

<b>Committee:</b> Development	<b>Date:</b> 14 January 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Laura Barton	<b>Ref No:</b> PA/14/02607 (Full Planning Application)
	<b>Ward:</b> Lansbury

**1. APPLICATION DETAILS**

**Location:** 83 Barchester Street, E14 6BE

**Existing Use:** Vacant document storage facility.

**Proposal:** Demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining three walls of facade). Construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application.

**Drawings and documents:** List of Plans:

- 1334-P-101-001
- 1334-P-101-002 Rev C
- 1334-P-101-003 Rev B
- 1334-P-101-004 Rev B
- 1334-P-101-005 Rev B
- 1334-P-101-006 Rev B
- 1334-P-101-007 Rev A
- 1334-P-101-008 Rev A
- 1334-P-101-009 Rev A
  
- 1334-P-102-001 Rev A
- 1334-P-102-002 Rev A
- 1334-P-102-003
- 1334-P-102-004 Rev A
- 1334-P-102-005
  
- 1334-P-104-001 Rev A
- 1334-P-104-002 Rev A
- 1334-P-104-003 Rev A
- 1334-P-104-004 Rev A
- 1334-P-104-005 Rev A
- 1334-P-104-006
- 1334-P-104-007 Rev A

<b>Applicant:</b>	Canary Wharf (Barchester) Ltd.
<b>Ownership:</b>	Canary Wharf (Barchester) Ltd
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Limehouse Cut

## 2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining the majority of the facade) and the construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application.
- 2.2 The proposed housing would deliver 352 habitable rooms as a proportion of the off-site affordable housing provision for the Newfoundland site approved under Council's reference PA/13/01455. It would comprise a mix of one, two, three and four bedroom homes. 100% would be homes for rent at social rent levels. 10 wheelchair accessible units are provided at the ground, first, second, third and fourth floor levels. The proposed housing meets lifetime homes standards and three blue badge spaces will be available within the site.
- 2.3 The proposal would be acceptable in terms of design which would respect the character of surrounding area and its buildings. The scheme would enhance the character of Limehouse Cut Conservation Area due to part reuse of the existing buildings. It is also considered that the proposal would deliver high quality affordable homes in a sustainable location.
- 2.4 The proposal would not give rise to significant material harm to the amenity of adjoining occupiers in terms of overlooking, loss of privacy or outlook or sense of enclosure. The daylight/sunlight report showed there will be some overshadowing and loss of light but officers are satisfied that these instances have been justified and are acceptable on balance. The proposal would not have any significant noise and vibration impacts to neighbouring residential properties.
- 2.5 Transport matters including parking, access and servicing are acceptable subject to condition securing a Section 106 agreement requiring the scheme to be permit-free.
- 2.6 The proposal seeks to deliver a 46% reduction in CO2 emissions.
- 2.7 The proposal is recommended for approval subject to the completion of a Section 106 agreement which would secure contributions towards education, health, open space, community facilities, employment, transport and sustainability in accordance with national and local policies.

## 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following planning obligations:
- £33,516 is required towards Idea Stores, Libraries and Archives
  - £158,930 is required towards Health
  - £3,990 is required towards Sustainable Transport
  - £909,997 is required towards Education
  - £134,607 is required towards Leisure

- £213, 420.18 is required towards Open Space
- £11,167 is required towards the playspace shortfall
- £125,736.29 is required towards Streetscene improvements, including maintenance and enhancement of the canal towpath and improved access and wayfinding
- £60, 000 is required towards Wheelchair Unit Retrofitting
- £27,887 is required towards the Construction Phase Skills and Training
- £33, 585 is required for Monitoring

Total financial contributions: £1, 712, 835.48

3.3 In addition, the following non-financial obligations would be secured:

- 10 wheelchair accessible units (or easily adaptable for wheelchair users)
- Car free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction and end user stage (20%)
- 7 Apprenticeships at construction stage according to site requirements

That the Corporate Director, Development & Renewal and Head of Legal Services be delegated authority to negotiate and approve the legal agreement indicated above.

That within 3 months the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions plus informatives to secure the following matters:

### **Conditions**

3.4 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction
4. All residential accommodation to be completed to lifetime homes standards

3.5 Prior to commencement

5. Demolition/Construction Environmental Management Plan/Construction logistics
6. Scheme of Highways Works (S.278)
7. Submission of details and samples of all facing materials including windows, window reveals, balconies and screening
8. Landscaping and boundary treatment details (including trees and tree protection)
9. Details of play space/communal space
10. Details of all external lighting and CCTV
11. Details of external plant and ventilation, including noise attenuation measures
12. Details of all Secure by Design measures
13. Details of rooftop PV array
14. Contaminated Land Desk Study Report
15. Waterway wall survey & risk assessment
16. Surface water run-off and ground water drainage

3.6 Prior to Occupation

17. Delivery and Servicing Plan
18. Waste Management Plan including a refuse collection management
19. Code for Sustainable Homes post completion assessment
20. BREAAAM post completion assessment
21. Contaminated Land Remediation Works

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

### 3.7 Informative

1. Associated S106
2. Compliance with Environmental Health Legislation
3. Compliance with Building Regulations
4. S278
5. Code of practice for works affecting the Canal and River Trust
6. Surface water discharge
7. Waterway access and encroachment
8. Using canal water for cooling proposed plant

## 4. **SITE AND SURROUNDINGS**

- 4.1 The application site is situated to the east of the borough and falls within the electoral ward of Lansbury. The site is located on the northern side of Barchester Street and shares its northern border with the Limehouse Cut Canal. The Limehouse Cut conservation area boundary was drawn intentionally around the buildings on this site, which comprises a 1939 factory building with a saw-tooth roof profile and a 1956 warehouse building. There are no Listed Buildings on the site or within the immediate surrounding area.
- 4.2 Beyond the Limehouse Cut Canal, is the Bow Office Exchange (low-rise light industrial and office buildings) located on its northern side. Further east along the canal is Caspian Wharf, new-build residential blocks which are four storeys fronting on to the canal, increasing to 17 storeys in height towards the north. The residential units within this block have balconies looking on to the canal and towpath.
- 4.3 To the west of the site is Pioneer Close, a relatively modern development made up of four-storey residential blocks with predominantly brick elevations with some timber cladding elements.
- 4.4 To the southwest of the site on the opposite side of Chrisp Street there are residential properties of between 2 and 3 storeys with predominantly brick elevations and balconies.
- 4.5 To the southeast of the site, on the opposite side of Barchester Street, there is a modern four-storey block of flats with predominantly brick elevations and balconies.
- 4.6 To the northeast of the site on the opposite side of Balladier Walk are modern two-storey houses with paved car parking to the front. The houses rise to three storeys towards the canal, where there are also two designated Blue Badge bays for disabled drivers. The site is within a predominately residential area.
- 4.7 The site is approximately 300m northwest of Langdon Park DLR Station and has a PTAL (Public Transport Accessibility level rating of 3 which is a moderate public transport accessibility rating.

## 5 **RELEVANT PLANNING HISTORY**

- 5.1 There is no relevant planning history for the application site itself; however, the planning context for the application sits within the parent 'Newfoundland' site (Land Bounded by Park Place, Westferry Road & Heron Quay Road, London) and other related donor affordable housing sites are relevant and are detailed below.
- 5.2 Newfoundland Site (PA/13/01455)  
On 10<sup>th</sup> June 2014, planning permission was granted for the: Erection of a 58 storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units (use class C3), 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal.

The proposal was granted subject to S106 which secured three off site affordable housing sites which includes the subject site and the sites below.

5.3 307 Burdett Road.

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

5.4 Lovegrove Walk

This site does not require planning permission as it comprises existing houses. These are not currently occupied and are being converted from private to affordable units.

## 6 DETAILS OF THE PROPOSED DEVELOPMENT

- 6.1 This proposal is one of three affordable housing donor sites in connection with 'Newfoundland' as detailed above. The Strategic Planning Committee resolved to grant planning permission for the Newfoundland development in March 2014. In light of viability constraints of the site, the development maximised the affordable housing potential of the scheme and the provision of the affordable housing 'off-site' was considered to result in a better overall outcome than providing it on site. Further information is available in the Newfoundland Committee Report, see Appendix A, However, it should be noted that a fully worked up scheme was presented to Members as an information item as part of the Consideration of the Newfoundland Application.
- 6.2 Full planning permission is now sought to demolish one existing warehouse building and ancillary structures and part demolish the remaining 'saw-tooth' factory building (retaining the majority of the facade) in order to construct three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application. The scheme is principally formed of 3 interconnected blocks – A, B and C – which look onto an internal communal courtyard.
- 6.3 The Barchester Street elevation of the building is brick with motif details and is between two to four storeys in height towards the southeast; slightly stepped back towards the northwest, the Barchester Street elevation extends to four to six storeys, with these upper storeys proposed to be clad in bronze. Recessed balconies are proposed along this elevation. The Chrisp Street elevation adjoins the properties at Pioneer Close and rises to six storeys with a 'saw-tooth' roof profile that is partially clad in bronze. Its detailing is similar to the Barchester street elevation, with brick elevations and motif details. Overhanging balconies serving the residential accommodation on the upper floors feature along the Chrisp Street elevation.
- 6.4 The Ballardier Walk elevation is three storeys high and incorporates the retained brick façade and original openings of the 1939 'saw-tooth' factory building, with some new openings created. A number of the dwellings on this elevation benefit from roof terraces. Stepped back from street level towards the north, the Ballardier Walk elevations rise to four, five and six storeys towards the centre of the site. These elevations reflect the original saw-tooth profile of the factory roof and will be clad in standing seam metal cladding of the same bronze colour.
- 6.5 Aside from the retained façade, the external materials are predominantly yellow London stock brick with both light and dark mortars and some timber panelling; the windows would be steel framed in dark bronze.
- 6.6 The proposal comprises 115 residential units; all of which would be affordable housing. The scheme provides 47 one bedroom units, 41 two bedroom units 18 three bedroom units and 9 four bedroom units. Ten of the

units would be wheelchair accessible. All of the residential units would be designed to lifetime Homes standards and Sustainable Homes Code 4. The internal courtyard provides 155 sqm of communal amenity space and 561 sq m of play space which will accommodate all under 5's play space and just over half the requirements of the 5-10 age group. There would be space for 142 cycles in two locations; one on the ground floor adjacent to the main access, and the other within the amenity space. Three spaces would be provided for Blue Badge holders on site.

6.7 Refuse collection would be from Barchester Street and Ballardier Walk. The proposed development would be permit free.

## **7 POLICY FRAMEWORK**

7.1 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:

### **7.2 Government Planning Policy**

NPPF - National Planning Policy Framework (2012)

NPPG- National Planning Policy Guidance (2014)

### **7.3 Spatial Development Strategy for Greater London - London Plan 2011 London Plan Revised Early Minor Alterations 2013 (LP REMA)**

2.9 Inner London

3.1 Ensuring equal life chances for all

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

3.8 Housing Choice

3.9 Mixed and Balanced Community

3.10 Definition of Affordable Housing

3.11 Affordable Housing Targets

3.14 Existing Housing

3.16 Protection and enhancement of social infrastructure

5.2 Minimising Carbon Dioxide Emissions

5.3 Sustainable Design and Construction

5.7 Renewable Energy

5.8 Innovative energy technologies

5.13 Sustainable drainage

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

5.21 Contaminated land

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.11 Smoothing Traffic Flow and Tackling Congestion

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

7.8 Heritage and Archaeology

7.18 Protecting Local Open Space

7.19 Biodiversity and access to nature

8.2 Planning Obligations

8.3 Community Infrastructure Levy

### **7.4 Tower Hamlets Adopted Core Strategy 2010**

SP02 Urban Living for Everyone  
SP03 Creating Healthy and Liveable Neighbourhoods  
SP05 Dealing with waste  
SP06 Employment uses  
SP08 Making connected Places  
SP09 Creating Attractive and Safe Streets and Spaces  
SP10 Creating Distinct and Durable Places  
SP11 Working towards a Zero Carbon Borough  
SP12 Delivering place making  
SP13 Planning Obligations

## **7.5 Managing Development Documents 2013**

DM0 Delivering sustainable development  
DM1 Development within the Town Centre Hierarchy  
DM3 Delivering Homes  
DM4 Housing standards and amenity space  
DM8 Community Infrastructure  
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  
DM30 Contaminated Land

## **7.6 Supplementary Planning Documents**

Designing out Crime Parts 1 and 2  
Planning Obligations SPD 2012  
Limehouse Cut Conservation Area Appraisal

## **7.7 Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

## **8.0 CONSULTATION RESPONSE**

8.1 The following were consulted with regard to the application. Responses are summarised below. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

### **LBTH Corporate Access Officer**

8.2 No objections.

### **LBTH Environmental Health Contaminated Land**

8.3 In terms of contaminated land, development of the site shall not begin until a scheme has been

submitted to the local planning authority and written approval has been granted for the scheme. The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

(OFFICER'S COMMENT – Should permission be granted, it is recommended such a condition be attached requiring details of such a scheme to be submitted and approved in writing by the Local Planning Authority prior to occupation).

### **LBTH Biodiversity Officer**

8.4 There is nothing of significant existing biodiversity interest on the application site. The adjacent Limehouse Cut is of value for aquatic wildlife, birds and probably commuting and foraging bats. The proposals are not likely to have any adverse impacts on biodiversity. Policy DM11 seeks biodiversity gains from new developments.

8.5 The landscaping is generally formal, but can include features that benefit biodiversity. A number of trees are proposed; the design and access statement says these will be small native species. Silver birch (the native *Betula pendula*, not the similar non-native white birch which is often favoured in landscaping schemes) or rowan are good for wildlife. The ground cover planting is described as "mostly evergreen with good flower or foliage colour". To benefit biodiversity, the emphasis should be on providing the colour from flowers, planting a range nectar-rich species that provide flowers for as much of the year as possible. Climbers should include honeysuckle, a good source of nectar which is night-scented and hence attracts nocturnal insects which provide food for bats. As there is no vegetation currently on site, the landscaping should ensure an overall benefit for biodiversity.

(OFFICER'S COMMENT: Appropriate conditions dealing with the details of the landscaping have been included.)

### **LBTH Transportation & Highways**

8.6 In accordance with DM22.2 of the Managing Development Document (MDD) this development should be subject to a Section 106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. The night-time parking occupancy on streets nearby to the proposed development is above the 80% level Highways regard as stressed. According to the Council's data, night time parking occupancy is 109% on Barchester Street, 99% on Chrisp Street and 230% on Morris Road.

8.7 Highways' strong preference is for wheelchair accessible parking on site in addition to the three wheelchair accessible spaces proposed. The proposals include ten 'easily adaptable wheelchair units'. With the local parking occupancy at high levels (see above), Highways are concerned there will not be adequate parking provision to meet the needs of residents who require wheelchair accessible spaces. Additional spaces should be provided to address this issue and the plans amended accordingly.

[OFFICER'S COMMENT: While it is accepted that the small amount of wheelchair accessible spaces is not ideal, it is noted that this is a constrained site and the lack of wheelchair spaces must be balanced against the lack of child playspace and the requirement for communal amenity space. The three accessible spaces proposed are therefore considered acceptable in this instance.]

8.8 The applicant is required to confirm the type of cycle parking proposed. Highways do not support vertical stands where this is the only type of stand provided and our preference is for Sheffield stands or similar.

[OFFICER'S COMMENT: The applicant has confirmed that the cycle parking will be both double-stacked cycle parking and Sheffield stands. This is considered acceptable.]

8.9 Highways are concerned that drivers operating 7m rigid vehicles may have difficulty turning on site and will resort to parking on nearby streets. The tracking provided shows a 7m rigid vehicle turning on-site. The swept path analysis shows this manoeuvring will bring these vehicles in close proximity



to the wall on the eastern side of the turning area. There is an opportunity to create a larger turning area by reconfiguring the ground floor layout that should be explored. This would give greater certainty that deliveries would take place on site.

[OFFICER COMMENT: Additional information has been submitted which clarifies the swept path analysis which the Highways Officer has confirmed is satisfactory.]

- 8.10 The vehicle access gate should be set back to allow all vehicles expecting to enter the site to wait off the highway while the gate is in operation. The proposed location does not allow this for delivery vehicles. The plans should be amended accordingly. Substation doors are shown opening onto the highway on Balladier Walk and Barchester Street are not acceptable. This is prohibited by s153 of the Highways Act 1980. The plans should be amended to address this.

[OFFICER'S COMMENT: The applicant has provided amended plans showing both a set back gate and substation doors that do not open onto the public highway.]

- 8.11 Works to the highway on Barchester Street will be required to remove the redundant crossover and modify the existing crossover for vehicle access onto the site. Please include the following condition:

'The development authorised by this permission shall not be occupied until the scheme of highway improvements necessary to serve this development have been completed in accordance with the Council's approval and have been certified in writing as complete by or on behalf of the Council (as highway authority) unless alternative arrangements have been approved in writing by the Council (as highway authority).'

- 8.12 The following conditions and obligations are also required by Highways:

- A Construction Management Plan requiring approval prior to commencement of the development
- A Delivery and Servicing Plan requiring approval prior to occupation of the development
- A Travel Plan requiring approval prior to occupation of the development
- A \*Permit Free\* agreement secured via the S106 agreement, restricting all future residents of the development from obtaining parking permits in the surrounding controlled parking zone.

(OFFICER'S COMMENT: Conditions have been added requiring the additional information. The additional abovementioned suggested conditions and obligation have also been included. Highway matters will be addressed in Section 10 of this report.)

### **LBTH Waste Policy and Development**

- 8.13 Please provide further information to show the location of the bin stores in relation to the development. Refuse should be broken down according to waste stream - food, dry recycling and residual. Please note that guidelines ask that waste is stored in the following receptacles - 1280 litre for dry recycling, 1100 litre residual and 240 litre for food waste. Please note that the wheeling distance from the bin store to the collection vehicle will be not more than 10 metres, at a gradient of not more than 1:12 towards the vehicle and that there will be a dropped kerb. The collection point should be free of parking spaces.

(OFFICER'S COMMENT: The applicant has provided the revised plans required and noted these comments).

### **LBTH Arboricultural Officer, Parks and Open Spaces**

- 8.14 There are no trees within the site boundary. There are self-seeded Buddleia Bavidii in various locations on site. There are 3 young trees arising from within the boundary of the Public Highway (1 Betula species and 2 Acer campestre - planted in 2011), adjacent to and outside of the Southern/Western site boundaries and 2 trees arising from a shrub bed (1 Prunus species and 1 Betula species) on private land, adjacent to the Western site boundary. All the trees situated in

close proximity to the proposed development site boundary should receive adequate protection to canopy and root zone during construction, possibly including the installation of root barriers along the boundary of the highway and the site footprint, to prevent future root extension/encroachment.

- 8.15 Protection of existing trees should follow the measures set out in British Standard 5837. Trees should be retained wherever feasible and appropriate.

Materials for the landscaping project should be of known provenance, procured following the guidelines in the relevant British Standard.

All new tree plantings should be suitable for purpose include a proportion of British native species of known eventual height/spread, take into account the potential for climate change and not to include species that currently carry identifiable diseases.

An adequate maintenance schedule should be in place for all new plantings.

(OFFICER'S COMMENT: Appropriate conditions dealing with the details of the trees have been included.)

### **External consultation responses**

#### **The Canal and Riverside Trust**

- 8.16 The building makes a positive contribution to the significance of the Limehouse Cut Conservation Area and we consider that there is an opportunity to develop a more sympathetic adaptation of the building where it retains more of its industrial form and style.

- 8.17 The application property is adjacent to steps on Balladier Walk that give direct access to the towpath. The addition of 115 residential units will therefore result in increased usage of the towpath by pedestrians and cyclists, particularly as a route to local transport links and for recreational use. Increased use places increased pressure on the towpath and results in additional maintenance costs and requirements. As the site will undoubtedly benefit from its canal frontage we consider it appropriate for the development to make a contribution towards improvements to the canal environment, including maintenance and enhancement of the towpath and improved access and wayfinding. We would suggest a contribution of £25,000 to be reasonable.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements as part of the Streetscene contribution, which was calculated using the boundary of the site including the section that fronts onto the towpath.)

- 8.18 If the Council is minded to grant planning permission, it is requested that conditions are attached to the decision notice in terms of both the waterway wall and a risk assessment. Appropriate informatives will also be required.

(OFFICER'S COMMENT: Conditions and informatives have been included with the advice from the Canal and River Trust).

#### **Crime Prevention Officer**

- 8.19 The crime prevention officer met with the applicants to discuss the proposals and is satisfied with the measures proposed to mitigate crime and antisocial behaviour within the area.

#### **Primary Care Trust**

- 8.20 A figure of £158,930 is required for capital contribution costs.

(OFFICER'S COMMENT: These contributions have been included in the Section 106 requirements. The financial contributions are explained in detail in Section 10 of this report)

- 8.21 The following were also consulted; however, no responses have been received.

- The Twentieth Century Society

## **9. LOCAL REPRESENTATION**

### Statutory Consultation

9.1 Site notices were displayed on 28 October 2014. The proposal was also advertised in the press on 20 October 2014. A total of 374 neighbouring addresses were notified in writing. Following an amendment to the proposal, site notices were again displayed on December 18 2014 and advertised in the press on December 22 2014; consult letters were also re-sent on December 17 2014. 3 letters of objection and 1 general comment have been received.

9.2 For completeness, all issues raised in the objections/comment are summarised below.

9.3 The objections raise the following matters:

1. Design (Inappropriate for the Limehouse Cut Conservation Area, Proposed 6 storey height inappropriate adjacent to surrounding 3 storey buildings, 'zig-sag' roof inappropriate, the retained façade will be poorly integrated.)
2. Concern that the local area is oversubscribed with social housing/there are already too many flats in the area
3. The application does not provide commercial premises
4. Concern that new buildings will reduce sunlight to balconies.
5. Concerns over overlooking
6. Concerns over car-parking issues as area is already overcrowded
7. Concerns over anti-social behaviour
8. Loss of views
9. The computer-generated drawings within the application are misleading.

9.4 Point 1 is addressed in the design section of the report points 2 and 3 are addressed within the Land Use section of the report, points 4 and 5 are considered within the amenity section of the report and point 6 is addressed within the Highways section of the report (all within section 10 below). With regard to point 7, there is no evidence that the proposal is likely to bring about a marked increase in antisocial behaviour. With regard to point 8, loss of views is not a material planning consideration. With regard to point 9, the final drawings listed on the decision notice are to-scale and proposals must be built in accordance with these.

## **10. MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage matters
3. Housing - density, mix and tenures
4. Residential Amenity
5. Transport and Access
6. Sustainability, Energy efficiency & Climate Change
7. Health Considerations
7. Planning Obligations & CIL
9. Localism Act (amendment to S70 (2) of the TCPA 1990)
10. Human Rights Considerations
11. Equality Act Considerations
12. Conclusion

### **Land Use**

10.2 The Adopted Core Strategy place-making policy SP12 specifically identifies a vision for Poplar: 'Poplar will become a more economically active and prosperous place through comprehensive

regeneration, new development and housing-estate renewal. Physical transformation will address the severance created by some of the housing estate layouts and reinstate a more traditional street pattern which will allow for easier and safer movement. Higher densities will be located in and around the regenerated Chrisp Street town centre and ensure it remains the focal point of the neighbourhood.’ Commercial uses are not considered appropriate for this site due to its location outside of a town centre and away from active street frontage.

- 10.3 The key principles to achieve the vision for Poplar are as follows: Focus higher density development in and around Chrisp Street and adjacent public transport nodes; provide for lower- and medium-density, lower-rise family housing around Bartlett Park and its surrounds; new buildings to be responsive and sensitive to the setting of Bartlett Park, Limehouse Cut Canal and the conservation areas in Poplar; regenerate Chrisp Street town centre, with improved visual access and entry points, while respecting the elements of historic conservation value.
- 10.4 The site is within the Limehouse Cut conservation area.

#### Loss of factory/warehouse

- 10.5 The application site is a former factory/warehouse was most recently in use as a document storage facility. Policy DM15 of the Managing Development Document (2013) states that development should not result in the loss of active and viable employment uses unless it can be shown that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 10.6 The application was accompanied by an assessment of future occupation for employment uses by CBRE. Its conclusion was that the future appeal at the site would be limited due to its size, layout, and lack of natural light and poor accessibility. By virtue of the lack of future appeal to new occupiers, the loss of the former factory/warehouse is considered acceptable.

#### Principle of residential use

- 10.7 Delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets is set at 28,850 with an annual monitoring target of 2,885.
- 10.8 The need to address the demand for new residential accommodation is embraced by the Council’s strategic objectives SO7 and SO8 and policy SP02 of the Adopted Core Strategy together with policy DM3 of the Managing Development Document (2013). These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 10.9 The above policies also set out where new housing could be delivered and identify the Poplar area as having potential for medium growth. By virtue of the existing surrounding uses, the principle of residential use in the area has been established and the proposed development for 115 dwellings would contribute to the boroughs housing targets. The housing mix and quality will be discussed further in following sections of the report.

#### **Design and Heritage**

- 10.10 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a ‘check-list’ of the design objectives for new development.
- 10.11 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people’s access to social and community infrastructure. 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. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.12 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.13 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.14 The site is within the Limehouse Cut Conservation Area. Members must satisfy themselves that the proposal conserves or enhances the appearance of the Conservation Area.

#### Layout, height and scale

- 10.15 The Limehouse Cut Conservation Area Character Appraisal describes the existing site as follows: 'The traditional north lit factory building (1939) adjoining Balladier Walk on the east side of the group was built for the Cooperative Wholesale Society Ltd and was intended as a Joinery Works. It is constructed of well baked Fletton bricks with metal windows. It has a distinctive factory type saw tooth roof profile on the elevation to Balladier Walk and is visible from the Canal. On the west side is the large c1956 extension with a narrow slither of frontage onto the canal, extending southwards as the 'works' first, and then the large rectilinear 'warehouse building' which reaches Barchester Street. Between the two buildings is an access lane which reaches almost as far as the canal. This is reached only by passing under the link building frontage onto Barchester Street, and being enclosed by a gate gives the feeling of a courtyard space. Those elevations which front onto this space retain traditional elements characteristic of the furniture workshops which were located on the Cut, with original timber loading doors still remaining, in contrast to the metal windows of the external envelope of these properties'.



### **The existing 1930s saw-tooth factory building**

- 10.16 The Barchester Street elevation of the building is brick with motif details and is between two to four storeys in height towards the southeast; slightly stepped back towards the northwest, the Barchester Street elevation extends to four to six storeys, with these upper storeys proposed to be clad in bronze. Recessed balconies are proposed along this elevation. The Chrisp Street elevation adjoins the properties at Pioneer Close and rises to six storeys with a 'saw-tooth' roof profile that is partially clad in bronze. Its detailing is similar to the Barchester street elevation, with brick elevations and motif details. Overhanging balconies serving the residential accommodation on the upper floors feature along the Chrisp Street elevation.
- 10.17 The Balladier Walk elevation is three storeys high and incorporates the retained brick façade and original openings of the 1939 'saw-tooth' factory building, with some new openings created. Stepped back from street level towards the north, the Balladier Walk elevations rise to four, five and six storeys towards the centre of the site. These elevations mimic the original saw-tooth profile of the factory roof and will be clad in standing seam metal cladding of the same bronze colour. Alongside the canal, the Limehouse Cut elevation incorporates the northern end of the retained façade of the 1939 factory building, with a further two bronze-clad storeys rising above. The proposed materials are considered sympathetic to the surrounding buildings, including those facing the Cut.



**Computer-generated image of proposed view from Broomfield Street**

- 10.18 The Borough Heritage and Conservation officer has commented that the proposals as they currently stand have been carefully considered and officers consider that the proposals preserve the character of the conservation area with great attention having been paid to materials, detailing of the brickwork and rooflines to unify the scheme across the two buildings.
- 10.19 While the building rises to six storeys at its highest point (as seen in the proposed view from Broomfield street above) it is not considered that this will appear overly dominant within the street scene. The parapet of the elevations facing Balladier Walk and Limehouse Cut incorporates the retained façade of the 1930s factory building and is broadly in line with the parapets of neighbouring buildings, with the taller elements of the building set further back. This ensures that the building appears respectful in terms of scale and sits comfortably within its surroundings.
- 10.20 The buildings surround an internal courtyard, which provides 155 sqm of communal amenity space and 561 sq m of play space, which will accommodate all under 5's play space and just over half the requirements of the 5-10 age group. There would be space for 142 cycles in two locations; one on the ground floor adjacent to the main access, and the other within the amenity space. Three spaces would be provided for Blue Badge holders on site.
- 10.21 It is considered that the proposed layout would provide active frontages and access points at ground floor level which would contribute to activity and natural surveillance in the area. The residential entrances are clearly

defined and the entrances to the building are level access with lifts at each core. The details of servicing will be agreed through a service management plan and a condition has been added requiring this to be provided prior to the commencement of development.

- 10.22 For the reasons outlined above, it is considered that the design of the proposed development would be appropriate in terms of height, layout and scale and would relate well to the surrounding street layout and townscape.

#### Architectural Appearance, Materials and Landscape

- 10.23 The submitted design, access and impact statement states that neither existing building contributes any active edges to the surrounding streets or to the canal. Furthermore, it states that the 1950s building is unremarkable architecturally, while the 1930s building is of interest for its utilitarian industrial character derived principally from the saw tooth profile as seen in the long street elevation.
- 10.24 The external elevations of the proposed buildings would be predominantly brick. The exact brick type is to be agreed via condition, however the majority will be a form of yellow London stock brick. Standing seam metal cladding in a bronze colour will also be used at upper levels.
- 10.25 The existing windows on site vary across the buildings and are in varying states of repair. They are single-glazed, multi-panelled 'Crittall' windows. It is proposed to use the proportions of the existing windows to develop a new metal framed window that sits within the retained façade. Details of these will be required by way of a condition.
- 10.26 A key feature of the scheme is not only the retention of the majority of the former factory façade, but also the repetition of its roofline profile to create a strong architectural form using the 'saw tooth' roof light elements for the new building elements set both within and adjacent to the 1930s factory building. It is considered by officers that this striking element contributes positively towards the Limehouse Cut conservation area.





10.27 In terms of landscape, private patios on the ground floor line the perimeter of the communal courtyard, and are separated from common areas by evergreen hedging and shrub planting. The design and access statement states that the landscape takes inspiration from the saw tooth profile of the roof and the cross pattern from the demolished factory to create an angular design. It includes a grass area with play elements, a paved sitting area partially enclosed with a pergola, and a growing garden with a planted salad wall and a raised bed.

10.28 10.43 Overall, it is considered that the proposed design responds to the surrounding building form, heights, architecture and appearance. The angular elements of the building reflect the retained 'sawtooth' façade of the 1930s factory building while the stepped height formats and design detailing add interest to the elevations and present a high quality design sensitive to the character of the surrounding area. For these reasons it is also considered that the proposal conserves and enhances the appearance of the adjacent Brick Lane/ Fournier Street Conservation Area to the south and east.

**Housing**



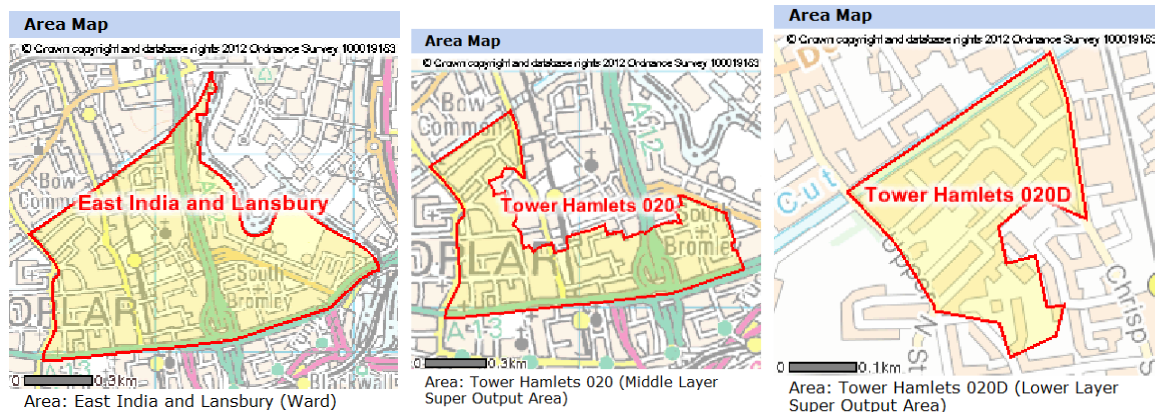
- 10.29 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.30 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. 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. Policy SP02 of LBTH’s Core Strategy (2010) seeks to maximise all opportunities for affordable housing on new sites, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 10.31 The application is 100% affordable housing by habitable room and provides a proportion of the affordable housing offer for the previously consented ‘Newfoundland’ scheme which does not deliver any affordable housing on site. This was previously approved on the basis that providing affordable housing on site would have meant that only 6% was financially viable. In lieu of this, three sites owned by the applicant (including this one) are proposed to provide 45% of the affordable housing as donor sites, and a cash in-lieu payment of £7,490,000 is also proposed towards intermediate housing. The four sites together are linked via a s.106 agreement regarding the provision of affordable housing and dwelling mix.

#### Residential density

- 10.32 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 2-3 the anticipated density range is 450 habitable rooms per hectare.
- 10.33 The applications site lies in PTAL 3 and has a density of 958hr/ha therefore would be above the recommended density range in habitable room terms, with an average of 3 habitable rooms per unit it would result in 341 units per hectare and would also be above the London Plan density range for the number of units.
- 10.34 It should however also be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 10.35 As detailed within this report, officers consider that the subject site can accommodate the proposed density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

#### Mixed and balanced communities

- 10.36 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. Policy DM3 of the Managing Development Document 2013 seeks to ensure mixed and balanced communities in order that development does not result in too much of any one type of housing in one local area.
- 10.37 An assessment of the current tenure types has been undertaken to assess whether this development would contribute to a mixed and balanced community within the local context. As a visual aid, the maps below outline the areas that have been assessed:



### Existing housing by tenure

Tenure	Borough Average	East India & Lansbury ward	Middle super output area	Lower-super output area
Owner	24%	18%	15%	11%
Shared ownership	2%	3%	2%	5%
Social rented	40%	57%	60%	67%
Private rented	33%	21%	22%	16%

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

Tenure	Borough Average	East India & Lansbury ward	Middle super output area	Lower-super output area
Owner	24%	18%	15%	10%
Shared ownership	2%	3%	2%	4%
Social rented	40%	58%	62%	71%
Private rented	33%	20%	21%	14%

10.38 As can be seen above, the area does have a higher than average level of social housing and within the immediate vicinity of the site the level of social housing would change from 67% to 71% were this development constructed. At ward level the social housing would be increased by 1%. As per Burdett Road, the area has changed significantly since 2001 and the levels of social housing have reduced proportionately. At ward level the social housing in 2001 made up 69% of the housing stock, whereas this is now 58%, at the lower super output area level 84% of housing was social rented in 2001 so there is evidence that the area is becoming more mixed and balanced by virtue of the number of private schemes which have come forward since 2001.

10.39 A balanced view needs to be taken on this proposal, in light of the viability position of Newfoundland. Whilst Barchester Street is located within an area with higher than average social housing, these 352 habitable rooms are outside of the scope of what is viable as a result of the private housing scheme. This would provide much needed additional housing stock for those on the Council's waiting list and this is a significant benefit of the scheme which needs to be weighed against any concern arising from whether this is undermining the objectives of creating a mixed and balanced community.

### Housing mix

Unit type	Barchester	Burdett Road	Lovegrove	Unit type totals	Unit type mix	MDD
1-bed	47	5	0	52	29.38	30
2-bed	41	5	0	46	25.99	25

3-bed	18	30	6	54	30.51	30
4-bed	9	2	14	25	14.12	15
Totals	115	42	20	177	100	100

10.40 This development should be considered in the context of wider proposals for Newfoundland. Currently a total of 115 units are proposed in a mix of 47 x 1 bed (41%), 41 x 2 bed (36%), 18 x 3 bed (15%) and 9 x 4 bed (8%). While this would not be considered policy compliant for a standalone scheme, this must be considered within the context of the overall offer for the three Newfoundland donor sites.

10.41 When considering the overall offer for affordable housing the following is proposed:

Burdett Road: 5 x 1bed, 5 x 2 bed, 30 x 3 bed and 2 x 4 bed.

Lovegrove Walk: 60 x 1 beds, 24 x 2 beds, 29 x 3 beds, 20 x 4 bed and 1 x 5 bed.

Barchester Street: 47 x 1 bed, 41 x 2 bed, 18 x 3 bed and 9 x 4 bed.

10.42 This gives a total of 52 x 1 bed, 46 x 2 bed, 54 x 3 bed and 24 x 4 bed and 1 x 5 bed. In percentage terms this is 29% 1 beds, 27% 2 beds, 30% 3 beds and 14% 4 & 5 beds. This equates to 44% family units which is only slightly below the requirements of policy SP02 of the Core Strategy. The higher provision of smaller units on Barchester is considered acceptable in light of the larger family units being provided on Lovegrove Walk and Burdett Road. The smaller units are also considered more appropriate within the Barchester site due to the limited space available for child play space.

#### Standard of accommodation

10.43 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.

10.44 All the units proposed are in line with the above policies and all units meet the minimum space standards as set out in policy DM4 of the Managing Development Document (2013). The majority of the flats are single aspect and a number of these will be northwest facing, namely those on Chrisp street and several facing onto the courtyard; however, this is considered to be difficult to avoid due to the constraints of the site. Overall, it is considered that the proposed layouts are well thought through and will provide a high standard of living accommodation and amenity to the future occupiers. In terms of both outlook and privacy, officers consider that the proposal is satisfactory in light of its inner-city location

10.45 The daylight amenity has been assessed using the average daylight factor (ADF) following the methodology of the BRE guidance. Glazing levels in the most constrained areas have been increased (such as in inward-facing areas); it has therefore been possible to achieve 89% ADF compliance across the building. Sunlight to windows has also been assessed using the Annual Probable Sunlight Hours (APSH) test following BRE guidance. This showed that 81% of living rooms show BRE compliance. This is considered good when taking into account the restraints of the site (ie the retained facades). The amenity area within the courtyard would see at least 2 hours of sunlight across more than 50% of its area on March 21 which also complies with BRE guidance.

#### Wheelchair Accessible Housing and Lifetime Homes Standards

10.46 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

10.47 Ten wheelchair accessible or easily accessible for wheelchair users homes are proposed in Block A consisting of two 1-bedroom flats at ground floor level, one 2-bedroom flat at second floor level, one 2-bedroom flat at third-floor level and six 3-bedroom flats at ground, second, third and fourth floor level with private amenity space and entrances together with three car parking spaces. Two lifts service each core which ensures that if one lift is out of use the other can facilitate wheelchair users. While this is slightly below the policy requirement, the Affordable Housing team have indicated that in this instance they would be willing to accept a financial contribution that can be used towards retrofitting wheelchair-adapted units within the Borough to make up the shortfall. This has been agreed and included within the Section 106 agreement.

Private and communal amenity space

10.48 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.

10.49 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the upper storey flats would have adequately sized balconies.

10.50 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 155sqm is required for a development of 115 flats. The development would provide a communal courtyard area measuring 155 sq m.

Breakdown of Amenity Space							
Private Amenity		Communal Amenity		Child Play		Open Space	
LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision	LBTH Policy	Scheme Provision
5 sqm for 1-bed flat (extra sqm for each occupant)	All units comply or exceed.	155sqm	155sqm	Under 5's	380sqm	3192sqm	0sqm
				5-10	181 sqm		
				11-15	0 sqm		
				380sqm			
				340 sqm			
				190 sqm			

10.51 As shown in the table above, all units meet or exceed private amenity space standards. The scheme is also policy-compliant with regard to communal amenity space.

Child play space

10.52 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child.

10.53 Using the LBTH child yield calculations, the development is anticipated to yield 91 children and accordingly the policy sets an overall benchmark of 911 sqm of child play space to be provided.

10.54 It is anticipated that the development would yield thirty-eight under-fives, thirty-four five-ten year olds and nineteen 11-15 year olds. As demonstrated in the table above, the child play space provision is not compliant with policy. While the under-fives would be provided for, just over half of the 5-10 year-olds have provision on site, leaving a shortfall. In light of the constraints of this site, officers consider it appropriate to accept a financial contribution towards improving open spaces and playspaces within appropriate distances from the site.

### Open Space

10.55 Core Strategy objective SO12 aims to create a high quality natural environment of green spaces that promote active and healthy lifestyles. Policy SP04 provides a basis for creation of a network of open spaces across the borough through protection, improvement, and creation of open spaces. Managing Development policy DM10 states that development will be required to contribute to the delivery of an improved network of open spaces in accordance with the Council's Green Grid Strategy and Open Space Strategy. The MDD includes a monitoring target of 1.2 ha per 1000 population.

10.56 The proposal would not provide any outdoor space. However, given the site's space constraints, the shortfall of additional open space is considered acceptable. Furthermore, as stated in the above sections of the report, the proposal would make a £213,420 financial contribution towards public open space. Overall it is considered the proposal is in accordance with policies and the financial contribution is welcome.

### **Residential amenity**

10.57 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

10.58 The nearest residential property is the adjoining buildings at 1-32 and 33-40 Pioneer Close, as well as the residential developments on the opposite sides of Chrisp Street, Barchester Street and Balladier Walk to the southwest, southeast and northeast of the site.

10.59 Balconies are positioned all around the building and are predominantly outward looking; some look into the communal courtyard. The building would be approximately 14m from the front façades of the buildings to the southwest, southeast and northeast.

### Overlooking and privacy

10.60 The closest windows to the surrounding sites to the southwest, southeast and northeast would be approximately 14m. This is fairly typical of distances in the borough within this urban setting and it is not considered that this would cause unacceptable overlooking or privacy concerns. Furthermore, the balconies on Balladier Walk would be recessed due to the retained factory façade.

10.61 However, a neighbour at Caspian Wharf has objected on the grounds that new overlooking will be created. Caspian Wharf is to the northeast of the proposal, approximately 70 metres away. Overall, it is not considered that the proposed development would give rise to unacceptable levels of overlooking or loss of privacy as the proposed development is typical of many urban housing developments in the borough.

### Daylight and sunlight

10.62 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

- 10.63 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment, where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 10.64 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 10.65 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 10.66 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 10.67 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 10.68 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 10.69 If the available annual and winter sunlight hours are less than 25% and 5% of annual probable sunlight and less 0.8 times their former value, either the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight.
- 10.70 The application is supported by a Daylight and Sunlight Assessment (DSA). The report tests the following properties within the locality:
- 1-33 Pioneer Close
  - 34-40 Pioneer Close
  - 51 Broomfield Street
  - 203-225 Broomfield Street
  - Chrisp Street Triangle
  - 1-8 Balladier Walk; and
  - 9-11 Balladier Walk
- 10.71 All of the above have been tested in line with BRE guidance and have generally been found to meet the BRE guidance. Officers considered that there is no material loss of daylight of sunlight that would support a refusal of the scheme. Overall, the scheme is not considered to have an adverse impact on its neighbour's light when referring to the BRE guidance and when taking the urban context into account. A number of properties at Pioneer Close would see noticeable gains in daylight, should the proposal be built, due to the proposed removal of an existing boundary wall.

## Noise and vibration

- 10.72 Due to the fact that the proposal is solely residential, it is not considered that there is likely to be issues surrounding noise and vibration except around construction. A condition has been added to ensure that the construction work only takes place between 08.00 - 17.00 Monday to Friday and 08.00 -13:00 Saturday. No work is to be carried out on Sundays or Bank Holidays. A Construction Management Plan and Code of Practice is also required to ensure minimal disruption to neighbouring residents.
- 10.73 Overall, subject to appropriate conditions, the amenity of future occupiers would be safeguarded and thus the proposal accords with Policy SP10 in the Core Strategy (2010) and Policy DM25 in the MDD (2013).

## **Transportation and access**

- 10.74 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.75 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met, including emphasis that the Council will promote car free developments in areas of good access to public transport.
- 10.76 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.77 The site is approximately 450m northwest of Langdon Park DLR Station and has a PTAL (Public Transport Accessibility Level) rating of 3 which is a moderate public transport accessibility rating. There are also 24 Barclays Cycle Hire docks located at Langdon Park and frequent bus services a 2-minute walk away.
- 10.78 The Transport Statement accompanying the application concludes that overall given the anticipated small increase in movements created by the development and the high volume of sustainable travel connections in vicinity of the sites, the development in principle would not have a detrimental impact on highway and pedestrian safety or operation of the highway and public transport systems subject to appropriate conditions.
- 10.79 Specific details around cycle parking and waste are detailed in the sections below.

## Cycle Parking

- 10.80 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for various types of development.
- 10.81 The proposal seeks to create a total of 142 covered cycle spaces for residents. This provision was confirmed as adequate by the LBTH Transportation & Highways Team.

## Car Parking

- 10.82 Policy DM22 of the Managing Development Document also refers to the parking standards set out in its appendix 2. These state that where development is located in areas of good public transport accessibility and/or existing on-street parking stress, the Council will require it to be permit free.

- 10.83 While the PTAL rate is moderate rather than good, the Borough Highways officer has confirmed that the surrounding streets are under high parking stress. Therefore, in accordance with policy, a car free agreement would be secured to prevent new residents from acquiring an on-street parking permit, apart from those transferring within the borough from another affordable family home under the Council's Permit Transfer Scheme (PTS).
- 10.84 There are 27 family sized units proposed that are able to benefit from the PTS. Whilst, at this stage, it is impossible to tell how many of the occupants will actually own a car from samples taken on other affordable housing sites, it is unlikely all will do so. A sample of the Ocean Estate showed that 18 out of 32 family units within Site H (three residential blocks comprising of 140 units) benefited from a parking permit. This equates to approximately 56% and is an indicator of car ownership on affordable housing sites.
- 10.85 It should be noted that the additional parking is a local impact as the PTS simply displaces parking from other parts of the borough rather than adding to it. Therefore there is unlikely to be any significant transport impacts. It is accepted that the scheme is more likely to exacerbate the existing parking stress in this area, however, it is considered that the provision of much needed affordable housing carries significantly more weight than the localised impacts as the result of parking generated from the proposal.

#### Servicing and refuse requirements

- 10.86 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments.
- 10.87 Refuse and recycling would be stored in two dedicated communal refuse areas, one located next to the entrance in Barchester Street and the second accessed from Balladier Walk. Residents will be responsible for transferring household waste and recyclables to the communal bins in time for collection once a week. The refuse store adjacent to the Barchester Street entrance is approximately 10 metres from the waste store entrance to the kerbside on Barchester Street. The second waste store has a direct entrance onto Balladier Walk. Deliveries will occur via the main courtyard. Full details of refuse storage and collection, a waste management plan and a deliveries and servicing plan will be secured by condition.

#### **Sustainability, energy efficiency and climate change**

##### Energy efficiency

- 10.88 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 10.89 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.90 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 10.91 According to initial assessments, the residential part of the development would achieve Sustainable Homes Code level 4 with a score of 69%. Overall CO2 emissions would be reduced by 46%.
- 10.92 The London Plan 2011 Policy 5.6 requires Major development proposals should select energy systems in accordance with the following hierarchy:
- Connection to existing heating or cooling networks
  - Site wide CHP network
  - Communal heating and cooling.



- 10.93 The applicant has demonstrated that in order to achieve the necessary CO2 emissions reductions a CHP and PV array will be installed.
- 10.94 The LBTH Energy and Sustainability Officer has confirmed that the Energy Strategy submitted with the application is acceptable and in line with policy. Conditions have been attached to ensure the delivery of these levels.

#### Ecology and biodiversity

- 10.95 As noted in the biodiversity officer's comments, the application site has no existing biodiversity value or potential to support protected species; as such there will be no adverse impacts on biodiversity. It is hoped that this proposal is an opportunity to improve the biodiversity of the site and details of the landscaping will be conditioned in order to promote this.
- 10.96 In conclusion, officers are satisfied that the scheme would provide appropriate biodiversity and ecological enhancements and subject to appropriate conditions, would comply with national, London Plan and Tower Hamlets Core Strategy and Managing Development Polices with respect to biodiversity.

#### **Planning obligations**

- 10.97 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.
- 10.98 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.
- 10.99 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. affordable housing, open space and public realm improvements).

- £33,516 is required towards Idea Stores, Libraries and Archives
- £158,930 is required towards Health
- £3,990 is required towards Sustainable Transport
- £909,997 is required towards Education
- £134,607 is required towards Leisure
- £213, 420.18 is required towards Open Space
- £11,167 is required towards the playspace shortfall
- £125,736.29 is required towards Streetscene improvements, including maintenance and enhancement of the canal towpath and improved access and wayfinding
- £60, 000 is required towards Wheelchair Unit Retrofitting
- £27,887 is required towards the Construction Phase
- In addition, £33, 585 is required for Monitoring

Total financial contributions: £1, 712, 835.48

In addition to the above the following non-financial obligations would be secured:

- 10 wheelchair accessible units (or easily adaptable for wheelchair users)
- Permit free agreement
- Target of 20% local goods and services at construction stage
- Commitments to local employment targets at construction stage
- 7 Apprenticeships at construction stage according to site requirements

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

10.100 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:

In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

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

- 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.

In this context “grants” might include the New Homes Bonus.

These issues are material planning considerations when determining planning applications or planning appeals.

10.101 The 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.

10.102 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 £204,909 in the first year and a total payment £1,229,456 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

10.103 Members are reminded that this scheme is liable for London Mayoral CIL. However, due to the fact that it comprises 100% affordable housing, it is likely to be eligible for relief subject to a formal assessment.

### **Human Rights Considerations**

10.104 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:-

10.105 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".

10.106 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.

10.107 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.

10.108 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.

10.109 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.110 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.

10.111 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**

10.112 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, gender 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.113 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.

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

10.115 The provision of affordable housing, well designed and located wheelchair accessible housing and a good range of housing types all with access to shared communal open space and child play space within the development would support community wellbeing and social cohesion.

## **11. CONCLUSION**

11.1 All other relevant policies and material considerations have been taken into account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

**Planning Application Site Map**  
**PA/14/02607**



- |                                    |                            |                     |        |
|------------------------------------|----------------------------|---------------------|--------|
| Planning Application Site Boundary | Locally Listed Buildings   | Land Parcel Address | 0 20 m |
| Consultation Area                  | Statutory Listed Buildings | OSLine              |        |

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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