

Committee: Development	Date: 14 th November 2013	Classification: Unrestricted	Agenda Item Number:
----------------------------------	--	--	----------------------------

Report of: Director of Development and Renewal	Title: Town Planning Application and Listed Building Consent
Case Officer: Adrian Walker	Ref No: PA/13/00982& PA/13/00983
	Ward: St Katherines's and Wapping

1. **APPLICATION DETAILS**

Location: King Henrys Wharf, Phoenix Wharf, Swan Wharf and Corner of Wapping High Street And Brewhouse Lane, London

Existing Use: B8 Storage

Proposal: Change of use of the existing wharf buildings (King Henry's Wharf and Phoenix Wharf) to provide 35 residential units, the creation of a new three-storey dwellinghouse (on land formerly occupied by Swan Wharf), and the erection of new five storey building (on land on the north-western corner of the junction of Wapping High St and Brewhouse Lane) to provide 18 affordable units.

Drawing No: 1827-10-DR-0001 rev P03, 1827-10-DR-0100 rev P02, 1827-10-DR-0101 rev P02, 1827-11-DR-0020 rev P02, 1827-11-DR-0021 rev P02, 1827-11-DR-0022 rev P02, 1827-11-DR-0023 rev P02, 1827-11-DR-0024 rev P02, 1827-11-DR-0025 rev P02, 1827-11-DR-0026 rev P02, 1827-11-DR-0027 rev P02, 1827-11-DR-0028 rev P02, 1827-11-DR-0029 rev P02, 1827-11-DR-0030 rev P02, 1827-11-DR-0100 rev P04, 1827-11-DR-0101 rev P04, 1827-11-DR-0102 rev P04, 1827-11-DR-0103 rev P04, 1827-11-DR-0104 rev P03, 1827-11-DR-0400 rev P03, 1827-11-DR-0401 rev P03, 1827-11-DR-0600 rev P03, 1827-11-DR-0601 rev P03, 1827-11-DR-0602 rev P03, 1827-11-DR-1400 rev P03, 1827-11-DR-1401 rev P03, 1827-11-DR-1402 rev P03, 1827-12-DR-0020 rev P02, 1827-12-DR-0100 rev P04, 1827-12-DR-0400 rev P03, 1827-12-DR-0401 rev P03, 1827-12-DR-0600 rev P03, 1827-12-DR-0601 rev P03, 1827-13-DR-0019 rev P02, 1827-13-DR-0020 rev P02, 1827-13-DR-0021 rev P02, 1827-13-DR-0022 rev P02, 1827-13-DR-0023 rev P02, 1827-13-DR-0024 rev P02, 1827-13-DR-0025 rev P02, 1827-13-DR-0026 rev P02, 1827-13-DR-0027 rev P02, 1827-13-DR-0028 rev P02, 1827-13-DR-0029 rev P02, 1827-13-DR-0030 rev P02, 1827-13-DR-0031 rev P02, 1827-13-DR-0032 rev P02, 1827-13-DR-0033 rev P02, 1827-13-DR-0099 rev P04, 1827-13-DR-0101 rev P05, 1827-13-DR-0102 rev P05, 1827-13-DR-0103 rev P05, 1827-13-DR-0104 rev P05, 1827-13-DR-0105 rev P05, 1827-13-DR-0105 rev P04, 1827-13-DR-0106 rev P04, 1827-13-DR-0400 rev P03, 1827-13-DR-0401 rev P03, 1827-13-DR-0402 rev P03, 1827-13-DR-0403 rev P03, 1827-13-DR-0404 rev P03, 1827-13-DR-0405 rev P03,

1827-13-DR-0406 rev P03, 1827-13-DR-0407 rev P03, 1827-13-DR-0600 rev P03, 1827-13-DR-0601 rev P03, 1827-13-DR-0602 rev P03, 1827-13-DR-1400 rev P03, 1827-13-DR-1401 rev P03, 1827-13-DR-1402 rev P03, 1827-13-DR-1403 rev P03, 1827-13-DR-1404 rev P03, 1827-13-DR-1405 rev P03, 1827-13-DR-1406 rev P01, 1827-23-DR-0100 rev P04, 1827-23-DR-0101 rev P03, 1827-23-DR-0102 rev P02, 1827-23-DR-0105 rev P04, 1827-23-DR-0401 rev P03, 1827-23-DR-0402 rev P03, 1827-23-DR-0601 rev P05, 1827-23-DR-0602 rev P04, 1827-23-DR-0603 rev P03, 1827-23-DR-0604 rev P05, 1827-23-DR-1601 rev P02, 1827-23-DR-1602 rev P02, 1827-23-DR-1000 rev P01, 1827-23-DR-1602 rev P01

Documents:	Design and Access Statement, Planning Statement and Affordable Housing Statement, Affordable Housing Economic Appraisal and Report, Sustainability Statement, Sol Acoustics 9 April 2013, Sol Acoustics 22 July 2013, Conservation Management Plan, Residential Waste Management Plan, Construction Logistics Plan, Addendum Construction Logistics Plan, Daylight and Sunlight Report, Desktop Land Contamination Assessment, Energy Statement, Archaeological Desk-Based Assessment & Built Heritage Appraisal, Initial Bat Survey, Extended Phase 1 Habitat Survey, Nocturnal and Dawn Bat Survey, Transport Statement, Travel Plan, Statement of Community Involvement, Flood Risk Assessment, Flood Risk Assessment (Landside), Report on Impact of Development at Swan Wharf Wapping High Street and Adjacent Thames Flood Defence.
Applicant:	Bridewell (Thames)
Ownership:	Bridewell (Thames)/LBTH
Historic Building:	Grade II Listed
Conservation Area:	Wapping Pierhead

2. EXECUTIVESUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Local Development Framework Core Strategy (2010), the Managing Development Document (April 2013), associated supplementary planning guidance, the London Plan (2011) and the National Planning Policy Framework (2012), and found that:
- 2.2 Sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of Policy DM15 (1) of the Managing Development Document (2013). This policy seeks to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in questions is unsuitable for continued employment use or is surplus to requirements.
- 2.3 The proposed delivery of 54 new residential dwellings accords with the objectives of Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2011), which support the delivery of new housing in the Borough in line

with the housing targets set out in the London Plan.

- 2.4 The proposed development would provide 36% affordable housing by habitable room, in accordance with Policy SP02(3) of the Council's adopted Core Strategy (2010), Policy DM3 of the Managing Development Document (April 2013), and Policies 3.8, 3.9 and 3.11 of the London Plan (2011). These policies seek to maximise the delivery of affordable housing in line with the Council's target of 50% affordable housing provision, with a minimum provision of 35%.
- 2.5 The proposed development provides a mix of unit sizes, including a high proportion of 1, 2 and 3 bed market units, as well as a high proportion of family sized (3 bed+) affordable units, which responds well to the identified housing need in the Borough. The proposal therefore accords with Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (2013) and Policy 3.8 of the London Plan (2011)
- 2.6 The proposed room sizes and layouts have been assessed against the standards set out in the Mayor of London's Housing Design Guide, Interim Edition (2010), and are considered to be acceptable. As such, the proposal accords with the requirements of Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development Document (2013). The policies require residential development to include adequate internal space in order to function effectively.
- 2.7 The proposed building incorporates good design principles and takes into account and respects the local character and setting of the development site and its surroundings in terms of scale, height, bulk, design details, materials and external finishes. The proposal therefore accords with the requirements of Policy SP10(4) of the Council's adopted Core Strategy (2010), Policy DM24 of the Managing Development Document (2013), and Policy 7.4 of the London Plan (2011).
- 2.8 The proposal accords with the requirements of Policy SP04(4) of the Council's adopted Core Strategy (2010), Policy DM12(4) of the Managing Development Document (2013), and Policies 7.28 and 7.29 of the London Plan (2011). These policies seek to resist developments that would adversely impact on the character, setting, views, operation and ecology value of waterways within the Borough
- 2.9 The proposal has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Pierhead Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (2013), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.
- 2.10 Subject to conditions the proposed internal and external works are considered to preserve the character and appearance of the Grade II Listed Buildings and would not cause significant harm to the architectural heritage. The design, appearance and use of materials would be acceptable and would not harm the significance of the heritage assets in accordance with National Planning Policy Framework, strategic policy SP10 of the Core Strategy 2010 and policies DM24 and DM27 of the Managing Development Document (April 2013). These policies seek to ensure appropriate design within the Borough which respects the local context and

preserves the character and appearance of local conservation areas and the setting of listed buildings.

- 2.11 The proposal would not result in any significant detrimental impacts on neighbouring residential amenity in terms of daylighting and sunlighting conditions, outlook or noise disturbance, in accordance with Policy SP10(4) of the adopted Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm.
- 2.12 The proposal includes adequate provision of private amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (2013).

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and Listed building consent subject to:

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

3.2 Financial Contributions

- (a). A contribution of £23,755.00 towards Employment & Skills Training
- (b). A contribution of £14,515.20 towards Idea Stores, Libraries and Archives.
- (c). A contribution of £53,242.00 towards Leisure Facilities.
- (d). A contribution of £201,323.90 towards Education.
- (e). A contribution of £70,290 towards Health.
- (f). A contribution of £1,728 towards Sustainable Transport.
- (g). A contribution of £92,441.09 towards Public Open Space.
- (h). A contribution of £75,270.00 towards Streetscene and Built Environment.
- (i). A contribution of £96,000 towards Brewhouse Lane improvements
- (j). A contribution of £10,651.30 towards Monitoring.

3.3 Non- Financial Contributions

- (k). 36% affordable housing by habitable room all to be provided for social rent within 18 units in the landside building.
- (l). Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- (m). The section of land as shown on drawing no. 1827-23-DR-0100 Rev.

P05 to be dedicated as public highway.

(n). A commitment to 20% local employment during construction phase and end user phase and procurement during the construction phase in accordance with the Planning Obligations SPD.

(o). Code of Construction Practice

(p). Travel Plan

(q). Any other obligation(s) considered necessary by the Corporate Director Development and Renewal.

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

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

3.6 Conditions

1. Time limit
2. Development to be carried out in accordance with the approved plans.
3. Samples and details and external materials to be submitted for approval.
4. Full details of Landscaping to be submitted for approval
5. Details of the combined heating and hot water
6. Development to comply with Lifetime Homes standards.
7. Details of 10% wheelchair accessible units to be submitted.
8. Details of biodiversity enhancements to be submitted.
9. Compliance with Energy Strategy.
10. Submission of Code for Sustainable Homes certificates to demonstrate the development achieves a minimum "Level 4" rating.
11. Submission of BREEAM certificates to demonstrate the development achieves a minimum "Excellent" rating within 3 months of occupation.
12. Submission of the final BREEAM domestic refurbishment certificate showing achievement of Very good rating within 3 months of occupation
13. Submission of detailed specification of the proposed PV array (in accordance with the proposals for (218m² / 28.5kWp)
14. Developer to consult with LPA if any suspected contamination, or unusual or odorous ground conditions are encountered during any ground works.
15. Full details of noise and vibration mitigation measures for proposed dwellings.
16. Construction Management Plan to be submitted.
17. Full details of the demolition, design and construction methodology, including full details of cranes, to be submitted.

18. All private forecourt/areas to be drained within the site and not into the Public Highway
 19. Scheme of highway improvement works to be submitted.
 20. Cycle parking to be retained.
 21. Waste and recycling storage to be retained
 22. Development to be carried out in accordance with the approved Flood Risk Assessment
 23. Environment Agency Flood defences condition
 24. Archaeological and historic buildings recording work
 25. Precautionary bat survey immediately before demolition if demolition has not begun by April 2015.
 26. Clearance of vegetation, particularly scrub, to take place outside the bird breeding season (not during March to August inclusive).
 27. Full details of the extent, design, construction and planting of the living roof.
 28. Post-completion noise testing
 29. Secured by design accreditation
- Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.7 Informatives

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. The developer is to contact the Council's Building Control service.
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

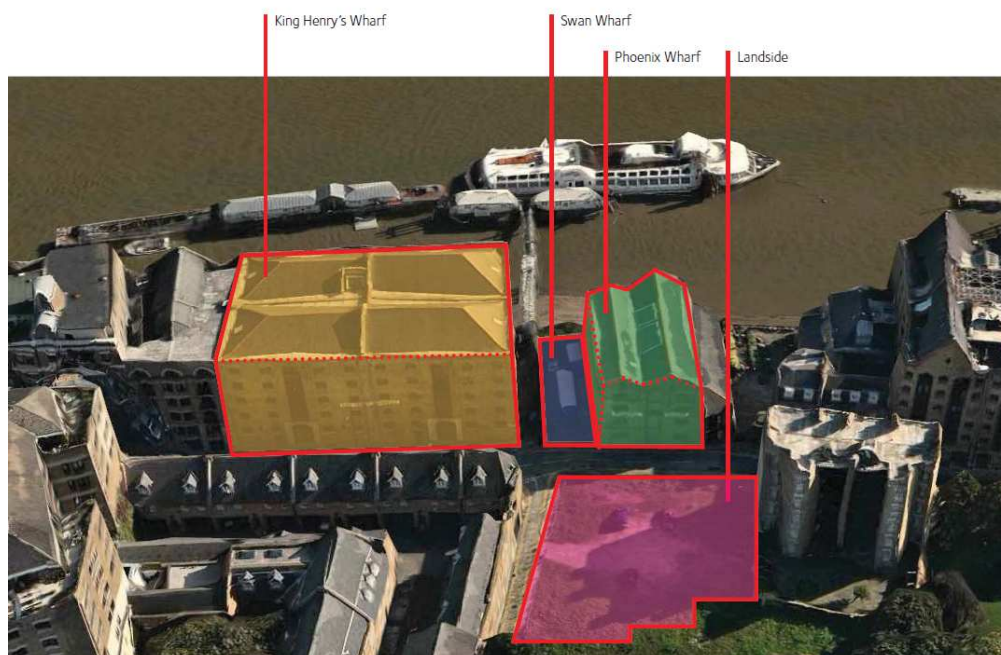
That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the conversion of two Grade II Listed riverside warehouses King Henry's and Phoenix Wharves (Use Class B8) in Wapping for residential use (Use Class C3). The redevelopment of the Wharves would provide 35 residential units without any extensions or any significant external alterations.

Figure1. Site Layout



- 4.2 The application proposes a new four storey dwelling house, on land formally occupied by Swan Wharf in-between the two listed buildings. The design aims to replicate the original form of the Wharf building that previously occupied the site.
- 4.3 The application also proposes the erection of a five storey building containing 18 residential units on the empty plot on the corner of Wapping High Street and Brewhouse Lane, adjacent to New Tower building. The proposed building has facades faced in brick and render, similar to that of the neighbouring building to the west. The front elevation of the building includes recessed balconies, whilst the rear elevation includes part recessed/part projecting balconies. This building will provide all of the Affordable Housing.
- 4.4 The proposed scheme delivers 36% affordable housing by habitable room and includes separate entrance lobbies, lift cores, bin stores and cycle stores for both the market and affordable units, with all units in the new buildings having private amenity space and those in the existing buildings having private amenity space where possible.
- 4.5 All proposed dwellings are to be built to 'Lifetime Homes' standards and 10% of dwellings are wheelchair accessible. The residential units in the new build element of the scheme have been designed to a Code for Sustainable Homes Level 4 rating, whilst a BREEAM 'Very Good' rating is targeted for domestic refurbishment element

of the scheme.

Site and Surroundings

- 4.6 The application site comprises three adjacent wharves dating from the mid-19th Century and a plot of land separated from the rest of the site by Wapping High Street. King Henry's Wharf and Phoenix Wharf are Grade II listed buildings fronting the river Thames currently used as warehouses (Use Class B8). Swan Wharf sits between the two warehouses and is currently vacant. The plot of land on to the north of Wapping High Street (referred to as 'Landside') is currently used as car parking associated with the warehouses.
- 4.7 The site is bounded by the River Thames to the south, the residential development Gun House (1988) to the east, Bridewell Place and Old Tower Buildings to the north, and New Tower Buildings and 110b Wapping High Street to the west. Between Swan Wharf and King Henry's Wharf lies King Henry's Stairs which is a public right of way leading to Wapping Pier which is currently operational.
- 4.8 The surrounding area is predominantly residential in character, comprising a mix of 19th century warehouses that have been converted to residential use, together with more recent residential developments constructed in the 1980's and 1990's. The site is located a short distance to the east of Wapping Lane, which includes some local shops and restaurants.
- 4.9 The site lies within the Thames Policy Area as designated in the London Plan (2011) and lies within Flood Risk Zone 3. The River Thames and adjacent section of foreshore is designated as a Site of Importance for Nature Conservation (SINC). In addition, the site lies on land designated as being of Archaeological Importance or Potential. The site also forms part of the Blue Ribbon Network as designated by the London Plan.
- 4.10 The application site lies within the Wapping Wall Conservation Area, which was designated in January 1983 by the London Docklands Development Corporation (LDDC). Wapping Wall follows the eastern part of the road along the top of the dyke or river wall, after which it is named. Breaching of the wall was a serious problem until the 1580s when it was strengthened by the construction of a continuous line of wharves. The Docklands heritage has provided the framework for the area's regeneration.

4.11 English Heritage Listing descriptions;

Name: A,B,C and D Warehouse, King Henry's Wharves

List Entry Number: 1065809

Location: A,B,C And D Warehouse, King Henry's Wharves, Wapping High Street E1

County: Greater London Authority

District: Tower Hamlets

District Type: London Borough

Grade: II

Date First Listed: 27-Sep-1973

Details:

1. *WAPPING HIGH STREET E1 4431 (South Side) King Henry's Wharves TQ 3480 22/794 II GV 2. First half C19 warehouse block. Brown brick with red brick dressings. Hipped slate roof with red tile clad ridges. 5 storeys and*

basement, 10 bays with door ranks each side. Ground floor doors have massive stone surround. Windows with red brick segmental arches and red painted sills; all with glazing bars. Iron hoists beside to floor doors.

- 2. The river front has a more monumental elevational treatment with a giant pilastrade rising from stylobate ground floor, frieze with brick corbel string, cornice and blocking course. Segmental arched windows, those on ground floor contained in segmental arched recesses. Loading bays in ground floor below the hatch ranks have same granite surrounds as on street front. Large wall mounted lattice jibbed crane to centre of first floor and smaller one to second floor right.*

Name: K WAREHOUSE, ST JOHNS WHARF

List Entry Number: 10658108

Location: K WAREHOUSE, ST JOHNS WHARF, 112, WAPPING HIGH STREET E1

County: Greater London Authority

District: Tower Hamlets

District Type: London Borough

Grade: II

Date first listed: 27-Sep-1973

Details:

- 1. 4431 WAPPING HIGH STREET E1 No 112 'K' Warehouse St John's Wharf 22/791 II. c1870 alterations to earlier C19 four storey stock brick warehouse. Three bay front with parapet coping raised up in 2 gables. Changes in brickwork and blocked windows on the east elevation where there is a cornice below the parapet and the brick string courses on the left hand gabled bay of front indicate a rebuilt of an earlier structure. Front has 2 arched lights in gables. Segmental arched windows otherwise with engineering brick trim painted_ red. Off centre hatch rank with bull nosed engineering brick reveals. Jibbed plate steel' hoist. The riverside elevation is similar with 2 unequal gables and off centre hatch rank. Workshop 2 storey range built on to west side with splayed end to read with hatch and hoist*

Name: Lamp Standard At King Henry's Stairs

List Entry Number: 1065810

Location: Standard At King Henry's Stairs, Wapping High Street E1

County: Greater London Authority

District: Tower Hamlets

District Type: London Borough

Grade: II

Date first listed: 27-Sep-1973

Details:

- 1. WAPPING HIGH STREET E1 4431 (South Side)b Lamp Standard at King Henry's Stairs*
- 2. 1908. Tall painted cast iron lamp standard with decorative floral and leaf designs. Elaborate lamp bracket, in use. No 94 (The Old Aberdeen Wharf), St John's Wharves and King Henry's Wharves form a group with No 110 and King Henry's Stairs and associated lamp standard, the intervening unlisted Police Station is not obtrusive*

Planning History

4.12 The following planning decisions are relevant to the application:

PA/80/01076

Planning permission for alterations to and change of use of existing buildings to form 34 residential units with parking, a public house, six office suites with parking, a craft centre and a public walkway **permitted** 20/11/1980

King Henry's Wharf

PA/92/00513

Planning permission for External and internal alterations including formation of new entrance was **permitted** 27/03/1997

WP/92/00026/L

Listed building consent for alterations involving reduction in the height of parapet walls at roof level was **permitted** 03/04/1992

WP/81/00060

Planning permission for the change of use of existing building to residential, offices and car parking was **permitted** 22/02/1982

PA/81/01066

Listed building consent for the alteration to existing building to accommodate change of use to residential, offices and car parking was **permitted** 22/02/1982

Phoenix Wharf

WP/92/00078

Planning permission for minor internal and external alteration to effect redevelopment was **permitted** 27/03/1997

WP/92/00076

Change of use from warehouse, together with redevelopment involving erection of 5 storey extension for use as offices including extension to riverside walkway **permitted** 01/06/1999

PA/71/00770

Planning permission for alterations and change of use of top floor of warehouse to restaurant was **permitted** 18/10/1971

PA/71/00768

Planning permission for the conversion of the existing warehouse buildings and their use as a restaurant with ancillary uses as offices and as residential accommodation together with the provision of private open space was **permitted** 29/03/1971

Landside

PA/04/00244

Certificate of Lawfulness for existing use of land as car parking for staff and operatives of Samuel Smith relating to the warehouse operation at 116 - 120 Wapping High Street, London E1 was **permitted** 13/01/2005

5. POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan) (2011) (LP)

- 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 and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy network
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings

7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing deficiency
7.19	Biodiversity and access to nature
7.29	The River Thames
8.2	Planning Obligations
8.3	Community Infrastructure Levy

Core Strategy Development Plan Document (September 2010) (CS)

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP13	Delivering placemaking and Implementation

Managing Development Document (April 2013) (MDD)

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM3	Delivery homes
DM4	Housing standards and amenity space
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 transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change

Supplementary Planning Guidance/Documents

LBTH Planning Obligations Supplementary Planning Document (2012)
 LBTH Wapping Wall Conservation Area Appraisal (2007)
 Housing SPG(2012)

6. CONSULTATION RESPONSE

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

LBTH Biodiversity

6.2 No objection to the development. Recommended conditions are;

- Precautionary bat survey immediately before demolition if demolition has not begun by April 2015.
- Clearance of vegetation, particularly scrub, to take place outside the bird breeding season (not during March to August inclusive). If this is not possible, vegetation to be cleared should be checked for nesting birds by a suitably-qualified person immediately before clearance is due to start. If any nests are found, the vegetation must be left undisturbed until the young have left the nest.
- Full details of the extent, design, construction and planting of the living roof to be agreed by the Council before work starts, and the roof to be subsequently installed as agreed.
- Landscape details will be the subject of a condition. This condition should indicate that the Council expects the landscaping to benefit biodiversity.

(Officer comment: Biodiversity is discussed in the main section of the report. The recommended conditions will be place upon any permission)

LBTH Environmental Health Officer - Noise and Vibration

6.3 The initial concerns of Environmental Health Noise and Vibration have been satisfied by the submission of an additional Acoustic Report. EH Does not object to the proposal subject to the following conditions;

- Post-completion noise testing
- Full details of noise and vibration mitigation measures for proposed dwellings. The M&E Plant assessment should be designed to meet BS4142 L90 - 10dB(A) so as not to cause noise nuisance to local and future residents;

(Officer comment: The recommended conditions will be place upon any permission)

LBTH Energy Efficiency Unit- Sustainability

6.4 The SAP calculations show an average 37% reduction in CO2 so LBTH Sustainability are satisfied subject to the following conditions:

- Submission of the final Code for Sustainable Homes certificates showing achievement of Code 4 within 3 months of occupation
- Submission of the final BREEAM domestic refurbishment certificate showing achievement of Very good rating within 3 months of occupation
- Submission of detailed specification of the proposed PV array (in accordance with the proposals for (218m² / 28.5kWp)

(Officer comment: Energy and Sustainability is discussed in the main section of the

report. The recommended conditions will be place upon any permission)

LBTH Transportation & Highways

- 6.5
- Highways welcome the dedicated a strip of land beside Brewhouse Lane and Wapping High Street as public Highway and the contributions to fund improvements to the footway. This would be effected through a s72 agreement (Highways Act) in parallel with a s278 design agreement, which itself would be finessed when the developer is gearing up to implement any permission.
 - The narrow road (unsuitable for vehicles) running between the two buildings to King Henry's Steps and then to the Pier should be improved through s278 or s106, especially as a public ferry service might be introduced, which could conceivably be used by residents.
 - The combined cost of improvements to Brewhouse Lane and to put a crossover in to the footway at the point where the High Street meets the northern end of the highway called King Henry's Steps, comes to an estimated £96,000.
 - The estimate's total cost includes improving the quality of the materials, using York Stone paving along Brewhouse Lane and making good any patches in the granite setts (we want to retain the setts).
 - Infrastructure colleagues are currently looking into the possibility of making Brewhouse Lane one way north-south, if this is still being pursued when the s278 agreement is being drawn up.
 - Please include a condition to retain and maintain the cycle storage areas as shown on the approved plans.

(Officer comment: The applicant has agreed to the scheme of highway improvements and have submitted amended drawings of Brewhouse Lane to show the extended carriageway and pavement)

LBTH Crime Prevention Officer

- 6.6 Secured By Design standards should be followed for this development.

(Officer comment: A condition shall be placed on any permission requiring the Secured by Design accreditation to be obtained).

LBTH Communities, Localities & Culture

- 6.7 Financial contributions are required towards Idea Stores, Libraries and Archives, Leisure Facilities, Public Open Space, Smarter Travel and Public Realm Improvements, in line with the Planning Obligations SPD.

(Officer comment: This required financial contribution has been agreed and it is

recommended that it is secured through a S106 agreement).

LBTH Waste Policy and Development

- 6.8
- Please provide with a clear drawing of where the vehicle will access the bins from
 - Please provide information on how many bins required and the sizes, also ensure that where needed, a dropped kerb is in place and that the refuse collection vehicle has adequate space to stop
 - Consideration must be made to ensure waste can be collected within 10 metres wheeling distance from parked collection vehicle.

(Officer comment: This information has been provided and a condition shall be placed on any permission requiring the provision to be provided prior to the occupation of the development and shall be made permanently available for the occupiers of the building).

LBTH Directorate of Children's Services

- 6.9 A financial contribution of £201,323.90 towards Education is required for this development to secure appropriate capacity within local education facilities.

(Officer comment: This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).

Environment Agency

- 6.10 No objection subject to flood defence condition

(Officer comment: The recommended condition will be place upon any permission)

LBTH Enterprise & Employment

- 6.11 A financial contribution of £23,755.00 towards Employment & Skills Training is required for this development to support and provide the training and skills needs of local residents.

(Officer comment: This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).

LBTH Environmental Health and housing

- 6.12 Health and Housing Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations Damp, excess heat and excess cold are hazards under the Health and Housing Risk Rating Scheme.

English Heritage Archaeology

- 6.13
- Archaeological impacts could be covered by a condition to include recording of the dock itself as well as a staged programme of investigation into buried

deposits.

(Officer comment: The recommended condition will be place upon any permission)

6.14 **English Heritage**

English Heritage consider that the harm of the proposed work to the listed building would be less than substantial, however they are not convinced that the current floor proposals are the optimum solution. English Heritage recommended that the Council request the applicant commission a targeted specialist investigation.

(Officer comment: The applicant provided a report looking at alternative proposals for the flooring. This is discussed in the material planning considerations section of the report)

Georgian Group - Georgian Group

6.15 To date no comments have been received.

Port of London Authority

6.16 Port of London Authority raised concerns regarding the noise and smells due to the proximity of the proposal to the River Thames and Wapping Pier.

(Officer comment: LBTH Environmental Health have suggested conditions to ensure a suitable acoustic environment for the residents of the building. Comfort cooling has been suggested for any units that have a bedroom on the riverside of the buildings in order to enable the windows to be kept shut during the summer period.)

LBTH Public Health Strategist

6.17

- A financial contribution of £70,290 towards Health is required for this development to secure appropriate capacity within local healthcare facilities.

(Officer comment: This required financial contribution has been agreed and it is recommended that it is secured through a S106 agreement).

The Society for the Protection of Ancient Buildings

6.18 To date no comments have been received.

The Twentieth Century Society

6.19 To date no comments have been received.

Thames Water Authority

6.20 To date no comments have been received.

The Victorian Society

6.21

- The proposal would cause irrevocable harm to the last of the historic warehouses which can be appreciated in their original form

- The Society seeks to achieve greater internal openness at the expense of maximum fabric conservation, character and secure long term stewardship.

(Officer comment: These issues will be addressed in the Material Planning Considerations section of the report)

Transport for London

- 6.22
- It is welcomed that the development will be car free with the exception of the three bed unit. The developer shall enter into a 'car free' agreement with the local authority to exempt eligibility of future residents from obtaining on-street parking permit.
 - The proposed provision is 74 cycle parking spaces (combined) is welcomed by TfL and should be secured by condition.
 - The final submission and implementation of travel plan should be secured by s106 agreement. The finalised travel plan should pass the 'ATTrBute' on line travel plan assessment.
 - Following the Mayor's manifesto pledge to double the number of river service passengers by 2020, the TfL River Action Plan has identified that Wapping Pier in close vicinity of the site could be better served by river services; therefore TfL recommend that the council to secure contribution toward upgrading existing passenger piers from this development, bringing existing non-passenger piers into service as passenger piers.

(Officer comment: Contributions towards the improving the pedestrian access to Wapping Pier and King Henrys Steps have been agreed and will be secured through a s278 and s106 agreement)

London Borough of Southwark

- 6.23 London Borough of Southwark chose not to make a formal response.

London Fire & Civil Defence Authority

- 6.24 To date no comments have been received.

7. LOCAL REPRESENTATION

- 7.1 A total of 375 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 23 Objecting: 23 Supporting: 0
 No of petitions received: 1 objecting containing 4 signatories

7.2 The following issues were raised in representations in objection to the scheme, and they are addressed in the next section of this report:

Housing

- 7.3
1. Area is not suitable for large family sized residential units
 2. Affordability of the large family units in the Landside building
 3. Ratio of affordable housing to private housing is already very high in Wapping
 4. Lack of one bedroomed flats
 5. Anti-social behaviour due to more residents
 6. Social housing increases litter

Design

- 7.4
1. Height of the Landside development
 2. Design and materials of the Landside development not in keeping with the conservation area
 3. Design of Swan Wharf not in keeping with the conservation area
 4. Density of the Landside building
 5. Positioning of the Landside building

Amenity

- 7.5
1. Overlooking from the Landside development
 2. Loss of light due to the Landside development
 3. Disruption during the construction of the development
 4. Loss of views
 5. Noise from family sized units
 6. Effect of the operational Wapping Pier on proposed residential units

Highways

- 7.6
1. Lack of car parking
 2. Narrow pavements
 3. Increased pressure on existing infrastructure, buses, and trains
 4. Vehicular Access along Wapping High Street and Bridewell Place during both the construction phase and the occupation
 5. Increased traffic and congestion

Other

- 7.7
- 8.1 Loss of Lampposts and historic bollards
 - 8.2 Lack of school places
 - 8.3 Wapping pier should be safeguarded

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
 - (b). Housing
 - (c). Works to the Listed Buildings
 - (d). Design and Conservation
 - (e). Amenity
 - (f). Highways
 - (g). Planning Obligations

Land Use

Loss of Use Class B8 Employment Floorspace

- 8.2 King Henrys Wharf is a four storey wharf building and comprises 5,965 sqm of floorspace. The warehouse is typical of many built in this part of London and is still used in part on the ground floor and basement for storage. The upper floors are vacant. The property is very under-used and internal access between floors is very restricted.
- 8.3 Phoenix Wharf extends over four floors and comprises 1,377 sqm of floorspace. The property is now used for storage. The internal floorspace is restricted by a large number of structural columns.
- 8.4 The proposal would result in the loss of 7,492 square metres of existing Use Class B8 storage floorspace at the site, which the Council will normally seek to resist unless it can be shown that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition, or that has been marketed at prevailing values for a prolonged period.
- 8.5 Design and Access Statement and Planning Statement that accompany the application explain that employment uses on the site were evaluated by the applicant's surveyors who advised that there is no market for B8 uses in the buildings due to the listed status, physical constraints and location of in what has now become a primarily residential area. The Planning Statement goes on to explain that conversion to B1, whilst physically possible, would not be viable due to the cost and expected rental values. The idea of a hotel or apart-hotel was explored and a marketing exercise was undertaken which received no responses. This has been supported by an examination of the potential for the redevelopment of the listed buildings for commercial use by Hanily McGarry dated 23rd of October. The uses considered as part of the exercise were hotel, leisure, education and office space. The examination concluded that due to the listed status, accessibility, size, and condition the listed buildings are unsuitable for continued employment use.
- 8.6 Commercial uses were considered for the ground floors of the listed warehouses as commercial uses can create active frontages which benefit the character and quality of the public realm especially as ground floors are often less suitable for residential use. However after consideration it was decided that due to the ground floor of King Henry's Wharf being raised above the street level by 1.2 metres, commercial uses would not be suitable due to the major challenges to provide level access. It would not be possible to mitigate this challenge without severe intrusion to the fabric of the Listed

building and furthermore if the ground floor was kept at the high level it would not create any visual interrelationship between the activity of the building and the street.

- 8.7 Sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of Policy DM15(1) of the Managing Development Document (2013). This policy seeks to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition.

Proposal Residential Use

- 8.8 Government guidance set out in paragraph 51 of the National Planning Policy Framework (2012) supports proposals for change of use of commercial buildings (within Use Class B) to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. In addition, Policy 3.3 of the London Plan (2011) and Policy SP02(1) of the Council's adopted Core Strategy (2010) seek the delivery of new homes in the Borough in line with the housing targets set out in the London Plan.
- 8.9 The proposal would deliver a total of 54 new residential dwellings at the site. In addition, the surrounding area is predominantly residential in character and would therefore provide a suitable environment for future residents. It is noted that the application site is not designated for any specific use in the Site Allocations section of Managing Development Document (April 2013). As such, it is considered that the introduction of residential use at the site is acceptable in principle in land use terms.

Housing

- 8.10 The proposed development will deliver a total of 54 residential units. The proposed housing mix for the scheme is 36 market units and 18 affordable units delivered as social rented.
- 8.11 This section of the report considers the acceptability of the housing provision with regard to the level of affordable housing, mix of tenures, mix of dwelling sizes and provision of wheelchair units.

Affordable Housing

- 8.12 Policies 3.8, 3.9 and 3.11 of the London Plan (2011) state that Boroughs should seek to maximise affordable housing provision. Policy SP02(3) of the Council's adopted Core Strategy (2010) requires a minimum provision of 35% affordable housing on schemes providing 10 or more dwellings. Policy DM3 of the Managing Development Document (April 2013) reiterates this and states that affordable housing provision should be calculated using habitable rooms as the primary measure.
- 8.13 Policy 3.11 of the London Plan (2011) states that affordable housing provision should include a mix of tenures with a split of 60% social rented to 40% intermediate. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3 of the Managing Development Document (April 2013) requires a tenure split of 70% social rented to 30% intermediate given the housing needs identified within the Borough.
- 8.14 The proposal provides 161 habitable rooms of which 58 are affordable which equates to an overall provision of 36% all of which coming forward as social target rent. It can be seen that the development proposal has sought to exceed the Council's target

tenure split of 70:30 which is supported.

- 8.15 The proposal provides 36% affordable housing by habitable room, in accordance with Policy SP02(3) of the Council's adopted Core Strategy (2010), Policy DM3 of the Managing Development Document (April 2013), and Policies 3.8, 3.9 and 3.11 of the London Plan (2011). These policies seek to maximise the delivery of affordable housing in line with the Council's target of 50% affordable housing provision, with a minimum provision of 35%.

Mix of Dwelling Sizes

- 8.16 Policy SP02(5) of the Council's adopted Core Strategy (2010), and Policy 3.8 of the London Plan (2011) require developments to offer a range of housing choice. In addition, local policies place an emphasis on the delivery of family sized dwellings given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.17 Policy DM3(7) of the Managing Development Document (April 2013) sets out the Council's targets for the mix of dwelling sizes by tenure. These targets and the breakdown of the proposed accommodation mix are shown in Table 3 below:

Figure 2: Dwelling Mix

		Market Sale			Affordable Housing		
					Social Rented		
Unit Size	Total Units	Units	%	LBTH target	Units	%	LBTH target
Studio	4	4	11%	0%	0	0%	0%
1 Bed	9	5	14%	50%	4	22%	30%
2 Bed	32	24	67%	30%	8	44%	25%
3 Bed	7	2	8%	20%	5	28%	30%
4 Bed	1	0			1	6%	15%
5 Bed	1	1					
Total	54	36	100%	100%	18	100%	100%

- 8.18 The proposed development provides a mix of unit sizes, including a good range of market units, as well as a high proportion of family sized (3 bed+) affordable units. Whilst it is noted there is a high proportion of 2 bed units, it is considered that the overall mix, including a high proportion of family sized units, is acceptable. The proposal therefore accords with Policy SP02(5) of the Council's adopted Core Strategy (2010), Policy DM3(7) of the Managing Development Document (April 2013) and Policy 3.8 of the London Plan (2011).

Residential Space Standards

- 8.19 Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development Document (April 2013) require all housing developments to have adequate provision of internal space in order to provide an appropriate living environment, meeting the minimum space standards for new development in the London Plan.
- 8.20 The submitted drawings and details of the units show that the overall standard of accommodation is high with all 54 dwellings exceeding the Council's minimum space standards for dwellings. In addition, the proposed room sizes and layouts have been assessed against the standards set out in the Mayor of London's Housing Design Guide, Interim Edition (2010), and are considered to be acceptable. As such, the

proposal accords with the requirements of, Policy 3.5 of the London Plan (2011) and Policy DM4(1) of the Managing Development Document (April 2013).

Wheelchair Housing and Lifetime Homes

- 8.21 Of the 54 proposed units, 6 units are wheelchair accessible. Two fully accessible units are located at ground floor level of the landside building and two disabled parking spaces are also provided within the landside site. These units are affordable rented and represent 10% of the overall number of affordable homes. Two easily adaptable wheelchair accessible units are located on the second and fourth floor of King Henry's Wharf and two fully accessible units on the ground floor of Phoenix Wharf.
- 8.22 Details provided at application stage indicate that proposed residential units comply with 'Lifetime Homes' standards and the proposed provision of 10% of wheelchair accessible units accords with the requirements of Policy SP02(6) of the Council's adopted Core Strategy (2010). It is recommended that a condition is included to ensure that these standards are met during construction.

Works to the Listed Buildings

- 8.23 When determining listed building consent applications, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.24 With regards to applications within conservation areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.25 Section 12 of the NPPF provides specific guidance on 'Conserving and Enhancing the Historic Environment'. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *"desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
 - *the desirability of new development making a positive contribution to local character and distinctiveness."*
- 8.26 Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).
- 8.27 Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.28 Policy DM27 part 2 of the MDD applies when assessing the proposed alterations to the Grade II Listed building. The policy provides criteria for the assessment of

applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

Residential Conversion of King Henry's Wharf

8.29 King Henry's Wharf is a Grade II Listed warehouse building, the statutory list description reads:

'First half C19 warehouse block. Brown brick with red brick dressings. Hipped slateroof with red tile clad ridges. 5 storeys and basement, 10 bays with door ranks eachside. Ground floor doors have massive stone surround. Windows with red bricksegmental arches and red painted sills; all with glazing bars. Iron hoists beside topfloor doors.'

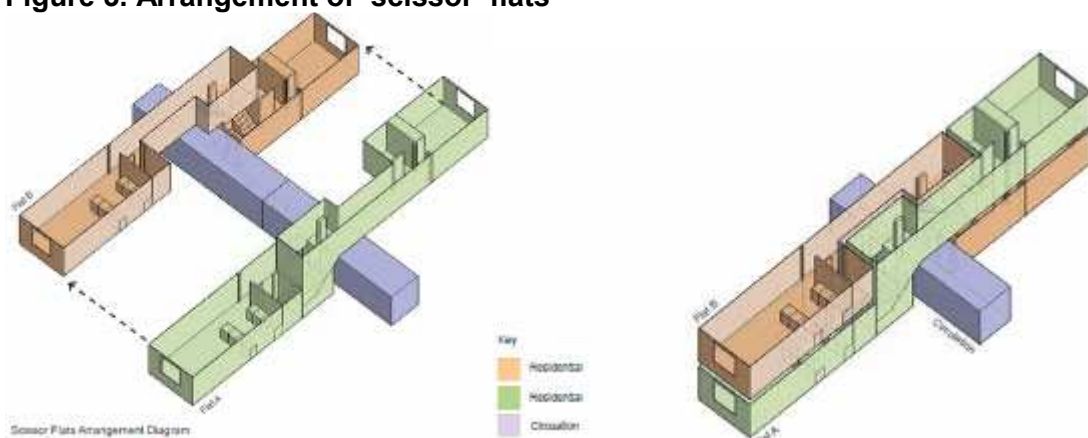
8.30 The alterations to King Henry's Wharf have been designed to have as minimum intervention, both in elevation externally and with regard to the character of the interior.

8.31 A number of challenges have been addressed in the design;

- Achieving dual aspect apartments
- The depth of the building (26 metres)
- Lack of fenestration
- Minimising lift and stair cores

8.32 To address these challenges concept of the "scissor" arrangement, where dual-aspect is maintained across a corridor, in effect by using the floor above as a bridge across it shared between two apartments, this maximises the excess building depth through the introduction of staircases within the apartments, internally linking them both to the floors above.

Figure 3. Arrangement of 'scissor' flats

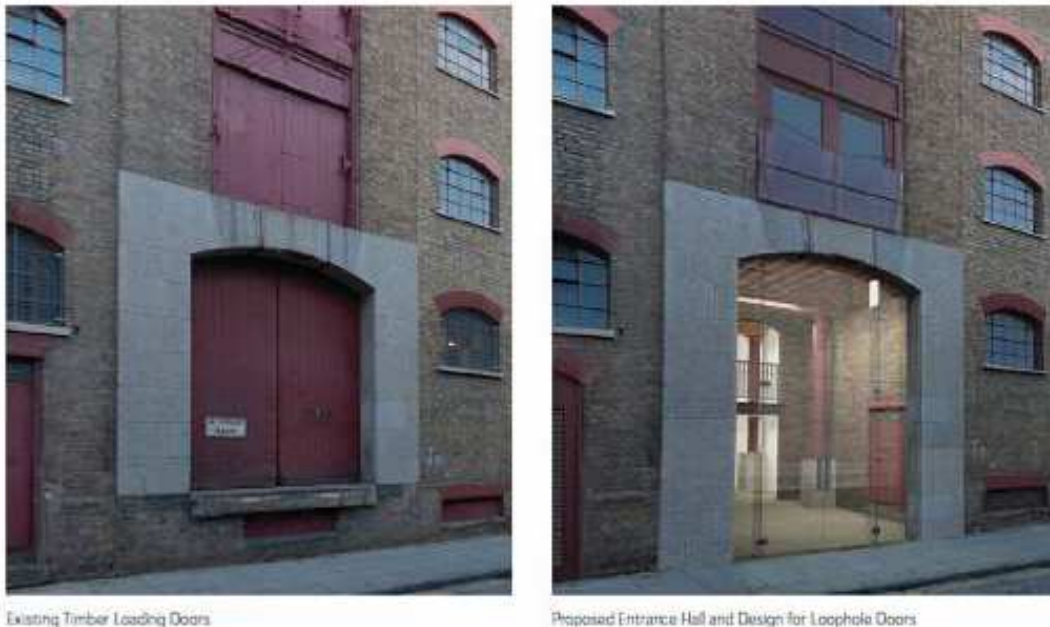


8.33 Initially concerns were raised by LBTH regarding the degree of intervention around the longitudinal division wall. In response, the plans were revised to provide a few

more, slightly larger, apartments and some smaller studio units. This was considered acceptable as it required less intervention with the original fabric of the listed buildings and although studio apartments are generally resisted in this instance it would be accepted due to the size and quality of these studio apartments.

- 8.34 The alterations to the listed building have been designed to minimise any intervention. Creating accessible entrances to the building has required more noticeable alterations. Currently the building has a single minor 'personnel' door at street level, in one half, and a single cantilevered-stone enclosed stairway connecting all levels in the other half. The ground floor is not at street level, being approximately mid-way between basement and a raised ground floor, and the personnel door opens at right-angles directly onto a short unenclosed stair flight leading to the upper ground floor – a lift of some 1.2 metres, the floor level being a useful loading dock height. The significance of this loading function to the upper ground floor is strongly emphasised in the architecture, the centre bay of each half being dominated by a large pair of timber loading doors within an opening arched and quoined in robust grey granite.
- 8.35 The main intervention with the fabric of the King Henry's Wharf is the lowering of an area of the upper ground floor to street level in two places to provide access to the entrance halls stair cores and lift.

Figure 4. King Henry's Wharf Entrances



- 8.36 It is intended that architecturally the treatment of these entrance halls is within the palette of the building – its internal enclosure will be exposed brickwork with arched openings, the granite quoins of the opening continued down to street level and the columns within the entrance hall. The external enclosure within the archway will be a frameless structural glass assembly, implying that the entrance halls are really recesses open to the street.
- 8.37 The enclosure of the new cores will be structural, masonry or concrete, enabling them to resupport slightly shortened existing beams (timber in the east, steel in the west) where existing columns have to be removed. The removals total 2 no. columns and 1 no. beam per floor in the east and 4 no. columns and 2 no. beams per floor in the

west, all with associated timber floors. The introduction of the street level entrance hall requires the demolition of a section of brick vault with support beams and 2 no. additional columns in the east basement, and a section of timber floor with steel beams and 2 no. columns in the west.

Residential Conversion of Phoenix Wharf

8.38 Similar to King Henry's Wharf, Phoenix Wharf is a Grade II Listed warehouse building the statutory list description (Grade II) reads:

'c. 1870 alterations to earlier C19 four storey stock brick warehouse. Three bay front with parapet coping raised up in 2 gables. Changes in brickwork and blocked windows on the east elevation where there is a cornice below the parapet and the brick string courses on the left hand gabled bay of front indicate a rebuilt of an earlier structure. Front has 2 arched lights in gables. Segmental arched windows otherwise with engineering brick trim painted red. Off centre hatch rank with bull nosed engineering brick reveals. Jibbed plate steel hoist. The riverside elevation is similar with 2 unequal gables and off centre hatch rank. Workshop 2 storey range built on to west side with splayed end to read with hatch and hoist.'

8.39 A number of challenges have been addressed in the design;

- Depth of the building
- Lack of fenestration
- Inadequate floor heights
- 'Forest of Iron Columns'

8.40 It has been identified in the Design and Access Statement accompanying the application that the first and second floors, are uninhabitable as horizontally defined dwellings using the existing floor structure. A number of options were considered however maintaining the existing floor structure was not considered possible.

8.41 In order to make the building capable of containing dwellings, the existing columns along the line of a former separating wall will be removed and replaced with a new masonry wall being naturally capable of carrying load spanning this width. Options were explored in order to maintain all the columns within the building however due to the number of columns the resultant floor plan would be 'maze like' and impractical for residential room divisions.

8.42 This facilitates the introducing of new, much thinner, floor structures at second and third floor levels providing adequate storey heights. The new structures will be concrete slabs clear-spanning laterally using shallow down-stand beams along the same grid lines as the existing timber beams, but eliminating alternate lines. The existing columns will be re-installed along these lines, the density of columns now reduced to a level where the internal planning of apartments is practicable whilst maintaining the character of the existing structure through long front-to-back vistas.

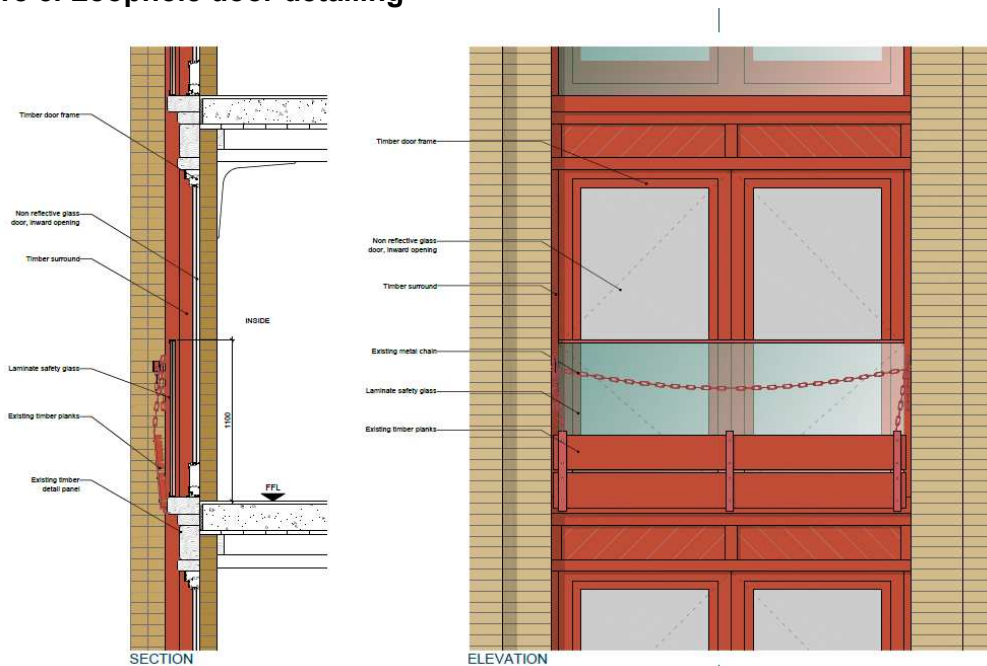
8.43 Concrete slab floor structures have been proposed for both King Henry's Wharf and Phoenix Wharf. LBTH Conservation Design Officer and English Heritage raised concerns in regards to the installation of concrete floors and the associated extensive alteration to, and loss of, the historic floor structures. Whilst replacing the floor in Phoenix Wharf was considered necessary to achieve the floor to ceiling heights English Heritage suggested that the applicant looked onto other ways of providing the

necessary insulation with less of an impact on the fabric of the listed building for the floors in King Henry's Wharf where floor to ceiling heights were not an issue. A report was provided by the applicant in which looked into two alternative floor constructions that would provide the necessary sound and thermal insulation and fire resistance for residential accommodation. The two options explored were considered to have a much greater impact on the fabric of the listed building. It was therefore considered on balance that the concrete slab floor structures were the most suitable option which involved the least intervention with the historic fabric of the listed building.

8.44 In order to provide increased daylight into the proposal a number of original openings that had been in filled on the eastern elevation of Phoenix Wharf will be reopened retaining the existing brick arches above.

8.45 Both in King Henry's and Phoenix Wharves the large double loading doors (loophole) are to be treated in accordance to the character of the buildings. The double loading doors will be pinned back inside the units and new replicas that conform to modern fire and safety standards incorporating glass openings to provide sufficient natural light. The timber planks of the existing upstands are to be retained with laminated safety glass safety barriers behind, maintaining natural light levels as well as provide a safety barrier by adding an extra glass plank.

Figure 5. Loophole door detailing



8.46 The building has an essential inter-relationship with the adjacent Swan Wharf. Archives have revealed that Swan Wharf was a semi-independent structure, with an artisanal ground floor partially sharing the party wall, and a mostly detached dwelling above. Examination of the party/boundary wall reveals infilled original openings, visible externally by the presence of a series of semi-circular arches, and internally with specific recesses. It is proposed that at ground level an external access way leads to an opening in the boundary wall which connects via an entrance hallway to the lift core, with selected suitable openings being re-formed in the upper floors to permit an increase in daylight to the centre of this deep-plan building.

8.47 Planning Officers in conjunction with the Conservation Design Officer have reviewed the revised proposed scheme, which has been the subject of extensive negotiation,

and is now considered acceptable in principle. The proposal is considered to preserve the important features of the Listed Buildings for years to come and prevent them from falling into disrepair. However, further details will be required to ensure that the work protects the special architectural and historic character of the building which will be secured through conditions.

- 8.48 As such, subject to conditions to ensure high quality materials and finishes, the proposal would preserve the character and appearance of the Grade II Listed Buildings and the Wapping Wall Conservation Area, in accordance with Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (April 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development is well designed and that it preserves or enhances the character and appearance of the Borough's Conservation Areas.

New Residential Buildings

- 8.49 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 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 optimisation of the potential of the site.
- 8.50 Policy SP10 of the CS 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.

Swan Wharf

- 8.51 Historic documents included in the application show that this part of the site formally housed a ground floor workshop built right onto the river wall accessed via a yard off the street. The ground floor wall still exists as the boundary of the site onto King Henry's Stairs and Wapping High Street. Above it, set back from the river and separated from Phoenix by a two metre gap was a three-storey free-standing dwelling comprising two storeys topped by a mansard roof.
- 8.52 The proposal replicates the former building as four storey house, set back from the street by a courtyard and set back from the river at first floor. The proposal uses London Stock brick above the partially existing ground floor. The Design and Access statement describes the building giving a 'more humble, contrasting presence – an expression of 'dwelling' in the composition, framed by the two brick structures typifying the commerce of the era.' The design of the building has used appropriate detailing such as timber shutters which complements the two listed buildings either side and is sympathetic to the conservation area.

Figure 5. Swan Wharf CGI



8.53 As such it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (April 2013), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.

Landside

8.54 The building has been designed to match the height of the adjacent New Tower Buildings. The scale enables the repetition of the elevated ground floors of New Tower Buildings, providing privacy and security, and the set back from the pavement defined by railings.

8.55 The proposed building has facades faced in brick and render, sympathetic to the surrounding buildings and of a scale matching that of the neighbouring building to the west. The front elevation of the building includes recessed balconies, whilst the rear elevation includes part recessed/part projecting balconies. These design features provide a degree of texture and architectural detailing to the façades and are considered aesthetically in keeping with the surrounding built form. The south elevation incorporates a regular pattern of windows and balconies, with private amenity space being maximised through the use of recessed terraces at the front in combination with small projecting balconies at the rear.

8.56 The architectural character of the design has been in response to the large windows to the rear of Old Tower Buildings, and using the recessed balcony, here as private amenity space rather than communal access, as a device for breaking down the overall mass and providing vertical emphasis. The palette of masonry is yellow/buff with London Stock and smooth-faced buffs with painted render perforated with powder coated aluminium faced timber windows.

Figure 6. Landside Building



8.57 The off-street zone provides access to two disabled parking spaces at ground level connected to the building via a weather-protected ramp up to the raised ground floor within the building, enabling a through-the-building route connecting both streets and the communal amenity space with the lift servicing the upper floors.

8.58 Taking into account the above, it is considered that the proposed building has been sensitively designed within the context of the historic built form and public realm and would preserve and enhance the character and appearance of the Wapping Wall Conservation Area. The proposal therefore accords with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (April 2013), Policy 7.8 of the London Plan (2011) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are sympathetic to their historic surroundings and either preserve or enhance the character and appearance of the Borough's Conservation Areas and river frontages within the Thames Policy Area.

Amenity

8.59 Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (April 2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook and privacy.

8.60 It should be noted that whilst a some local residents have objected to the proposal on the grounds that it will result in a loss or partial loss of views from their property, which in turn could reduce the value of their homes, matters pertaining to impacts on views and property values are not normally considered to be material planning considerations and it is not considered that there is any special circumstances which would justify treating them as such in this case.

Daylight / Sunlight

- 8.61 Daylight is normally calculated by two methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be no less than 20% of the former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room, and figures should not exhibit a reduction beyond 20% of their former value.
- 8.62 A number of objections have been received from neighbouring residents within blocks to the north and west of the site on the grounds that the proposal would result in a significant deterioration in the daylighting and sunlighting conditions and levels of outlook from habitable rooms within their properties. The application is accompanied by a Daylight/Sunlight Report, prepared by Anstey Horne, dated 21 March 2013, which was reviewed in an independent assessment by BRE which identifies the affected neighbouring blocks outside the standard BRE guidelines and these are addressed in turn below:

110B Wapping High Street

- 8.63 The surrounding building which is most affected by the proposal is 110B Wapping High Street. The one window which faces the Landside site will retain 0.58 times the former VSC value with a residual VSC of 14.47% VSC. There will also be an impact to the window's daylight distribution which will retain 0.46 times the former value. BRE specify that a window should retain at least 0.8 times the former VSC /DD values. A plan of the building at 110B Wapping High Street shows that this window serves a communal kitchen used for staff accommodation. However in this instance the loss of light to this window is considered acceptable.

1-40 Brewhouse Lane – Old Tower Buildings

- 8.64 Four rooms within the residential development at 1-40 Brewhouse Lane – Old Tower Buildings did not meet the BRE target guidelines. These rooms will retain between 0.74 and 0.79 times the former VSC value. The BRE assessment explains that the windows are only marginally outside the BRE guidelines. This is also due to the windows being set back and heavily obstructed to either side by their own building. Given that these are not substantial failures, it is not considered that the proposal would result in a significant deterioration in the daylighting conditions of these rooms.

13-16 Brewhouse Lane

- 8.65 BRE also identifies two rooms within 13/16 Brewhouse Lane where there will be a noticeable change of daylight. The residual values of 22.77 VSC within room R13/50 and 25.16 within room R6/51 combined with the daylight distribution would not result in a significant deterioration in the daylighting conditions of these rooms.

Sense of Enclosure / Outlook

- 8.66 The properties that are most likely to be affected in terms of an increased sense of enclosure and loss of outlook are the flats located to the north and east of the Landside part of the development site. Whilst it is acknowledged that the outlook from some properties will be reduced as a result of the development, given the design of the proposed building and setbacks from neighbouring windows, it is not considered

that there would be any significant detrimental impacts on the outlook of neighbouring residents.

Overlooking and Loss of Privacy

- 8.67 It is noted that a number of objections have been received from neighbouring residents located to the north and east of the site respectively, on the grounds that windows and balconies within the proposed development will result in overlooking and a loss of privacy to neighbouring residents.
- 8.68 Design guidance documents usually recommend a visual separation distance of 18 metres between facing habitable room windows or balconies in order to preserve the privacy of existing and future residents. Section 5.1 of the Mayor of London's Housing Design Guide, Interim Edition (2010) acknowledges this standard, whilst also noting that strict adherence can limit the variety of urban spaces and housing types in the city and can sometimes unnecessarily restrict density.
- 8.69 In response to the concerns raised by local residents, it is noted that there is a distance of approximately 20 metres between the Landside part of the application site and 1-40 Old Tower Buildings. This is sufficient to prevent to prevent any unreasonable loss of privacy.

Residential Amenity Space

- 8.70 Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (April 2013) require adequate provision of housing amenity space for new homes, including private amenity space in every development and communal amenity space for developments providing 10 units or more.

King Henry's Wharf and Phoenix Wharf

- 8.71 Of the 27 residential units in King Henry's Wharf 3 have the provision of private amenity space in the form of roof terraces which are located in the valley between the two longitudinal pitches of the roof. Given, the constraints of the listed building where intervention would be undesirable it would not be possible to provide private amenity space for all the units. As such, the introduction of balconies and new door openings for the most part would affect the historic fabric of the listed building and would not be acceptable. Given the fact this is a listed building in this instance non-compliance with private amenity space standards is considered acceptable.
- 8.72 Of the 8 residential units in Phoenix Wharf 3 have the provision of private amenity space in the form of terraces, two at ground floor level overlooking the Thames and one at first floor level to the eastern side of the building. As with King Henry's Wharf non-compliance with private amenity space standards is considered acceptable given that the listed status of the building.

Swan Wharf and Landside

- 8.73 All of the residential units within the new buildings (which include all of the affordable housing) include private amenity space form of balconies or terraces which meets the minimum provision of 5 square metres of private amenity space for a 1 bed, 2 person dwelling, with an additional 1 square metre per additional occupant.

Communal Amenity Space

- 8.74 Under the terms of Policy DM4 Managing Development Document (April 2013), 96 square metres of communal amenity space is also required for the 54 units proposed. The proposal markedly exceeds this target through the provision of 150 square metres of communal amenity space. This provision is made at the rear of the landside building, and would serve the affordable units.
- 8.75 Taking into account the above, it is considered that the proposal includes adequate provision of private and communal amenity space, in accordance with Policy SP02 (6d) of the Council's adopted Core Strategy (2010) and Policy DM4 of the Managing Development Document (April 2013)

Highways

- 8.76 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.
- 8.77 CS Policy SP08 & SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an 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.

Originally the development proposals included converting Brewhouse Lane to a shared level surface by removing the footway along the western side. However, this was not supported by LBTH Highways and Transport. The proposals now include the applicant dedicating a strip of their land to the west of Brewhouse Lane as public Highway as well as funding to improve the footway. This will allow for the widening of the footway to a minimum of 1.8m and the carriageway by an additional 0.2m This additional width will benefit vehicular and pedestrian movements in and out of the southern part of Bridewell Place onto Brewhouse Lane. This is now fully supported by LBTH Transport and Highways as set out in section

- 8.78 A number of representations have been received in objection to the proposal relating to pedestrian and vehicular access around the site during both the construction and occupation of the development.
- 8.79 A framework Construction Logistics Plan accompanies the planning application which provides an informative / recommended strategy for the efficient movement and management of construction traffic associated with the proposed development.

Disturbance during construction as a result of construction vehicles would be kept to a minimum, with the following key points to be implemented:

- Vehicle routes to/from the site and the A13 Commercial Road identified and will be relayed to all contractors associated with the site;
- A pre-booking system would be in place to ensure that one vehicle at a time is unloaded and the local highway obstruction is kept to a minimum;
- Use of the river for the transport of material will be used where possible;
- Hours of construction would potentially be planned to avoid the key weekday peak hours on the highway network.

- 8.80 A minimum carriageway width of at least 3.7 metres would be maintained throughout the construction process to allow emergency access to be maintained along Wapping High Street. That the majority of construction vehicles will require direct access to the development site; vehicles will have to stop on the main carriageway of Wapping High Street, resulting in temporary lane closure of the carriageway. The framework Construction Logistics Plan addresses this matter and advises that temporary restrictions would be sought that restrict access to Wapping High Street to 'Local Access Only' during times when such construction traffic movements take place. Details of the restrictions, including time periods and general arrangements, would be submitted to the Council by the Contractor and agreed prior to the works commencing. The restrictions would be timed to avoid the need to divert scheduled refuse and other service vehicles movement.
- 8.81 The southern part of Bridewell Place has access points for vehicles, one onto Brewhouse Lane and one onto Wapping High Street. These will be maintained at all times during the construction works and will be unaffected by any scaffolding restrictions. Brewhouse Lane will remain open throughout the construction process.
- 8.82 The erection of scaffolds will be phased in order to prevent simultaneous closures of the northern and southern footways on Wapping High Street. Clear diversion signage for pedestrians will be provided. The Contractor would be required to explore all possible safeguards for pedestrians and minimise the duration for which the scaffolding is required.
- 8.83 The construction process will be managed to ensure that a continuous footway of at least 1.5 metres is maintained along Wapping High Street. This will vary along either the northern side or the southern side depending on the construction schedule. In accordance with the Code of Construction Practice, the footway would be constructed of non-slip materials, would provide dropped kerbs wherever possible and would be clearly signed to advise pedestrians of the available route. The layout and signage would be agreed with the Highway Authority prior to any works taking place.

Car Parking

- 8.84 The proposal includes two disabled car parking spaces for the Landside building and one parking space on the forecourt of Swan Wharf. The proposal has been assessed by LBTH Transportation & Highways, who note that the Public Transport Accessibility Level (PTAL) for the site is 3/4, which is at the cusp of the level at which the Local Planning Authority seek for developments to be 'car free' on the grounds that they are located in areas with good access to public transport. However, given that the site is situated close to the Wapping Overground Station and is located a short distance from local bus stops, and given the existing levels of on-street parking stress in the surrounding area, Highways consider this site to be suitable for a car and permit free agreement, which should be secured by condition.
- 8.85 It is noted that a number of objections have been received from local residents on the grounds that the proposed omission of any on-site car parking will put a significant strain on on-street parking in the area. However, it should be noted that if planning permission were granted and the development was secured as car and permit free, as is recommended by officers, then future residents at the site would be unable to obtain residents parking permits and thus the proposal would not (subject to the operation of the Council's parking permit transfer scheme for residents in Social Housing) place any further strain on the capacity of on-street residents' parking bays.

- 8.86 Subject to condition, it is considered that the proposal accords with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (April 2013) and Policy 6.13 of the London Plan (2011). These policies seek for developments located in areas with good access to public transport to be secured as car and permit free.

Cycle Parking

- 8.87 The proposal includes the provision of a total of 74 cycle parking spaces located in suitable areas of the development. Subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities, in accordance with Policy DM22(1) of the Managing Development Document (April 2013), and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities.

Waste and Recyclables Storage

- 8.88 The proposal includes the provision of separate refuse and recyclables storage areas for each of the buildings located at ground floor level and within 10m of the operators' collection point on the public highway.
- 8.89 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy DM14 of the Managing Development Document (April 2013). This policy requires planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Other Issues

Flood Risk

- 8.90 The NPPF, Policy SP04(5) of the Council's adopted Core Strategy (2010) and Policy 5.12 of the London Plan (2011) seek to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.
- 8.91 The application site lies within Flood Risk Zone 3, which comprises land assessed as having a 1 in 100 or greater annual probability of river flooding. The application is accompanied by a Flood Risk Assessment, prepared by Peter Brett Associates, which has been assessed by the Environment Agency and is considered to be acceptable. In accordance with the advice given by the Environment Agency, it is recommended that a condition be included to require the development to be carried out in accordance with the approved Flood Risk Assessment.
- 8.92 Subject to condition, it is considered that the proposed development incorporates adequate flood resilient design and would not increase the risk or impact of flooding at the site. The proposal therefore accords with Policy SP04(5) of the Council's adopted Core Strategy (2010), Policy 5.12 of the London Plan (2011), and government guidance set out in Section 10 of the National Planning Policy Framework (2012).

Archaeological Impacts

- 8.93 The application site lies within an Archaeological Importance or Potential as designated in the Managing Development Document (April 2013). Accordingly, the application is accompanied by an Archaeological Desk-Based Assessment & Built Heritage Appraisal, prepared by AOC.
- 8.94 The proposals and submitted Archaeological Statement have been assessed by English Heritage Archaeology who state that the present proposals archaeological impacts could be covered by a condition.
- 8.95 Taking into account the above, it is considered that subject to conditions the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (April 2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Biodiversity and the Blue and Green Grid

- 8.96 Policy 7.19 of the LP, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINC's or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.97 Strategic policy SP04 also sets out the Council's vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles. Policy 7.24 of the LP sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, increasing habitat value and protecting the open character of the Blue Ribbon Network.
- 8.98 The proposal has been assessed by the LBTH Biodiversity Officer, who notes that the initial bat survey report recommends dusk and dawn bat surveys, as the preliminary surveys could not determine whether or not bats are roosting in the existing buildings. Further surveys were undertaken that showed that there were no bats present on the site.
- 8.99 The only biodiversity interest on the site is the rough grassland, tall herbaceous vegetation and scrub on the Landside part of the site. A condition should require clearance of vegetation, particularly scrub, to take place outside the bird breeding season (not during March to August inclusive).
- 8.100 A condition should require full details of the extent, design, construction and planting of the living roof to be agreed by the Council before work starts, and the roof to be subsequently installed as agreed.

Energy & Sustainability

- 8.101 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

8.102 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

8.103 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).

8.104 The applicant has proposed to achieve a Code for Sustainable Homes Level 4 rating, whilst a BREEAM 'Very Good' rating is targeted for domestic refurbishment element of the scheme which is supported by Sustainable Development Team. It is recommended that the energy strategy and sustainability assessment ratings are secured through appropriate conditions.

Planning Obligations

8.105 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) Fairly and reasonably related in scale and kind to the development.

8.106 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.107 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.

8.108 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.

8.109 The obligations agreed can be summarised as follows:

Financial Obligations

- Education: £201,324
- Enterprise & Employment: £23,755
- Public Open Space: £92,441
- Streetscene and Built Environment: £75,270
- Leisure Facilities: £53,242
- Idea Stores, Libraries and Archives: £14,515
- Health: £70,290
- Sustainable Transport: £1,728
- Brewhouse Lane improvements: £96,000
- Monitoring & Implementation 2% of total (£10,651)

Non-Financial Obligations

- 36% affordable housing
- Access to employment initiatives

- Permit free agreement
- The section of land as shown on drawing no. 1827-23-DR-0100 Rev. P05 to be dedicated as public highway.
- Code of Construction Practice
- Communal play space and child space accessible to all future residents of the development

These represent 100% of the planning obligations as requested by the Planning Obligations Supplementary Planning Document, 2012

8.110 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 contributions should be pooled in accordance with normal council practice.

9.0 Human Rights Considerations

9.1 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:-

9.2 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"*.

9.3 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.

9.4 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.

9.5 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.

- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 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.
- 9.8 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.

10.0 Equalities Act Considerations

- 10.1 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.
- 10.2 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.
- 10.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.4 The community related contributions (which will be accessible by all), 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.
- 10.5 The contributions to affordable housing support community wellbeing and social cohesion and appropriate levels of wheelchair housing are to be provided, helping to provide equality of opportunity in housing.

11.0 Localism Act (amendment to S70(2) of the TCPA 1990)

- 11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an

amended section 70(2) as follows:

11.2 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.

11.3 Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to 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.

11.4 In this context "grants" might include:

- a) Great Britain Building Fund: the £400m "Get Britain Building" Fund and government-backed mortgage indemnity guarantee scheme to allow house buyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

11.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

11.6 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012.

12.0 CONCLUSIONS

12.1 All other relevant policies and considerations have been taken into account. Planning permission and Listed Building consent 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.