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| Committee: [Strategic] Development | Date: 13 th March 2014 | Classification: Unrestricted | Agenda Item Number: |
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| Report of: Director of Development and Renewal | Title: Town Planning Application |
| Case Officer: Beth Eite | Ref No: PA/13/1656 |
| | Ward: Limehouse (February 2002 onwards) |

1. APPLICATION DETAILS

Location: Former Job Centre Plus, 307 Burdett Road, London, E14 7DR

Existing Use: Vacant

Proposal: Minor Material Amendments to Planning Permission ref: PA/09/214 dated 17 May 2011 for the redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works.

Proposed amendments:

1. internal rearrangement of the consented building resulting in a reduction in units to 42
2. internal rearrangement to amend the proposed employment floorspace at ground floor to provide child play space for the residential units

Drawing Nos/Documents: (00)050 rev A, 21031_(20)_001 rev C, 21031_(20)002 rev E, 21031_(20)_003 rev D, 21031_(20)_004 rev F, 21031_(20)_005 rev D, 21031_(20)_006 rev D, 21031_(20)_007 rev B, 21031_(20)_101 rev D, 21031_(20)_102 rev D, 21031_(20)_103 rev D, 21031_(20)_104 rev D, 21031_(20)_201 rev A, 21031_(20)_202 rev A

Applicant: Canary Wharf Properties (Burdett Road) Limited
Ownership: As above
Historic Building: N/A
Conservation Area: Adjacent to Limehouse Cut Conservation Area

2. Executive Summary

- 2.1 The proposed amendments to the previously approved scheme are considered acceptable. The removal of the commercial element from the scheme and provision of a solely residential scheme is acceptable in land use terms as the loss of an employment use on the site was already agreed as part of the previously approved scheme.
- 2.2 The changes to the external appearance to the building are minor in nature and would not have any significant effect on the character of the building or the adjoining Limehouse Cut

conservation area.

- 2.3 The development is a donor site for the Newfoundland development (PA/13/1455) in terms of the affordable housing and should be viewed in the context of this scheme and the other affordable housing donor sites which are Lovegrove Walk and 83 Barchester Street. The mix of units across all three sites is considered acceptable and would provide a good range and amount of family sized units.
- 2.4 The provision of a large number of family units within the social rented tenure, within an environment where suitable levels of amenity space can be provided are considered to be a significant benefit to the scheme. This should be viewed in context of whether this development contributes towards the creation of mixed and balanced communities.
- 2.5 The area around this site has traditionally had relatively high levels of social housing, however recent census data shows that the shift is changing towards more owner/occupiers and private rented accommodation. At 42 units, this development does not have any significant impact upon the levels of social housing in the locality and would not indicate a reversal of the change which is occurring in the area from high levels of social housing to a more balanced mix of private housing and shared ownership units.
- 2.6 The amenity spaces are sufficient to accommodate all child play space on site and the majority of the general communal amenity space requirements. Each unit also has its own private amenity space in the form of a balcony.
- 2.7 There are no adverse effects on the surrounding environment as a result of this change in respect of transport matters, energy efficient and flood risk, subject to the imposition of various conditions and obligations within the s106 agreement.
- 2.8 The proposal is considered acceptable in land use terms as it would result in the upgrading of a vacant site and would provide additional housing for the Borough

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a **legal agreement** to secure the following planning obligations:

Financial contributions

- a) £15,603 towards employment skills and training
- b) £16,380 towards Libraries and Idea Stores
- c) £61,078 towards Leisure Facilities.
- d) £326,260 towards the provision of primary education.
- e) £290,511 towards the provision of secondary education
- e) £80,246 towards health care provision
- e) £1,950 towards sustainable transport measures
- f) £104,317 towards public open space improvements.
- g) £64,944 towards public realm improvements
- h) £8,000 to be paid to the Canal and Rivers Trust for maintaining the canal tow path
- i) £22,000 to be paid to TfL towards highways improvements in the vicinity of the site.
- i) £19,825 monitoring fee.

Total £1,011,114

Non-financial contributions

- e) 100% social rented accommodation
- f) Car free development.
- h) Access to employment initiatives for construction phase.
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

3.4 Conditions for full planning application

1. Time Limit – To be implemented by 17th May 2014
2. Development to be carried out in accordance with the approved plans
3. Details of external materials
4. Details of a landscaping scheme
5. Details of a construction logistics plan
6. Details of an energy Strategy
7. Risk Assessment and Method Statement
8. Details drawings of elevation facing the canal.
9. Contaminated land investigation.
- 10) Assessment of flood defences
- 11) Assessment of raising flood defences
- 12) Details of finished floor levels of basement
- 13) Sustainable surface water drainage system
- 14) Details of noise assessment and sound insulation measures
- 15) Travel Plan
- 16) Delivery and service plan
- 17) Details of CCTV and lighting
- 18) Lifetime homes standards
- 19) Noise from plant to be no more than 10dB below background
- 20) Code for sustainable homes.
- 21) All three and four bedroom units to have separate kitchens.

3.5 Informatives

1. The planning application should be read in conjunction with the s106 agreement.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application is made under Section 73 of the Town and Country Planning Act 1990. This section of the act enables the 'varying' or 'amending' of conditions.
- 4.2 Section 73 applications involve the consideration of the conditions subject to which planning permission was granted. It is important to note that a Section 73 application is not considering the principle of the development, as planning permission has already been granted for this. If it is decided that the proposed amendments to the conditions are not desirable then the application should be refused. However, if it is not the case then the application should be approved subject to differently worded conditions.

- 4.3 The approved scheme under ref PA/09/00214 included a part 6, part 11 storey building to provide 56 residential units and 658sqm of commercial floorspace (use class A1/A3/A4). Within the 56 units 17 were to be affordable (3 x 1 bed and 4 x 2 beds within the intermediate tenure and 1 x 1 bed, 5 x 3 beds and 4 x 4 beds social rented units).
- 4.4 The envelope and footprint of the development would be maintained but the following changes would be made:
- Total accommodation reduced from 56 units to 42 but all converted to social rented housing.
 - Mix of units changed from 21 x 1 beds, 21 x 2 beds, 10 x 3 beds and 4 x 4 beds to 5 x 1 beds, 5 x 2 beds, 30 x 3 beds and 2 x 4 beds.
 - Internal configuration to allow one single core with two lifts as opposed to two cores with individual lifts.
 - Removal of commercial uses at ground floor. Replacement of space with internal child playspace and residential units overlooking the tow path.
 - Handrail added around solar panels on the roof.
 - Flood risk wall added adjacent to tow path.
 - Repositioned plant room and louvers to north east elevation.
 - Louvered door added to refuse and plant room on south elevation

Site and Surroundings

- 4.5 The application site is the former Poplar Employment exchange building located at the junction of Burdett Road and Dod Street. The North Western boundary of the site abuts the towpath which runs alongside the Limehouse Cut. The site located adjacent to the Limehouse Cut Conservation Area.
- 4.6 In the context of the immediate surroundings, the area is characterised by a mix of uses. Along Dod Street there are a number of Victorian warehouses which were developed as a result of the proximity of the canal and reflects the industrial history and character of the canal. Also on the southern side of Dod Street, blocks of 4 to 6 storey residential flat buildings prevail. To the North West of the appeal site, on the opposite side of the Limehouse Cut, is a mixed use residential redevelopment up to 9 storeys in height which was approved by the Council in 2007. On the opposite side of Burdett Road to the South West is the Royal Mail depot and a supermarket which is single storey.
- 4.7 The canal to the north is designated as a site for special nature conservation. It is also within an area of archaeological importance and potential land contamination.
- 4.8 Burdett Road which is located to the east of the site is part of the Transport for London Road network. Half of the site is within PTAL 5 and half within PTAL 4.

Planning History

- 4.9 PA/09/00214 - Redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works.
- 4.10 This application was refused planning permission on 6th Jan 2010 but allowed at appeal 17/05/2011.

- 4.11 An application for conservation area consent was also made in 2010 (PA/10/00510) but, following a Court Order quashing the decision to designate the site within the Limehouse Cut conservation area, conservation area consent was no longer required.
- 4.12 An application for a non-material amendment (PA/13/01764) was made for the changes proposed under this application. This application was withdrawn on 5/8/2013.
- 4.13 A second non-material amendment application has been made to the original permission (PA/14/00153). This sought to time trigger for the submission of details pursuant to conditions 3 (landscaping), 5 (wheelchair housing), 6 (renewable energy), 8 (elevation drawings) and 12 (floor levels of the basement). This was granted on 20/2/14 and allows for the details required by these conditions to be submitted prior to above ground works commencing, rather than before any works can commence.

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:

Core Strategy Development Plan Document 2025 (adopted September 2010)

| | | |
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| Policies | SP01 | Refocusing on our town centres |
| | SP02 | Urban living for everyone |
| | SP03 | Creating healthy and liveable neighbourhoods |
| | SP04 | Creating a green and blue grid |
| | SP09 | Creating attractive and safe streets |
| | SP10 | Creating distinct and durable places |
| | SP11 | Working towards a zero carbon borough |
| | SP12 | Delivering placemaking |

Managing Development Document (adopted 2013)

- DM3 – Delivering homes
- DM4 – Housing standards and amenity space
- DM10 – Delivering open space
- DM11 – Living buildings and biodiversity
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and public realm
- DM24 – Place sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Zero-carbon and climate change
- DM30 – Contaminated Land

Spatial Development Strategy for Greater London (London Plan 2011)

- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing

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| 3.11 | Affordable housing targets |
| 3.13 | Affordable housing thresholds |
| 3.15 | Co-ordination of housing development and investment |
| 3.16 | Protection and enhancement of social infrastructure |
| 5.1 | Climate change mitigation |
| 5.2 | Minimising carbon dioxide emissions |
| 5.3 | Sustainable design and construction |
| 5.7 | Renewable energy |
| 5.11 | Green roofs and development site environs |
| 6.9 | Cycling |
| 6.10 | Walking |
| 6.13 | Parking |
| 7.1 | Buildings London's neighbourhoods and communities |
| 7.2 | An inclusive environment |
| 7.4 | Local character |
| 7.6 | Architecture |
| 7.9 | Heritage Assets and archaeology |
| 8.2 | Planning obligations |
| 8.3 | Community Infrastructure Levy |

Revised Early Minor Alterations to the London Plan Oct 2013

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|------|----------------------------------|
| 1.8 | Housing choice |
| 3.10 | Definition of affordable housing |
| 3.11 | Affordable housing targets |
| 6.3 | Cycling |
| 8.2 | Planning obligations |
| 8.3 | Community Infrastructure Levy |

Government Planning Policy:

National Planning Policy Framework

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

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

6. CONSULTATION RESPONSE

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

LBTH Highways

- 6.3 The proposal to change from retail units to children play space and residential units will reduce vehicular servicing trips to and from the site.
- 6.4 The proposed changes will not have any major impact on the public highways.
- 6.5 Highways welcome the applicant's proposal to provide 96 cycle parking spaces, as it exceeds MDD (2013) requirements (78 spaces). The proposed change does not suggest any car parking space which is welcomed.

- 6.6 The proposed location for refuse storage is acceptable.
- 6.7 Therefore, Highways have no objection to these changes.

(Officer response: Noted)

Environmental Health

- 6.8 Environmental Health are not opposed to the changes detailed, but this development will be exposed to a high level of noise from local road traffic in close proximity to the development on the Burdett Road; the maximum noise levels also regularly exceed L_{Amax} 82 dB. As such it is considered that the development will fall within a SOAEL of NPSE; Significant Observed Adverse Effect Level, Noise Policy Statement for England.
- 6.9 Although the site falls within a SOAEL our department would not object to the proposed development and changes, as long as the noise insulation and ventilation incorporated meets an agreed high standard.
- 6.10 Acoustic trickle vents within windows are not recommended in replacement to good quality acoustic mechanical or passive ventilation. Other issues will need to be considered, such as the noise insulation between the residential and commercial areas which should be at least 60 DnTw.
- 6.11 The development should be required to meet the “good standard” of BS2333 in all living and bedroom spaces.

(Officer response: Conditions, as per the original planning application would be incorporated to any grant of planning permission.)

Energy team

- 6.12 The sustainable development team have no objections to the scheme amendments and changes to the energy strategy as the proposals are policy compliant and are proposed to achieve:
- 36% reduction in CO₂ emissions
 - Code for sustainable homes level 4.
- 6.13 The carbon emissions are to be delivered through energy efficiency measures, use of high efficiency gas boilers and integration of a communal solar thermal system for hot water.
- 6.14 It is recommended that the proposals are secured through appropriate conditions.

(Officer response: Noted)

Housing

- 6.15 Newfoundland is the principle application site, the applicant proposes to deliver the affordable housing element off-site at Burdett Road, Barchester Street along with a cash contribution in-lieu of the intermediate housing which amounts to a total 45% affordable housing. Lovegrove Walk will provide 20 homes for temporary accommodation which will be utilised for homeless families. These homes are to be demolished at some point in the future and the applicant will replace these as permanent affordable housing in Blackwall and Millwall Wards.
- 6.16 The Council's Managing Development Document at DM3 requires developments to

maximise affordable housing on-site. Affordable Housing offsite will be considered where it can demonstrate that it is not practical to provide affordable housing on-site.

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

6.17 The applicant submitted a viability toolkit as part of the planning process, this was tested by the Council's viability consultants who concluded that the scheme could provide a maximum of 6% affordable on-site with a 70:30 split between rented and intermediate housing.

6.18 The offsite 100% affordable housing site at Burdett Road is providing 76% family sized units against our policy target of 45% family units overall on one site. There are 5 x 1 beds, 5 x 2 beds, 30 x 3 beds and 2 x 4 beds, 42 units in total. This development will also deliver one 3 bed and one 1 bed wheelchair accessible units which is welcomed and the Lettings Team have confirmed that there is a need for these units in this location.

6.19 The larger family 3 beds five person units consecutively from the second to fifth floor do not appear to have separate kitchen. The bedrooms in the two four bed duplex units are situated at lower canal side level it is unclear how defensible space will be provided.
(Officer response: The majority of the three bed units do have a separate kitchen, however 5 of the 30 do have a combined living room / kitchen. This is no longer a policy requirement and it is not considered a reason to refuse the application. The lower ground floor of the building is actually 1m above the level of the tow path and a 0.8m wall is proposed in front of the amenity space for these flats, this would mean it is 1.8m above the level of the tow path which should be sufficient to provide defensible space for the occupants of this site.)

6.20 The scheme would also deliver a 10% quantum of wheelchair family accessible units which is policy compliant.

6.21 The Burdett Road site is providing a children's indoor play facility at ground floor street level. All other outside amenity space for different age groups is situated at roof level; we would like to see further details design on this amenity space proposal.
(Officer response: Noted and details of the child play space is requested via condition)

Building Control

6.22 Building Control have the following concerns -

- i) As a single stair building requiring a fire fighting shaft, the lower ground floor (basement) would require smoke ventilation and separation of the staircase at ground level would probably also be required.
- ii) ground floor - all accommodation including play space to be separated from the staircase escape route by a smoke vented lobby.
- iii) 1st -5th floors - travel distance within corridor excessive - cross- corridor doors may be acceptable as a solution.
- iv) 6th floor terrace - occupancy limited to 60 persons; early warning of fire/smoke in the common corridor would also be required.
- v) 7th-10th floors - smoke ventilation of common corridors unclear

All the above would also be subject to LFEPa consultation and agreement.

Transport for London

6.23 Did not wish to make comments on the application.

Greater London Authority

6.24 The conclusions of the stage I response are as follows:

- Affordable housing: Justification for using this site as a donor site for Newfoundland rather than on-site provision is required. Assessment of the impact of provision of social rented housing on achieving the maximum reasonable amount of affordable housing, together with evidence of support from registered providers is also required. *(Officer response: The developer has been working with an RP and it is understood that there is agreement to manage both this site and the Barchester site following the grant of planning permission. The level of affordable housing has been maximised in this case as only 6% affordable housing was considered viable by the Council's viability consultant. With the three donor sites and the cash payment in-lieu of intermediate housing the amount offered is 45%*
- 6.25 • Mixed and balanced communities: Further detailed analysis of the impact of this proposal on the promotion of mixed and balanced communities is required. *(Officer response: A detailed assessment of the impact upon the existing community in terms of whether this represents a mixed and balanced approach to affordable housing delivery is provided within the main body of the report.)*
- 6.26 • Residential quality / inclusive design: The scheme provides a good standard of residential quality and provides 10% wheelchair housing and 100% lifetime homes. *(Officer response: Noted)*
- 6.27 • Play space: Further discussion is required given the different estimated child yields depending on which methodology is used. *(Officer response: It is standard practice for LBTH to use its own child yield assumptions as it is based on data collected from housing within the borough though the population change and growth model. It is considered to be more representative of the child yield than the standard GLA calculator.)*

Tower Hamlets Primary Care Trust

6.28 PCT have confirmed the HUDU model requires:

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| A Capital Planning Contribution | £80,246 |
| A Revenue Planning Contribution | £302,316 |

(Officer Comment: Planning obligations have been negotiated which meets the request for capital contributions).

7. LOCAL REPRESENTATION

7.1 A total of 1,582 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.] No letters of representation have been received.

No of individual responses: 0

Objecting: 0

Supporting: 0

8. MATERIAL PLANNING CONSIDERATIONS

8.1 This application is a minor material amendment to the proposal granted permission on the site in 2011. The principle of the development in terms of land use, design and scale are therefore already established. Other than the changes set out in the 'Proposal' section of the report, all other changes remain unaltered. The main planning issues raised by the alterations proposed are therefore considered to be:

1. Acceptability of the detailed design changed.
2. Loss of the commercial space.
3. Housing: Tenure and mix of units including mixed and balanced communities and off-site affordable housing principles
4. Quality of accommodation provided including amenity space.
5. Planning obligations

Detailed design changes

8.2 The external changes to the building are relatively minor, they involve the installation of additional louvers on the north east elevation of the building at ground floor and at the rear of the building facing Dod Street.

8.3 Under the original consent the ground floor north east elevation was the inactive frontage containing the plant room and stair cores, the installation of louvers along this elevation is not considered to be significantly detrimental to the appearance of the building from this side.

8.4 The previous application contained two entrances, one for the private accommodation off Burdett Road and the affordable entrance off Dod Street. As no private housing is now proposed within the building there is no requirement for two separate entrances. The previous location of the affordable housing entrance would now be taken up as an entrance to the plant room and would have louvered doors. Given that the majority of this elevation would remain as an active frontage (with the child play space towards the western side of the site) it is considered that this change would be acceptable and would not have a significant detrimental impact upon the streetscene.

8.5 The windows and cladding panels on two sections on the north east elevation would be handed due to a revised internal layout. This is not considered to have any significant impact upon the design and appearance of the scheme. Equally, the railing around the solar panels on the roof would not have a significant impact upon the overall character of the development and is therefore considered acceptable.

8.6 A flood risk wall adjacent to the Tow Path is also proposed, this would be 1.8m in height and would run along the length of the development. As the use within the lower ground floor has changed from commercial to residential, a wall of this height is required to protect the privacy of the occupants. The balcony of the four bed duplex flats is located immediately behind this wall. Due to the level change views from the balcony would be possible over the canal but pedestrians on the tow path would not be able to see into the residential units.

8.7 It is regrettable that an active elevation adjacent to the tow path is now not possible but on

balance, given the provision of large family sized units and the associated outdoor space for these units and the need to have privacy for these occupants and the need to protected from flooding, it is considered that the impact upon the tow path would be acceptable. There are a number of warehouse buildings along the canal which present solid brick walls to the canal and it would therefore not be out of character to have a 1.8m high wall along the length of the development. The impact upon the Limehouse Cut conservation area is therefore considered to be acceptable.

Loss of the commercial space

- 8.8 The previous proposal included three commercial units, 2 x A1 retail units along Burdett Road and an A3/A4 unit along the tow path edge. These would have provided 531sqm of commercial space and were intended to serve a local market, including the residents of the subject building. It was also intended to provide an active frontage to the Burdett Road elevation and to the tow path.
- 8.9 The site is not within a designated employment location and the loss of the previous employment facility was fully justified under the previous planning permission. It is therefore considered that the loss of the commercial space on the ground floor of the building does not raise any objection and the provision of a solely residential building on this site is considered acceptable in land use terms.
- 8.10 The inclusion of the internal play space on the ground floor would give an active edge to the Burdett Road elevation and as set out above, the loss of the active frontage to the canal is not considered to be significantly detrimental.

Tenure and unit mix including mixed and balanced communities and off-site affordable housing principles.

- 8.11 The application as approved included 17 affordable housing units out of a total of 56 units. The total number of habitable rooms was 164, 104 would have been private and 60 affordable. This represented 37% by habitable room. Within the affordable tenure 42 habitable rooms were to be for social rent and 18 were for intermediate housing, this results in a ratio of 70:30 social rent to intermediate.
- 8.12 The amended scheme provides 13 less units but 10 more habitable rooms. This is a result of a substantially greater number of family units (32 as opposed to 14). The previous overall breakdown of the unit mix was 38% 1 beds, 38% 2 beds, 17% 3 beds and 7% 4 beds. The mix is now 12% 1 beds, 12 % 2 beds, 71% 3 beds and 5% 4 beds.
- 8.13 This scheme has been linked to the residential development at Newfoundland (PA/13/1455) which is a private housing scheme located at the north of the Isle of Dogs. The subject site is effectively a donor site for the Newfoundland scheme as this site is not suitable for social / affordable rented housing. Due to the restricted nature of the site and its ability to only provide one residential tower. High density living, with limited amenity space and high service charges are not necessarily suitable for social rented properties and an alternative solution is to provide off-site affordable housing. This should only be provided in exceptional circumstances as set out in the policy context below:

Policy context

- 8.14 At the national level the NPPF seeks to ensure that a wide choice of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can

be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

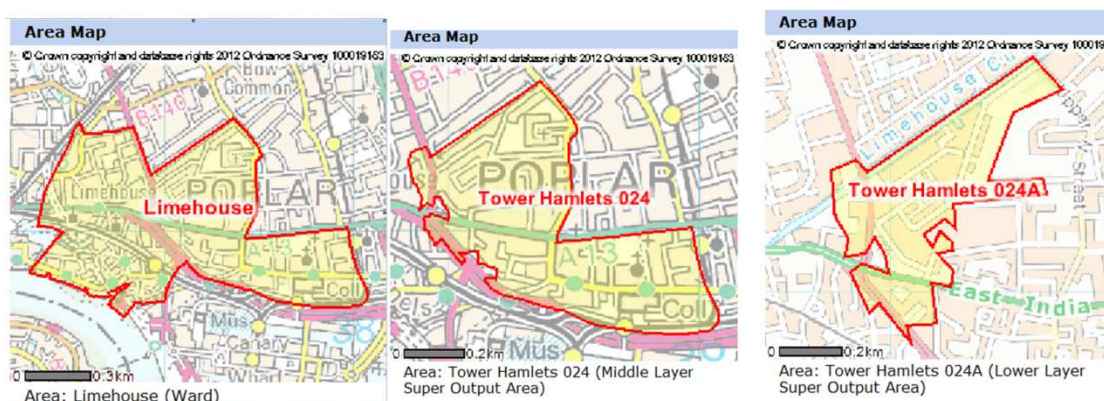
- 8.15 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 8.16 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites having regard to:
- a) Current and future requirements for affordable housing at local and regional levels
 - b) Affordable housing targets
 - c) The need to encourage rather than restrain development
 - d) The need to promote mixed and balanced communities
 - e) The size and type of affordable housing needed in particular locations and
 - f) The specific circumstances of the site.

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

- 8.17 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site. However, in exceptional circumstances it may be provided off-site on an identified alternative site where it is possible to:
- a) Secure a higher level of provision
 - b) Better address priority needs, especially for affordable family housing
 - c) Secure a more balanced community
 - d) Better sustain strategically important clusters of economic activities, especially in parts of the CAZ and the north of the Isle of Dogs where it might be part of a land 'swap' or 'housing credit'.
- 8.18 The issue of affordable housing and off-site provision is similarly dealt with in the Councils policies. Policy SP02 of the Core Strategy sets an overall target of 50% of all homes to be affordable by 2025 which will be achieved by requiring 35%-50% affordable homes on sites providing 10 units or more (subject to viability).
- 8.19 The Managing Development Document requires developments to maximise affordable housing on-site. Off-site affordable housing will be considered where it can be demonstrated that:
- a) It is not practical to provide affordable housing on-site
 - b) To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area.
 - c) It can provide a minimum of 50% affordable housing overall
 - d) It can provide a better outcome for all of the sites including a higher level of social rented family homes and
 - e) Future residents living on all sites use and benefit from the same level and quality of local services.

Assessment against policy

- 8.20 In summary, when considering national, regional and local policies off-site affordable housing is only acceptable in exceptional circumstances, if it is to be accepted it should provide a higher quantum than if it were on-site, should not undermine the objectives of providing a mixed and balanced community, should better address a priority need i.e. affordable family homes and would not reduce future residents access to services and amenities which would be available to residents of the private housing site.
- 8.21 The site is located within Limehouse Ward approximately 1km to the north of the Newfoundland site. The tables below show the housing by type in this area within the following spatial scales (ward, middle super output and lower super output):



8.22 Existing housing by tenure

| Tenure | Borough Average | Limehouse ward | Middle super output area | Lower super output area |
|------------------|-----------------|----------------|--------------------------|-------------------------|
| Owner | 24% | 26% | 19% | 18% |
| Shared ownership | 2% | 2% | 2% | 6% |
| Social rented | 40% | 41% | 52% | 44% |
| Private rented | 33% | 30% | 25% | 32% |

Changes to percentages if development is constructed at 100% social rented housing:

| Tenure | Borough Average | Limehouse ward | Middle super output area | Lower super output area |
|------------------|-----------------|----------------|--------------------------|-------------------------|
| Owner | 24% | 26% | 19% | 17% |
| Shared ownership | 2% | 2% | 2% | 6% |
| Social rented | 40% | 42% | 52% | 46% |
| Private rented | 33% | 30% | 25% | 30% |

- 8.23 As anticipated the greatest difference is experienced within the lower super output area as this only represents 1,146 households. At ward level and middle super output level (which is 3,207 homes) the addition of 42 social rented homes does not significantly alter the level of social housing in the area.

- 8.24 It should also be noted that this is an area of significant change and the levels of social

housing in the area have significantly reduced since the 2001 census. In 2001 Limehouse ward was made up of 54% social housing, with the immediate area around the Burdett Road site comprising 66% social rented units (against a borough average of 53%). From the above table it can be seen that this is changing and the area and it is becoming more mixed, with a greater proportion of private rented accommodation and an increase in shared ownership units too.

- 8.25 The introduction of 42 additional social rented units would not disproportionately affect the levels of social housing in the area, though consideration would need to be given to future 100% social housing schemes to ensure the income of private housing in the area is not being reversed and the balanced skewed towards social housing again in this area. It is considered, on balance, that the relatively small scale of this development would not adversely affect the mix of the area. The benefit of providing much needed social housing, of which 76% is suitable for families is considered to outweigh any impact resulting from having a 100% social housing scheme in this location.
- 8.26 Ability to provide a better environment for families in social rented accommodation.
- 8.27 Part 3a(iv) of policy DM3 outlines that one of the advantages of providing off-site affordable accommodation is that this can often be a better way to provide family size accommodation suitable for social rented tenants. The Newfoundland site is a small site with very limited opportunities for external play space which would not necessarily be well suited to families with multiple children. There are also limited number of open spaces in close proximity to the Newfoundland site which would allow space for older children to play, for example, ball courts / kick-about areas.
- 8.28 There is an 'amenity floor' provided within the development but this provides for a gym and swimming pool and is likely to incur significant service charges and would not be accessible for the social rented families. Overall, given the high density nature of the site and the ability to only provide one tower with limited amenity spaces, the off-site provision of family units within 307 Burdett Road, where sufficient amenity space can be provided, is a better outcome.

Access to social infrastructure.

- 8.29 The developer has undertaken a study into the social infrastructure surrounding the three off-site locations to understand whether the occupants would have the same access to services and social infrastructure as the residents of Newfoundland would. Clearly Newfoundland and its proximity to the Canary Wharf major centre and its excellent transport links would not be possible to replicate elsewhere in the borough. However, it does not necessarily follow that the facilities within the Canary Wharf centre would be preferable for all residents to facilities which are of a more local nature elsewhere in the borough.
- 8.30 In terms of health care facilities, there are two GP surgeries within 500m which are both accepting new patients and have less than the recommended capacity of 1,800 patients per doctor. In terms of education, there are nine primary schools and one secondary school within the Poplar area. These would be the same schools which children from the Newfoundland development would access but are towards the north of Poplar so are more easily accessible for the occupants of Burdett Road.
- 8.31 The occupants of the Burdett Road site would have access to eight public open spaces within 800m of the site including Mile End Park, this is considered to provide a better access to open space than Newfoundland.

- 8.32 Finally, in terms of general accessibility, both sites have a public transport accessibility level of 5, so there are no advantages, transport-wise of the Newfoundland development over the site at 307 Burdett Road.
- 8.33 On balance, given the additional quantum of affordable housing which can be provided by this off-site arrangement, the ability of the site and its surroundings to provide more open space in a lower density environment which is suitable for families and the general quality and provision of social infrastructure and public transport being of a similar level to the Newfoundland development, it is considered that the provision of a 100% social housing scheme in this location is acceptable and provides a better outcome overall.

Mix of units.

- 8.34 When considered as a stand-alone scheme this development provides 12% 1 beds, 12% 2 beds and 76% family units. This is well in excess of the 45% family housing required by policy however, as set out above, this scheme is linked to Newfoundland for affordable housing purposes and for the mix of units.
- 8.35 Policy SP02 of the Core Strategy requires 30% of all units to be family sized and within the social rented tenure 45% should have three or more bedrooms. The mix of units for Barchester Street would be considered in detail at the time of submission, though from the detailed pre-application discussions which have occurred officer's are confident that the scheme provides sufficient flexibility to accommodate a range of unit sizes, including family homes.
- 8.36 The combined mix of units for Lovegrove Walk and Burdett Road are 5 x 1 beds (8%), 5 x 2 (8%) beds, 36 x 3 beds (58%), 15 x 4 beds (24%) and 1 x 5 bed (2%). This is 52 family units in total or 84%. This is significantly in excess of the 45% policy target and this gives flexibility to the Barchester Street site to provide a greater proportion of smaller units within the social rented tenure. Whilst this is still subject to further discussion the provision of smaller units at Barchester Street would assist an RP to manage this number of affordable homes and would reduce the child yield and associated requirement for play space which is an advantage to this site which needs to be delivered within the constraints of the heritage assets. Ultimately, agreeing the best mix on this site, in association with the housing team and an RP will ensure the scheme is achievable and deliverable.
- 8.37 The combination of all four sites will not meet the 30% family units across all tenures due to an overprovision of smaller units within the private accommodation. The current proportion of family units within Newfoundland, Burdett Road and Lovegrove Walk is 12% family sized units. However, given that it is within the affordable sector that there is the greatest need for family sized units it is considered, on balance that the development overall provides sufficient family sized units and the lack of three bed or greater properties within the private tenure would not be sufficient reason to refuse the application.
- 8.38 Within policy DM3 of the MDD a more comprehensive breakdown of the number of expected mix of units is provided. Within the private tenure a suggested mixed, based on the most up-to-date housing needs assessment is 50% 1 beds, 30% 2 beds and 20% larger units. In this case there is a higher proportion of studio's and 1 bed units (60%) and 2 beds (36% of the total). Given the high density nature of the site and general lack of outdoor amenity space it is considered acceptable that a higher than recommended level of smaller units is provided within Newfoundland.
- 8.39 For the social rented units the breakdown for unit sizes is recommended as follows: 30% 1 beds, 25% 2 beds and 45% larger units. This policy will be taken into account when considering the best mix for Barchester Street and for the overall affordable housing

package being delivered as part of Newfoundland, in light of what will already have been secured for Burdett Road and Lovegrove Walk.

Quality of accommodation provided including amenity space.

- 8.40 The minimum internal space standards required for a development are set out in the London Plan policy 3.5 and also DM4 of the Managing Development Document. Each of the flats proposed meets and in some cases substantially exceeds these minimum standards.

Amenity space.

- 8.41 In terms of amenity space each flat would have a private balcony which range from 39sqm to 7sqm. These balconies meet the minimum space standards set out within the MDD which seek to ensure that all balconies have a minimum depth of 1.5m and are 5sqm for 1/2 person flats and an additional 1sqm for each additional occupant.

- 8.42 In terms of communal space, the site is required to provide 82sqm of general amenity space. Amenity space is provided on the roof of the five storey element to the south of the site. The majority of this space is designated for child play space due to the high child yield of the development, however an area of 76sqm is allocated to general amenity within this roof space. Details of how this will be landscaped, along with the child play space would be requested by condition. Whilst the 76sqm provided is below the policy requirement it is only by 6sqm and this would not be a reason in itself to refuse the application. It does however mean that this area will have to be landscaped to a high quality in order to ensure it is usable for the future occupants of the site.

Child play space.

- 8.43 The child yield of the development is as follows:

0-3 year olds - 17
4-10 year olds – 24
11-14 year olds - 14

- 8.44 This gives a total child yield of 55 based on the Tower Hamlets Population Change and Growth Model. The GLA have a different method for calculating child yield which in the case of this development results in a higher child yield (67). The child yield of 55 is considered to be more accurate as this is specific to Tower Hamlets and is based on population data gathered within the Borough. This is consistent with other referable schemes The child yield of 55 generates an associated play space requirement of 550sqm (10sqm per child in accordance with policy DM4). 230sqm is proposed on the ground floor and 320sqm is proposed on the roof.

- 8.45 The play space provided is divided between the roof space and an internal area on the ground floor. The 0-3 year old play space is located within the internal space and is 170sqm, an element of the 4-10 year olds play space would also be within the internal space. This area would contain a playable floor, playable elements and a mobile play system. Further details of this equipment would be requested by condition to ensure it is suitable for the younger children and is easily maintained / managed.

- 8.46 The play space for the older children, 4-14 year olds is provided on the roof of the five storey element of the building. Within this space a variety of play equipment is proposed including a table tennis table, sensory planting and timber play equipment. Again, details of the exact nature of the equipment would be requested by condition.

Planning Obligations

8.47 The following planning obligations were secured for PA/09/00214:

17 affordable housing units

Car free development

£83,666 towards the provision of health care facilities

£98,736 towards the provision of school places

£22,000 to Transport for London for transport improvements within the vicinity of the development.

£32,598 towards open space improvements

£8,000 towards British Waterways

8.48 Since the date of the previous permission the Council's Supplementary Planning Document on Planning Obligations has been adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.49 Whilst there has been a loss of units under the current scheme, the residential yield and child yield has substantially increased as a result of the conversion of the units from a mix of private and affordable to 100% affordable. This in turn has an impact on the required mitigation measures set out within the SPD as the majority of these contributions are based on additional number of residents a development will generate.

The heads of terms and financial contributions, based on the requirements of the SPD are as follows:

Employment skills and training.

8.50 A contribution of **£15,603** has been secured towards providing support for the training and skills needs of the local residents in relation to the construction phase of the development. The contribution would be used by the Council to provide the necessary support for local people who have been out of employment and/or do not have the skills set required for the jobs created. 20% of the jobs created by the construction phase will be advertised through the Council's job brokerage scheme in order to ensure best endeavours are made to allow local people access to these jobs.

Community Facilities

8.51 A contribution of **£16,380** towards Idea Stores, Libraries and Achieves has been secured in order to mitigate against the additional pressure on these services created by the increase

in population resulting from this development.

Leisure and community facilities

8.52

A contribution of **£61,078** will be secured towards Leisure and/or Community Facilities. The proposed development will increase demand on leisure and community facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth.

Health

8.53 A contribution of **£80,246** is requested for improvements in health care facilities.

Education

8.54 The Council's Education department have requested contribution towards education within the Borough of **£616,771**.

Sustainable Transport

8.56 A contribution of **£1,905** has been secured towards the provision of a sustainable transport network including public transport infrastructure, bus network improvements, the local cycle network including safety training, travel awareness publicity and sustainable freight activities.

Open Space

8.57 A contribution of **£104,317** has been secured towards the creation of new and improved open spaces in the Borough.

Public Realm

8.58 A contribution of **£64,944** towards public realm improvements within the vicinity of the site.

Monitoring

8.59 **£19,825** towards monitoring of the s106 agreement

Conditions

8.60 This is an application to amend the wording of condition 1 of the appeal decision. This condition set out the drawing numbers to which this development should be constructed against.

8.61 As a result of amending these drawings a number of the other conditions either fall away (where they relate to the commercial elements of the development) or need revising.

8.62 In addition to the s73 application outlined here for consideration, a separate application has been made to non-materially amend the wording of some of the conditions (PA/14/00153). These non-material changes seek only to vary the triggers for implementation. The conditions requesting details of landscaping, layout of wheelchair units, renewable energy strategy, detailed elevation drawings and finished floor levels of the basement were all initially required to be submitted prior to the commencement of any development on site. The applicant has sought to vary the wording of these conditions to allow these details to be submitted 'prior to above grade works'. These amendments would not be material to the

original application and are considered acceptable and this has been agreed through the separate s96a application (PA/14/00153). In order to be consistent, the decision notice for this development, if approved would incorporate these changes so this would be the definitive decision notice.

- 8.63 The following conditions would therefore be reworded as part of this application to ensure they are relevant to the proposed development:
- 8.64 *Condition 3* – The landscaping scheme shall be submitted prior to the commencement of above grade works.
- 8.65 *Condition 5* – The details of the wheelchair adaptable units shall be submitted prior to any above grade works.
- 8.66 *Condition 6* – The energy strategy condition shall be amended to reflect the changed timing trigger but also to reflect the change in policy which has occurred since the original decision was made in 2011. This will include an energy strategy which seeks to reduce carbon dioxide emissions rather than have the emphasis on promoting renewable energy technology. The proposal also now includes details of the Combined Heat and Power Plant and all reference to biomass boilers is removed.
- 8.67 *Condition 8* – The detailed elevation drawings would now be requested prior to the above grade work stage of the development.
- 8.68 *Condition 12* - The details of the finished floor levels within the basement would now be requested prior to the above grade work stage of the development.
- 8.69 *Condition 15* would no longer be required as it relates to the commercial use.
- 8.70 *Condition 17* requests a delivery and servicing plan, this condition would be amended as reference no longer needs to be made to the biomass boiler or the commercial units.
- 8.71 *Condition 20* would be updated to refer to the most recent British Standard for plant noise.
- 8.72 *Condition 21* is no longer required as it relates to the commercial uses.
- 8.73 An additional condition requiring the development to demonstrate that it complies with the code for sustainable homes level 4 is recommended.
- 8.74 **Community Infrastructure Levy**
As the site would be providing 100% social housing it would be exempt from The Mayor's Community Infrastructure Levy.

Localism Finance Considerations

- 8.75 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- In dealing with such an application the authority shall have regard to:
- a) The provisions of the development plan, so far as material to the application;
 - b) Any local finance considerations, so far as material to the application; and
 - c) Any other material consideration.
- 8.76 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.

- 8.77 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use:
- 8.78 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 8.78 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 8.80 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. There are not likely to be any CIL payments associated with this development.
- 8.81 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.82 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £60,011 in the first year and a total payment £360,063 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 8.83 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.84 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:-
- 8.85
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted

if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

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

Equalities Act Considerations

- 8.92 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; andfoster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.93 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real

impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

- 8.94 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.95 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.96 The contributions to affordable housing support community wellbeing and social cohesion.

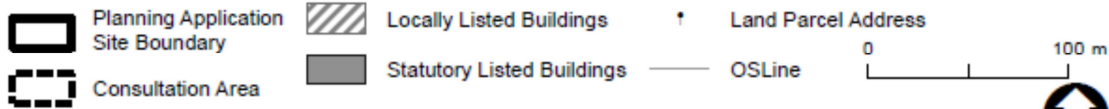
Other Planning Issues

- 8.97 There are considered to be no additional planning considerations associated with this proposal.

Conclusions

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/01656



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

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