provision of a part 6-storey and part 22-storey development. When the Committee considered the original scheme on the 6 March 2013, Members had concerns about the height, bulk, scale and design of the original scheme in

relation to its lack of coherence with the surrounding area. They also had concerns about the relationship/lack of cohesion with the adjoining Langdon Park Conservation Area (which are discussed in more detail below). The revised scheme has not changed in terms of proposed height/scale/massing, although the applicant has produced additional illustrative material to explain the proposed relationship with the surrounding area, including the Langdon Park Conservation Area. This is discussed below.

Assessment– General

- 8.23 The revised scheme retains the same scale of development as originally proposed. Whilst a number of changes have been made to the design of the scheme, these comprise alterations to internal layouts and ground floor external areas. Changes to the proposed external elevations are minor, with these generally being behind proposed screen facades and not readily visible from outside the site. The overall external appearance of the proposed buildings essentially remains unchanged.
- 8.24 The northern and eastern boundaries of the site, adjoining lower rise commercial properties to the north of Cording Street and the DLR tracks to the east, would accommodate mainly 7-storey buildings (Block 3), although part of the elevation along Cording Street would be 5 and 6-storey (Block 2B). A vehicular access to a basement car parking area would be located at the eastern end of the Cording Street frontage, in Block 3. Block C would include a number of 3 and 4-bed duplex apartments at ground and first floor level with private gardens. Development along the western Chrisp Street frontage (Blocks 2A and part of 2B) would be mainly 6-and-a-half storeys, with the ground floor set a half-a-storey above the basement parking area. The Chrisp Street frontage would also incorporate projecting balconies, helping to animate and enliven this frontage. Together these blocks would provide an inner courtyard area comprising communal amenity and play space and a publicly accessible open space (approximately 0.1ha) along part of the Chrisp Street frontage. The courtyard space would sit between around 1 and 1.5m above the surrounding streets, but ramped pedestrian paths would provide accessible routes in and through the site.
- 8.25 Entrance to homes fronting Cording Street would be from the street, through small approximately 2m deep front gardens. Entrance to some of the homes fronting Chrisp Street would be from the street, again via an approximately 2m deep threshold space between homes and the street. However, entrance to other homes here would be from the proposed courtyard. The roofs of Blocks 2A, 2B and 3 would be flat and comprise 'living roofs', which would also accommodate photovoltaic arrays.
- 8.26 The proposed tall building (22-storeys) would be located along the southern boundary of the site, set back behind a proposed hard landscaped public realm area that would adjoin the existing paved route to and from the bridge over the DLR tracks. The proposed double height ground floor unit (children's nursery) would be located on the ground floor of this tall building, fronting the proposed public realm area and would have its own secure private outdoor space (approximately 44sqm) to the east, next to the DLR tracks.
- 8.27 The proposed planning of the site is considered appropriate, with the proposed part 5, 6 and 7-storey flat roof buildings providing active frontages to Cording Street and the majority of Chrisp Street. The proposed tiered semi-public landscaped open space onto Chrisp Street would be located to ensure that both it and the proposed courtyard to the north enjoy good levels of sunlight. Officers consider that the proposed scale of development along these frontages is appropriate and would complement the 4 to 9-storey housing development that is currently being built on the west side of Chrisp Street. Officers also consider that the proposed scale would satisfactorily safeguard the amenity and development potential of the non-residential buildings to the north and, as discussed below, the amenity of existing homes and those that are currently being built to the west. The proposal provides for activity at street level and provides overlooking and natural surveillance.

- 8.28 The proposed façade treatment varies across the site. Blocks 2A, 2B and 3 would present fairly calm facades to Chrisp Street and Cording Street. The proposed window location and spandrel (flooplate) details would break the perceived mass of these buildings into two and three-storey elements. Both elevations would comprise terracotta panels (or similar), with powder coated aluminium infill panels and window systems. The Chrisp Street elevation would be enlivened by projecting balconies. The south and west facing elevations of these buildings would need to manage solar gain and would incorporate powder coated two-storey louvre panels around balconies to provide solar shading. A condition reserving proposed external materials is recommended to be attached to any planning permission.
- 8.29 As such, the revised scheme is considered to generally accord with Chapter 7 of the London Plan (2011), Policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24 and DM26 of the Managing Development Document which seek to ensure buildings and places are of a high quality of design and suitably located.

Assessment - Building Heights and Tall Buildings

- 8.30 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.31 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.32 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.33 The height of the proposed 22-storey tower proposed at the southern end of the site follows discussion with officers and is 3-storeys lower than originally proposed by the applicant. Officers consider that the result is a well-proportioned elegant tower with a one-to-three ratio between width and height. The proposed façade design would ensure that the tower would have a 'bottom', 'middle' and 'top' – with the ground and first floor and top three floors being different from the middle floors. The proposed façade treatment would be similar to Blocks 2A, 2B and 3 in that the, east and west facades need to manage solar gain and would incorporate powder coated two-storey louvre panels around balconies to provide solar shading. These louvres, together with the proposed deep spandrel (floor slab) detail, mean that these facades would read as two-storey elements. The treatment of the north façade would be calmer, with no balconies or screening and comprise a terracotta panel system, or similar, to be agreed with the Council. A condition reserving proposed external materials is recommended to be attached to any planning permission.
- 8.34 Overall, the proposed development would provide a transition in scale between the tall and

large scale developments located around the edge of the Chrisp Street district town centre to the south, and the residential/commercial scale of the area to the north and west of the site. The Council has already resolved to grant approval for a 17-storey tower on this part of the site. Officers consider that a taller (22-storey) building here would be acceptable and, together with Parkview Apartments building immediately to the south which has permission to extend to 19-storeys, would provide a gateway and signpost to the Langdon park DLR Station and make the most of the public transport accessibility that this provides.

- 8.35 In terms of views, the application is accompanied by a number of views including Langdon Park to the east of the site, Chrisp Street (looking north and south), Canning Town DLR and Greenwich Park. Following consideration of the site and surrounding context and resolution-to-grant scheme, it is considered that the proposal would relate positively to the surrounding site context. The development is considered to form a positive addition to the skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

Heritage & Conservation

- 8.36 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environment.
- 8.37 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan, policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Managing Development Document seek to protect the character, appearance and setting of heritage assets and the historic environment, which include the Borough conservation areas.
- 8.38 London Plan policies 7.11 and 7.12, policy SP10 of the Core Strategy and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

Strategic Views

- 8.39 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The view analysis submitted suggests that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The Mayor of London does not raise any objections in this respect.

Local Views and Impacts

- 8.40 Views surrounding the site have been considered and assessed, although there are no protected local views. When the Committee considered the original scheme on the 6 March 2013, Members had concerns about the height, bulk, scale and design of the original scheme in relation to its lack of coherence with the surrounding area. They also had concerns about the relationship/lack of cohesion with the adjoining Langdon Park Conservation Area. The applicant has responded to these concerns by providing images that illustrate existing and proposed views from the following additional locations in and around the Langdon Park Conservation Area
- Hay Currie Street looking north
 - Spey Street and St Leonards Road Junction looking north-west
 - Junction of St Leonards Road and Bright Street looking west
 - Bright Street looking west
 - Langdon Park looking south-west
- 8.41 Two of these additional images are set out below. They are all available at higher resolution

on the Council's public planning website and all will be displayed at the Committee meeting.



Figure 1: Langdon Pak Looking South-West (with permitted additional 3 floors added to the image of the existing Park View Apartments building).



Figure 2: Junction of St Leonards Road and Bright Street Looking West.

8.42 Officers consider that the additional views help to show the relationship between the proposed tower and Parkview Apartments (as extended to 19-storeys) and further demonstrate that the proposal would not have a detrimental impact on local views. The visual impacts of a taller 22-storey development would be seen in the context of the surrounding built form, which also comprises tall buildings. As set out in the GLA comments,

the site forms a prominent location that provides a gateway to the Langdon Park DLR Station. The proposed tower would act a further landmark to the Langdon Park DLR Station and officers do not consider this would harm views or the skyline.

- 8.43 The surrounding area, including much of the Conservation Area, comprises a varied and eclectic mix of periods and architectural styles, without one single strong building form or use of external materials. The proposed development benefits from strong design logic and officers consider that it would sit well with existing and proposed buildings. On balance it is considered that the proposed development would safeguard local and strategic views, conserving the setting of the Greenwich Naval College (World Heritage Site), as well as the adjoining Langdon Park Conservation Area.

Housing

- 8.44 Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.45 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.46 As noted in Paragraph 4.7 of this report, the applicant has submitted revisions that:
- Remove all of the previously proposed 16 studio units;
 - Reduce the number of 1-bed units from 105 to 70;
 - Increase the number of 2-bed units from 82 to 97;
 - Increase the number of proposed 'family' (3-bed plus) units from 20 to 39; and
 - Reduce the overall number of units from 223 to 206 (although the revised dwelling mix would result in an increase in habitable rooms from 568 to 607).
- 8.47 The revised scheme also simplifies the proposed split of tenures across the proposed development, so that Block 1 (the tower) and Block 2B are Market sale, Block 2A is Intermediate (Shared Ownership) and Block 3 is Social Rent.

Affordable Housing

- 8.48 Policy Core Strategy Policy SP02 requires 35-50% affordable homes on sites providing 10 homes or more. Policy DM3 in the Managing Development Document seeks to maximise affordable housing based on a tenure split of 70:30 Rented: Intermediate, with a minimum of 35%. It seeks to maximise on-site delivery, with off-site housing only being acceptable in specific circumstances and payments-in-lieu only being acceptable in exceptional circumstances.
- 8.49 When the Committee considered the original scheme on the 6 March 2013, Members had concerns about the lack of affordable housing, particularly social housing. The applicant has submitted revisions that:
- Increase the amount of on-site affordable housing provision from 22.2% to 31.5% (by habitable room):
 - Switch all of the proposed Affordable Rented units to Social Rented units:
 - Makes a financial contribution of £230,492 towards off-site affordable housing; and
 - Offer a review mechanism to increase financial contributions towards off-site affordable housing provision, if values improve further.
- 8.50 The above is based on meeting the Council's full s.106 financial contribution requirements (as outlined below).
- 8.51 Intermediate affordable housing is defined as: Housing at prices and rents above those of

Social Rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing. The intermediate housing being proposed in this case is shared ownership for sale. The affordable housing offer in relation to the original scheme that Members found unacceptable is set out in Table 1 below.

	Units	% of units	Habitable rooms	% Hab rooms
Social Rent	0	0%	0	0%
Affordable Rent	23	10.3%	94	16.6%
Intermediate	11	4.9%	32	5.6%
Total Affordable	34	15.2%	126	22.2% 75:25 Rent: Intermediate
Market Sale	189	84.8%	442	77.8%
Total	223	100%	568	100%

Table 1: The Original Scheme Tenure Mix

8.52 The revised on-site affordable housing offer in relation to the revised scheme is set out in Table 2 below.

	Units	% of units	Habitable rooms	% Hab rooms
Social Rent	33	16%	132	21.8%
Affordable Rent	0	0%	0	0%
Intermediate	23	11.2%	59	9.7%
Total Affordable	56	27.2%	191	31.5% 69:31 Rent: Intermediate
Market Sale	150	72.8%	416	68.5%
Total	206	100%	607	100%

Table 2: The Revised Scheme Tenure Mix

8.53 The applicant has submitted a revised Affordable Housing Viability Submission. This and a covering letter explain that the applicant has been able to increase its on-site affordable housing offer to 31.5% affordable housing by habitable room (69:31 Rent: Intermediate) as a result of a combination of (i) its revisions to dwelling mix and layout of proposed homes and (ii) an increase in average values for the proposed private sale homes of over 7% since the applicant's original viability appraisal submission in March 2012.

8.54 The amendments to the scheme that help increase expected values include simplifying the split of tenures within the revised scheme, so that Block 1 (the tower) and Block 2B are Market sale, Block 2A is Intermediate and Block 3 is Social Rent. Whilst these buildings would have separate entrances, they would adjoin each other and all residents would share communal amenity and play space. Revisions to the proposed dwelling mix (including the removal of the previously proposed studios) have also helped generate higher expected sales values. In addition, housing prices across London have risen since the applicant last undertook a viability appraisal and there have been a number of recent housing developments in the surrounding area.

8.55 The applicant was asked to undertake sensitivity testing to determine whether additional

affordable housing could be delivered if the proposed Social Rented homes were switched back to Affordable Rented properties (with rents based on POD rent levels). The applicant's revised Affordable Housing Viability Submission notes that as Social Rents are exclusive of service charges, but POD rents are inclusive, the difference between the two rent levels in this location is relatively small and has a relatively small impact on the financial appraisal. Consequently, the applicant has estimated that the impact of changing all of the 33 Social Rent units now proposed to POD level Affordable Rent would yield approximately £375,000 in additional capital value. This would fund one or at most two additional rented units, depending on the type of dwelling. It would also create difficulties in practical terms as the 33 Social Rented homes now proposed are all in a single building (Block C), which facilitates better management and greater control of service charges by a Registered Provider. Adding one or two additional rented flats would mean that these would have to be within the building(s) currently proposed for sale (Blocks 1 and 2B). Officers consider that this is likely to impact negatively on sales values achievable in this block or blocks, as well as complicating management responsibilities and service charges.

- 8.56 The proposed overall delivery of 31.5% on-site affordable housing (by habitable rooms) does not meet the Council's minimum requirement of 35%. However, the proposed amount of on-site affordable housing has significantly increased since the application was last reported to Members. The type of affordable housing has also significantly changed, with all rented accommodation now proposed as Social Rent, which is the Council's priority form of affordable housing for people in housing need. In addition, the tenure split between Rented and Intermediate (at 69:31) is generally in accordance with policy.
- 8.57 The applicant's revised Affordable Housing Viability Submission has been reviewed by the Council's external consultants (BNP Paribas). They have concluded that with the proposed 31.5% on-site provision, payment of 100% of financial contributions required by the Council's SPD to mitigate impacts and payment of the likely Crossrail CIL requirement, the proposed development would generate a surplus of £230,492 which could be used to fund further affordable housing.
- 8.58 A number of options have been considered as to how this surplus could be used to fund additional affordable housing on site and still ensure a deliverable scheme. This could take a number of forms, including, depending on tenure, the introduction of between 2 and 5 additional on-site affordable homes or the 'upgrading' of shared ownership homes to rented properties. However, as outlined above, the revised scheme is based on proposed Market sale housing, Social Rent housing and Shared Ownership housing being provided in separate but adjoining buildings. Any further additional affordable housing would involve introducing a small number of homes of different tenure in buildings that are otherwise all one tenure (i.e introducing rented homes into the shared ownership block or introducing rented or shared ownership into the market for sale blocks).
- 8.59 Officers consider that proposed on-site affordable housing offer as it stands is a good one and would provide a successful development. Officers consider that changing this offer by introducing a small number of additional or different affordable homes would upset the balance of the proposed tenure distribution (which has helped generate additional value that has allowed for an increase in proposed on-site affordable provision) and would be likely to complicate management responsibilities and service charges. The applicant has confirmed that it is not willing to amend the scheme further. Officers consider that exceptional circumstances exist and that the only reasonable way of maximising affordable housing provision and ensuring a deliverable scheme is to accept a financial contribution of £230,492 in-lieu of additional affordable housing on site, to fund the provision of affordable housing off-site on an as yet unidentified scheme.
- 8.60 Given that the increase in average sales values over the last two to three years has been the major factor in enabling the applicant to increase and improve its affordable housing offer, officers consider that it would be sensible to require a further financial review if the

development is not commenced within two years of the date of a decision notice. If such a review demonstrated that additional affordable housing could be delivered, then the applicant would make a further financial contribution to provide additional affordable housing off-site.

- 8.61 The applicant is understood to be in discussion with Poplar Harca over the delivery of the proposed on-site affordable housing.

Housing Type and Tenure Mix

- 8.62 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.63 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.64 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.65 When the Committee considered the original scheme on the 6 March 2013, Members had concerns over the proposed housing mix in relation to the high number of 1-bed and 2-bed and studio units. The proposed dwelling mix for the original scheme that Members found unacceptable is set out in Table 3 below.

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	16	98	70	5	0	0	189
Intermediate	0	3	6	2	0	0	11
Affordable Rent	0	4	6	10	3	0	23
Total	16	105	82	17	3	0	223
	121(54%)		82 (37%)	20(9%)			(100%)

Table 3: Original Scheme - Summary of Tenure Unit Mix

- 8.66 The proposed dwelling mix for the revised scheme is set out in Table 4 below.

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	0	55	74	21	0	0	150
Intermediate	0	11	11	1	0	0	23
Social Rent	0	4	12	14	3	0	33
Total	0	70	97	36	3	0	206
	70 (34%)		97(47%)	39 (19%)			(100%)

Table 4: Revised Scheme - Summary of Tenure Unit Mix

- 8.67 Whilst noting that there was an over provision of 1 and 2-bed units and an under provision of 3-bed units in the Market Sale tenure, officers considered that, on balance, the original overall dwelling mix was acceptable given that the proposed proportion of family-sized housing in the Affordable Rent tenure exceeded policy targets.
- 8.68 The revised scheme would remove all previously proposed studios and reduce the number of proposed 1-bed units from 105 to 70. This reduces the percentage of proposed 1-bed units from 54% to 34%. It also increases the number of proposed 'family' (3-bed plus) units from 20 to 39, increasing the proposed percentage of family homes from 9% to 18%.
- 8.69 Policy DM3 in the Managing Development Document makes clear that development should provide a balance of housing types, including family homes, in accordance with the

breakdown of unit types set out within the most up-to-date housing needs assessment. The dwelling mix that this policy advocates and the dwelling mix included as part of the original and revised scheme are set out in Table 5 below.

	Affordable Housing						Private Housing		
	Affordable Rent/ Social Rent			Intermediate			Market Sale		
Unit size	Original %	Revised %	Target %	Original %	Revised %	Target %	Original %	Revised %	Target %
Studio	0%	0%	30%	0%	0%	25%	9%	0%	50%
1-bed	17%	12%		27%	48%		52%	37%	
2-bed	26%	36%	25%	55%	48%	50%	36%	49%	30%
3-bed	44%	42%	30%	18%	4%	25%	3%	14%	20%
4-bed	13%	9%	15%	0%	0%		0%	0%	
5-bed	0%	0%		0%	0%		0%	0%	
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table 5: Original Scheme and Revised Scheme Dwelling Mix Comparison

- 8.70 Table 5 above demonstrates that there would still be an oversupply in the revised scheme of 1-bed in the Intermediate sector, an over provision of 2-bed properties in the Market and Social Rented sectors and an under provision of family-sized accommodation in the Market and Intermediate sectors. However, overall, dwelling mix would be better aligned with Policy DM3 than the original scheme and would deliver 51% of Social Rented homes for families (where no Social Rented units were proposed in the original scheme). Officers consider that the dwelling mix included in the revised scheme is better aligned with Council policy and is acceptable and is in general compliance with Policy 3.8 of the London Plan, Policy SP02 of the Core Strategy and Policy DM3 of the Managing Development Document which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Internal Space Standards

- 8.71 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5 and Managing Development Document policy DM4 require development to make adequate provision of internal residential space.
- 8.72 The proposed development is designed to the Mayor of London's Housing Design Guide standards and therefore is acceptable in terms of internal space standards. Furthermore, separate kitchens are proposed for all proposed larger family rented units, which is welcome.

Private and Communal Amenity Space

- 8.73 Policy DM4 of the Managing Development Document sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor of London's Housing Design Guide, recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is

provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in general accordance with the housing design guide and policy requirements, in the form of balconies and gardens.

- 8.74 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 206 units the minimum communal amenity space required would be 246sqm. Overall, the revised scheme would deliver approximately 416sqm of usable communal amenity space, together with 632sqm of semi-public space (the proposed tiered landscaped space next to Chrisp Street) and additional public realm space on the southern edge of the site, thus meeting policy requirements

Child Play Space

- 8.75 Policy 3.6 of the London Plan, Core Strategy SP02 and Policy DM4 of the Managing Development Document seek to protect existing child play space and require the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London’s SPG on ‘Shaping Neighbourhoods: Play and Informal Recreation’ (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.76 Using the Mayor of London’s SPG child yield multipliers, the revised scheme is anticipated to accommodate 68 children and accordingly the scheme should provide a minimum of 680sqm of play space. This requirement is broken down as shown in Table 6.

	Mayor of London SPG Requirement	Proposed within scheme
0-4	265sqm	516sqm
5-10 year olds	251sqm	
11-15 year olds	164sqm	0sqm
Total	680sqm	516sqm
Shortfall in play space		164sqm

Table 6: Revised Scheme Play Space Requirements

- 8.77 The revised scheme would provide on-site play to the required standard of 516sqm for 0 to 10 year olds by way of a formal play area of 359sqm to the north of Block 1 (the tower) and an informal play area of 157sqm located in the courtyard area next to Blocks 2 and 3.
- 8.75 The Mayor of London’s SPG identifies maximum walking distances to play areas of 400m for 10-15 year old children. Langdon Park is less than 50m to the east of the site. The recommended s.106 financial contributions outlined below would secure monies to improve public open space, including Langdon Park. Whilst no child space would be provided on site for 11-15 year-olds, officers consider that there are adequate facilities (subject to improvement) within close proximity of the site. On balance, the proposed provision of on-site communal amenity and play space for the revised scheme, alongside the proposed private amenity spaces, is considered acceptable.

Lifetime Homes Standards and Wheelchair Housing

- 8.76 London Plan Policy 3.8 and Core Strategy Policy SP02 require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.78 All of the proposed flats in the revised scheme are designed to meet Lifetime Homes Standard and 33 homes across all tenures would be ‘easily adaptable’ to wheelchair housing (11 more than the original scheme, representing 16% of the total number of homes). This

more than meets the requirements of London Plan Policy 3.8. The proposed 'easily adaptable' homes include 9 x Social Rented units. It is recommended that 1:50 scale floorplans of these homes are submitted to and approved by the Council, to enable Occupational Therapists to comment on detailed layouts to ensure that the homes meet specific needs of identified tenants.

Amenity

Daylight, Sunlight and Overshadowing

- 8.79 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.80 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Daylight and Sunlight

- 8.81 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment. Average Daylight Factor or ADF measures the internal living conditions of new build dwellings, or in this case, the proposed development.
- 8.82 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties.

Proposed Development

- 8.83 The submitted Daylight and Sunlight Analysis Report found that all of the proposed flats in the original scheme met BRE Guidelines in terms of daylight and sunlight. The changes to the internal layout of the proposed flats in the revised scheme involve repeating previously proposed floor plans in Block 1 (the tower), and different layouts on the sixth (top) floor of Block 3. All floorplans in Block 1 have been assessed and found to be acceptable in terms of daylight and sunlight. Officers consider that the revised layout of flats on the top floor of Block 3 would not materially affect their performance in terms of daylight and sunlight. As such, officers consider that the revised scheme satisfies Core Strategy Policy SP10 and Policy 25 in the Managing Development Document.
- 8.84 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that "*it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March*". The overshadowing results for the proposed amenity areas in the original scheme were found to be acceptable and accorded with the BRE guidelines. This provides assurance that the proposed space would provide a high quality, usable amenity area for all future residents.
- 8.85 The height and footprint of proposed buildings in the revised scheme remain unchanged from the original scheme. As such, the overshadowing effects of these buildings on proposed communal amenity and play spaces remain unchanged. This was assessed in relation to the original scheme and found to meet the BRE Guidelines. Given this, officers consider that the revised scheme satisfies Core Strategy Policy SP10 and Policy 25 in the Managing Development Document.

Neighbouring Properties

- 8.86 The submitted Daylight and Sunlight Report also assessed likely effects that the original scheme would have on neighbouring properties. As stated above, the height and footprint of the proposed buildings in the revised scheme remain unchanged from the original scheme. As such, the effects of these buildings would have on neighbouring properties remain unchanged. The neighbouring buildings that were tested were:
- Terraces along Chrisp Street;
 - Housing on north-west corner of Chrisp Street and Carmen Street (under construction);
 - Langdon Park School building 1;
 - Langdon Park School building 2; and
 - Parkview Apartments on Carmen Street.
- 8.87 The Daylight and Sunlight Report has been independently reviewed and it was found that the impact that the proposal would have on the two Langdon Park School buildings would be acceptable and in accordance with the BRE guidelines. An assessment was undertaken of the adjoining industrial site, located to the north of Cording Street. Whilst the property does experience a loss of light in excess of the BRE guidelines, the guidance does advise that the criterion should be applied flexibly for non-domestic buildings. Given the use of this premises and as a number of the rooms are served by more than one window, it is not considered unacceptable that the site experiences some loss of light in this urban location.
- Terraces along Chrisp Street*
- 8.88 There are 8 terrace houses located to the west of the proposed development site on Chrisp Street. Of the units tested, 4 units fail to meet the VSC targets and 5 units (including the 4 which fail the VSC targets) fail the daylight distribution targets (NSL). The report concludes that the 4 residential units which fail both the VSC and NSL targets will experience a material loss of internal daylight.
- 8.89 Of the 16 ground and first floor windows tested, 8 windows comprising the ground and first floor windows of 4 residential units fail to achieve the BRE guidelines. The failures are considered to be minor adverse impacts on the existing residential units. The ground floor windows achieve a ratio of 0.64, 0.65, 0.68 and 0.69 all against a target of 0.8. The upper floor windows achieved a ratio of 0.65, 0.70, 0.69 and 0.69, again against a target of 0.8.
- 8.90 The analysis identifies that the proposed development will, in some cases, result in an impact on daylight levels to the residential properties to the west of the site that is in excess of the maximum levels set out in BRE guidance. However it should be acknowledged that in a city centre or urban context such as Poplar, significant daylight reductions are anticipated by the BRE which allow a degree of pragmatism. The 2011 BRE report states that numerical guidelines “should be interpreted flexibly because natural lighting is only one of many factors in site layout design.” Similar daylight impacts have been found to be acceptable, on balance, in other cases in the Borough.
- 8.91 Officers consider that given the low number of failures, the urban location of the site, the separation distances and building heights which have been integrated with the site and surroundings that on balance, impact of the development on daylight to neighbouring properties is considered to be acceptable.
- 8.92 *Housing on north-west corner of Chrisp Street and Carmen Street (under construction)*
This housing is currently under construction and is known in the local area as the Equinox development. The independent review notes that this development would experience a material loss of light due to the VSC results from the proposed development which achieve ratios of between 0.56 and 0.71 against a target of 0.8.
- 8.93 Officers note that the design of this development allows some units to have dual aspect properties and the layout also accommodates for many living/dining areas to be served by

more than one window which will limit the impacts. This development is also designed with external balconies which serve the living dining rooms within the block. Balconies and overhangs are acknowledged with the BRE guidance to significantly reduce the light entering windows below them. The combination of the balconies and the proposed development results in the loss of daylight and sunlight at this property.

- 8.94 A supplementary assessment has also been undertaken against the Average Daylight Factor. In this regard, it is concluded that whilst the impact as a result of the development would be noticeable, the habitable rooms will meet the ADF standards. On balance, given the design of this new build development it is not considered that the impact on this particular building will be unreasonable given the circumstances.

Parkview Apartments on Carmen Street

- 8.95 This site is located directly to the south of the application site and comprises a 16 storey residential led development with a commercial unit located at ground floor level. The development presently receives very good levels of natural daylight, well above the BRE recommendations.
- 8.96 Officers have reviewed the approved layout of this building which comprises dual aspect living rooms and bedrooms on the northern elevation. The dual aspect living rooms are served by high level windows which face the development site, and full size bedroom windows. Only the bedroom windows on this elevation were assessed given that the living room windows serve as secondary room windows, the independent review considered this approach to be acceptable.
- 8.97 All bedrooms tested on the northern elevation of this building would experience failures of daylight, with windows achieving ratios between 0.58 to 0.63 against a target of 0.8. Whilst the new development would result in a noticeable loss of daylight to the existing Carmen Street residential development, as the existing levels of natural daylight are exceptionally good, the BRE guidelines state that greater percentage losses may be acceptable in these cases. As a result, the residual levels of natural light would not be substantially below comparable dwellings in this part of the borough, therefore the impact is considered to be acceptable.

Noise and Vibration

- 8.98 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The Framework states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.99 Policy 7.15 of the London Plan, policies SP03 and SP10 of the Core Strategy and policy DM25 of the Managing Development Document seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.100 As discussed above, the application site adjoins the DLR route which has the potential to cause noise disturbance to the future residents located to the rear of the site. Throughout the course of the application, officers have sought to establish the mitigation proposed through the provision of adequate glazing on this elevation of the building. Environmental Health officers are now happy with the proposed treatment of this elevation and it not considered that there will be a detrimental impact on future residents.
- 8.101 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will

further assist in ensuring noise reductions for future and existing neighbouring occupiers.

- 8.102 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the Core Strategy and policy DM25 of the Managing Development Document.

Sense of Enclosure, Outlook and Privacy

- 8.103 Policy SP10 of the Core Strategy seeks to protect residential amenity and policy DM25 of the Managing Development Document requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 8.104 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the west on Chrisp Street and on the south on Carmen Street. Along Chrisp Street and Carmen Street, separation distances between directly facing habitable rooms windows would be between 18 and 24 metres. This meets the 'rule of thumb' standard referred to in the Mayor of London's Housing Design guidelines of 18m and is considered acceptable.

Transport, Connectivity and Accessibility

- 8.105 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. London Plan Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.106 Core Strategy Policies SP08 and SP09 and Policy DM20 of the Managing Development Document together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.107 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site is located next to the Langdon Park DLR station and is well served by bus routes on Chrisp Street and further links available at East India Dock Road, which is a short walk to the south of the site.

Car Parking

- 8.108 Policies 6.13 of the London Plan, Core Strategy Policy SP09 and Policy DM22 of the Managing Development Document seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.109 Parking Standards in Appendix 2 of the Managing Development Document sets specific parking levels based on the PTAL of a given site. For the revised scheme, these would allow a maximum of 45 spaces (as opposed to 47 for the original scheme). The revised scheme would continue to provide 39 basement car parking spaces, the same as the original scheme. This accords with policy.
- 8.110 For the original scheme, the applicant was willing to allocate 8 car parking spaces to the family-sized affordable housing (a ratio of 0.53 space per home). The revised scheme proposes a greater number of family-sized affordable homes and the applicant has agreed to allocate car parking spaces for these on the same ratio, meaning that 9 spaces would be allocated. Officers welcome this provision in light of the parking stress in the area and the concerns raised by local residents. It is recommended that the development would be secured as permit free to prevent future residents from securing parking permits for the local area.

- 8.111 It is also recommended that a travel plan be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.
- 8.112 Officers consider that, subject to securing the provisions outlined above, the proposed on-site car parking provision is acceptable.

Servicing and Deliveries

- 8.113 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 8.114 Deliveries and servicing are proposed from Cording Street and Chrisp Street. The Chrisp Street block would be served by servicing on-street and there would be some limited servicing from Carmen Street in relation to the proposed children's nursery. It is recommended that the detailed servicing arrangements, including appropriate servicing times, are approved via a Delivery and Servicing Plan. It is also recommended that a Construction Logistics Plan is also required by a condition.

Waste, Refuse & Recycling

- 8.115 The revised scheme would incorporate adequate storage facilities on site to serve the proposed development, including indicative locations for refuse collection within the basement and fronting Cording Street. Cording Street is an existing refuse collection route and this arrangement is therefore considered to be acceptable. Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery and Servicing Plan to be prepared and submitted prior to occupation of the development.

Provision for Cyclists

- 8.116 In accordance with cycle parking requirements set out in Appendix 2 of the Managing Development Document, 268 cycle parking spaces are being proposed in various storage areas around the site. This provision includes visitor parking to serve the development. The proposal therefore complies with London Plan policy 6.13 and policy DM22.

Public Transport Improvements

- 8.117 Core Strategy policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.
- 8.117 Financial contributions have been sought by TfL for improvements to the DLR and Langdon Park Station and it is recommended that these are secured by way of an s.106 agreement.

Energy & Sustainability

- 8.118 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.119 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green)
- 8.120 The London Plan also includes the target to achieve a minimum 25% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy

Hierarchy (Policy 5.2).

- 8.121 Core Strategy Policy SO3 seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. Policy DM29 of the draft Managing Development Document requires:
- 2011-2013 = 35% CO2 emissions reduction;
 - 2013-2016 = 50% CO2 emissions reduction; and
 - 2016-2031 = Zero Carbon
- 8.122 The revised scheme follows the Mayor of London's energy hierarchy by making use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrating a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the development (Be Clean) and utilising photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 36%. This exceeds the policy requirements of London Plan Policy 5.2 and DM29 and is considered acceptable.
- 8.123 It is recommended that compliance with Code for Sustainable Homes Level 4 is secured by way of a planning condition and that details of the proposed living roofs on Blocks 2 and 3 are submitted to and approved by the Council.

Contamination

- 8.124 The policy context is established by the NPPF and policy DM30 of the Managing Development Document.
- 8.125 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. It is therefore recommended that a condition be imposed to secure further exploratory works and any necessary remediation.

Flood Risk

- 8.126 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.
- 8.127 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.128 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

Health Considerations

- 8.129 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough. Core Strategy Policy SP03 seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being and seeks to support opportunities for healthy and active lifestyles through various means.

- 8.130 The revised scheme proposes incorporates additional public open space and communal amenity space and play space in accordance with Council policy. The applicant has also agreed to make financial contributions towards leisure, community facilities and health care provision within the Borough.
- 8.131 Given the above, officers consider that the proposal meets the objectives of London Plan Policy 3.2 and Core Strategy Policy SP03.

Section 106 Agreement

- 8.132 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.133 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.134 Securing appropriate planning obligations and financial contributions is further supported by Core Strategy policy SP13, which makes clear that the Council will seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.135 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education

The Borough's other priorities include:

- Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability
- 8.136 This application is supported by a revised viability toolkit which detailed the viability of the development proposal through interrogation of the proposed affordable housing provision and the planning obligations/financial contributions required to satisfactorily mitigate the likely adverse impacts. The revised viability appraisal is discussed in detail under the Affordable Housing heading above. This confirms that proposed on-site affordable housing and financial contribution to off-site affordable housing is achievable alongside the full financial contributions in accordance with the Council's adopted SPD. The scheme is therefore able to mitigate against the full impacts of the proposed development by providing contributions to all key and other priority areas, whilst delivering 31.5% on-site affordable housing.
- 8.137 The revised toolkit provides an assessment of the viability of the development by comparing the Residual Value against the Existing Use Value (or a policy compliant Alternative Use value), in broad terms, if the Residual Value equals or exceeds the Existing Use Value, a scheme can be considered as viable, as the requirements of paragraph 173 of the NPPF for competitive returns to the developer and the landowner have been satisfied. In summary,

the Toolkit compares the potential revenue from a site with the potential costs of development. In estimating the potential revenue, the income from selling dwellings in the market and the income from producing specific forms of affordable housing are considered and in testing the developments costs matters such as build costs, financing costs, developers profit, sales and marketing costs are considered.

8.138 Based on the Council's adopted SPD, the viability of the revised scheme and the need to mitigate against the likely adverse impacts of the development, officers recommend that 31.5% on-site affordable housing and full financial contributions are secured by way of an S.106 agreement. Given that the increase in average sales values over the last two to three years has been the major factor in enabling the applicant to increase and improve its affordable housing offer, officers consider that it would be sensible to require a suitable formal financial appraisal review mechanism to ensure that further financial contributions for off-site affordable housing are made if financial viability improves again before development starts (within 2 years of a decision notice granting permission).

8.139 The obligations can be summarised as follows:

Financial Obligations

- Enterprise and Employment: £50,023
- Community Facilities (Idea Stores and Leisure): £259,755
- Education (Primary and Secondary School Places): £555,753
- Health: £258,942
- Sustainable Transport: £26,171
- Public Realm Improvements (Public Open Space and Streetscene): £383,543
- TfL (DLR improvements): £250,000
- Sub-total: £1,784,187
- Monitoring (2%): £35,684
- Total: £1,819,871

Non-Financial Obligations and Affordable Housing

- 31.5% affordable housing (by habitable room)
- Payment of a financial contribution of £230,492 for the provision of off-site affordable housing in lieu of additional on-site affordable housing
- Affordable housing financial viability review mechanism if development is not commenced within 2 years from date of a decision notice (to secure a further financial contribution for the provision of further off-site affordable housing if financial viability improves before development starts)
- Access to employment initiatives (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- On-street Permit-free development
- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points
- 9 parking spaces allocated to on-site affordable family housing.
- Communal play space and child space accessible to all future residents of the development
- Public realm area, publicly accessible open space and footpaths through site to be open to the public
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Financial Considerations

8.140 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:
"In dealing with such an application the authority shall have regard to:
a) The provisions of the development plan, so far as material to the application;

- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.”

- 8.141 Section 70(4) defines “local finance consideration” as:
- a) A grant or other financial assistance that has been, or will or could be, provided to arelevant authority by a Minister of the Crown; or
 - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.142 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.
- 8.143 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.144 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor’s Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £514,570which is based on the gross internal area of the proposed development (taking account of the proposed on-site affordable housing).
- 8.145 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.146 There is no policy or legislative requirement to discount the New Homes Bonus that would be deliverable for this scheme against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 8.147 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.148 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community*

as a whole".

- 8.149 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.150 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.151 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.152 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.153 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.154 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

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

8.159 The contributions to affordable housing support community wellbeing and social cohesion.

Conclusions

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

