

Committee: [Strategic] Development	Date: 13 th June 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/12/03247
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location:	Island Point, Site At 443 To 451, Westferry Road, London
Existing Use:	
Proposal:	Erection of buildings ranging in height from 3 to 5 storeys with rooftop pavillions rising to 6 storeys, providing 173 residential units (Use Class C3) with underground parking, open space, plant and associated community building (Class D1).
Drawing Nos/Documents:	<p>Drawings:</p> <p>P_AL_C645_002 rev A, XP_AL_C645_001 rev A, XE_AL_C645_001_1 rev A, XE_AL_C645_001 rev A, P_AL_C645_001 rev A, P_B1_C465_001 rev A, P_00_C645_001 rev B, P_01_C645_001 rev B, P_02_C645_001 rev B, P_03_C645_001 rev B, P_04_C645_001 rev B, P_05_C645_001 rev B, P_RF_C645_001 rev B, E_01_C645_001 rev B, E_03_C645_001 rev B, E_06_C645_001 rev B, E_11_C645_001 rev B, E_12_C645_001 rev B, E_14_C645_001 rev B, E_02_C645_001 rev A, E_04_C645_001 rev A, E_05_C645_001 rev A, E_07_C645_001 rev A, E_08_C645_001 rev A, E_09_C645_001 rev A, E_10_C645_001 rev A, E_13_C645_001 rev A, E_15_C645_001 rev B, E_16_C645_001 rev A, E_17_C645_001 rev A, E-T1-C645-001 rev A, E-T1-C645-001_2 rev A, E-T2-C645-001 rev A, E-T3_C645-001_1 rev A, E-T3-C645-001_2 rev A, P-T1-C645-001 rev A, P-T4-C645-001 rev A, P-T2-C645-001 rev A, P-T3-C645-001_1 rev A, P-T3-C645-001_2 rev A, P-T5-C645-001 rev A, E_20_C645_001 rev A, S-01-C645-001 rev A, S-02-C645-001 rev A, P584-PL-01-L006, P584-PL-01-L007, E_01_G200_001 rev A, SK_028 rev A and SK_029 rev A.</p> <p>Documents:</p> <p>Design and access statement dated 10/12/12, Design and access statement addendum dated 22/2/13, Environmental Statement 'Non Technical Summary' dated 10/12/12, Environmental Statement volumes I, II and III dated 10/12/12, Environmental Statement Addendum dated 22/2/13, Sustainability statement dated 10/12/12, Planning Statement dated 10/12/12, Planning Statement Addendum dated 22/2/13,</p>

Transport Assessment dated 10/12/12, Energy Statement dated 10/12/13, Landscape report dated 10/12/12

Response to the review of the ES by URS dated 22nd March 2013, Final response by URS dated 30th April 2013, Response to energy officer comments by Hoare Lea dated February 2013, Response to Environment Agency by URS dated 19th March 2013, Response to TfL letter 13th February 2013, Response to LBTH highways e-mail 5th March 2013, Phase 1 and 2 Ecology Report by URS dated July 2012.

Applicant:	Chalegrove Properties Limited
Ownership:	Landmark North Ltd and UK Power Networks Holdings
Historic Building:	N/A
Conservation Area:	Chapel House

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document 2013; as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 Through the provision of a residential development, the scheme will maximise the use of previously developed land, and will significantly contribute towards creating a sustainable residential environment in accordance with Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development Document 2013 which seek to increase London's supply of housing.
- 2.3 The development, in combination with PA/12/03248 would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing in accordance with policies 3.8, 3.10 and 3.12 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM3 and DM4 of the Managing Development Document 2013 which seeks to ensure development provides a mix of housing which meets the needs of the local population and provides a minimum of 50% affordable housing (subject to viability).
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the proposal is considered to be of a high quality which would respect local character of the area including the adjacent Chapel House Conservation Area in accordance with Chapter 7 of the London Plan (2011); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM27 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the nearby Chapel House Conservation Area.
- 2.5 The density of the scheme would not result in 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), policy DM24 and DM25 of the Managing Development Document 2013 which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the relatively urban nature of the site, and as such the proposal

accords with policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development Document 2013 which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are considered to be well designed and effectively meet the needs of the development, in accordance with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document 2013 which seek to improve amenity and liveability for residents.
- 2.8 Transport matters, including parking, access, and servicing 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), policies DM20 and DM22 of the Managing Development Document 2013 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 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), policy DM29 of the Managing Development Document 2013 which seek to promote sustainable development practices.
- 2.10 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

- 3.1 That the Strategic Development 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:

3.2 Financial Obligations

- a) A contribution of £47,655 towards enterprise & employment.
- b) A contribution of £250,535 towards leisure and community facilities.
- c) A contribution of £70,686 towards libraries facilities.
- d) A contribution of £2,734,636 to mitigate against the demand of the additional population on educational facilities.
- e) A contribution of £212,617 towards health facilities.
- f) A contribution of £395,803 towards public open space.
- g) A contribution of £8,415 towards sustainable transport.
- h) A contribution of £65,424 towards streetscene and built environment including within the immediate vicinity of the site and around Island Gardens DLR station
- i) A contribution of £103,800 towards TfL London Buses.

j) A contribution of £100,000 towards road safety improvements including the provision of a new zebra crossing.

k) A contribution of £79,791 towards S106 monitoring fee (2%)

3.3 **Total: £4,069,362**

3.4 Non-Financial Obligations

a) 37% affordable housing (across both Island Point and City Pride Site), as a minimum, by habitable room

- 61% Social Target Rent (family sized units)
- 11% Affordable Rent at POD levels (one and two bedroom units)
- 29% Intermediate Affordable Housing

b) All of the affordable housing units on Island Point to be completed prior to the completion of the development on City Pride.

c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

d) On Street Parking Permit-free development

e) Electric Vehicle Charging Points

f) Code of Construction Practice

g) Travel Plan

h) Off-site Highways Works including new zebra crossing across Westferry Road

i) Access to public open space during daylight hours

j) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

CONDITIONS & INFORMATIVES

'Prior to Commencement' Conditions:

1. Construction management plan
2. Surface water drainage scheme

Prior to works about ground level conditions:

3. External materials
4. Noise and vibration details
5. Landscaping

6. Visitor cycle parking

Prior to Occupation' Conditions:

7. Contaminated land
8. Car parking management plan
9. Delivery and servicing plan
10. Code for sustainable homes
11. Flood emergency plan
12. CCTV and lighting plan

'Compliance' Conditions –

13. Permission valid for 3yrs
14. Development in accordance with approved plans
15. Unexpected contamination
16. No infiltration of surface water.
17. Penetrative foundations and piling
18. Energy
19. Renewables
20. Electric vehicle charging points
21. Lifetime homes
22. 10% Wheelchair housing
23. Hours of construction
24. Hours of construction for piling operations

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

3.8 Informatives:

- S106 planning obligation provided
- Consent under s57 of the Town and Country Planning Act 1990.
- Advertisement consent required for signage
- Details regarding how to discharge surface water drainage condition.
- Requirement for a s278 and a s72 agreement.

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

3.10 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

- 4.1 The application site is a 1.32ha site in the southern portion of the Isle of Dogs. It is north of Westferry Road with the rear gardens of properties on Chapel House Street surrounding the property to the north and east. Locksfield Place is immediately to the west of the application site and comprises houses and flats. The site is currently derelict and was occupied by hard standing and the steel frame of a former engineering shed, this was demolished in October 2012.
- 4.2 Residential is the predominant land use in the vicinity with a small number of other land uses which support a residential community. There are two schools in the area; Harbinger Primary School, which is approximately 350m to the north west and George Green Secondary School which is approximately 500m to the east. Millwall park is a 300m walk from the entrance to the site.
- 4.3 The surrounding scale of buildings are generally lower in the south of the Isle of Dogs compared to the significantly taller buildings around the north of the Isle of Dogs, around the Canary Wharf cluster. Within the immediate vicinity of the site there are a mix of two storey semi-detached and terrace property and larger blocks of flats. St Davids Square to the south of Westferry Road and fronting the river rises to 10 storeys. Locksfield Place is immediately adjacent and to the east of the application site ranges from two to three storeys.
- 4.4 The site has a Public Transport Accessibility Level of 3 which is 'moderate'. Island Gardens DLR is the closest station at approximately 350m away. The site is also served by bus routes D7 and 135.
- 4.5 The site lies within Flood Zone 3, the River Thames is approximately 140m to the south. The Chapel House Conservation Area adjoins the site to the north, the application site and Locksfield Place to the east are excluded from the conservation area designation. There are no listed buildings on the site or within close proximity.

Proposal

- 4.6 The application proposes a residential development on the site which would range from two to six storeys in height, providing 173 residential units which would be affordable housing accommodation, comprising a mix of social target rent, affordable rent and intermediate affordable housing. 31 shared ownership units are proposed (9 x 1 bed, 18 x 2 bed and 4 x 3 bed), 142 are social/affordable rent (11 x 1 bed, 22 x 2 bed, 73 x 3bed, 26 x 4 bed and 10 x 5 bed)
- 4.7 The scheme has been submitted in conjunction with a development at 15 Westferry Road (City Pride) which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is delivered at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site, whilst and the Island Point site would be a lower density scheme with a focus on affordable family accommodation.
- 4.8 City Pride provides 822 residential units, the majority of which are private sale units with 70 shared ownership properties (PA/12/032478). A total 36.9% affordable housing would be

provided across the two sites which equates to 245 affordable homes (951 habitable rooms).

- 4.9 A basement is provided under the rear part of the site which would accommodate the energy centre, some cycle and motorcycle parking and the car parking. 52 spaces are available for residents, 10 of which would be disabled spaces (two are at street level). There are also two spaces within the basement for regular visitors i.e. health workers / maintenance.
- 4.10 The development consists of flats towards the front of the site and maisonettes and townhouses at the rear of the site arranged around a mews typology. The application is described as forming nine blocks as can be seen below (block numbers in red):



Block 1

- 4.11 This is a three storey block comprising 6 x 2 bed shared ownership units. All units would be split level with the ground floor having a front and rear amenity area whilst the kitchen of these units would be on the first floor. On the northern side of block 1 the first floor would comprise the kitchens for the second floor units, an internal staircase for each unit would provide access to the second floor where the living room and two bedrooms for each flat are located. These flats would also benefit from a south facing balcony.

Block 2

- 4.12 This block is an 'L' shaped block with four storeys at the western end, rising to five to the east along Westferry Road with a sixth floor proposed further into the site, set back from the main road. This block would comprise a mix of shared ownership and affordable/social rented units. The shared ownership units would be towards the western part of the block and would comprise 9 x 1 bed, 12 x 2 bed and 4 x 3 bed. The eastern part of the block would be the affordable rent / social rented units (9 x 1 bed, 3 x 2 bed, 28 x 3 bed and 7 x 4 bed).

There are four main entrances to this block, each core contains a cycle store and refuse store, there would be a maximum of five flats access from one core. The ground floor units facing Westferry Road would have individual entrances. Each flat has either a ground floor rear garden or a balcony.

Block 3

- 4.13 This is a five storey building which would be positioned 12m back from the eastern boundary. The top storey would be set a further 3m back. The entrance to the basement car park is adjacent to this block as it extends over the entrance to the car park at first floor level only. This block would be affordable/social rented units comprising 15 x 2 beds, 28 x 3 beds, 1 x 4 beds

Blocks 4 and 5

- 4.14 These are at northwest and southwest corners respectively and enclose the mews, they are adjoined to maisonettes of block seven and nine and the townhouses of block six. Block four is two storeys and comprises 2 x 3 bed flats. Block five is three storeys and comprises 3 x 3 bed flats.

Block 6

- 4.15 This is a row of 10 x five bedroom social rented houses. They are three storeys in height and would be positioned between 9m and 11m from the northern boundary (the boundary tapers to the west). These all have their own rear garden and individual cycle and refuse stores. A small garden store is also provided in the rear garden for each house.

Block 7 and 9

- 4.16 These blocks are along the west and east boundaries respectively. They would be three storeys in height with single storey closet wings. The single storey elements in the majority of cases would be adjacent to or within 2m of the boundary wall. The upper floors are between 9m and 7m from the boundary. These blocks are maisonettes, the ground floor of both blocks would provide a total of 8 x 3 beds and 2 x 2 beds flats, each with a rear garden, whilst the upper floors would contain 10 x four bedroom maisonettes flats spread over two levels with a balcony at second floor level facing into the site. Each unit would have a separate bicycle and bin store. The three and four bedroom units would be social rent and the two bedroom units would be affordable rent.

Block 8

- 4.17 These are also maisonettes in a similar format to blocks 7 and 9 with a mix of social and affordable rent. The most southern two units on the ground floor are one bedroom, the other ground floor units are two and three bedrooms, each with a private garden. The upper two floors contain four bedroom units. As per blocks 7 and 9 each upper floor flat would have a balcony at second floor level facing into the courtyard, they would also have a bicycle and bin store at ground floor level.
- 4.18 A community building is proposed on the site, this would be located at the rear of the public open space and managed by the Registered Provider, within the southern part of block 8. This could be used for small meetings / gatherings. It contains the management office for the development. It also provides pedestrian access to the basement car park.

Site layout

- 4.19 The pedestrian and vehicle entrances are from Westferry Road. Between blocks 2 and 3 an area of public open space is proposed. This would be landscaped with a mixture of hard and soft materials, including forms of play equipment, trees and planters. The site rises from Westferry Road by 900mm and a gentle ramp would be installed at the front of the site. This would be constructed of different materials to the pavements along Westferry Road in order to ensure a pedestrian is aware that they are leaving the public realm and entering a residential development.
- 4.20 The rear of the site is a more dense layout in the form of a mews. The buildings would be three storeys in height with 10m between the facing blocks. The road layout at the rear of the site is intended to represent an area of informal landscaping and play for children. Vehicle access would only occur occasionally for refuse collection, emergency vehicles and for access to the two disabled spaces at the rear of the site.

Below is an image of the mews layout which is proposed:



Materials

The development would be constructed mainly from brick. The images below show a visualisation of the scheme. The brick is to be a buff brick with elements of green tiling throughout the development to give it a distinct character.



(View looking west from Westferry Road)



(View looking east from Westferry Road)

5 Relevant Planning History

- 5.1 In May 2001 planning permission was granted for the change of use of the general industrial unit (Use Class B2) on the site to a telecom warehouse (Use Class B1) ref PA/00/1768. In February 2002 a revised scheme for a change of use of the engineering works to a data centre was granted permission ref PA/01/1038. These were not implemented.
- 5.2 In April 2002 planning permission was granted for the erection of a telecommunications building linked at ground and first floor to the existing ancillary office building which was to be refurbished, together with the erection of rear plant, landscaping and the formation of a new means of vehicular access to Westferry Road ref PA/02/00018. That permission was also unimplemented and the site has remained vacant.
- 5.3 Prior to permission being granted in October 2009 two schemes were submitted for a residential development on this site in 2007 and 2008. Both were withdrawn due to concerns over the design.
- 5.4 There is an extant consent on the subject site for a residential development providing 189 units (PA/08/02292). This was granted on 27th October 2009 and a certificate of lawfulness was granted on 11/2/2013 (PA/12/3341) confirming that the development has been lawfully implemented.



Consented Scheme Aerial View



Consented Scheme Plan

(Layout and aerial view of the consented scheme)

- 5.5 The scheme provided a mix of market housing (23 units), shared ownership (48 units) and social rented accommodation (118 units). This was a total of 719 habitable rooms and was within buildings ranging from two to eight storeys.
- 5.6 This site was also linked via a legal agreement to the site at 15 Westferry Road (PA/08/02293) as the off-site affordable housing provision.
- 5.7 The tables below compare the extant scheme with the proposed scheme in terms of housing unit numbers:

	City Pride (extant)	City Pride (proposed)	Island Point (extant)	Island Point (proposed)
Market units	412	752	23	0
Shared ownership units	18	70	48	31
Affordable/social rented units	0	0	118	142
Total housing	430	822	189	173

- 5.8 The extant scheme provided a combined total of 41.5% affordable housing, whereas the proposed scheme provides a combined total of 37% affordable housing. Overall however, there is a total increase in affordable habitable rooms by 201 compared to the extant scheme across both Island Point and City Pride. In actual housing numbers, this is a total increase from 184 under the extant scheme compared to 243 under the current scheme. Within the Island Point specifically scheme there are 24 additional units (or 52 additional affordable habitable rooms) compared to the extant scheme.

6. POLICY FRAMEWORK

- 6.1 Following the adoption of the Managing Development Document on 17th April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011. The following policies are relevant to the application:

Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Refocusing on our town centres
	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
Annexe 9:		Millwall Vision, Priorities and Principles

Managing Development Document (Adopted 2013)

Allocations:

Proposals: Flood risk area

Policies	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

Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

Spatial Development Strategy for Greater London (London Plan 2011)

	2.1	London
	2.9	Inner London
	2.10	Central Area Zone
	2.13	Opportunity Areas
	2.14	Areas for Regeneration
	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
- 4.12 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
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 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
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

London Plan Supplementary Planning Guidance/Documents

- London Housing Design Guide 2010
- Housing Supplementary Planning Guidance Nov 2012
- London View Management Framework 2012
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- Housing 2012
- London World Heritage Sites – Guidance on Settings 2012

Government Planning Policy Guidance/Statements

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

7. CONSULTATION RESPONSE

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

7.2 The following were consulted and made comments regarding the application:

LBTH Environmental Health

7.3 Contaminated Land

LBTH Environmental Health has requested the inclusion of conditions relating to site investigation to investigate and identify potential contamination.

Noise

The development will be exposed to a high degree of noise from Westferry Road, London City Airport and local Thames noise. Suitable noise insulation measures could be incorporated to address these issues at facades exposed to high noise levels along Westferry Road. The building would be expected to meet the requirements of BS8233 “good internal noise design standard”. Conditions though should be imposed to include reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements for a good internal living standard.

(OFFICER COMMENT: The required conditions are included in section 3 of the report.)

LBTH Communities Leisure and Culture

7.4 Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities

(OFFICER COMMENT: Planning obligations have been negotiated in response to these requests).

LBTH Energy Efficiency

7.5 Energy

The information provided in the energy strategy is in accordance with adopted climate change policies and follows the Mayor’s energy hierarchy. The development would make use of energy efficiency and passive measures to reduce energy demand. A communal heating scheme incorporating Combined Heat and Power (CHP) is the lead source of hotwater and space heating requirements. In addition to this 100sqm of photovoltaic panels

are provided as a renewable energy source. The total anticipated CO2 savings from the development are 35% which meets the requirements of DM29.

A pre-assessment has been submitted demonstrating that the development will meet Code for Sustainable Homes level 4. This is also in accordance with policy DM29.

(OFFICER COMMENT: Conditions have been attached as requested).

LBTH Highways

7.6 Car parking

The scale of the proposed development is such that a s106 on-street residential car parking permit free agreement is required with any permission. This is needed to support sustainable trip making patterns to and from the site and to ensure local on-street parking is not overwhelmed by the development. The MDD sets out the current maximum parking standards for LBTH. For this development, the relevant maximums are 0.3 spaces per 1 or 2 bed unit and 0.4 spaces per 3 bed or larger giving allowances under this policy of 19 and 44 spaces respectively. The proposed residential parking for the development of 55 spaces and is acceptable in policy terms notwithstanding assessment of the impact of the development on highway operations. Of the spaces provided, 10 are designed for disabled use; this meets policy requirements and is acceptable.

Trip generation.

- 7.7 The submitted TA sets out the expected number of vehicle trips generated by the development in peak times accounting for the number of parking spaces proposed. The forecasted trip numbers in both peak periods are minimal and while Highways is of the view that the submitted forecasts are likely to be underestimates - given the high proportion of family sized units - we do not anticipate they will be inaccurate to an extent that concerns Highways that the development will place an undue strain on the local highway network. On this basis and given the compliance with LBTH policy, the proposed level of car parking (including the disabled proportion) is acceptable.

Basement access road

- 7.8 The car parking will be provided at basement level and will be accessed from Westferry Road via a ramp that would allow vehicles to enter and exit the site in forward gear while providing sufficient clearance between the back of the footway and the ramp for vehicles to wait for vehicles passing in the opposite direction. While this arrangement is acceptable, management of the car park entrance will be required to ensure vehicles are not forced to reverse back onto Westferry Road from the waiting area and to minimise the amount of time vehicles are forced to wait –obstructing traffic- on Westferry Road to turn into the site.

Permit transfer scheme.

- 7.9 The applicant will also be aware of the borough's car parking permit transfer scheme (PTS) which allows tenants of social/affordable rent properties that are 3 bed or larger and have had an on street parking permit for over a year to keep said permits even when moving into a 'permit free' development, such as Island Point. As there are 96 properties in this development that meet the above criteria, Highways are concerned this could strain local on-street parking. Highways request that a condition is attached to any permission requiring a Car Parking Management Strategy to help manage some of these risks. This strategy should detail how the allocation of car parking will be managed to ensure blue badge holders are allocated on-site spaces, how larger units are prioritised with regard to MD DPD policy DM22 3c and the PTS and how the car park entrance will be managed.

Cycle parking.

- 7.10 The applicant has indicated that the development will provide the 273 cycle spaces required to meet the London Plan and LBTH minimum standards. While this quantum is acceptable application documents do not provide any information on the type of cycle

stands to be provided in the core areas of the blocks of flats in the scheme. The applicant is required to supply information for each core showing a) the number of cycle spaces b) the type of cycle stands to be installed. With regards to visitor cycle parking, the London Plan (proposed early minor amendments) has a minimum standard of 1 space per 40 units for residential development. For this development, at least five spaces would be required. The applicant has indicated that visitor cycle parking will be provided in the communal open area on site but has not designated an area on the plans. Highways request that an area is marked on the plans showing the location of the required spaces and that the plans are amended accordingly.

Servicing.

- 7.11 The scheme will provide a one-way, private service road to provide on-site servicing facilities for all units in the development. This arrangement is acceptable in principle and welcomed but a Deliveries & Servicing Plan is required to ensure effective use of the service road and minimise the possibility of queuing back on to the public highway. This should be secured by condition and approved prior to occupation.

Travel Plan.

- 7.12 The applicant has provided a draft Interim Travel Plan to outline the measures that will be taken to encourage the use of more sustainable forms of transport. The developer has indicated that a full Travel Plan will be submitted at a later for comments / approval and this would be acceptable.

Construction.

- 7.13 The scale of the proposed development will generate a significant level of goods deliveries that will place the local highway network under additional stress. In order to minimise the number of vehicle trips required as part of the construction phase, and to manage large vehicle movements on and off public highway, Highways requires a Construction Logistics Plan, to be approved by LBTH prior to the commencement of construction, to be secured by condition. This should be prepared with due consideration to MD DPD policy DM21 relating to transport of goods by sustainable modes.

Public Realm.

- 7.14 The proposals include designs that will result in the effective widening of the footway adjoining the site on Westferry Road. This is welcomed and needed as current footway widths are considered insufficient to cope with the level of footfall expected from the development. Highways will seek to adopt additional footway to achieve a footway width of 2.4m along the frontage of the development site under section 72 of the Highways Act (1980). This should be agreed prior to planning permission.. The plans show six new trees planted adjacent to the site on Westferry Road. Highways does not object to the principle of new street trees on this section of public highway in conjunction with the proposed scheme. Details on the type of tree, the number and exact location of the trees will require agreement from Highways and the Council's Arboricultural Trees Officer and will take into account visibility splays for the exit to the car park and the service road exit. A sum of money should be provided as part of a section 278 agreement for the provision of works to the public highway necessary to facilitate the proposed development

Planning Contributions

- 7.15 Highways request a s106 contribution of £100,000 towards works to the public realm (footway and carriageway) in the vicinity of the development to improve local walking and cycling conditions and links to nearby public transport nodes (including local bus stop accessibility). The contribution is also to fund to provision of a new zebra crossing and other road safety improvements on Westferry Road.

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions/informatives have also been recommended, as detailed within section 3 of

this report).

Tower Hamlets Primary Care Trust (PCT)

7.18 PCT have confirmed the HUDU model requires:

A Capital Planning Contribution £1,222,743

A Revenue Planning Contribution £4,660,080

This is a combined figure for both the City Pride and Island Point sites.

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions. The revenue contributions have not been secured as the contribution from planning gain is able to find the spaces needed for health care provision but not the on-going funding to operate the facility. Funding for this provided through other sources including central government). Need to explain why capital not secured.

English Heritage

7.19 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

(OFFICER COMMENT: Following extensive pre-application discussions, the Council's urban design officer stated that "overall this is a good scheme". It should also be noted that the Conservation Design Advisory Panel were positive about the design and architecture of the development, further details can be found below)

Environment Agency

7.20 The Environment Agency has no objections, subject to the imposition of the following conditions:

- A detailed surface water drainage scheme should be submitted prior to the commencement of development.
- Contamination and verification reports to be approved prior to commencement/occupation
- No infiltration of surface water into the ground from the development.
- No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

Greater London Authority (GLA)

7.21 The GLA have provided a stage I response which covers both the City Pride and the Island Point application. Their summary of the schemes are as follows:

7.22 Principle of the development

Whilst the provision of a residential led development of these sites is supported in principle further discussions is needed regarding the provision of social infrastructure in the wider area and associated section 106 contributions and the tenure of the donor site.

7.23 (Officer response: The applicant is providing full s106 contributions in accordance with the Councils SPD in order to mitigate the impacts of the development. Council officer's are working to identify sites for new schools and health centres within the borough and a number have been identified within the MDD. Officer's are satisfied that this development would have an acceptable impact upon social infrastructure)

7.24 Housing

The donor site should be amended to include an element of market housing. The rented units should be affordable rent rather than social rented units. Further discussion is needed on viability

- 7.25 (Officer response: The housing offer seeks to maximise the amount of affordable housing provided by the development and the review of the viability has confirmed that the 37% offered is greater than the current conditions allow for as 35% is all that is viable. Officers are satisfied that the development offers a good mix of social rent for the much needed larger family units, affordable rent for the one and two bedroom units and a substantial number of shared ownership units. Both London Plan and local policies allow for the provision of both social and affordable rent and it is therefore considered that the development complies with those policies. The development is also in accordance with the Council's Housing Supplementary Planning Document, which is currently in draft form and out to consultation)
- 7.26 **Child Playspace**
With regard to the Island Point site the applicant should set out the capacity of the off-site older children play spaces the development will rely upon and whether they are in need of upgrade.
- 7.27 (Officer response: The landscaping report provided with the design and access statement details the play spaces within 400m and 800m of the site. These include Mudchute Park and Masthouse Terrace play area. The GLA have confirmed that this is satisfactory, further details of the child play spaces are detailed in the main body of each report.)
- 7.28 With regard to Island Point the blue badge parking should be amended so that the spaces are located nearest to the lift and the applicant should investigate if there is scope to further reduce the gradient of the entry ramps into the site. Further information is needed on how the wheelchair accessible units off Westferry Road are accessible. Further consideration should be given to reservation of a space for a lift in the future.
- 7.29 (Officer response: A parking management plan is requested by condition to detail where the blue badge parking will be.
- 7.30 The wheelchair accessible units within Island Point would be fully accessible from Westferry Road and two lifts have been included on an amended plan to ensure those on the upper floors are fully compliant.
- 7.31 **Sustainable development**
Further discussions and commitments are needed regarding flooding and drainage. The applicant should provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available, it should confirm the community building will be connected to the heat network and a drawing showing the route of the heat network and a drawing showing the route of the heat network should be provided.
- 7.32 (Officer response: The applicant has provided additional information in relation to flooding and sustainable drainage which is to the satisfaction of the Environment Agency.)

London Fire and Emergency Planning Authority

- 7.33 Further information was requested regarding fire service access and water supplies. Following this a detailed document has been provided to the LFEPA demonstrating how the development complies with the relevant standards and how a fire appliance can access the site. The swept paths show access for a large refuse truck which is also adequate for a fire appliance. The LFEPA have now confirmed that this development is acceptable.

London Underground Ltd

7.34 No comments received.

Natural England

7.35 No comments received

Transport for London (TfL)

7.36 *Trip generation and Highway Impact*

TfL are satisfied with the trip generation associated with this development.

7.37 *Travel Plan / servicing / construction*

TfL welcomes the submission of a travel plan which is in accordance with TfL's guidance

A delivery and servicing plan should be submitted for approval which ensures highway and traffic impact resulting from servicing activities should be kept to a minimum.

A construction logistics plan should also be submitted for approval prior to commencement of construction. Efforts should also be made to utilise the river as much as possible during construction.

(Officer response: The delivery and servicing plan and the construction management plan can be secured by condition. The applicants have assessed the ability to utilise the river for construction, however, due to the 200m distance from the site it is not practical to utilise river transport in this instance. TfL have since confirmed that they are satisfied with this response.)

7.38 *Buses*

TfL welcome the total contribution of £103,800 to be secured through the S106 agreement towards bus capacity upgrades

DLR / Public realm improvements

There would be additional passengers using Island Gardens station as a result of this development, as such TfL requests £30,000 towards public realm improvements around the station.

(Officer comment: These contributions have been agreed by the applicant.)

7.39 *Parking*

The provision of 55 parking spaces for 173 units is in line with the London Plan and LB Tower Hamlets standards and is deemed acceptable. 20% of the spaces should provide 20% active provision for Electric Vehicle Charging Points with an additional 20% passive provision. Blue badge holder parking should also be detailed.

(Officer response: Details of the position of the electric vehicle charging points would be requested by condition. 10 disabled parking spaces are provided within the basement and two at ground level towards the rear of the site. This is 22% of the total parking which is in excess of the minimum 10% of total parking provision.

7.40 *Cycle parking*

TfL welcomes the provision of 283 cycle parking spaces which is in line with London Plan and borough standards. The applicant should confirm that the spaces will be sheltered and secure.

(Officer response: The cycle parking is either located within the apartment cores or undercover in locked areas by the front doors of the houses and maisonettes.)

7.41 *Crossrail/CIL*

Contributions are applicable.

Summary

7.42 Following the receipt of further information from the applicant TfL can confirm that no further trip generation exercise is required from the applicant and it is expected that cycle and Blue Badge parking is secured by condition. Furthermore, it is noted that the Section 106 requirements as outlined within the Stage 1 Report will be discussed with Tower Hamlets Council as part of the overall Section 106 agreement negotiations. It should be noted however that for TfL to consider this application to be in full conformity with the relevant London Plan transport policies, all requested contributions should be secured within the Section 106 agreement.

(Officer response: It is noted that the scheme is considered in full conformity with the London Plan transport policies. The developer has agreed to meet all of the financial obligations requested by TfL. There are therefore no outstanding issues with regard to Transport for London)

Conservation and Design Advice Panel.

Conservation Design Advisory Panel

7.43 The scheme was generally accepted as a sound and sensitive proposal for a large residential project within a low rise residential area. Aside from a number of specific reservations listed below, the current scheme was considered to be a significant improvement on the previously consented application.

- 7.44
- Block 1 has a poor outlook over garages and a substation. It is also too close to the rear of roadside blocks, causing overshadowing and lack of privacy. The massing of this block should be re-considered.

(Officer response: The units within block 1 are all dual aspect, the outlook is considered acceptable. The light levels within the units and the units to the south have all been tested against the BRE guidance and are considered to be acceptable. The distance between the south facing windows of block 1 and the northfacing windows of block 2 is approximately 10m, this is equivalent to within the mews at the rear of the site. There would be no main living rooms facing each other and on all but the first floor it is bedrooms looking towards bedrooms. On balance, it is considered that the location of block 1 is acceptable and provides much needed affordable housing on this site.)

- 7.45
- The distance of about 10 metres between facing elevations across the main Mews circulation was accepted as a genuine and familiar urban form, conducive to creating an attractive urban environment and a sense of place and community. The

design of these elevations with set-backs, balconies and staggered windows to minimise issues of overlooking and privacy was appreciated

- 7.46
- However, concern was expressed at the close proximity of habitable rooms within the rear facing elevations of these Mews houses within the central block of the north residential area. The rooms and private gardens to this area appeared to be all severely overlooked by the adjoining properties to a potentially unacceptable level

(Officer response: At first and second floor the maisonettes have a separation distance of 12.5m. The accommodation in each property at first floor consists of a single bedroom and a second floor a single bedroom and the bathroom with obscure glazing. The bedroom windows are staggered so they do not face each other directly This is considered to be a reasonable mitigation measure to allow suitable privacy for the future occupants of the site.)

- 7.47
- The landscaping was thought to be rather too rigid and corporate in character. It was considered that the formal and broadly symmetrical layout of the housing would be better balanced and lightened by a more natural and informal landscaping scheme.

(Officer response: The landscaping has been designed to suit the needs of children of varying ages and also the adults of the development, It has been designed to be a flexible space which all residents can enjoy. It has also been developed in conjunction with the requirements of the Registered Provider who have their own requirements as to landscaping and maintenance. Overall it is considered that the landscaping scheme has been well thought-out and functional.)

- 7.48
- The largely car free nature of the development was accepted but there seemed a lack of accommodation for visitor parking and deliveries. This should be addressed.

(Officer response: The level of car parking is in accordance with LBTH and London Plan policies which seek to reduce on-site parking and promote sustainable methods of transport. There are pay and display spaces on-street for visitors and disabled visitors could be accommodated on-site through the on-site management team.)

- 7.49
- The tiled feature to window openings was supported, particularly for its genuine reference to previous manufacturing activities on the site. However this feature needs to be carried out to a high quality using the bespoke tiles suggested by the applicant for the aesthetic to work and for the historic references to resonate. The use of standard mass produced tiles would render this aesthetic meaningless and possibly ugly. Detailed consideration should also be given to the materiality of soffits to balconies, which are a prominent feature throughout the scheme.

(Officer response: Details of the use of materials would be dealt with via a condition.

British Broadcasting Corporation (BBC)

- 7.50 No comments received.

Greenwich Maritime World Heritage Site

- 7.51 No comments received

Association of Island Communities

7.52 No comments received.

London Borough of Greenwich

7.53 No objections raised.

London Wildlife Trust

7.54 No comments received.

Metropolitan Police

7.55 All entrance recessed should be no more than 600mm, the canopies over the entrance should also be no more than 600mm wide to prevent them being climbable.

7.56 The boundary wall surrounding the site should be 2.4m in height.

7.57 Windows should be inserted into the side elevation of the maisonettes to give an element of surveillance to the steps to each dwelling.

7.58 The front boundary wall should be low enough to prevent it being sat on.

7.59 An additional lobby door with access control should be included to prevent tailgating.

7.60 There should be lighting and CCTV to the basement car park.

(OFFICER COMMENT: Pre-occupation conditions added to ensure the CCTV and lighting is in place and the Police are consulted on these proposed arrangements. All of the other above points have been taken into account and the proposals amended to accommodate these, apart from the boundary wall being increased to 2.4m. Due to the elevated nature of the site it would mean the boundary wall would appear as 3.3m from the properties which border the site. This is considered to have a significant impact upon the light and outlook from these properties. Given that there are no publicly accessible areas bordering neighbouring gardens it is considered that the boundary wall should remain the same height as existing as the risk of getting into one of the private gardens within the site and then over the wall into the neighbouring property is minimal).

National Grid

7.61 No comments received

EDF Energy

7.62 No comments received.

Thames Water

7.63 No comments received.

8. LOCAL REPRESENTATION

8.1 A total of 340 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. This was done twice, in January 2013 and

March 2013, following an number of scheme amendments.

- 8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses: 61 Objecting: 61 Supporting: 0 Neither: 0
No of petitions received: None

- 8.3 Does not support the principles of a mixed and balanced community.
(Officer response: The site proposes a mix of shared ownership units and affordable rented/social rented properties, the housing offer is to be viewed in conjunction with the City Pride scheme which is a mixture of private housing and shared ownership properties. Island Point site is considered to be a better site for larger family units as it is less dense with more open space so it offers a better quality living environment for families and also is currently under-represented in terms of existing affordable housing provision. Given the benefits which can be provided by the off-site affordable housing scheme it is considered that the separation of the rented units and the market housing in this instance is acceptable.)
- 8.4 It is likely to result in anti-social behaviour.
(Officer response: The scheme has been designed with the input of the crime prevention design advisor who has suggested a number of changes to ensure crime and anti-social behaviour are discouraged through the design and layout of the scheme. It is considered that this is a well-designed scheme which would not necessarily lead to anti-social behaviour.)
- 8.5 Detracts from the Chapel House conservation area
(Officer response: It is considered that the design and scale of the proposal is appropriate in its context and provides a transition between the taller scale buildings to the south and the smaller, more suburban nature of the properties to the north which are covered by the conservation area designation.)
- 8.6 There will be a loss of light to properties within Locksfield Place and it may overshadow properties to the south on Westferry Road
(Officer response: The daylight and sunlight report has been reviewed by an independent consultant who has found that the overall impact of the development is not considered to be significantly detrimental. When compared with the extant scheme the number of properties which would suffer a loss of light would be very similar. Further details can be found within the 'Amenity' section of the report.)
- 8.7 Insufficient infrastructure to support these developments in terms of health care and education provision. And the proposal is seriously deficient in s106 mitigation measures.
(Officer response: The developer has agreed to meet all of the planning obligations requested including a fully compliant provision of educational requirements.)
- 8.8 There is insufficient parking on the site which will increase pressure locally. There will also be an increase in traffic congestion.
(Officer response: The level of parking on site has been designed to comply with the Council's policies but also to balance the need for parking provision of residents against the potential to cause congestion on the surrounding highway network. 30% of the units would have access to a car parking space, leading two thirds of the properties to be car free. This is considered to be an acceptable balance.)
- 8.9 There is insufficient capacity on the DLR and local buses to support this development.
(Officer response: Transport for London have been consulted on the application and have sought a financial contribution towards the provision of additional buses locally. The developer has agreed to meet this request. No capacity issues on the DLR have been identified.)

- 8.10 The boundary wall to Locksfield Place is being increased by 1.5m which would obscure views from these properties.
(Officer response: The boundary walls around the site are remaining as existing. There is no proposal to increase the height by 1.5m)
- 8.11 The boundary wall with Julian Place is being lowered which causes concerns over security
(Officer response: The boundary wall when viewed from Julian Place would be 2.4m in height. From inside the site the height would be 2m. This is considered to be satisfactory to alleviate security concerns.)
- 8.12 The proposal adds to the general over development of the Isle of Dogs.
(Officer response: The Isle of Dogs has been identified as an opportunity area and within Millwall ward and additional 6,150 new homes are required before 2025. This development would seek to meet some of this target thereby providing homes for Tower Hamlets residents and helping to meet an overall strategic need for new homes across the Capital).
- 8.13 There is insufficient water pressure in the area to cope with the additional demands of the scheme.
(Officer response: Thames Water have provided a response to the application but have not raised any concerns with the water pressure / capacity in the locality. Any additional capacity required would have to be met by the applicants. On this basis it is not considered that this should be a reason to withhold planning permission.)

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 The main planning issues raised by this application that the committee are requested to consider are:
- General Principles.
 - Housing
 - Design
 - Amenity
 - Transport
 - Energy and Environmental considerations
 - Development viability / planning obligations

General Principles

- 9.2 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets. Local Authorities are also expected to boost significantly the supply of housing and housing applications should be considered in the context of the presumption in favour of sustainable development.
- 9.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes. The London Plan identifies that there is a pressing need for more homes in London and sets out housing targets which each borough is expected to meet and exceed (policy 3.3) Overall Tower Hamlets is expected to deliver 2,885 new homes per year.

- 9.4 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. The majority of new housing is anticipated to occur within the eastern part of the borough with 'very high' growth anticipated in the Isle of Dogs. In particular, Millwall ward is predicted to provide an additional 6,150 homes over the plan period.
- 9.5 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is suitable for a residential development. The application seeks to provide 173 new homes which would contribute to the boroughs annual housing target. When combined with the units provided on the City Pride scheme the developments would contribute significantly to the total annual requirement.

Housing

- 9.6 As noted in paragraph 4.7 the scheme has been submitted in conjunction with a development at 15 Westferry Road (City Pride) which is reported separately on the agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing is delivered at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site, whilst and the Island Point site would be a lower density scheme with a focus on affordable family accommodation.

9.7 Policy summary

At the national level the NPPF seeks to ensure that a wide choice of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities

- 9.8 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

- 9.9 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:

- a) Current and future requirements for affordable housing at local and regional levels
- b) Affordable housing targets
- c) The need to encourage rather than restrain development
- d) The need to promote mixed and balanced communities
- e) The size and type of affordable housing needed in particular locations and
- f) The specific circumstances of the site.

The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Borough's should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.

- 9.10 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative

site where it is possible to:

- a) Secure a higher level of provision
- b) Better address priority needs, especially for affordable family housing
- c) Secure a more balanced community
- d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.

9.11 The issue of affordable housing and off-site provision is similarly dealt with in the Councils policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).

9.12 The Managing Development Document, which is now adopted, requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:

- a) It is not practical to provide affordable housing on-site
- b) To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
- c) It can provide a minimum of 50% affordable housing overall
- d) It can provide a better outcome for all of the sites including a higher level of social rented family homes and
- e) Future residents living on all sites use and benefit from the same level and quality of local services.

9.13 Assessment against policy

In summary, when considering national, regional and local policies, off-site affordable housing is generally only acceptable in exceptional circumstances, if it is to be accepted it should provide a higher quantum than if it were on-site (subject to viability), should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site. These tests are considered at paragraphs 9.15–9.32 below.

9.14 It should be noted that there is an extant consent on this site to provide 189 new homes which is to be an off-site affordable housing offer for the City Pride site. Of the 189 homes, 166 were to be affordable (118 social rented and 48 intermediate tenure). This represented 41% affordable housing across both sites. This current scheme provides 173 new homes, all of which would be affordable. 52 additional habitable rooms have been accommodated within the current scheme but due to the increase in units within the City Pride development (430 to 822) there is an overall reduction in the percentage of affordable housing to 37%. The extant consent is a material planning consideration as it has been implemented and could lawfully be developed at any time.

a) Quantum of affordable housing

9.15 The policy requires a minimum of 50% affordable housing to be provided across both sites when off-site affordable housing is offered. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasis that development should not be constrained by planning obligations.

9.16 Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.

9.17 A viability toolkit has been submitted with the scheme and this has been independently reviewed by BNP Paribas. It has been concluded that 37% affordable housing is more than can viable be provided across the two sites. This is on the basis that a full package of planning obligations in accordance with the Council’s SPD is being provided. Further details of the s106 package are found at section 3.

9.18 The level of affordable housing provided across the Island Point and City Pride sites is considered acceptable on balance when assessed against the viability constraints of the site and accords with policy SP02 of the Core Strategy which seeks to provide 35-50% affordable housing on all sites which provide more than 10 residential units (subject to viability).. The combined schemes are offering 37% affordable housing against a conclusion that 35% is all that is viable at the current time. The acceptability of the Island Point site for an off-site affordable housing scheme is also weighed against the quality of family accommodation which can be provided at this site compared to within the City Pride tower, the development is lower density with more outdoor space which is better suited for families. Further assessment of why, on balance officers support the off-site provision of affordable housing in this instance is set out below.

b) Mixed and balanced communities

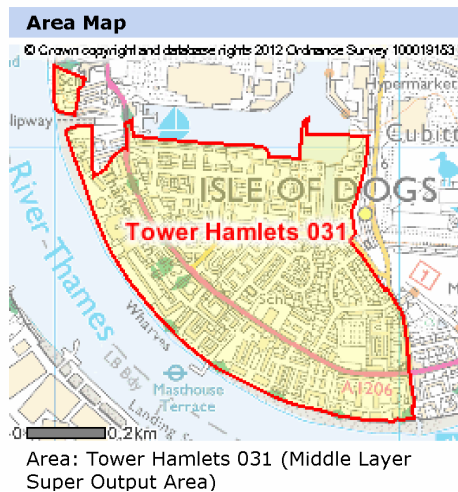
9.19 This development represents a mix of tenure in terms of providing some shared ownership properties but a majority of social/affordable rented properties, 18% of properties are shared ownership, 19% are affordable rent and 63% are social rented.. The policies which seek to ensure mixed and balanced communities do so because of the legacy of mono-tenure estates in London contributing to concentrations of deprivation and worklessness. This, coupled with some housing and management practices have been exacerbated by the tendency for new social housing to be built where it is already concentrated. The supporting text to policy 3.9 states that new social housing development should be encouraged on areas where it is currently under represented.

9.20 A number of objections have been raised to this development on the basis that this development is not contributing to a mixed and balanced community and fails to meet the policies within the London Plan and Managing Development Document. Whilst the site itself would be providing only affordable housing it is important to note the context of the surrounding area to understand whether this scheme would be providing more social rented housing in an area which already has a high concentration of social housing.

9.21 The following table is formulated from census data and shows the make-up of housing tenure at various spatial scales:

Tenure	Borough Average	Cubitt Town ward	Millwall ward	Super Output layer (more specific than ward level)
Owner	24%	26%	35%	33%
Shared ownership	2%	3%	1%	1%
Social rented	40%	29%	32%	17%
Private rented	33%	41%	31%	48%

Tenure	Super Output area % change if application is approved and constructed.
Owner	32%
Shared ownership	1%
Social rented	19%
Private rented	46%



(Map showing super output layer referred to above. A super output layer is an area smaller than a ward which can therefore provide very detailed information about a specific area.)

9.22 The tables above demonstrate that the immediate area has a relatively low proportion of social rented accommodation compared to the borough average and as such the introduction of a housing scheme which is a mix of rented accommodation and shared ownership units would not significantly undermine the existing mixed community and would not result in an overconcentration of one particular tenure. The percentage of social rented accommodation would increase from 17% at present to 19% if approved.

9.23 The applicant has also sought to engage with a Registered Housing Provider at an early stage in the design process to ensure that the housing is delivering in such a manner that would enable ease of management and maintenance, reducing the likelihood of anti-social behaviour and other associated issues which can occur within mono-tenure estates.

9.24 *c) Better addressing a priority need*
 The Island Point scheme provides a high proportion of social rented family units which are a priority for the Borough. Policy SP02 seeks to ensure that within the social rented tenure 45% of housing would be suitable for families. 64% of this site would be three, four and five bedroom properties which would all be provided at social rent levels. Each of these units have their own private amenity space, many of which are in the form of back gardens which is considered to be a good quality amenity space particularly for families with young children. The provision of ground level, private amenity space is not possible on the City Pride site due to its restricted size. The majority of amenity space within the tower is provided within 'amenity floors', whilst some child's play space is provided within these floors it would be difficult to provide the quantum and range of spaces required for the additional child yield associated with the provision of social rented units. There is also a higher quantum of communal and public open space that can be provided on this site when compared to the high density City Pride site which is more suitable for non-family accommodation.

9.25 Overall it is considered to be a better solution to allow the social rented units to be provided on the Island Point site as it is a less dense form of development which can provide a better standard of family housing.

d) Future residents living on all sites use and benefit from the same level and quality of local services.

9.26 The proposed development at Island Point is considered to be of a high quality design which would be located within an established residential area. It is within easy access of Island Gardens DLR station and is served by two bus routes. There are a number of convenience stores and other associated ancillary uses locally. The site is also within close proximity of the proposed district centre at Crossharbour (approximately 700m). Mudchute park is also an important amenity within the Isle of Dogs and is approximately 10 minutes walking distance from the site. It is therefore considered that the future residents of the Island Point site would

have access to a good range of services and amenities. These would be a different range of amenities and facilities to the residents of the City Pride site but it is considered that they would be of equal benefit to the residents.

9.27 If the City Pride scheme were a stand-alone development seeking to provide all of the affordable housing requirement on-site there would be a number of implications for the overall quantum of affordable housing and the quality of accommodation for residents.

9.28 The high-rise living environment within City Pride is not necessarily suitable for families, particularly families within the social rented tenure due to the larger child yield. The amenity floors and pavilion within City Pride provide a sufficient quantum of space for the current scheme but this is on the basis that the majority of the accommodation is smaller, private units, where the child yield is significantly smaller than if social rented family accommodation were to be provided. The Island Point site is able to allow more family sized units with their own private, outdoor gardens. There is also a more generous [provision of communal outside space for children and adults to use. Island Point is also within easy walking distance of Mudchute Park which can provide an amenity area for the older children. This is not possible within the City Pride tower.

9.29 The inclusion of social rented units within the City Pride tower would reduce the viability of the scheme, it would not be possible to provide the same quantum (or quality) of social rented accommodation if all affordable housing were to be 'on-site'. This is compounded by the service charges which would be applicable to within the City Pride scheme. The cost of service charges within this development would be relatively high for a number of reasons including the provision of several lifts, 24-hour security, and maintenance of the internal amenity spaces. Whilst it would be possible for the developer to not pass on the service charges to the affordable units, this would be at the cost of the viability of the scheme, thereby further reducing the amount of affordable housing (or financial contributions) which could be provided on-site.

9.30 Conclusion.

9.31 On balance, it is considered, in this instance that the provision of off-site affordable housing is acceptable. Whilst the scheme is unable to provide 50% affordable housing as per the policy requirement, officers are satisfied that the developer is maximising the provision of affordable housing beyond what is currently viable.

9.32 The benefits of the scheme, including the ability to provide a large number of family units within the social rented tenure, the higher quantum of open space and the provision of surrounding public open spaces are considered to outweigh the inability of the scheme to provide 50% affordable housing.

Housing Mix

9.33 If the committee decides that the principle of providing the majority of the affordable housing arising from the City Pride development within the Island Point development is acceptable, the Committee also needs to determine whether the proposed dwelling mix is satisfactory.

Overall, across both sites, the residential breakdown is as follows:

9.34

	Private Units	Social/Affordable rent units	Intermediate Units	Total Units	% Units
Studio	176		2	178	18%
1-bed	324	11	45	380	38%
2-bed	212	22	50	284	28%
3-bed	36	73	4	113	11%
4-bed	4	26		30	3%
5-bed		10		10	1%
Total	752	142	101	995	100%
% of total	76%	14%	10%	100%	

9.35 The table below demonstrates the breakdown of mix and tenure at the Island Point scheme:

	Social/Affordable rent units	Intermediate Units	Total Units	% Units
1-bed	11	9	20	11%
2-bed	22	18	40	23%
3-bed	73	4	77	45%
4-bed	26		26	15%
5-bed	10		10	6%
Total	142	31	173	100%
% of total	82	18	100%	

9.36 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that developments should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.

9.37 The table below shows the overall unit mix of both the City Pride and Island Point scheme compared to the policy requirement in DM3:

Unit size	Total units / %	affordable housing						market housing		
		social rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	178 / 18%	0	0%	0%	2	2%	0%	176	23%	0%
1 bed	380 / 38%	11	8%	30%	45	44%	25.0%	324	43%	50.0%
2 bed	284 / 29%	22	15%	25%	50	50%	50.0%	212	28%	30.0%
3 bed	113 / 11%	73	51%	30%	4	4%	25%	36	5%	20%
4 bed	30 / 3%	26	18%	15%	0	0%		4	>1%	
5 bed	10 / 1%	10	7%	0%	0	0%		0	0%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	995	142	100%	100%	101	100%	100%	752	100%	100%

9.38 In terms of unit numbers, the development (both City Pride and Island Point) provides a total of 15% family sized units against a policy target of 30%. There is a significant demand for family sized units within the social rented tenure and accordingly a policy target of 45% of the social rented units to be family sized is included in the policy. Whilst there is a shortfall in the provision of family units across both sites, this is off-set by the high level of family units which are secured on this site -76% of the social rented units are provided for families including 40 four and five bed units. The high provision of family units within the social rented tenure is welcomed as it would meet an identified need in the borough and therefore is considered acceptable

9.39 In terms of the intermediate provision the development provides a higher than policy compliant provision of 1 bed units and a below policy requirement provision of family sized units (4% as opposed to 25%).

9.40 Across both sites there are a relatively high proportion of smaller units, within the City Pride tower 94% of the housing would be studio, one bed and two bed flats. This is against a policy target of 80%. This is not policy compliant, however this needs to be weighed against the high proportion of family sized units within the social rented tenure which is a priority for the Council. Given the nature of the site it is considered to be more appropriate to locate the majority of the family sized units within Island Point as this scheme is less dense and allows for more generous outdoor play space for children.

9.41 The applicant has been working with a Registered Provider(RP) to ensure that the scheme can be suitably managed in terms of the high proportion of family sized units within a 100% affordable housing development. The RP has been involved in the design of the scheme and is satisfied that the development could be effectively managed and it is on this basis that the scheme is considered to provide a satisfactory mix of units.

Conclusion.

9.42 On balance, the mix of units across both sites is considered to be acceptable. Within the social rented tenure 76% of the units would be family sized with 7% being five bedroom houses. It is noted that there is a higher than policy compliant provision of smaller (studio and one bedroom) units but this assists with the viability of the scheme and allows the large proportion of family units within the social rented tenure which is the priority for the Council.

Design

- 9.43 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.44 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 (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.45 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.
- 9.46 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD 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.

Design Strategy

- 9.47 The application is supported by a Design and Access Statement (and Addendum). The proposal is based on the principles of providing an active street frontage along Westferry Road, providing easily accessible public open space which would benefit from good levels of light, providing a more intimate mews layout at the rear which is not intended to be a more private space and providing back gardens against back gardens where possible.
- 9.48 The development provides a rational layout with low rise buildings and a high quality pallet of materials. The previous scheme received 189 objections from local residents with 30 in support. Many of the objections related to the scale and design of the proposal and its impact upon the Chapel House conservation area. This development has sought to overcome these concerns by reducing the overall height of the development, this has come at the cost of the amount of open space on the site. This will be explored in more detail within the amenity section of the report. This has also altered the density levels within the scheme.

Density

- 9.49 Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 3 the anticipated density range is 200-450 habitable rooms per hectare or 70-170 units per hectare. The extant scheme has a density of 545 habitable rooms per hectare and 143 units per hectare. The proposed scheme provides 591 habitable rooms per hectare or 131 units per hectare.
- 9.50 The units per hectare figure is lower than the previous scheme because more family units are provided on the site, overall there is more habitable rooms on the site than under the extant scheme. The number of habitable rooms provided on this site does exceed the figure set out within the London Plan density matrix
- 9.51 It should be noted that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment and on balance, promotes high standards of residential quality and placemaking. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above.

Layout

- 9.52 The proposed arrangement of the mews development allows back gardens to be adjacent to the back gardens of the neighbouring properties on Chapel House Street and Locksfield Place. This provides a more neighbourly relationship and ownership over these spaces at the rear of the site as they are part of an individual dwelling.
- 9.53 The link through to Julian Place at the western side of the site has not been included within this proposal. Julian Place is a private road and access onto this road has not been possible to obtain. It is likely, were the extant scheme to be constructed that this link would not form part of this scheme either. The link is not considered essential to the success of the scheme as it is unlikely that residents / visitors would enter the site through this access. This would not be the desired route from either Mudchute or Island Gardens DLR station or from the closest bus stop. Under the current scheme, the publicly accessible open space is at the front of the site and the Julian Place link is less important in providing access to this space.
- 9.54 The development is considered to address the street well, the existing narrow pavement along Westferry Road would be widened from 1.5m to between 3m and 4m. There would be entrances to individual flats and a communal entrance on Westferry Road which would add activity to an otherwise inactive part of Westferry Road as the development to the south turns its back on Westferry Road and presents a blank wall to the street. Tree planting would also be included. The pedestrian and vehicle entrances are separated with the basement car park entrance located at the eastern end of the site. Overall the layout is considered to be a positive addition to the Westferry Road frontage, the public open space would be more accessible than under the extant scheme and the back garden to back garden arrangement would be a more neighbourly form of development.

Scale

- 9.55 The surrounding scale of buildings in the locality is varied, though generally immediately to the north of the site the buildings are more suburban in scale at generally two-three storeys. The Chapel House conservation area which is immediately to the north is characterised by terrace and semi-detached dwellings. To the south of the site, between Westferry Road and the river the scale of buildings is larger, St David's Square development for example rises to nine storeys as it fronts the river
- 9.56 This development provides the tallest buildings along Westferry Road, these would be five storeys. A sixth floor is also proposed on the roof of block 2, this however would be set back from all sides of the block and would not be significantly visible from the street. It is considered that these blocks sit comfortably opposite the three storey blocks of St Davids Square, which in height terms are more akin to a four storey building. They are set back from the pavement and blend into the streetscene as they do not appear dominant or imposing.
- 9.57 Three storey buildings are proposed at the rear of the site. It is considered that the scale of the development is appropriate and provides an acceptable transition between the larger blocks of flats further south and the lower scale dwellings to the north. This would also respect the character and appearance of the Chapel House conservation area.

Materials

- 9.58 The buildings are proposed to be constructed from a buff brick with dark metal detailing for the window/door frames and balconies. Green glazed bricks are proposed as feature panels with the development. The windows and balcony doors are set within relatively deep reveals which improve the quality of the design further. The bricks have been chosen to respond to the local context of industrial / warehouse buildings on the Isle of Dogs, Burrells Wharf has been referred to as an example of development which this scheme is aiming to reflect.
- 9.59 The extant consent utilised more modern materials including a larger amount of glazing and

cladding panels. It is considered that the proposed use of materials under the subject scheme would result in a higher quality development which would better reflect the context of the local area and the predominantly brick built buildings within the conservation area.

Chapel House conservation area

- 9.60 Whilst not located within the conservation area, the boundary is immediately adjacent to the site to the north. The conservation area was designated in 1987 by the London Docklands Development Corporation. The design of the area is based on the Garden City approach with traditional village architecture. The houses are predominantly constructed of stock brick with red brick detailing.
- 9.61 Policy DM27 of the MDD states that developments are required to protect and enhance the borough's heritage assets. Development should not result in any adverse impact upon the character, fabric or identify of the heritage asset and it should be appropriate in terms of design, scale, form, detailing and materials.
- 9.62 It is considered that the predominant use of brick as the construction material for the development would reflect the adjacent conservation area and would complement to stock brick used for the Chapel House properties. The scale of the development is also considered appropriate in the context of the Chapel House conservation area, the lower scale of development towards the rear of the site would preserve the character and appearance of the conservation area, with the taller buildings located towards the front of the site, away from the conservation area and towards the taller buildings across Westferry Road with the St David's Square development.

Quality of accommodation provided

- 9.63 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

Open space

- 9.64 Where communal open space is provided it should be overlooked by the surrounding development, accessible to wheelchair users, designed to take advantage of direct sunlight and have suitable management arrangements in place. The open space would be overlooked by the residents of the flats and also the management office within the pavilion building, there are no buildings to the south obstructing the daylight to the space and is all on one level so accessible for wheelchair users. This development therefore meets all of the above criteria and is therefore considered to be a well-design outdoor space which would be a benefit to the occupants of the units.

Approaches to dwellings

- 9.65 All ground floor entrances should be visible from the public realm. In this case the majority of entrances are accessed from Westferry Road, the area of public open space within the centre of the site or the mews road at the rear. The ground floor maisonettes of block 1 are accessed from the communal amenity space at the rear of block 2. Whilst these are less visible from an area of public realm it is still considered an acceptable position for the entrances as there would be a relatively busy footfall within this area as it is immediately to the rear of the entrance to block 2 and the cycle store of this block. It is also overlooked by a number of properties to both the east and south. The other criteria under this item are part of the lifetime homes standards. The design and access statement accompanying the planning application confirms that all dwellings on this site are to be constructed to the Lifetime Homes standards.

Circulation

9.65 In the majority of cases two flats are accessed off each core per floor. The largest number of flats per core is 20, this is within block 2 and equates to five flats per floor. The design guide says internal corridors should have natural light, they should be a minimum of 1200mm wide, properties at fourth floor and above should be served by at least one lift. The development meets all of these criteria apart from providing natural light to the corridors. The stair cores are generally internal allowing the habitable spaces to make best use of the light and outlook available. It is considered that the provision of dual aspect units is more beneficial than natural light to the communal stair cores.

Internal space standards and layout.

9.66 Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, these requirements are echoed in policy DM4 of the MDD. Each of the units within this development meets or exceeds the required standard.

9.67 The document also provides a baseline standard and a good practice standard for the size and layout of each room. The development complies with the good practice guidance for all aspects relating to living rooms, bedrooms and bathrooms. Storage cupboards are also provided within each dwelling. 133 of the 142 social rented units have separate kitchen and living rooms, this is 96% of the family sized units, 77% of the two bedroom units and 100% of the one bedroom units. Within the shared ownership tenure the three bed units have separate kitchen/dining rooms, the smaller one and two bed flats have an open plan kitchen/living room. Meeting each of the good practice criteria is an indicator that this would be a high quality development that would provide a good standard of amenity for the future occupants of the dwellings.

Privacy and dual aspect.

9.68 Development should avoid single aspect north facing dwellings. In this case there are 25 units which are single aspect, these however do not face north so would still receive a good level of daylight. These are not the family units but one and two bedroom flats. The extant application included 41 single aspect flats throughout the development.

9.69 As well as having a good internal space it is important to consider whether the occupants of the unit would be unduly overlooked to a degree where their privacy would be compromised. Policy DM25 of the Managing Development Document sets out that a distance of 18m between habitable room windows reduces inter-visibility to a degree acceptable to most people. This figure is a guideline and depends on the design and layout concerned.

9.70 Defensible space in the way of planting has been introduced to the front of all ground floor units to improve the privacy and security of these properties.

9.71 At the front portion of the site where there dwellings are in flats there is over 20m between the facing windows. This is sufficient to provide privacy to the occupants of these units. At the rear of the site the distance between dwellings is significantly reduced. This is typical of a mews layout and the applicant has provided a number of examples of mews type developments where privacy distances are significantly below the distances of standard housing schemes.

9.72 There is no overlooking to the townhouses at the rear of the site as they face onto the flank walls of the maisonette blocks. The mews street is 10m wide which would result in mutual overlooking between the units. This is considered acceptable however, as at ground floor the bedrooms and kitchens which face towards each other have been off-set so the kitchen (which is not assumed to be a main habitable space) would look towards one of the single bedrooms. At first floor level the main living spaces face towards each other but again have been off-set as far as possible to ensure that kitchens look towards living rooms and vice versa so living rooms are not directly opposite. At first floor level the privacy distances are

increased due to the presence of the balconies, there is between 12 and 13.5m between facing bedrooms at this level. This is not considered to be particularly unusual for an urban residential development and the 18m distance is only to be used as a guide.

9.73 Block eight in the centre of the site has also adopted a method of off-setting habitable room windows. There is 12.5m between the two facing rear elevations, at both first and second floor level there is no direct facing habitable room windows between the rear elevations.

9.74 The mews typology is considered acceptable as a number of measures have been put in place to ensure that the development provide adequate levels of privacy for the occupants of the units. It also provides overlooking and close surveillance of the rear part of the site which would not be gated and therefore accessible to the general public. The mews street also provides an element of informal doorstep play which would be supervised from inside the houses. Having an inward facing development at the rear also alleviates concerns over loss of privacy to the existing residents which surround the site on Chapel House Street and Locksfield Place. The impact upon the existing residents is considered in details in a later section.

Wheelchair housing

9.75 Ten percent of all new dwellings should be wheelchair accessible. Within the shared ownership tenure 4 x 1 bed wheelchair units are provided across the first to fourth floors.

9.76 Within the social rented tenure the majority of wheelchair accessible units are located at ground floor level, comprising 8 x 2 beds, 1 x 3 bed and 1 x 4 bed. Over the second, third and fourth floor 3 x four bedroom units are provided as wheelchair accessible.

9.77 This is a total of 17 wheelchair units (10% of the total). Each would be served by two lifts and would therefore be fully accessible.

Amenity space

9.78 The for all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space. Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant.

9.79 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.

9.80 Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.

9.81 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the ‘Children and Young People’s play and information recreation SPG provide guidance on acceptable levels and quality of children’s play space

9.82 The residential and child yield figures are shown below and are based on the Council’s planning for population change and growth model.

Type of amenity		Total required	Total provided
Child play space	0-3 years	640sqm	766sqm
	4-10 years	1070sqm	1,527sqm
	11-15 years	630sqm	(No specific area for 11-15 play)

Communal Space		213sqm	787sqm
Public open space		6732sqm	813sqm
Total required		9285sqm	3,893sqm

9.83 Overall there is an under provision of 5,392sqm, this is predominantly due to the public open space requirement of 6,732sqm. If considering the child play space and communal space figures separately there is an over provision of 327sqm. Despite there being no specific play area dedicated to the older children there is sufficient space within the site to provide amenity for all children's play and for general adult recreation too. The developer is promoting a flexible use of the landscaped area with children's play equipment. Financial contributions are being provided to meet the lack of public open space on site which would be used to upgrade local parks and facilities. This could be used to upgrade the 11-15 play areas such as Masthouse Terrace and Mudchute Park.

9.84 Each of the types of open space are explained and assessed below.

Child play space

9.85 Policy 3.6 of the London Plan relates to 'children and young people's play and informal recreation facilities'. There is also a supplementary planning guidance which was produced by the GLA in September 2012 which accompanies this policy.

9.86 A good quality playable space should provide all children "safe access to physically accessible and inclusive facilities that are stimulating and fun". Wherever possible, play spaces should incorporate trees and greenery to allow children access to nature. It should also be inclusive for children with disabilities.

9.87 Table 4.3 of the SPG sets out the types of appropriate play provision for children. For children under 5 the play space should be within 100m of their dwelling and should have age appropriate equipment, it should also incorporate areas of informal play. For children 5 to 10 years old, again age appropriate equipment and areas of informal play should be included, as well as kickabout areas and potentially skate/bike parks. For young people 12+ designated recreation spaces are suggested, for example a ball court/skate park/youth shelters. For older children it is considered acceptable for them to travel up to 800m from their homes in order to reach the most suitable spaces with the most appropriate equipment.

9.88 In this case the landscape strategy seeks to enable all open space to be playable. There are 'play pockets' within the publicly accessible open space to the front of the site and within the communal gardens to the rear of the block of flats (blocks 2 & 3). This is to allow maximum flexibility for the residents of the site.

9.89 The SPG provides an interpretation of playable space and does not require it to be provided in the form of one formal play area within a development: "A playable space is one where children's active play is a legitimate use of the space. Playable space typically includes some design elements that have 'play value': that they act as a sign or signal to children and young people that the space is intended for their play. Fixed equipment obviously has play value, but so do other elements such as informal recreation features of playful landscape features. The creation of incidental playable spaces is dependent on the creative use of the public realm to provide enjoyment and discovery for children and young people for example through the creation of landscaping and high quality public art. These spaces can, with good design, be multifunctional offering a range of leisure and recreation opportunities for users of all ages as well as being playable."

9.90 A differing use of hard landscaping materials would be used to signify different areas of the site i.e. the publicly accessible areas to the front of the site would have a different material to that used for the mews street. This would also be different to the communal gardens at the rear of the block of flats. The communal gardens would be locked and only accessible to the

residents of the respective blocks i.e. the residents of block 2 would have access to the west facing communal garden and the residents of block 3 would have use of the garden at the eastern edge of the site.

9.91 The publicly accessible space to the front of the site would incorporate areas of planting, seating, formal play equipment and tree planting. The area to the rear of the site, within the mews, would incorporate elements of doorstep play (with play equipment) for younger children as well as providing additional general recreation space within the mews street as this would not have regular vehicle activity. The communal gardens would also incorporate play equipment as well as potentially areas for growing plants (the management of this would need further consideration and a condition is recommended to secure this.)

9.92 The play areas would all be kerb free and sensory planting is to be included which would benefit any disabled children and make the amenity spaces a more inclusive environment.

9.93 The equipment and spaces provided are mainly aimed at the 0-3 and 4-10 year olds as these children require play areas closer to the home where they can be supervised. The provision of dedicated spaces for older children has not been incorporated into the landscape design as the type of equipment / facilities used by older children could result in a relatively dominant use of space, for example the provision of a ball court or skate park would require a substantial proportion of the open space which would then only be used for this purpose. Given that older children are able to walk / cycle to spaces further from their home than the younger children it is considered appropriate that the spaces be used for this purpose rather than accommodate equipment for all age groups on site which could result in less usable space for each group. The proximity of age appropriate equipment within neighbouring open spaces and the inclusion of £395,803 towards improvements in public open space within the s106 agreement is considered to be acceptable. This is also supported in policy terms within policy 3.6 of the London Plan and the associated supplementary planning guidance.

9.94 The Mayor's SPG sees 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. An analysis of the existing play provision within 400m and 800m of the site has been carried out to understand whether there is suitable provision for the over 11's within easy walking distance from the site. Within 400m there are four parks; Great Eastern Slipway (342m), Johnson's Drawdock (378m), Millwall Park (138m) and Mudchute Farm (263m). These have a variety of facilities including playgrounds, sporting facilities a farm and café. Within 800m there are two additional areas of publicly accessible open space including the Mast House Terrace Play area which was partially redesigned in 2006 and includes a skate park and ball games area.

9.95 There are therefore considered to be an acceptable level of play spaces for the various ages of children generated by this development, either on the site or within close proximity.

Communal space

9.96 In addition to the provision of child play space communal space is also required on site for the future residential of the scheme. Approximately 1,285sqm of space is available for communal space, this includes the mews street. Planters and seating are proposed within this street with the aim of creating informal courtyards. Given the orientation of the site there should be good levels of light available within this space. It is considered that it is acceptable to include this area as a form of amenity space due to the lack of vehicular activity and the quality of landscaping proposed.

9.97 The total communal amenity space required is 213sqm, therefore there is a significant over provision of this type of open space within the site. Whilst no formal play areas are proposed

for older children it is considered that there would be adequate communal space available to allow informal play whilst still accommodating the needs of other residents. The design of the spaces would also allow for this as there are differently designed areas, suitable for different occupants. It also prevents one particular group of residents dominating the space for their own purposes which can often be an issue for areas of communal space.

Public open space.

9.98 The Tower Hamlets planning obligations SPD sets out that the borough as a whole is deficient in public open space and new and improved spaces are needed. Public open space is sought on-site, however where this is not possible a financial contribution can be made in-lieu of the provision of space. These contributions are pooled to allow expenditure to be planned on a borough wide basis.

9.99 The 2006 open space strategy identified that a local minimum of 1.2 hectares of open space per 1,000 of the population should be provided. This equates to 12sqm per person. As such, for every new development 12sqm of open space should be provided per occupant either on-site or as a financial payment.

9.100 Whilst the landscaping strategy for this site does suggest a flexible approach to play space and general open space, it is not considered appropriate to double count as this could lead to undue pressure on local surrounding facilities without the require mitigation measures. From the above table it can be seen that the development should be providing 6,732sqm of public open space to be fully policy compliant. Policy DM4 requires children's play space for at least the 0-5 year olds to be on-site. Communal space should also be integrated into the design of the development and not rely on surrounding open spaces for this provision. When the dedicated children's play spaces and communal amenity provision have been removed from this figure the remaining area which would be available to count towards the public open space is 813sqm. This is a shortfall of 5,919sqm and because of this a financial contribution of £66.87 per sqm which would assist in the upgrade of existing open spaces or the creation of additional spaces and therefore is considered acceptable

Private space.

9.101 There are five units on the ground floor within the apartment blocks which do not have private amenity space, these are 3 x 1 bed, 1 x 2 bed and 1 x 3 bed, these units all have a space to the front of the property, this however fronts Westferry Road and is considered to be defensible space as opposed to private space. All of the remaining units have private open space and on balance in an urban scheme the lack of private amenity space for the three units is considered acceptable.

9.102 Each of the flats within blocks 2 and 3 (aside from those mentioned above) have a ground floor garden area of approximately 23sqm, the upper floors have balconies measuring 8sqm, 12 of the dual aspect flats have two balconies at front and rear. The flats within block 1 also have either a balcony each of a ground floor garden area.

9.103 To the rear of the site the ground floor maisonettes have a rear garden measuring 31sqm. The upper floor maisonettes have balconies which are 8sqm. The town houses along the northern boundary have 50sqm gardens.

9.104 The scheme is considered to be well set out with regard to the private amenity space, the balconies and gardens to the flats and maisonettes all face east, west or south. Only the gardens of the town houses face north. Given the generous size of these gardens it is considered that despite some overshadowing of the garden by the building it would still provide a good level of private amenity space for the families within these dwellings.

Communal amenity / play strategy

- 9.105 The applicant has chosen to create a mixed space which can be used by both children and adults for recreation, rather than having specific play equipment for different ages of children.

Secured by design

- 9.106 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security. The Crime Prevention Design Advisor has reviewed the proposal and is satisfied that the development has been designed to ensure that sufficient security can be provided to the future occupants of the site and the surrounding existing occupiers without compromising the design quality of the scheme.

- 9.107 Lighting is to be installed around the site to ensure any recessed areas or stairwells are not an easy place to congregate without being observed. The canopies underneath first floor balconies are to be no deeper than 600mm to prevent them being climbed upon. The mews layout ensures that the rear part of the site is overlooked from both sides, the public open space to the front of the site is overlooked by the flats opposite and would also discourage the congregation of people and associated anti-social behaviour. The communal gardens to the rear of the blocks of flats would be gated and only accessible by the residents of flats within this block, there would therefore be a sense of ownership over these spaces as they would only be available to a small proportion of the residents.

- 9.108 The crime prevention design advisor initially advised that the boundary around the site should be 2.4m in height. This would involve increasing the existing boundary wall by approximately 1m. As the site levels are raised by 900mm in comparison to the surrounding sites (due to flood protection measures) this would mean that the boundaries when viewed from some of the neighbouring properties could be as high as 3.4m which would potentially have significant impacts upon light and outlook. Given that there are mainly back gardens to individual dwelling boarding the neighbouring sites it would be difficult to any public access to be possible to then climb the boundary wall into neighbouring properties. It is considered that the design of the development in comparison to the extant scheme provides a more secure environment for the surrounding residential properties.

Impact upon amenities

- 9.109 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD 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.

Daylight and sunlight

- 9.110 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

- 9.111 Core Strategy Policy SP10 and Policy DM25 of the draft 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.

- 9.112 The Environmental Statement considers the impacts of the development with respect to daylight and sunlight and has been independently reviewed by a specialist consultant.

- 9.113 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.

British Standard 8206 recommends ADF values for new residential dwellings, these being:

- 9.114
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.

VSC

9.115 The reduction in VSC has been measured for 409 windows which surround the site. This includes the properties on Chapel House Street, Julian Place, Locksfield Place and those to the south on Westferry Road. Of the 409 windows tested 54 (13%) do not meet the minimum VSC criteria in that the VSC figure is less than 27 and is less than 0.8 times its former value once the development is constructed. The previous application saw 61 windows which failed to meet the VSC criteria so overall there is an improvement in the VSC figures between the consented and proposed schemes.

9.116 According to the BRE guidelines reductions of more than 20% would have a noticeable effect to the occupants. In this case the failures of the 54 windows ranges from 23% to 37% loss of VSC. The greatest loss of VSC occurs to 7 to 12 Langbourne Place, the ground floor windows of the eastern most unit would suffer the greatest reduction (0.63 against a BRE target of 0.8). The previous application saw the greatest loss of VSC occurring to 63 Locksfield Place (0.65 or 35% reduction). There is now no significant loss of VSC to this property.

NSL

9.117 A further test has been carried out to understand how the daylight is distributed within the dwellings, this is known as the 'No skyline test' (NSL). Again 7-12 Langbourne Place are the most affected properties with the room on the ground floor at the east of the block having the greatest loss of NSL. The reduction in NSL is 0.4 against a BRE target of 0.8 which means that the loss of light would be noticeable to these occupants. It should be noted that this was also the room which suffered the greatest NSL reduction under the consented scheme (a loss of 0.49) so overall the impact of the proposed scheme and the consented scheme on the occupants of Langbourne Place would be very similar, a loss of light would be noticeable compared to the existing situation but the difference in loss of light between the consented and proposed scheme would not be discernable.

9.118 There are some properties which would have an improved level of light when compared with the existing situation due to the removal of the existing structures on the site, 19-20 and 35 – 38 Locksfield Place should all see an improvement in the light levels within the properties.

Sunlight

9.119 The levels of direct sunlight have also been tested for all windows that face within 90 degrees of due south. This was a total of 229 windows, of these 66 (29%) have a greater than 20% reduction in annual probable sunlight hours. By comparison 85 of the windows within the extant scheme had a loss of more than 20% of the annual probable sunlight hours. The properties which are greatest affected are 17, 18 and 40 to 63 Locksfield Place and 453B Westferry Road. This is the same for both the extant scheme and the proposed scheme.

9.120 It should be noted that there are six windows within the surrounding properties which have a 100% reduction in their winter sunlight hours. The six windows serve three different properties, 63 and 43 Locksfield Place and 453B Westferry Road. Within 63 and 43 Locksfield Place the windows serve a kitchen and bedroom. These are identified within the BRE guidance as having less requirement for sunlight than living rooms. Whilst a 100% reduction in winter hours appears significant, it should be noted in both of the above properties only 2 hours of winter sunshine are received currently so they already suffer from a lack of sunshine during the winter and the extra impact of the proposed development is not considered to be significantly detrimental. In the case of 453B Westferry Road, the 100% reduction is to a

kitchen and living room, both of these rooms only receive 1 hour of winter sunlight so, again the loss of sunlight, whilst being a 100% reduction, is not considered to have a significant impact upon the amenities of these residents. The level of non-compliance in terms of reduction in sunlight is also similar to the extant scheme

Overshadowing to gardens

9.121 All existing amenity areas surpass the minimum BRE recommendations with the exception of the rear garden at no. 17 Locksfield Place (the garden achieves 2 hours of sunlight to 49.8% of its area – against the BRE target of 50%). The marginal non-compliance with the BRE recommendations is largely due to the fact the amenity area is relatively small and is hampered by the existing building to the south which already limits sunlight availability at ground level.

9.122 The results of the consented scheme indicate that the garden at no. 17 Locksfield Place achieves 2 hours of sunlight to 49.8% of its area. The results therefore confirm that the overshadowing impact on this garden is the same when comparing the consented and proposed schemes.

9.123 Overall it is considered that the impact of the development on the neighbouring windows is acceptable, whilst there is a loss of light which would be noticeable to some of the surrounding occupants the loss is not considered to be significantly detrimental enough to warrant a refusal of the site. Whilst the areas of non-compliance have moved around the site in comparison to the extant scheme the overall level of light non-compliance is broadly the same. Any redevelopment of this site which seeks to maximise the housing potential it can offer would lead to a reduction in daylight when compared with a largely vacant site. It is therefore officer's opinion that the loss of daylight to a small number of properties, when balanced with the improved daylight to others, the relatively similar impact of the extant scheme and the provision of much needed family housing that the development is acceptable in this regard.

Privacy

9.124 In addition to any reduction in daylight and sunlight consideration also needs to be given to any loss of privacy which may occur to the neighbouring residents. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.

9.125 Whilst there are units within the site that breach this distance, this distance is maintained to the existing occupiers around the site. To the south the development would maintain an 18m gap at all points so there would be no significant overlooking between the existing residents of the St David's Square development.

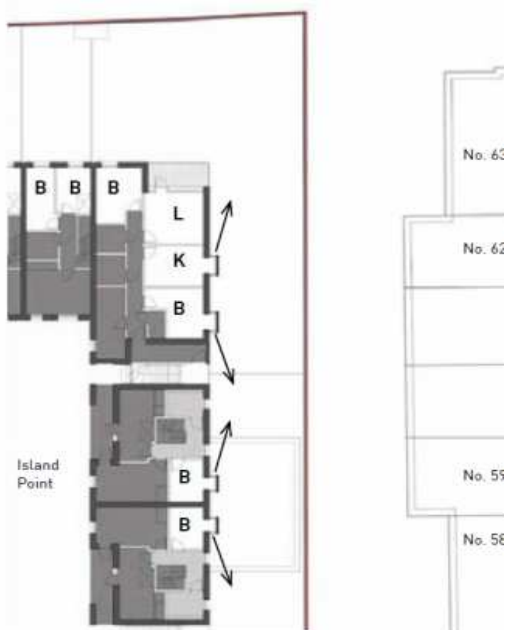
9.126 To the south west corner of the site there is not considered to be any significant overlooking from block 1 to the properties on Julian Place or to the existing block on the corner of Chapel House Street and Westferry Road as there are no direct facing habitable room windows.

9.127 Towards the rear of the site the properties have garden depths of approximately 10m with some of the residential properties beyond this relatively close to the site boundary, in the case of 20 and 22 Chapel House Street the corner of the properties are 2-3m from the shared boundary. The diagram below shows how the scheme has been designed so as not to cause any direct overlooking into these properties (and other neighbouring properties in the north west corner).



Overlooking study - north west corner, first floor

9.128 To the eastern side of the site the buildings at Locksfield Place are also located within 18m of the rear elevation of the proposed buildings, with between 9m and 17m available between properties. In order to alleviate any issues of overlooking the majority of the habitable rooms are on the western part of the building, facing into the site. There are windows to single bedrooms on the rear elevation of these properties. The windows has been designed in such a way to ensure only oblique views are possible from these rooms. As can be seen from the diagram below, the window projects out from the elevation with an obscure glazed main pane and clear glazing to the sides:



Overlooking study - north east corner, second floor

9.129 To the southern part of the site there is a greater distance between the five storey block of flats and the properties at Locksfield Place. This distance ranges from 20m to 23m. There should therefore be no significant overlooking from this development to the occupants of Locksfield Place.

Outlook / sense of enclosure

9.130 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.

9.131 The development as currently proposed is generally lower in scale than the extant scheme, with the larger element of the building towards the front of the site, along the main road. This is considered to be the most appropriate location for the larger scale building as it would not have any significant impact upon the residents opposite due to the distance involved between them.

9.132 The lower scale development of two to three storeys at the rear of the site is considered to better reflect the more suburban character. The erection of three storey properties with between 9m and 23m of the rear of these properties are considered to be an acceptable relationship. Prior to the demolition of the existing structures on site in October 2012 a steel frame of the original industrial building remained on site. This was closer to the neighbouring properties in the north western corner of the site than the proposed development. Whilst the impact of a relatively open steel structure would be different to that of a dwellinghouse, its presence and impact upon the amenities of these occupants is a material consideration.

9.133 The existing boundary wall is being retained around the site. The immediate impact in terms of the view from the rear of the surrounding properties and gardens would be unaffected in this regard.

9.134 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the surrounding residential occupiers.

Transport, Connectivity and Accessibility

9.135 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

9.136 CS Policy SP08 & SP09 and Policy DM20 of the MDD 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.

9.137 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 3 (1 being poor and 6 being excellent). Island Gardens DLR station is 350m away and the site is also served by bus routes D7 and 135.

Highways

9.138 The application proposes a basement car park which is accessed off Westferry Road, to the

eastern end of the site. Within the basement 55 car parking spaces are proposed, 10 of which would be disabled spaces. An area for motorcycle parking is also included as is a space for a service vehicles and health visitor. The service vehicle space is intended for a small maintenance vehicle and occupation of this space will be managed by the on-site management. Other deliveries and refuse collection will occur at surface level. Two disabled parking spaces are also located at surface level towards the rear of the site.

- 9.139 The submitted Transport Assessment demonstrates that the development will generate a net decrease of 2 AMpeak hour and 3 PM peak hour two-way vehicle trips on the surrounding highway network. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network which have been accepted by both TfL and LBH Highways.

Servicing / Deliveries and Refuse

- 9.140 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing.
- 9.141 The layout allows for delivery vehicles and refuse trucks to enter the site and drive around in a clockwise direction. Swept paths have been provided to demonstrate that the site can adequately accommodate a large refuse vehicle. The transport assessment estimates that a total of 10, two way trips would occur on an average day but that none of these would occur during the am and pm peak. The highways team have assessed the proposal and found this situation to be acceptable, subject to a 'delivery and service plan condition' which should details how the use of the road through the site will be managed to minimise the possibility of vehicles queuing back onto the public highway.
- 9.142 Refuse stores are located around the site and are not more than 5m from the collection point. The flats within the front block have communal refuse stores and the maisonettes at the rear have individual refuse stores. Collection of these would be from the shared surface road in the manner of a regular refuse collection on a weekly basis.

Car Parking

- 9.143 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.144 The proposed car parking of 55 spaces for 173 units (0.3 per unit) is in line with the London Plan and Tower Hamlets standards. This has been found acceptable by both the Council's highways team and Transport for London. In order to minimise the impact of development on the surrounding highways in terms of parking stress the application would be permit free which would ensure that the only car parking available to residents is that which is on-site.
- 9.145 It is possible that, due to the Council's permit transfer scheme the occupants of 96 of the family sized units, (if they currently have a permit for an on-street space), would be able to bring their permit with them and park on-street. As a result of the large number of family sized units within the scheme the highways team are concerned that this could have a potential impact upon the parking stress locally. Highways have therefore requested that a condition is attached to any permission requiring a Car Parking Management Strategy to help manage some of these risks. This strategy should detail how the allocation of car parking will be managed to ensure blue badge holders are allocated on-site spaces, how larger units are prioritised with regard to MDD policy DM22 3c and the PTS and how the car park entrance will be managed.
- 9.146 In accordance with policy 6.13 of the London Plan 20% of the parking spaces should also be

electric vehicle charging points with an additional 20% passive provision for possible future connection. A condition would be added to the permission to secure this.

- 9.147 The access into the car park is to the east of the site, this is in a similar position to the existing one. The applicant has demonstrated that there is sufficient visibility for drivers pulling out onto Westferry Road and the highways department have confirmed that this is a satisfactory arrangement.

Provision for Cyclists

- 9.148 The development provides 283 cycle spaces in total. The maisonettes have two cycle hanging stands per unit, these are located within a secure store at the entrance to each dwelling. The houses at the rear of the site have a single storey accommodating two hanging cycle stands each. The apartments have communal cycle stores, there are 11 communal stores in total with between 12 and 32 flats sharing these. The double stacking bicycle stand is to be used within the communal blocks.
- 9.149 A minimum of five cycle spaces should be provided for visitors. It is understood that these are to be provided within the landscaped area to the front of the site. Details of these would be requested via a condition.
- 9.150 The level of cycle parking and type of stands provided is considered to be acceptable and would help to promote cycling for the residents of the development.

Public Transport Improvements

Docklands Light Railway

- 9.151 TfL considers that it is likely that most trips will be made from Island Gardens DLR station, this will be in the region of 60 a day. In order to improve station signage and passenger facilities a contribution of £30,000 has been agreed by the applicant.

Buses

- 9.152 The site is served by bus routes D7 and 135, there are capacity issues identified on the bus routes along Westferry Road northbound within the am peak. It is estimated that the proposed development could add 16 additional trips within the morning peak which would further exacerbate the capacity issues faced. In light of these issues TfL has requested £103,800 to be secured towards bus capacity upgrades which would fund additional vehicles and deliver higher frequency services. This figure has been agreed by the applicant and is considered sufficient to mitigate against the additional demand created by the development.

Pedestrian Environment

- 9.153 The proposals include designs that will result in the effective widening of the footway adjoining the site on Westferry Road. This is welcomed and needed as current footway widths are considered insufficient to cope with the level of footfall expected from the development. The highways department have confirmed that the additional footway would be adopted under section 72 of the Highways Act.
- 9.154 Additional tree planting would also occur along the Westferry Road frontage. This would help to improve the public realm and the biodiversity value of the site. In order to ensure there are no issues with visibility for vehicles exiting the site from the car park or the service road the highways team have requested that the type of tree to be planted, and its exact location be secured by condition.
- 9.155 A financial contribution of £100,000 has been secured towards various public realm

improvements within the vicinity of the site. These include improvements to the footway and caridgeway to improve local walking and cycling conditions and also to fund a new zebra crossing on Westferry Road. The exact position of the zebra crossing is to be determined by the highways department following receipt of the requisite funds.

Inclusive Access

- 9.156 Policy 7.2 of the London Plan (2011), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.157 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. There is step free access onto the site via ramped access, this is sufficiently shallow to be easily accessible to wheelchair users. There are no bollards or other barriers to movement within the shared surface space (apart from the items which are placed in front of the dwellings to create defensible space to the ground floor window) which would restrict movement for partially sighted people.
- 9.158 The difference in hard landscaping treatments between the application site and the public footway would assist in indicating that a person has moved from the public realm to a semi-private space.

Energy & Sustainability

- 9.159 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 9.160 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)
- 9.161 The London Plan 2011 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).
- 9.162 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) 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. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.163 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve Code for Sustainable Homes Level 4.
- 9.164 Photovoltaic cells are proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 2% carbon savings over the regulated energy

baseline. The photovoltaic panels would be located on the roof of block 2 and would cover an area of 100sqm.

- 9.165 The total anticipated CO2 savings from the development are 35% through a combination of energy efficiency measures, a CHP power system and renewable technologies. This meets the requirements of the London Plan and policy DM29 of the Managing Development Document
- 9.166 In terms of sustainability measures, a pre-assessment has been submitted which details that the scheme will meet the Code for Sustainable Homes level 4. This is in accordance with the policy DM29 and policy 5.3 of the London Plan.

Environmental Considerations

Air quality

- 9.167 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.168 In this case the development provides a minimal level of car parking, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the open space within the development provides a greening of the site which is otherwise a derelict former industrial site.
- 9.169 The environmental statement identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.

Contamination

- 9.170 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.171 The Council's Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.
- 9.172 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated.

Flood Risk

- 9.173 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 9.174 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.

- 9.175 The Application Site lies within Flood Zone 3 as shown on the EA Flood Map. This zone comprises of land assessed as having a 1 in 100 or greater annual probability of fluvial flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. There are raised man-made flood defences along this stretch of the River Thames that protect the site against tidal flooding which has a 0.1% annual probability of occurring up to the year 2030.
- 9.176 In addition to the general flood defences on the Thames, the site has been raised 900mm from road level to further reduce the risk of flooding to the occupants of the site. The entrance ramp into the basement car park has also been raised to reduce the risk of floodwater entering the basement. In addition to this 591sqm of brown roofs are proposed and over 700sqm of permeable paving. A total of 50% of the surface water run-off would be reduced which would also aid in reducing flooding of surrounding sites.
- 9.177 The flood risk assessment recommends that occupants stay within the building during a flood, this is considered to be the preferable solution given that the land on this site is generally higher than those around it. This requires certain measures to be implemented such as a flood emergency plan for each building and ensuring utility services are located in flood-proof enclosures so power can be maintained throughout a flood. It is considered that these details can be dealt with via a condition.

Biodiversity

- 9.178 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 9.179 Through the provision of a landscaping scheme that includes the creation of a biodiversity area including native planting at ground level such as trees, scrubs and ornamental planting the proposed development provides an ecological enhancement to the local area.
- 9.180 A condition was attached to the extant consent which required a survey of all protected species to be undertaken prior to the demolition of any buildings on site. This condition has been discharged and no protected species were found. The buildings have now been demolished.
- 9.181 The proposal seeks to incorporate a range of biodiversity measures including planting of trees, plants and grasses throughout the site and installation of brown roofs. Overall it is considered that the development would increase biodiversity as the site currently has no significant biodiversity value.

Health Considerations

- 9.182 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.
- 9.183 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.184 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.

- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

9.185 The applicant has agreed to a financial contribution of £212, 617 to be pooled to allow for expenditure on health care provision within the Borough.

9.186 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to existing public open space.

9.187 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning Obligations and CIL

9.188 Planning Obligations Section 106 Head of Terms for the proposed development at the Island Point site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

9.189 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.

9.190 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.

9.191 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.192 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

- 9.193 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 37% affordable housing based on a social rent/affordable rent to intermediate split of 72% and 28% respectively (across the City Pride and Island Point sites). The independent advice concluded that 35% affordable housing based on the above split is all that could viably be provided, however the applicant is offering 37% on the assumption that the viability may have improved at the time the developments are completed. The independent advice therefore concluded that: “the development is providing the maximum reasonable amount of affordable housing”.
- 9.194 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document 2013with Modifications and Planning Obligations SPD (2012).
- 9.195 Also factored into this was financial contributions in full accordance with the planning obligations SPD, a total for both sites of **£8,294,542**. As the site is providing 100% affordable housing it would not be liable for any Mayor of London CIL charges. However, combined with the City Pride development the total CIL charge would be **£3,045,490**.
- 9.196 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:
- l) A contribution of £47,655 towards enterprise & employment.
 - m) A contribution of £250,535 towards leisure and community facilities.
 - n) A contribution of £70,686 towards libraries facilities.
 - o) A contribution of £2,734,636 to mitigate against the demand of the additional population on educational facilities.
 - p) A contribution of £212,617 towards health facilities.
 - q) A contribution of £395,803 towards public open space.
 - r) A contribution of £8,415 towards sustainable transport.
 - s) A contribution of £135,424 towards streetscene/ built environment and highways improvements
 - t) A contribution of £103,800 towards TfL London Buses.
 - u) A contribution of £30,000 towards public realm improvements within the vicinity of Island Gardens DLR station.
 - v) A contribution of £79,791 towards S106 monitoring fee (2%)

Localism Finance Considerations)

- 9.197 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.”

Section 70(4) defines “local finance consideration” as:

9.198

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.199 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.; Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

9.200 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £2,343,285

9.201 With regards to the New Home Bonus. 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 un-ring-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.

9.202 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £389,784 in the first year and a total payment £2,338,702 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

9.203 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:-

9.204 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".

- 9.205 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.
- 9.206 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.
- 9.207 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.
- 9.208 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.209 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.
- 9.210 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

- 9.211 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.
- 9.212 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.
- 9.213 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.214 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, 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.

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

10 Conclusions

10.1 The proposal represents a high quality, well designed residential scheme which would provide much needed affordable housing, a substantial proportion of which is social rented family homes. The proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.

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

Planning Application Site Map PA/12/03247



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:2,000

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

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