

Strategic Development Committee	Date: 8 th October 2015	Classification: Unrestricted	
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Report Of: Director of Development and Renewal	Title: Application for Full Planning Permission
Case Officer: Robert Lancaster	Ref No: PA/15/00641
	Ward: Lansbury

1. APPLICATION DETAILS

Location: Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX

Existing Use: Site is currently in use as a food wholesaling business

Proposal: Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.

Drawings:

P0-001 Rev P3; P1-100 Rev P3; P1-150 Rev P2;
P1-300 Rev P3; P1-350 Rev P2; P0-100 Rev P7;
P2-000 Rev P8; P2-001 Rev P7; P2-002 Rev P5;
P2-003 Rev P5; P2-004 Rev P5; P2-005 Rev P5;
P2-006 Rev P5; P2-007 Rev P5; P2-008 Rev P5;
P2-009 Rev P4; P2-010 Rev P3; P2-011 Rev P3;
P2-012 Rev P3; P2-013 Rev P3; P2-016 Rev P4;
P2-100 Rev P8; P2-101 Rev P7; P2-102 Rev P4;
P2-103 Rev P4; P2-104 Rev P4; P2-105 Rev P4;
P2-106 Rev P5; P2-107 Rev P5; P2-108 Rev P5;
P2-109 Rev P4; P2-110 Rev P3; P2-111 Rev P3;
P2-112 Rev P3; P2-113 Rev P3; P2-116 Rev P4;
P2-150 Rev P7; P2-151 Rev P6; P2-152 Rev P6;
P2-153 Rev P6; P2-154 Rev P4; P2-155 Rev P4;
P2-156 Rev P4; P2-157 Rev P4; P2-158 Rev P4;
P2-159 Rev P1; P2-200 Rev P2; P2-350 Rev P4;
P2-351 Rev P5; P2-352 Rev P4; P2-353 Rev P4;
P3-110 Rev P4; P3-111 Rev P3; SK-006 Rev P2;
FNH414/FD100; 4704704-SK-012 Rev B; P0-200 Rev P1; P0-300 Rev P4; P0-101 Rev P4; P0-102 Rev P4; P0-103 Rev P4; Elevations and Materials; Composition and Detailing; FNH414 SK01;

Supporting Documents:

- Planning Statement by Fairview Homes Ltd
- Draft Heads of terms by Fairview Homes Ltd

- Daylight/Sunlight Assessment (including addendums) by CHP
- Design and Access Statement by ColladoCollins
- Lifetime Homes Standard Assessment by Fairview Homes Ltd
- Employment Floorspace Assessment by JLL
- Sustainability Statement by Silver
- Contaminated Land Report by CGL
- Transport Statement (including Travel Plan) by URS/AECOM
- Addendum to Transport Statement dated 12th June 2015 by AECOM
- Flood Risk Assessment by URS/AECOM
- FNH 414 PHOENIX WORKS – Method Statement
- Archaeological Desktop Study by CgMs
- Energy Efficiency Statement by Silver
- Air Quality Assessment by MLM
- Noise Assessment by Grant Acoustics
- Statement of Community Involvement by Curtain and Co (and September addendum)
- Landscape Design Strategy by MCA
- Refuse Strategy by ColladoCollins
- Secure by Design Statement by Fairview New Homes Ltd
- Biodiversity Assessment by Aspect Ecology

Applicant:	Fairview Homes Ltd
Ownership:	Fairview Homes Ltd
Historic Building:	None
Conservation Area:	Adjacent to Limehouse Cut Conservation Area

2. RECOMMENDATION

2.1 To **GRANT** planning permission subject to:

2.2 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 111 of the Local Government Act 1972 within three months of the date of this resolution, to secure the following planning obligations:

- 34.2% Affordable Housing by habitable room (28 rented units/14 intermediate units)
- Contribution of £61,904 towards construction skills and training
- Local training, procurement and access to employment strategy (20% local goods and services procurement by value)
- 20% local employment during construction
- 6 apprenticeships
- Code of Construction Practice

- Off-site highway improvement works, including zebra crossing and junction improvements.
 - Residential Travel Plan
 - Travel Plan commitment for oyster card annual membership (1 per unit) for three years (cost equivalent - £43,740)
 - Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.
- 2.3 In addition to the above, the development would be liable for approximately £300,000 to the Mayor of London's Community Infrastructure Levy (CIL) and £300,000 for the London Borough of Tower Hamlets CIL.
- 2.4 That the Director of Development & Renewal is delegated authority to negotiate the Section 106 legal agreement referred to above.

Planning Conditions

- 2.5 That the Director of Development & Renewal is delegated power to impose conditions and informative on the planning permission to secure the following matters:

Compliance conditions

1. Time Limit 3 years
2. Compliance with plans and documents;
3. Compliance with Energy and Sustainability Strategy;
4. All residential accommodation to be completed to Lifetime Homes standards;
5. All amenity space including child play space to be accessible to all future residents of the development;
6. Waste Management Plan
7. Control over hours of construction;
8. All residential units are designed to meet noise requirements set out in BS:8233 (2014) and vibration requirements set out in BS: 6472;
9. All lifts operational prior to occupation of the relevant part of the development;

Approval of details, prior to commencement / occupation as applicable

10. Approval of Demolition and Construction Environmental Management and Logistics Plan including piling method and details of protecting the towpath, the safety of water way users and the integrity of Limehouse Cut (in consultation with CRT and Thames Water);
11. Scheme of ground contamination investigation and remediation;
12. Scheme of Details of Archaeological investigation;
13. Estate Management Plan including external lighting and, if necessary, CCTV (in consultation with CRT);
14. Approval of all external facing materials including brickwork, render, cladding, window reveals, frames and screening, doors and canopies, guttering, post boxes, soffits and all rooftop structures, including flues and satellite dishes;
15. Hard and soft landscaping details and boundary treatment;
16. Approval of child playspace equipment
17. Approval of details of the wheelchair housing specification/standards
18. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
19. Approval of details of biodiversity enhancements within the site;

20. Detailed specification, tilt angle and location of photovoltaic panels;
 21. Scheme of Highway improvement works;
 22. Car Parking Allocation Management Plan;
 23. Details of 20% electric vehicle provision (maximum 10% passive provision);
 24. Drainage Strategy (including SUDs) (in consultation with CRT and Thames Water);
 25. Final energy calculations to show how the scheme has delivered the carbon emission reductions;
 26. Details of cycle storage to be agreed prior to occupation;
 27. Servicing Management Plan;
 28. Details of obscure glazing and privacy screens;
 29. Details of noise insulation measures between plant room and adjoining residential units;
 30. Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables) in consultation with CRT;
 31. Details of design and method statement based on agreed Flood Risk Assessment (in consultation with EA);
 32. Details of wind mitigation measures – areas to be mitigated are terrace on north-west corner and play space on north-east corner.
- 2.6 Any other planning condition(s) considered necessary by the Strategic Development Committee and/or Corporate Director Development & Renewal.

3. EXECUTIVE SUMMARY

- 3.1 Application for redevelopment of existing site to provide a mix of housing. The principle of development would be acceptable in policy terms.
- 3.2 Following representations from local residents and statutory consultees the application has been amended to address those concerns, where appropriate. The height of the tower has been reduced by two storeys and the tallest courtyard block has been reduced in height by one storey to address issues relating to the visual impact of the scheme on the surrounding area, the impact on the amenity of neighbouring residents and concerns relating to the density of the scheme.
- 3.3 The affordable housing provision (34.2% by habitable room) is the maximum the development can viably provide.
- 3.4 Subject to the recommended conditions and obligations, the proposal would be a sustainable development in accordance with the National Planning Policy Framework.
- 3.5 The proposed development is acceptable in design terms and would provide good quality housing that would meet or exceed minimum standards.
- 3.6 The application is in accordance with the provisions of the Development Plan (London Plan and Tower Hamlets' Local Plan) and there are no other material considerations which would indicate that it should be refused. The officer recommendation to the Committee is that permission should be granted, subject to any direction by the Mayor of London.

4. APPLICATION SITE AND SURROUNDINGS

Application site

- 4.1 The application site is 0.43 ha in size, located adjacent to the Limehouse Cut and Bartlett Park. The application site is currently in use as a food wholesaling business. The site comprises a service yard and several poor quality industrial buildings.
- 4.2 The site has previously been used as a cement and chemical works, associated with the Limehouse Cut, an industrial canal built in 1850.
- 4.3 The surrounding area is urban and predominantly residential, with a number of new residential developments recently completed or under construction.
- 4.4 The canal and pedestrian towpath borders the site to the north, with Bow Common Bridge crossing the canal adjacent to the north-west corner of the site. Beyond the site's north-eastern boundary are residential dwellings at Metropolitan Close.
- 4.5 To the south-east is Broomfield Street, which comprises of a rows of terraced housing dating from the 1960s to 1980s. Bartlett Park is located close to the site, across Upper North Street to the west.
- 4.6 The site public transport accessibility is low, scoring a level of 2 on TfL's Public Transport Accessibility Level (PTAL) rating. The closest rail or tube station is Langdon Park DLR station approximately 560m to the east. There are two TfL Cycle Hire docking stations adjacent to the site on the north and south side of Bartlett Park.
- 4.7 The northern end of Chrisp Street district centre is approximately 510m away and is the closest shopping centre to the development.
- 4.8 The site is not within a conservation area and none of the existing buildings are listed. However, the site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. Langdon Park Conservation Area is approximately 315m to the east and Lansbury Conservation Area is approximately 260m to the south. The closest Listed Building is the Grade II Celestial Church of Christ (formerly Church of St. Saviours) located on Northumbria Street approximately 135m to the south across Bartlett Park.
- 4.9 The site is within an 'Area of Regeneration' as defined by the GLA's London Plan. The Limehouse Cut forms part of the Blue Ribbon Network and both Upper North Street and the Limehouse Cut forms part of the Council's Green Grid. Upper North Street is also part of Tower Hamlet's Local Cycle Network. The Limehouse Cut is a Site of Importance for Nature Conservation. For the purposes of Tower Hamlet's Community Infrastructure Levy, this site falls within Zone 3 (residential).

Proposed development

- 4.10 The proposed development is for the comprehensive redevelopment of the site for wholly residential purposes.
- 4.11 Its layout is a courtyard typology with buildings fronting the Limehouse Cut towpath, Upper North Street and Broomfield Street. The courtyard would provide space for servicing, 28 vehicular parking spaces, cycle parking spaces and communal amenity and child play space.

- 4.12 The block fronting Broomfield Street would be 4 storeys high, the block fronting Upper North Street would be 7 storeys high, there would be a tower element 14 storeys high on the corner on of Bow Common Bridge (as Upper North Street crosses over the Limehouse Cut) and the block fronting the Limehouse Cut would be 6 storeys high with a further set back storey.
- 4.13 The development would provide for 153 residential units (111 private units, 28 affordable rent units and 14 intermediate units.

Relevant planning history

- 4.14 There is no relevant planning history affecting the site that is material to this application. The most recent permissions were advertising consent and minor extensions to the existing building granted in 2011.

5 LEGAL & POLICY FRAMEWORK

- 5.1 The Council in determining the planning application has the following main statutory duties to perform:-

- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

- 5.2 Spatial Development Strategy for Greater London – (London Plan, consolidated with alterations 2015)

- 1.1. Strategic Vision for London Borough of Tower Hamlets
- 2.1 London
- 2.9 Inner London
- 2.14 Areas for Regeneration
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 4.4 Managing Industrial Land
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions

- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.7 Streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Tackling Congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing and managing noise
- 7.24-7.28 Blue Ribbon Network
- 7.30 London's Canals
- 8.1 Implementation
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.3 Tower Hamlets Adopted Core Strategy 2010

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP04 Creating a Blue and Green Grid
- 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

Annex 9 Placemaking: LAP 7&8 Poplar

5.4 Managing Development Document (2013)

- DM0 Delivering sustainable development
- DM3 Delivering Homes
- DM4 Housing standards and amenity space
- DM11 Living Buildings and biodiversity
- DM12 Water Space
- 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
- DM26 Building Heights
- DM27 Heritage and the Historic Environment
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

5.5 National Planning Policy and Guidance:

- National Planning Policy Framework
- National Planning Policy Framework – Technical Guidance
- National Planning Practice Guidance (NPPG)

5.6 Supplementary Planning Guidance / Documents:

- Limehouse Cut Conservation Area Character Appraisal
- Tower Hamlets draft Planning Obligations SPD April 2015 (Version for Public Consultation)
- Planning Obligations SPD (2012)
- GLA's Control of Dust and Emissions during Construction and Demolition SPG (July 2014)
- GLA's Accessible London: Achieving an Inclusive Environment SPG (2014)
- GLA's Play and Informal Recreation (2012) SPG
- GLA's Housing SPG (2012)
- GLA's London View Management Framework (2012)
- Historic England: Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets

6. NOT USED

7. CONSULTATION RESPONSES

- 7.1 The following consultees were consulted with regards to the application and responses are summarised below. Where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

Environmental Health

- 7.2 The submitted Air Quality Assessment is acceptable and the development will not have a significant detrimental effect on the local air quality. However, an Air Quality Neutral Assessment (AQNA) is requested, in line with the London Mayor's Air Quality Strategy.
- 7.3 The Noise Report submitted with the application is satisfactory.
- 7.4 Environmental Health raises no objections in relation to contaminated land subject to appropriate conditions.

(OFFICER COMMENT: The applicant has subsequently submitted an AQNA, which has been assessed by the Council's Air Quality officer who advises that it meets the requirements of the GLA's Air Quality Strategy. Appropriate Conditions have been imposed.)

Energy Efficiency Unit

- 7.5 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (3%), use of a centralised CHP system (33%) and a PV array (15.9% / 49kWp). The CO2 emission reductions proposed are supported and would result in a circa 46% reduction against the Building Regulations 2013.
- 7.6 In relation to sustainability, the proposals are for the residential units to achieve Code for Sustainable Homes Level 4 with a score of 68%. This is supported by the sustainable development team and is in accordance with policy requirements for the development to meet the highest standards of sustainable design and construction.
- 7.7 There is insufficient information relating to the CHP plant room and pipe routing. In relation to the plant room, the applicant should demonstrate, with a plant room layout plan, that sufficient space exists for the proposed system as well as provision for connection to a district system should one be available in the future.
- 7.8 The applicant should set out a statement to identify the design has included: sufficient noise/vibration mitigation to reduce impact on future occupants; flue location and dispersion modelling to minimise any potential air quality impacts; and considerations for access and egress of the CHP engine for maintenance/replacement in the future.
- 7.9 We would also seek a schematic showing the pipe routing for the scheme to show that all uses within the proposals are supplied by the CHP system.

(OFFICER COMMENT: The applicant has submitted further details showing that there the plant room is of sufficient size to meet its purpose and appropriate

access/egress arrangements would be in place. Noise and vibration mitigation are recommended to be addressed by condition.)

Transportation & Highways

- 7.10 The applicant's proposals for a raised table and tightening the radius of the junction at Broomfield Street / Upper North Street will improve safety, particularly in relation to large vehicles such as refuse trucks making left hand turns from Upper North Street into Broomfield Street. This can be funded through a s278 or s106 agreement, as appropriate. The developer has also offered £10,000 towards a new pedestrian crossing point in Upper North Street to the south of the junction with Broomfield Street. This will aid pedestrian movement to Bartlett Park.
- 7.11 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which, if implemented, would mitigate possible safety concerns of sharing the access and the applicant has taken these recommendations on board. Highways advise that in any case, the site access (although it is an existing vehicular access) is close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street.
- 7.12 The overall parking provision of 29 spaces is in compliance with the Development Plan's parking standards. However, in terms of wheelchair accessible parking bays it was originally proposed to provide 6 accessible spaces. This has been reduced to 4 as the development needed to provide more cycle parking. Whilst the provision for accessible parking is still within the MDD policy standards it is Highway's view that the 6 accessible spaces originally provided should be maintained and the reduction in spaces should come from the general rather than disabled parking provision.
- 7.13 The proposed cycle parking provision is below London Plan standards.
- 7.14 The development does not provide direct access for residents from the site to the Canal which is a lost opportunity to promote cycling. The development has not provided a public link to the canal from Upper North Street, which would also help to promote cycling.
- 7.15 Conditions required to secure the scheme as 'permit-free', require approval of a car parking management plan, require approval of a Travel Plan, require approval of a Servicing Management Plan, require approval of a Demolition and Construction Management Plan and require approval of a Scheme of Highways Improvements Plan agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

(OFFICER COMMENT: The safety audit demonstrates that the shared surface access, in its proposed location, is safe. The number of residential cycle spaces has been increased to 272 and visitor cycle spaces increased to 10. This meets the London Plan standards for residential and visitor cycle spaces. The 6 wheelchair accessible parking spaces have been reinstated. The general needs (22 spaces including 1 car club space) and wheelchair accessible parking (6 spaces) proposals are in accordance with Development Plan policy. Access to the Canal is addressed in section 9 of the report. Appropriate conditions and obligations have been recommended.)

Enterprise & Employment

- 7.16 The Section 106 agreement should ensure the developer targets 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% goods/services by value procured during the construction phases should be achieved by businesses in Tower Hamlets. Having regard to the construction costs, 6 apprenticeships should be secured.
- 7.17 The council should secure appropriate financial contributions to support and/or provide the training and skills needs of local residents.
- 7.18 An existing business relocation strategy is required to address Policy DM15.2.

(OFFICER COMMENT: The above can be secured by way of condition and as part of the Section 106 Planning Obligations. A business relocation strategy is not necessary in this circumstance.)

Biodiversity

- 7.19 Subject to ensuring that the new development minimises the level of lighting over the Limehouse Cut, there should not be a significant impact on the adjacent Site of Importance for Nature Conservation or protected species including bats.
- 7.20 As required by Policy DM11, the proposed landscaping should include a good variety of nectar-rich flowers to provide more forage for bumblebees and other pollinators. The inclusion of native trees, such as silver birch, will also benefit biodiversity. The Landscape Design Strategy includes an extensive list of climbing plants, but it is not clear if and where it is proposed to plant climbers. These might contribute to additional LBAP targets.
- 7.21 The Ecology Report recommends the inclusion of 10 bat boxes and 20 nest boxes for swifts in the new buildings. I can find nothing in the application documents to indicate that these are to be installed. The inclusion should be secured by condition.
- 7.22 Policy DM11 also requires elements of a living building, such as green roofs or green walls. The proposed buildings all have flat roofs, which appear ideal for green roofs, yet no green roofs seem to be proposed. Biodiverse green roofs, in line with best practice guidance published by Buglife would meet the living building requirement of DM11 and also contribute to a target in the LBAP. The applicant should be asked to consider biodiverse green roofs, or provide justification why green roofs are not feasible.

(OFFICER COMMENT: It is recommended that lighting within the landscaped areas and on the face of building is controlled by condition. A condition is recommended to secure the inclusion of the bird and bat boxes. No green roofs are proposed, as the roofs of the buildings are being used for, amongst other things, photovoltaic panels. The species planting for the landscaping can be controlled through condition.)

Housing

- 7.23 The Housing team advises that the mix of units in the affordable rent tenure is a good match to our policies, slightly exceeding the requirements for family homes (3 and 4-beds) which is welcome.
- 7.24 The intermediate mix is for 0% 1-beds, 70% 2-beds and 30% 3-beds against policy requirement of 25/50/25% for 1, 2 and 3-beds respectively. Again, the proportion of family units is more than required and, given the current affordability problems with high value 3 bed units, it is queried why they are no 1-bed shared ownership units being provided.
- 7.25 The mix of open market unit sizes is 27/59/14% against a policy requirement of 50/30/20% for 1, 2 and 3-beds respectively. Given the GLA's advice, set out in the London Plan Housing SPG, that the private market is driven largely by demand rather than need, it is considered that the private mix provides an acceptable balance of different unit sizes.
- 7.26 The 4-storey affordable block fronting onto Broomfield Street does not have any lifts, which is not a problem in itself. However, there are two 4-bed and one 3-bed affordable rent units on the highest floor. It would not be acceptable for these large families to have no lift access in this circumstance. The layout should be reconsidered to address this issue, with family units located at ground and lower floors.
- 7.27 The proposed rental levels are in accordance with the Borough Framework rent levels.
- 7.28 The amount and quality of the child play space and communal space should be interrogated thoroughly. The nearby Bartlett Park cannot substitute for on-site play areas for the considerable number of children to be accommodated in this development.
- 7.29 17 wheelchair units are being provided, 15 in the private tenure and 2 in the affordable rent tenure. This results in the scheme meeting the 10% minimum requirement across the scheme as a whole. 2 of the 34 affordable (rent and shared ownership) units are wheelchair units i.e. less than 10%. However, those 2 units are ground floor rented units which are valuable for Council nominations. It is expected that the wheelchair units in the private tenure are 'adaptable' in accordance with our guidelines, whilst the wheelchair units in the affordable rent tenure are 'accessible' units i.e. they have been adapted. The layout of the wheelchair units is acceptable and detailed design can be appropriately controlled through condition.
- 7.30 Given that the proposal is for 28.2% affordable housing against our policy target of 35-50%, it is expected that the viability assessment will be robustly interrogated.

(OFFICER COMMENT: The mix of affordable rent units has been revised since the original submission, as set out in section 9 of this report. The scheme has been revised to minimise the number of family affordable units on upper floors which are not served by a lift. The applicant has provided additional information demonstrating that the three-bed intermediate units would be affordable to those on intermediate incomes. Play space and communal space is addressed in section 9 of this report. The level of affordable housing has been increased to 34.2%.)

Waste Services

- 7.31 The overall strategy is overly complex for a site of only 162 residential units. Rotation of bins is also only really a cost effective solution where underground storage is used and street level collection space is restricted. This also hinders the ability of the landlord and the Council to identify contamination in recycling and to monitor the amount of waste that resident are creating; i.e. those who abuse the residential waste containers.
- 7.32 The Waste Department advises that the vehicular access arrangement for refuse trucks is acceptable.
- 7.33 The developer should consider the use of the Council's Underground Refuse and Recycling Service (URS) to alleviate the need for any bin stores at the site

(OFFICER COMMENT: The applicant has provided details confirming their management team is content with the arrangements. A waste management condition is recommended to provide more details to avoid contamination and abuse of the waste and recycling arrangements. There is no policy requirement to provide a URS system.)

Mayor of London / Greater London Authority (GLA)

- 7.34 The GLA consider that the scheme is generally acceptable in strategic terms but makes the following observations:
- The principle of the loss of existing employment use is acceptable in strategic terms.
 - Generally the residential quality is generally high but there are concerns with the ground floor units, some of which are single aspect flats with bedrooms facing onto public realm, which could undermine their privacy. The applicant should reconsider the ground floor units as two-storey maisonettes so that the bedrooms could be raised above ground level.
 - There are insufficient details to determine whether the application would provide sufficient child play space.
 - The GLA advises that the viability assessment should be robustly assessed in relation to maximising affordable housing.
 - The GLA note that the proposed 16 storey tower is taller than surrounding buildings and not located within a transport hub or town centre. However, it is located on Bow Common Lane, an important route across Poplar, which would assist in creating a marker at a crossing over the Limehouse Cut.
 - A tall building should be of outstanding architectural quality and more details of the materials and detailed should be provided, in particular window reveals and quality of brick work.
 - The GLA advise that the scheme does not adequately address the changing levels across Bow Common Bridge and results in a convoluted and non-inclusive entrance arrangement.

- The GLA advise that they are concerned with the building line to the Canal. In particular, it protrudes further than the neighbouring site to the East and undermines the opportunity to create a wider and more generous tow path. The applicant should consider moving the building line to the South to create a new area of canal fronting public realm which would benefit the community and justify the height of the proposed tower.
- The GLA are generally supportive of the principles of the application's approach to climate change. However, they advise that further details should be submitted in respect of demonstrating how the development avoids overheating and consequent cooling demands and additional information to robustly evidence the energy efficiency claims.
- The GLA advises that, subject to the Environment Agency's advice, the principle of the development is acceptable in flood risk terms. They also advise that the applicant's approach to Sustainable Urban Drainage be re-considered as it is sequentially preferable to discharge rainwater (possibly following attenuation) into the Canal rather than the local combined sewerage network.

(OFFICER COMMENT: The applicant has provided privacy screens which addresses the GLA's concerns. The entrance arrangements have been revised to the GLA's satisfaction. Further information has been provided which have been assessed by the Council's energy officer who advises that the proposed strategy should address the GLA's concerns. The GLA has confirmed that they are now content with the relationship between the façade and the towpath. Block A has been amended to provide level access from Upper North Street.)

Environment Agency

7.35 The Flood Risk Assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 10 of the Planning Practice Guide to the National Planning Policy Framework. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails because:

- It has not identified the presence of flood defences on the site or how the defence level will be maintained at the statutory defence level of 5.28m AOD after development. It has not provided sufficient information to show how the defences can be raised to the TE2100 crest levels of 5.70m by 2065 and 6.20m AOD by the year 2100.
- The defences are required to protect the site from flooding for the lifetime of the development (100 years due to the residential nature of the development).

(OFFICER COMMENT: The applicant has subsequently submitted additional information, which shows a sea defence wall to a crest level of 5.28m AOD which is the current statutory flood defence level, with the capability of increasing the height of the wall to meet the Environment Agency's long-term future proofing plans (TE2100 plan.)

Canals and Rivers Trust (CRT)

- 7.36 CRT does not object in principle, to residential redevelopment of the site. However, they describe the lack of any landscaping between the development and towpath as disappointing and would want to see landscaping incorporated to soften views of the building from the canal.
- 7.37 CRT note that on the ground floor that Core B and Core C open directly on to the towpath. The towpath is not a public right of way and any access here would require an access agreement from the Canal & River Trust.
- 7.38 CRT advise that it is not acceptable for a fire exit egress to be located on the towpath due to the fact that the towpath is required to be closed on occasion for maintenance and other purposes.
- 7.39 The boundary treatment proposed at the boundary between the towpath and the development is unclear and the Trust would like to see further information in this regard.
- 7.40 CRT advise that they would like to see the site drainage strategy given the adjacent location to the canal.
- 7.41 CRT advise that conditions should be imposed:
- Survey and repair of waterway wall adjoining the site;
 - Construction method statement to ensure the safety of the water way users and the integrity of the canal;
 - Details of surface water drainage;
 - Details of lighting and CCTV;
 - Feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables)
 - Details of boundary treatment
- 7.42 CRT also advise that the introduction of 162 additional units into a canalside location such as this, will place an additional burden on the Trust's management of the waterspace and towpath environment. Residents, occupants of and visitors to the development will likely make use of the canal environment and its towpath, which will put additional pressure on this valuable open space. CRT are also concerned that the proposed tower will have a negative impact upon the waterspace due to increased shadowing which will have negative impacts upon biodiversity. Therefore, they advise that a contribution of £90,000 towards canal environment improvements and maintenance would be reasonable.

(OFFICER COMMENT: To accommodate CRT's first point would require the development to be re-designed with a set back from the towpath. This is not considered necessary to make the application acceptable. Emergency egress arrangements, these have been revised so as not to rely on CRT's land. Detailed plans have now been submitted to address the Environment Agency's concerns with flood defences. The site drainage strategy directs surface water into the combined sewer and so would not have a direct effect on the Limehouse Cut.

The condition requiring a survey and repair of the waterway way is not directly related to the impacts of this development and is not considered necessary to make the application acceptable.

In relation to CRT's request for £90,000 to improve the canal environment, Officers consider that the works proposed are 'infrastructure' within the meaning of Regulation 123 of the Community Infrastructure Levy Regulations. It would, therefore, only be appropriate to fund these works from the Levy, if such works were considered a priority.)

Thames Water

- 7.43 Thames Water advise that there is insufficient information submitted to determine the waste water needs of this development and, consequently, advise that a drainage strategy condition be imposed.
- 7.44 Thames Water advises that their assets may be located underneath the site. Consequently, they advise that a piling method statement condition be imposed to safeguard these assets.
- 7.45 Thames Water does not object on the basis of water supply.
- 7.46 Thames Water would want to review the Site Drainage Strategy to satisfy their concerns in regards to the impact on the public sewer system.
- 7.47 The site is within the potential zone of influence that may affect the Thames Tideway Tunnel, which is a Nationally Significant Infrastructure Project. Thames Water advises, therefore, that permission should only be given subject to a number of conditions relating to the piling details and detailed design and method statement for ground floor structures, foundations and basements.

(OFFICER COMMENT: Appropriate conditions have been recommended which can address Thames Water's concerns.)

Crime Prevention Officer (Metropolitan Police)

- 7.48 The Crime Prevention Officer advises that he has no objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and meet Secured by Design standards as discussed. Details of these measures can be found within the New Homes guide 2014 and via the Secured by Design website. The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

(OFFICER COMMENT: A condition is recommended to ensure the development achieves a Secure by Design accreditation.)

Transport for London

- 7.49 The site's public transport accessibility is poor (PTAL 2).
- 7.50 The proposed vehicular and pedestrian/cyclist access to the site is from Broomfield Street. A Road Safety Audit is recommended to demonstrate it is acceptable in safety terms.

- 7.51 The 32 car parking spaces (including six disabled spaces and 1 car club space) are within London Plan parking standards and, therefore, acceptable. TfL advise that a parking management plan should be secured by condition.
- 7.52 The applicant's commitment for 20% active electronic vehicle charging points (EVCPs) and 20% passive EVCPs is welcome and should be secured by condition.
- 7.53 A Pedestrian Environment Review System (PERS) audit be undertaken to assess the current condition and identify needed improvements to walking routes in the vicinity. Tower Hamlets is recommended to secured improvements via S106/278 agreements as appropriate.
- 7.54 TfL advise that the scheme makes no improvement to access to the Limehouse Cut towpath or access through the area for cyclists or for cyclists of the development itself. The nearest access would presumably be Cotall Street, which is approximately 130m from the Bloomfield Street entrance of the site, but this information is not provided by the applicant. Overall, this represents a missed opportunity for a positive contribution to the cycle network.
- 7.55 To encourage the uptake of cycling, TfL strongly encourages that the applicant to provide one cycle hire membership for each residential unit for three years. This is a total of £90 x 3 (as it is £90 per year for membership). As this proposal comprises of 162 residential units, this equates to a total of £14,580 per annum. This measure should form part of the travel plan for the development and to be secured by s106 obligation.
- 7.56 The proposed 186 cycle parking spaces for residents and 5 for visitors does not meet London Plan standards for cycle parking, which require a minimum of 282 spaces for residents and 7 spaces for visitors for this development.
- 7.57 In relation to trip generation and highways impact assessment, TfL does not accept the comparable developments used and consider that the trip generation has been underestimated. The further advise that the public transport mode share should be disaggregated e.g. into buses, tube, light-rail, train etc.
- 7.58 The modelling of the impact on the Broomfield/Upper North Street junction cannot be accepted given the concerns with the trip generation assessment.
- 7.59 Given the concerns with the trip generation assessment, TfL have insufficient information to determine whether or at what level a bus contribution would be required.
- 7.60 TfL advise the submitted Travel Plan passes the ATTrBute assessment. However, TfL recommend that the mode share for public transport should be disaggregated into various modes to provide more specific targets. TfL also recommend that the provision of cycle hire membership be included forming part of the travel plan measure and secured by s106 agreement.
- 7.61 TfL advise that the servicing arrangements, which involve vehicles to reverse into the site would result in a conflict with other highway users. A delivery servicing plan and construction logistics plan be secured by condition.
- 7.62 TfL advise that the development will attract a Mayoral Community Infrastructure Levy and the Tower Hamlets rate is £35 per square metre.

(OFFICER COMMENT: The parking numbers have been reduced. The number of residential cycle spaces has been increased to 272 and visitor cycle spaces increased to 10. This is in accordance with the London Plan standards. The applicant has agreed to part-fund a pedestrian crossing, in the vicinity of the development, to make access to Bartlett Park and the Cotall Street towpath access more convenient and safe.

The development provides stepped access for blocks B&C to the towpath for residents of the development.

Additional information has been submitted to address TfL comments relating to trip generation and highway impacts. TfL will have the opportunity to review this information at Stage II referral.

The scheme and proposed highway works have been amended to allow refuse trucks to enter and leave the site in forward gear. The access arrangements have been revised and a Road Safety Audit submitted which demonstrates that the access arrangements are safe.)

Other consultees

- 7.63 The following organisations have not responded to the consultation request: EDF Energy Networks Ltd; London Fire and Emergency Planning Authority; London City Airport; National Air Traffic Services Ltd.

8. LOCAL REPRESENTATIONS

- 8.1 In March this year the Council sent 845 consultation letters to neighbouring properties, put up a notice in the vicinity of the site and placed a notice in the local press.
- 8.2 Following the initial consultation and in response to concerns raised by local residents and officers the scheme was amended. The main amendment was a two-storey reduction in the height of the proposed tower, from 16 to 14 storeys. An additional storey was proposed on the block fronting Upper North Street such that it was 9 storeys. In June this year the Council re-consulted all those who previously objected in writing to the application, drawing attention to the revised scheme. It is noteworthy that since that latest consultation the block fronting Upper North Street has been reduced by 2 storeys to a height of 7 storeys.

Representations in support

- 8.3 In total, the Council has received 50 letters signed by 52 people and a petition signed by 34 people in support of the application. 8 of those who wrote in support also signed the petition.
- 8.4 Reasons given in support of the application include:
- Provides new homes
 - The appearance of the building is better than the current building

- Support the proposed parking restrictions [reference to the developer's offer to restrict new occupiers from applying for on-street parking permits]

8.5 The petition and a number of letters of support are contingent on the scheme not providing a public pedestrian link to the Limehouse Cut Towpath due to concerns about anti-social behaviour that a public link may create.

Representations in objection

8.6 The Council also received 52 letters signed by 56 people and a petition signed by 29 people in objection to the scheme. 19 of those who wrote in objection also signed the petition.

8.7 Reasons given in objection to the scheme include:

- Lack of consultation undertaken by the developer;
- The size and height of the building is out of scale with neighbouring buildings
- Loss of daylight, sunlight, views and privacy;
- The development goes against Tower Hamlets policy for the Bow Common and Poplar area;
- The proposal will increase wind speeds at ground level;
- Noise and disturbance from construction.

Other Representations

8.8 There were 2 further letters which did not explicitly object or support the proposal, including one from Chrisp Street Health Centre who advised that this development and a number of other recent developments are/will put pressure on the Practice due to increasing patient numbers and request that 's106 money' is invested in the Practice to meet this increasing demand.

8.9 Responses to the material objections raised are dealt with in the relevant topic area in Section 9.

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised are as follows:

- Sustainable Development
- Land Use
- Place-making and Density
- Design
- Housing
- Neighbouring Amenity
- Transportation and Access
- Waste
- Energy and Sustainability
- Environmental Considerations
- Flood Risk and Water Resources
- Biodiversity
- Health Considerations
- Impact on Local Infrastructure / Facilities

- Local Finance Considerations
- Human Rights Considerations
- Equalities Act Considerations

Sustainable development

- 9.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance.
- 9.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don't mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 9.4 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and it is the Government's view that policies in paragraphs 18 to 219, taken as a whole, of the Framework constitutes sustainable development
- 9.5 Paragraph 7 states that achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 9.6 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.

- 9.7 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 9.8 The NPPF's core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 9.9 This is reflected in the Council's Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 9.10 Paragraph 14 sets out a 'presumption in favour of sustainable development' and states that for decision-taking this means, inter alia, approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 9.11 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development and accords with the Local Planning Authority's up-to-date Development Plan. There are no relevant policies that are out-of-date, silent or absent and no other material considerations, including policies within the Framework, which suggest that approval should be restricted for a scheme that accords with the Development Plan.

Land Use

Principles

- 9.12 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic

environment. These economic, social and environmental goals should be sought jointly and simultaneously.

- 9.13 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and enjoy leisure and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land which has previously been developed, promote mixed use development and to drive and support sustainable economic development through meeting the housing, business and other development needs of an area.
- 9.14 If it can be established (see section below) that existing employment uses at the site are no longer viable or needed, the proposal for residential redevelopment of the site would be consistent with LBTH policy, which identifies housing as the priority land use for the Borough and highlights the need to maximise the supply of housing.
- 9.15 The NPPF attaches great importance to significantly boosting the supply of new housing. LBTHs Core Strategy Policy SP02 seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. This will be achieved by focusing the majority of new housing in the eastern part of the borough, including Poplar.
- 9.16 The London Plan (2015) sets a revised minimum 10 year housing target of 39,314 between 2015 – 2025 (3,931 per year) for Tower Hamlets. The development proposes re-use of an existing underutilised, brownfield site, making the best use of land. This approach accords with the core principles of the NPPF, which encourages the re-use of previously developed land.

Loss of industrial floorspace

- 9.17 The site does not fall within either a preferred or local office location or strategic or local industrial location. Core Strategy Policy SP06 encourages a managed approach to industrial land for the borough in order to assist in creating sustainable communities. Notably this includes continuing to implement the consolidation and managed release of industrial land in Poplar (Limehouse Cut) and a phased, managed and co-ordinated release of 20 to 50 Ha of industrial land, over the lifetime of the plan.
- 9.18 The key policy tests in relation to retention of employment uses are set out in the MDD Policy DM15 (Local Job Creation and Investment), paragraph 15.3. The redevelopment of employment sites outside of spatial policy areas will only be supported where either:
- a marketing exercise, that the site has been actively marketed (for approximately 12 months) [without success]; or
 - that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 9.19 An Employment Floorspace Assessment has been produced by Jones Lang LaSalle Ltd (JLL) and is submitted with the planning application. It demonstrates that the location of the site is no longer appropriate for employment uses and any re-provision of employment floorspace would carry significant risk of remaining vacant.
- 9.20 The JLL Report identifies the key locations for employment growth, in the Borough, are focused around key established clusters of activity, including Canary Wharf,

Bishopsgate Corridor, Aldgate and Tower Gateway. The area immediately surrounding the site is not an established employment location and demand in this area is weaker than surrounding areas in the borough where there are greater clusters of employment activities. Phoenix Works is now within a mainly residential location and does not offer benefits in terms of direct proximity to other businesses. JLLs analysis, therefore, suggests the loss of warehouse and ancillary office space would not be detrimental to the area.

- 9.21 The proximity of the site adjacent to residential dwellings on two sides also means the site has significant potential constraints to both the occupational and developer / investor market. There is a considerable risk of imposed restrictions in respect of vehicle movements (deliveries etc.), particularly from HGV traffic, hours of use and occupier use restrictions.
- 9.22 The buildings are in a state of disrepair and need significant capital expenditure to return them to a satisfactory condition. The site in its current poor condition is therefore only likely to be of interest upon a highly opportunistic nature where pricing will be reduced significantly to take account of the expenditure required to create appropriate industrial / storage space. Occupational demand will therefore be of a short term nature and very limited relative to competing locations. It is noteworthy that the current occupier, formerly the owner having sold the site to the applicant, is currently occupying the site, on a short-term let, whilst looking for new premises. This does not significantly affect Officer's conclusion that, in the long-term, the site is not viable for its current purpose.
- 9.23 The maximum life expectancy of the warehouse and office buildings, if maintained in their current condition, would be 5 – 10 years before considerable construction and full redevelopment would be required. The buildings are likely to be unlettable in the absence of major expenditure, with the expenditure required anticipated to be unviable.
- 9.24 JLL conclude that future employment floorspace should be promoted in locations where it is likely to be sustainable in the longer term. Examples of clusters of small businesses in the borough tend to be in locations that are well connected, with a high level of supporting services and proximity to other small businesses. The site is not an appropriate location for development targeting small business or light industrial uses and these uses should therefore be directed towards established commercial estates within the surrounding area.
- 9.25 In light of the above evidence, and having regard to policy SP06 which envisages a strategic release of industrial land in this location the loss of employment-generating land is considered to accord with policy SP06 and DM15. This is particularly so when giving consideration to the priority given to the delivery of new dwellings (particularly on underused brownfield sites) that is advocated by the Development Plan and NPPF.

Place making and density

- 9.26 The Core Strategy's place-making annex identifies Poplar as area that will become more economically prosperous through comprehensive regeneration, new development and housing-estate renewal. The ambition is for Poplar to be a 'great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park.' It further identifies the area around Bartlett Park for lower-rise, lower and medium-density family housing. It goes on to set out principles for new buildings, including for

them to be response and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.

9.27 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.

9.28 The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.

9.29 The site has a PTAL rating of 2 and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."

9.30 For the application site, the London Plan would suggest that a density of 55-145 units per ha, or 200-450 habitable rooms per hectare, is appropriate.

9.31 The net site area for the purpose of density calculations is 0.43ha. The density of the scheme is therefore 356 dwellings per hectare or 1,107 habitable rooms per hectare.

9.32 London Plan policy 3.4 states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment. Further guidance is provided by the Mayor of London Housing SPG.

9.33 Advice on the interpretation of density can be found in the SPG which reads as follows:

"...the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions."

9.34 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:

- inadequate access to sunlight and daylight for proposed or neighbouring homes;
- sub-standard dwellings (size and layouts);
- insufficient open space (private, communal and/or publicly accessible);
- unacceptable housing mix;

- unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
- unacceptable increase in traffic generation;
- detrimental impacts on local social and physical infrastructure; and,
- detrimental impacts on visual amenity, views or character of surrounding area.

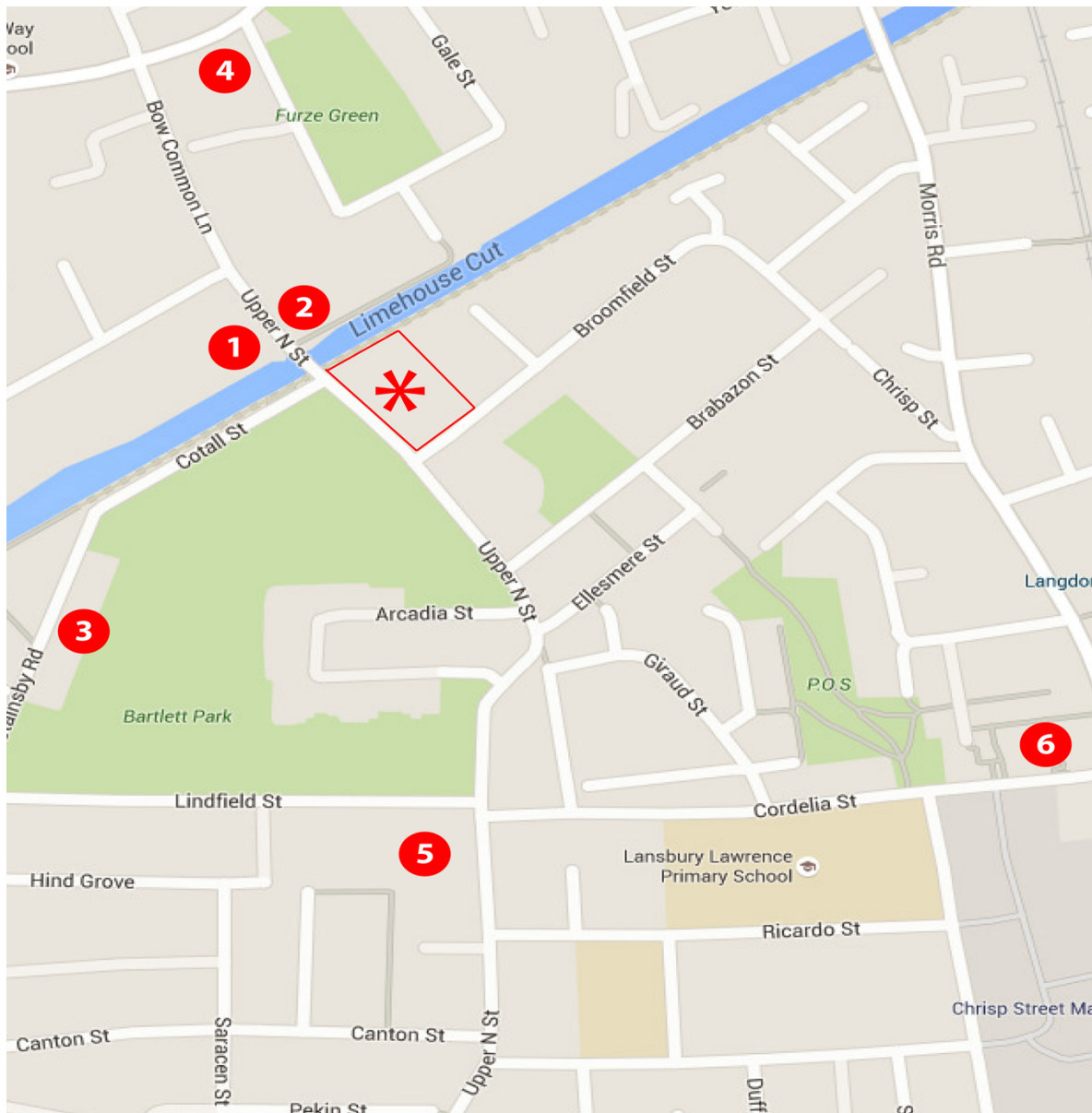
9.35 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would:

- enhance the setting of Limehouse Cut Conservation Area;
- the development does not result in undue loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- the development provides a good mix of unit sizes across the range of tenures;
- due to its design and relationship with neighbouring properties, the development does not cause undue harm to the residential amenities of neighbours;
- the development is 'permit-free' and the numbers of parking spaces is in accordance with Development Plan standards. The development would not cause unacceptable traffic generation;
- The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy. Subject to this Levy, it is not foreseen that the additional impacts on local social and physical infrastructure cannot be mitigated;
- The materiality and design is considered to be of high quality and replaces a building which detracts from the quality of the built environment.

9.36 Turning to how the development responds to the Core Strategy's place-making ambitions for Poplar, The height and density of this proposal is greater than that envisaged in the Core Strategy. However, the development does provide a good amount of family homes, particularly in the affordable rent sector which accords with the Core Strategy annex. It is also worthwhile to note that the density and height of the proposal is not inconsistent with other recent permissions in the locality, a sample of which is set out below:

App Ref (Date of Approval)	Address	Description	Density (hab rooms/hectar e)
PA/06/199 2 (16 August 2007)	Ingot Tower, 48- 52 Tomas Road	Redevelopment to provide a mixed use development within 3 buildings ranging from 5 to 12 storeys (including a mezzanine level at the top floor). Development will comprise 182 residential units, of which 91 will be affordable dwellings, 750 sqm of B1 floorspace.	900
PA/07/002 98 (17 December 2007)	2 – 10 Bow Common Lane	Redevelopment up to 13 storeys to provide 157 residential units and 2 commercial units comprising 868sq.m of floorspace for A1, A2, A3, A4, B1,	960

		D1 or D2 use with car parking and landscaping.	
PA/12/028 56 (28 March 2013)	Stainby Road/Cotall Street	The erection of two buildings of 5, 6 and 10 storeys, comprising 150 units and commercial units.	1371
PA/06/010 96 (22 January 2007)	Former Site At Bounded By Bow Common Lane And Furze Street On Devons Road,	Development of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and the creation of 220 sq.m. of ground floor business/commercial space.	712.6
PA/10/001 61 (21 Sept 2010)	Upper North Street	490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre.	728
PA/09/026 57 (26 March 2010)	Cordelia Street, Carron Street and Chrip Street,	Construction of buildings between three and nine storeys to provide 117 residential units, 300 sqm of commercial floorspace comprising retail, restaurant, business and non-residential institution.	830



9.37 As can be seen from the above table, the development's density is broadly consistent with a number of developments in the area. Whilst there is some conflict with what was originally envisaged in the Core Strategy for this area of Poplar, the development is considered to optimise the development potential of the land in an appropriate manner without exhibiting undue signs of overdevelopment.

Design

9.38 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Government policy on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

9.39 Chapter 7 of the London Plan 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 local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

9.40 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

9.41 Policy DM26 and London Plan policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:

- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;
- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible;
- Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
- Not adversely affect biodiversity or microclimates.

Layout

9.42 The scheme's layout is a courtyard design with development fronting three sides: Broomfield Street; Upper North Street and the Limehouse Cut. This approach has the benefit of providing an active frontage to these streets and towpath and clearly distinguishes between public and private realm. The courtyard is sized to allow for

off-street servicing and parking as well as communal amenity and child play space. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.

Appearance

- 9.43 The scheme's appearance is inspired by the *New London Vernacular* with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows emulating the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible from the street. This approach complements other development in the area and is a tried and trusted approach which results in a legible and robust development.
- 9.44 The appearance of the development subtly varies around the site. The block facing the towpath is more solid with shallower window reveals, echoing the robust industrial buildings that historically sprang up along the canal. The Broomfield Street block's scale is reduced to suit the smaller neighbouring residential developments and the rhythm along this facade references town houses and smaller residential developments found along this street. The Upper North Street elevation is bolder reflecting its position along the busier Upper North Street with an accented and legible entrance to the tower.
- 9.45 The entrance into the external courtyard is from the corner of Broomfield Street. A double height gated entrance has been provided for pedestrians and vehicles. The views into the site, in particular up to the podium level help to make this an inviting, but secure, space.
- 9.46 The balconies which protrude from the elevations have balustrades with flat metal bars which provide privacy in a similar manner to a vertical venetian blind. The recessed balconies typically these have glazed balustrades to maximise the amount of light reaching the windows behind. This twin approach to balcony provision adds interest to the façade without appearing fussy.
- 9.47 In reference to traditional canal buildings and for contrast against the brickwork a dark material has been proposed for the detailing of the building for the infill panels and a bronze finish to selected recessed balconies. This detailing will contrast with the pale bricks and sheen of the anodised aluminium of the window and door frames.

Scale

- 9.48 The Broomfield Street block is four storeys high, reflecting the more modest, domestic scale of the street. The block facing the Limehouse Cut is 7 storeys with the top storey set back. This broadly aligns with other recent approvals along the Limehouse Cut and would not appear as out of context with its surroundings. The Upper North Street block is 7 storeys, reduced by two storeys from the original scheme that was 9 storeys. The height reflects its position on the busier Upper North Street and would not appear out of scale with surrounding development and, consequently, would not appear dominating when viewed across Bartlett Park.
- 9.49 Located on the corner of Bell Common Bridge, as Upper North Street crosses the Limehouse Cut, a 14 storey tower is proposed. Its proportions are such that it would have a slender appearance. It acts as a marker on Bell Common Bridge where Bell Common Lane, an important thoroughfare through Tower Hamlets, crosses the Limehouse Cut. The tower has 'breathing space' with Bartlett Park to the West and the canal to the North with the closest development circa 25m away on the other

side. It effectively 'completes' the junction; with Ingot Tower and Craig Tower marking the northern corners and this tower and Bartlett Park marking the southern corners. The tower would be constructed from a similar palette of materials as the other blocks within the scheme. It also has a triple order element on its upper elements with bronze coloured cladding to subtly differentiate and add interest to its appearance.

- 9.50 Whilst the location of the tower is not within the locations explicitly supported by Local Plan policy DM26 and London Plan policy 7.7, for the reasons given a taller element in this location is considered appropriate. Its' height and scale are proportionate with the surrounding development, including Ingot and Craig Towers. The height of this tower has been reduced by two storeys from 16 storeys when the application was submitted.
- 9.51 It would relate well to surrounding development as well as Bartlett Park and the Limehouse Cut and incorporate the highest standards of design and architectural quality. There is no adverse impact upon heritage assets or strategic and local views and it would present a human scale at street level. The effects on the microclimate (wind levels localised around the development), as mitigated, are acceptable having to the Lawson Comfort Criteria. In relation to these issues, it would accord with the aforementioned tall buildings policies.

Landscaping

- 9.52 The indicative approach to landscaping, set out in the Design & Access Statement, is an appropriate one; recognising the different approaches to the landscaping fronting the footways and towpath and to the internal courtyard. The indicative approach shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. Subject to a condition requiring a more detailed landscape strategy the landscaping approach would be acceptable.

Secure by Design

- 9.54 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 9.55 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to the Limehouse Cut.
- 9.56 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 9.57 The proposal accords with the aforementioned policies.

Inclusive Design

- 9.58 Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all

users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

- 9.59 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind.
- 9.60 The entrances and circulation spaces are 'level' and the podium level amenity space can be accessed by way of a platform lift. 6 wheelchair accessible parking spaces are provided, in excess of the minimum required by Development Plan policy.
- 9.61 The proposed new homes are recommended be conditioned to comply with 'Lifetime Homes' standards, and provide for two of the affordable housing units to be wheelchair accessible with a further 15 market units being wheelchair adaptable.
- 9.62 Due to the requirements of the Environment Agency for a flood wall and raised finished floors levels, it is not practicable to provide accessible access to the towpath from the block fronting the towpath. Whilst, this would result in a conflict with the aforementioned policy, the approach is considered acceptable in prioritising flood defences in this instance.
- 9.63 Other than the aforementioned access between the towpath and adjacent block, the proposal accords with the aforementioned policies.

Blue Ribbon Network

- 9.64 The Blue Ribbon Network is a spatial policy covering London's and Tower Hamlet's waterways and water spaces and land alongside them. The site is situated adjacent to the Limehouse Cut which is part of the Network.
- 9.65 Blue Ribbon Network policies within the London Plan and Local Plan policy DM12 requires Council's, inter alia, to:
- To protect and enhance the biodiversity of the Blue Ribbon Network;
 - To protect and improve existing access points to, alongside and over the Blue Ribbon Network;
 - New sections to extend existing or create new walking and cycling routes alongside the Blue Ribbon Network as well as new access points should be provided as part of development proposals for Opportunity Areas;
 - To protect the unique character and openness of the Blue Ribbon Network and requires proposals for new structures to be accompanied by a risk assessment detailing the extent of their impact on navigation, hydrology and biodiversity, and mitigation measures;
 - To ensure existing and new safety provision is provided and maintained;
 - Development proposals adjacent to canals should be designed to respect the particular character of the canal to reflect London's rich and vibrant history; and,
 - To promote the vitality, attractiveness and historical interest of London's remaining dock areas by promoting their use for water recreation and promoting their use for transport.
- 9.66 The proposed development's appearance would be a significant improvement in comparison to the existing buildings on the site. With residential units overlooking the towpath it would provide a more active frontage and increase passive surveillance.

Subject to conditions, it minimises its impact on lighting over the canal and the development, subject to conditions, would enhance the site's biodiversity. The development would also enable the part-funding of a pedestrian crossing over Upper North Street, increasing the ease of access to Bartlett Park and the towpath access at Cotall Street. The design of the building's sympathetically reflect the industrial heritage of the canal. It is considered that the development accords with the intentions of the London and Local Plans' blue ribbon policies.

Microclimate

- 9.67 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. DM26 of the Local Plan requires that the microclimate of the new development surrounding areas is not adversely affected by the proposal.
- 9.68 The application is supported by a desk-top microclimate study in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking, pedestrians can tolerate stronger winds.
- 9.69 The modelling found that the development would cause some discomfort by the north-west corner of the development on the towpath. This, however, would only be for a short distance and would remain safe. The modelling also showed that the child play space in the north-east corner and on the residential terrace on the north-west corner would suffer from wind conditions that would not be appropriate for their intended use. Consequently, mitigation is proposed which is recommended to be secured by condition. The mitigation is likely to take the form of fencing or additional landscaping to mitigate these impacts.
- 9.xx Having regard to the assessment above, it is considered the development is of high quality design and is an appropriate response to redevelopment opportunities presented by this site. Whilst there is conflict with the locational element of the tall building policies, the proposal generally accords with the aforementioned policies.

Heritage

- 9.70 Policies in Chapter 7 of the London Plan (2015) and policies SP10 and SP12 of the CS and policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.
- 9.71 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 9.72 NPPF Paragraph 128 requires applicants to describe the significance of any heritage assets affected by a proposal. The applicant has not provided a heritage statement that includes a statement of significance for the built heritage assets affected by the application proposals, particularly the Limehouse Cut Conservation Area. Nevertheless, the Local Planning Authority considers it has sufficient information to reach an informed decision.

- 9.73 NPPF Paragraph 131 goes on to state that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.74 NPPF Paragraph 132 notes that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 9.75 The NPPF at Paragraphs 133 and 134 respectively refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.
- 9.76 In considering the significance of the asset, NPPF paragraph 138 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 137 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 9.77 Specifically relating to archaeology, NPPF Paragraph 139 advises that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 9.78 This section of the report considers the implications for the application in respect of the Limehouse Cut Conservation Area and potential undesignated archaeological heritage assets along with any other assets that may be impacted.

Limehouse Cut Conservation Area

- 9.79 The application site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. The current buildings on the site relate poorly to the conservation area. The dilapidated buildings are harmful to its setting and do not engage or provide an active frontage to the canal. The proposed buildings, constructed from brick and designed to respond to the industrial heritage along this part of the canal, would be of considerably higher quality and provide an active frontage and passive surveillance to the canal. It is considered they would enhance both the character and appearance of the conservation area and, therefore, make a positive contribution to its setting. The proposals accord with relevant Development Plan and NPPF policies in this respect.

Other surrounding heritage assets

- 9.80 Having regard to the context, relationship and distance between this site and other surrounding designated heritage assets (identified in the site and surroundings section of this report) the proposal is not considered to have any material impact on the setting of these heritage assets.
- 9.81 There are not considered to be any non-designated heritage assets affected by this proposal.

Archaeology

- 9.82 Section 12 of the National Planning Policy Framework and London Plan (2015) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 9.83 In this case, a desk-top study has been submitted. It concludes that it is relatively unlikely that archaeological assets survive. However, it advises that there may be some archaeological assets of local importance. Therefore, it is considered that a condition is an appropriate response to the probability of finding archaeological assets of value. The condition would require a suitably qualified archaeologist has a watching brief over the development and action can be taken to appropriately record the findings if archaeological assets are located. Subject to this condition the proposal would accord with the aforementioned policies.

Housing

Principles

- 9.84 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” and “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.”
- 9.85 The application proposes 153 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 9.86 The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan. The proposal will therefore make a contribution to meeting local and regional targets and national planning objectives.

Affordable Housing

- 9.87 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 provides that there

should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

9.88 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:

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

9.89 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

9.90 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.

9.91 The applicant's revised offer is 34.2% affordable housing by habitable room, increased from 28% when the application was submitted. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's financial viability consultants. The review, based on establishing land value by reference to the existing use value, demonstrates that the 34.2% affordable housing offer is the most the scheme can viably provide. Accordingly, it accords with the aforementioned policies.

9.92 London Plan policy 3.11 sets out, on a strategic basis, a preferred tenure split of 60:40 in favour of social/affordable rent to intermediate products. Tower Hamlets Local Plan seeks a tenure split of 70:30. The proposed development provides a tenure split of 68:32. Whilst the development does not fully accord in this respect with London Plan policy, it broadly meets Local Plan policy and it is noted that the GLA have not objected in this regard. The development's proposed tenure split is considered to closely reflect need for affordable housing in this location and is in accordance with the general aim of Development Plan policies.

Housing Mix

9.93 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).

9.94 The table below compares the proposed target mix against policy requirements:

Ownership	Type	Policy requirement (%)	Proposed mix (%)
Private	Studio	0	0
	1 bed	50	31.5
	2 bed	30	55
	3 bed	20	13.5
	4+ bed	0	0
Intermediate	Studio	0	0
	1 bed	25	0
	2 bed	50	79
	3 bed	25	21
	4+ bed	0	0
Affordable Rent	Studio	0	0
	1 bed	30	28.5
	2 bed	25	28.5
	3 bed	30	32
	4+ bed	15	11

9.95 In relation to the affordable rent mix, the proposal broadly meets the policy targets.

9.96 In relation to the intermediate mix, there is an under-provision of 1-beds and over-provision of 2 and 3 beds. This doesn't meet the policy target, however the majority of schemes in Tower Hamlets have their intermediate mix skewed in favour of 1-beds rather than in this case which is skewed in favour of 2 and 3-beds. Therefore, having regard to the strategic aims of the policy, which is to provide a balance of intermediate units across component areas and the Borough as a whole, the proposed mix is not considered to be objectionable.

9.97 The proposed mix of private units does not reflect policy requirement and consequently, it would not be policy compliant with DM3 of the Local Plan. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*".

- 9.98 On balance, whilst there is some conflict with policy targets, the scheme overall provides a balance of different unit sizes which contributes favourably to the mix of units across tenures within the Borough as a whole.

Quality of residential accommodation

- 9.99 Part 2 of the GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.100 All of the flats meet the relevant London Plan space standards, would meet lifetime home standards and having a floor-to-ceiling height of 2.5m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the GLA's Housing SPG.
- 9.101 Approximately 80% of the flats would be dual or triple aspect and all of the flats would have either a terrace or balcony at a size which would be policy compliant.
- 9.102 There are some flats facing within 45 degrees due north that would be single aspect and, at ground floor, have slightly compromised privacy due to the relationship with the towpath. There are also some south-facing single aspect flats that face directly onto the podium or ground floor amenity area. These are relatively few in number, however, and conditions in relation to boundary treatments and defensive planting mitigates, to some extent, these issues.
- 9.103 There are also instances of potential overlooking between flats within the proposed development. In particular, in the knuckle of Upper North Street block and Limehouse block and between the balcony of one flat and a window to a single bedroom of another at the junction of the Upper North Street and Broomfield Street blocks. These are limited in number and often occur in courtyard developments. The angles of the respective windows are such that the loss of privacy does not extend across the whole room and relates to secondary bedrooms.
- 9.104 The applicant has submitted an independent daylight and sunlight analysis. This demonstrates that all the flats (and individual rooms) would meet the guidance set out in the BRE guide for minimum levels of average daylight factor (see appendix 2 for description of average daylight factor).
- 9.105 The analysis has also assessed the sunlight levels for relevant windows (those facing 90 degrees due south), 73% of those windows meet the standard for annual probable sunlight hours (see appendix 2 for description). Where the windows do not meet the standard, this is mainly as a result of the provision of balconies which restrict sunlight in summer season when the sun is at its highest in the sky. In any case, of those 27% of windows which do not meet annual sunlight standards, they all meet or exceed the standard for winter probable sunlight hours. Overall, the results demonstrate that the development would receive very good daylight and sunlight having regard to the urban location of the development.
- 9.106 The London Plan requires 10% of all new units to be wheelchair adaptable. The proposed development would provide two ground floor wheelchair accessible units

within the affordable rent tenure, which the Housing Department advise would be welcome. Another 15 units within the private tenure would be designed as wheelchair adaptable units. The development meets the policy requirements.

- 9.107 Subject to conditions regarding glazing specifications and ventilation measures, the flats (excluding balconies) would not be subject to undue noise, vibration or poor air quality.

Amenity space and child play space

- 9.108 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies and terraces to all of the flats in compliance with the above quantitative standards. However, it should be noted that the balconies fronting the Limehouse Cut, Upper North Street and Broomfield Street would exceed the British Standard 8233:2014 recommended upper limit for noise within amenity spaces. The internal facing balconies and child play and communal amenity space would be within the relevant limit.
- 9.109 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 193sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 50 children and therefore 500sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 9.110 The development would provide, on top of the car park podium and at grade level, 808sqm of amenity space. This would exceed the combined requirements for communal amenity space and child play space for all ages of 693sqm. The Design and Access Statement has set out indicative arrangements for these spaces. The 'sun hours on the ground' assessment shows that the amenity spaces would exceed the minimum standards set out in the BRE guide (see appendix 2) and would appear well sunlit. Subject to mitigation, the microclimate assessment demonstrates that the wind levels for these spaces would be suitable for their intended use.
- 9.111 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents irrespective of tenure. The detail, including planting and play equipment can be appropriately secured by condition.

Effect on neighbouring amenity

- 9.112 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

Daylight

- 9.113 The applicant has submitted a daylight assessment by CHP Surveyors Ltd. The Council appointed Delva Patman Redler LLP (DPR) to independently interpret the results. DPR have confirmed that the appropriate tests have been carried out and, where assumptions have been made, that they are reasonable.
- 9.114 The CHP report has tested 278 windows in 9 properties surrounding the development to assess the impact this development will have on their daylight. The properties tested are: Werner Court; Craig Tower; Ingot House; E-Pad, 17-25 Invicta; 6-9 Metropolitan Close; 2-5 Metropolitan Close; 1-5 Broomfield Street; and, 8-36 Broomfield Street.
- 9.115 A description of the standard Building Research Establishment (BRE) tests used is set out in Appendix 2 of this document. These are Vertical Skyline Component (VSC), Average Daylight Factor (ADF), and daylight distribution No Skyline test (NSL).

Werner Court

- 9.116 The results show that 45 out of the 60 windows tested do not pass the VSC standard and there are 16 with a reduction of between 30% and 40% from existing and a further 10 of with a reduction of more than 40% from existing. The reduction in daylight will therefore be noticeable to residents of these properties.
- 9.117 However, the ADF results are compliant with all but one being left with 1.5% ADF or more, the minimum level for a living room and that room is a bedroom (which only requires an ADF of 1% which is exceed). In addition, the NSL results are good showing that the rooms will be left with most of their area still seeing sky visibility on the working plane.
- 9.118 Therefore, whilst the reduction in VSC would be noticeable, the sky visibility within the room will remain at a good level and the ADF results show that the rooms will remain adequately, and in many cases, well lit.

Craig Tower

- 9.119 In relation to the VSC analysis, 37 of the 45 windows experience a reduction of more than 20% from existing and around half of those, experience a reduction of more than 30% from existing.
- 9.120 However, the ADF results for this property are generally very high and the rooms will be left with a well lit internal environment. There will also be no significant impact on the NSL results.
- 9.121 Therefore, whilst there will be a noticeable reduction in daylight, the rooms will still appear adequately lit to the occupants.

Ingot Tower

- 9.122 8 windows serving 4 rooms which face Bartlett Park were tested. None of these windows suffer a loss greater than 20%, the rooms all pass the daylight distribution

test and all of the rooms would have an ADF at or in excess of 2.5. Accordingly, these rooms would remain well-lit and with good sky visibility.

9.123 A further 3 windows tested at first floor level on the flank elevation facing Craig Tower; 2 will experience reductions in VSC of just over 23% and one room will experience a reduction of over 41%. However, the ADF levels would be 1.5% and above, suitable for living room use and there is no change in the NSL results which are at an acceptable level. Therefore, the rooms will still appear reasonably well lit.

9.123 NOT USED

E-Pad

9.124 For this property only 2 of the windows will not meet the VSC standard out of the 31 tested. These are only just over the 20% reduction at 20.4% and 21.1% respectively but those rooms have ADF levels of 2.6% and very good daylight distribution.

2-5 Metropolitan Close

9.125 3 of the 15 windows, serving two rooms, do not meet the VSC standard with reductions between 21.2% and 22.7% VSC. These rooms have very good levels of daylight distribution and the ADF results are 1.1% and 1.8%. On balance, these results show that the rooms as a whole will be left with acceptable level of light.

8-36 Broomfield Street

9.126 3 windows out of the 54 tested will experience a reduction in VSC of more than 20% from existing and left with a VSC below 27%. Reductions range from 22.4% to 24.6%. These rooms have good levels of NSL, over 80% of the room area with no change, but quite low ADF levels at 0.5% to 0.7%.

9.127 These windows appear to serve small kitchens* and are set back from the main building line so that there is an overhang as a result of the building design which reduces the sky visibility to those rooms. Therefore, whilst the results are not compliant for these windows, any development of moderate additional height on the proposed footprint would be likely to have the same results and removing some height of the building would have little impact.

** It should also be noted that kitchens (without a dining element and/or below 13sqm) would not normally be considered as a habitable room and, therefore, not strictly necessary to be tested.*

17-25 Invicta, 6-9 Metropolitan Close and 1-5 Broomfield Street

9.128 The results for these properties are fully compliant. There would be little impact from this development on the levels of daylight these properties would receive and in some cases there would be improved levels of daylight.

Conclusion

9.129 Overall, the development, as would be expected, has some impact on the daylighting conditions of surrounding development. The results show that there would be noticeable reductions in the level of daylight from some windows. However, the rooms affected would remain acceptably well-lit and generally retain good sky

visibility. The proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

Sunlight

- 9.130 Sunlight results have been provided for those elevations to the neighbouring buildings that face within 90° of due south in accordance with the BRE guidelines (see Appendix 2). The results show that all of the properties tested meet the BRE standards with the exception of those in Craig Tower, which is assessed in more detail below.
- 9.131 The results for Craig Tower show for annual sunlight that whilst the majority (35 of the 41) of windows pass the BRE sunlight test, there are two windows at 2nd floor level with losses of 41%, and one window at 3rd, 4th, 5th and 6th floor level with reductions of 38%, 35%, 29% and 29% respectively and effect is to reduce annual sunlight levels below the recommended 25%. The winter sunlight results are compliant to all but one window on level 2.
- 9.132 An analysis of why these 6 windows do not pass the BRE annual sunlight standard, shows that balconies restrict the sunlight that will be available to this building and the balconies themselves provide external amenity space that will be better sunlit. The results would be compliant without the balconies. In any case, the winter sunlight results are relatively good for an urban location and the annual sunlight levels of between 19% and 23% for these windows are also relatively good.
- 9.133 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

Privacy, outlook and enclosure

- 3.134 Due to the separation distance (in excess of 25m) between this development and neighbouring properties to the north, there would be no significant loss of privacy. To the south is the 'Epad' development across Broomfield Street – the relationship between this development and 'Epad' is a typical relationship across a highway (circa 16m) and would not cause an unacceptable loss of privacy. There are no windows facing east in close proximity to the boundary with Metropolitan Close. These residents privacy are also safeguarded.
- 9.135 Having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would cause undue sense of enclosure or undue loss of outlook to any of its neighbouring residents. It is noteworthy that there is an improvement (by way of the demolition of the existing building situated on the boundary) to some of the properties on Metropolitan Close in terms of outlook and enclosure.

Overshadowing

- 9.136 The transient shadow plots show limited overshadowing of surrounding public spaces; this will have a very minor effect on the quality of these spaces and, with any reasonably expected level of development on this site, would be inevitable.
- 9.137 In relation to the impact on the open space between Craig Tower and Werner Court, in the existing situation all of this area would receive at least 2 hours of sunlight on the equinox. The proposed development would, inevitably, reduce this somewhat.

However, in the proposed situation more than 50% of the area would receive 2 hours of sunlight in accordance with BRE guidelines.

- 9.138 The shadow plots show that the development will have a relatively minor effect on the gardens of 2 and 3 Broomfield Street, but these are less than 20% reductions from the existing one, and therefore compliant with the BRE Guidelines. The practical impact is that there is some additional shading in the afternoon on 21st March. The analysis demonstrates that in the majority of instances there is either no change or an improvement to the level of sunlight the neighbouring gardens will enjoy, in particular Nos. 5, 6/7 and 8/9 Metropolitan Close show noticeable reductions in the level of overshadowing.

Noise, vibration and air quality

- 9.139 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, there are considered acceptable subject, where applicable, to conditions.

Conclusion

- 9.140 The proposal has been developed so it appropriately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

Highways and Transportation

- 9.141 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. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.142 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.
- 9.143 Core Strategy policies SP08 and SP09, together with policy DM20 of the Local Plan seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. They highlight the need to minimise car travel and prioritise movement by walking, cycling and public transport. They require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

Traffic Generation

- 9.144 TfL have reviewed the Transport Assessment and have raised some concerns with the modelling assumptions and consequently have not validated the junction impact analysis conclusions. The applicant has since provided further information to address TfL's concerns. LBTH Transportation and Highways have not raised specific concerns in this regard, and mindful of the number of parking spaces and predicted number of residents, officers consider the scheme is very unlikely to have a material adverse effect on the strategic transport network. In any case, TfL will have the opportunity to review this additional information as part of the Stage II GLA referral process.

Car Parking

- 9.145 The proposed development would provide of 28 vehicular parking spaces including 6 that are wheelchair accessible and one car club space. This is in compliance with the Development Plan's parking standards. The applicant has committed to providing 40% of those as electric vehicle parking points (11 spaces) with at least 20% active charging points, again in compliance with relevant policies.

Cycle Parking

- 9.146 The number of residential cycle spaces to be provided would be 272 and the number of visitor cycle spaces is 10. The residential and visitor cycle space numbers are in compliance with relevant policy.

Access / Servicing and Deliveries

- 9.147 The servicing strategy is off-site servicing within the courtyard of the development with access from Broomfield Street as part of a shared surface which also provides access for residents and cyclists. The proposed scheme has been revised to ensure that refuse trucks can enter and leave the site in forward gear.
- 9.148 The applicant has also agreed to part fund proposals for a raised table and tightening of the radius of the junction at Broomfield Street / Upper North Street. The Council's Transport and Highways Service advise that this will improve highway safety, particularly in relation to large vehicles, such as refuse trucks, making left hand turns from Upper North Street into Broomfield Street.
- 9.149 The revised proposal for the site access has been subject to a Stage 1 safety audit which assessed the potential conflict between vehicles, pedestrians and cyclists. The audit raised some issues which would mitigate possible safety concerns of sharing the access and the applicant has implemented these recommendations in their proposed design.
- 9.150 Highways advise that the site access is very close to the junction of Upper North Street/Broomfield Street and it would be desirable for it to be moved further along Broomfield Street, but have not objected to permission being granted for the scheme. Whilst re-aligning the access further along Broomfield Street and separating pedestrian, cycle and vehicular access could deliver further highway safety benefits, it would affect other aspects of the scheme layout. The Stage 1 Safety Audit does not raise any compelling reason to amend the access arrangements.

Accessibility

- 9.151 The site is situated adjacent to the Limehouse Cut towpath which forms part of the Blue Ribbon Network. The closest access to the Limehouse Cut is on Cotall Street on the opposite side of Upper North Street adjacent to Bartlett Park.
- 9.152 Highways and TfL consider that the development has not made the most of its location next to the towpath, emphasising a missed opportunity to provide a public link to the towpath.

However, residents particularly those at Metropolitan Close have raised concerns that a public link would attract anti-social behaviour. The difference in ground levels between the towpath and this development also make an inclusive and attractive public link difficult to achieve. A new public link to the towpath has been provided circa 50 metres from Bell Common Bridge to the west off Cotall Street. On balance the lack of a public link in this case would not be a planning objection to the scheme.

Construction traffic

- 9.153 LBTH Highways and TfL have both advised that they anticipate no particular construction traffic issues and, subject to a Construction Logistics condition requiring details to be approved of matters such as the size, number and timing of construction vehicle movements and holding and turning areas, that the effects of construction traffic of the safety and free flow of highway traffic can be appropriately mitigated to address residents' concerns.

Conditions/Obligations

- 9.154 Highways and TfL recommend the following conditions and / or obligations to mitigate the impact of the proposal:
- Secure the scheme as 'permit-free';
 - Require approval of a car parking management plan;
 - Require approval of a Travel Plan;
 - Require approval of a Servicing Management Plan;
 - Require approval of a Demolition and Construction Management Plan;
 - Require approval of a Scheme of Highways Improvements Plan;
 - S278 agreement to carry out works on the public highway adjacent to the site, including but not restricted to, the junction improvement works at Broomfield Street and Upper North Street.

- 9.155 The above conditions and / or obligations have been recommended as part of this report.

Summary

- 9.156 Subject to conditions, transport matters, including vehicular and cycle parking, vehicular and pedestrian access are acceptable and the proposal should not have a detrimental impact on the public highway in accordance with National Planning Policy

Framework (NPPF); 6.1 of the London Plan, SP08 and SP09 of the Core Strategy (2010) and DM20 of the Managing Development Document (2013).

Waste

- 9.157 DM14 of the Local Plan requires applicant's to demonstrate how waste storage facilities and arrangements are appropriate to implement the Council's waste management hierarchy (reduce, re-use and recycle).
- 9.158 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.
- 9.159 In terms of operational waste, the Council's Waste department advise the access arrangement for refuse vehicles is acceptable. Whilst they raise some concerns with the complexity of the arrangements, the developer's management team advise that they consider it workable. A condition is recommended to ensure that monitoring can take place to deter contamination (i.e. ensuring residents are not generating undue amounts of refuse and not putting waste in recycling bins) of bins.

Energy & Sustainability

- 9.160 At a national level, 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.
- 9.161 The climate change policies as set out in Chapter 5 of the London Plan 2015, 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.
- 9.162 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean)
 - Supply Energy Efficiently (Be Clean)
 - Use Renewable Energy (Be Green)
- 9.163 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 (circa 45% reduction against Building Regulations 2013) through the cumulative steps of the Energy Hierarchy.
- 9.164 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve a minimum Code for Sustainable Homes Level 4 rating.

However, the Government has recently withdrawn the Code for Sustainable Homes Assessment.

- 9.165 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy: 1) Connect to existing heating or cooling networks. 2) Site wide CHP 3) Communal heating and cooling.
- 9.166 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures (3%), use of a centralised CHP system (33%) and a PV array (15.9% / 96kWp). Notwithstanding the need to be compliant with London Plan policy 5.6, the CO2 emission reductions proposed are supported and would result in a circa 46% reduction against the Building Regulations 2013.
- 9.167 Accordingly, the Energy Strategy's approach to reducing carbon dioxide is supported and in accordance with relevant policies and is secured by condition.
- 9.168 The submitted Sustainability Statement includes a Code pre-assessment which demonstrates how the development can achieve a Code 4 rating. A condition is recommended for a sustainability statement to demonstrate the sustainability credentials of the development accord with the latest policy.
- 9.169 The Energy Assessment demonstrates that it is not currently feasible or viable to connect to an existing district heating network but has demonstrated how the development has been future-proofed should one become available in the future. The proposal is in accordance with policy 5.6 of the London Plan.
- 9.170 The proposal accords with the aforementioned policies, insofar as those policies are up-to-date i.e. the Government withdrawal of the Code.

Environmental Considerations

Air quality

- 9.171 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.172 In this case, the applicant has submitted an Air Quality Assessment, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 9.173 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process. The use of a decentralised energy centre helps to reduce carbon emissions and the gas-fired boiler emissions to the Combined Heat and Power (CHP) plant would be vented at roof level.

- 9.174 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO₂ in accordance with the aforementioned policies.

Noise and vibration

- 9.175 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.
- 9.176 An Acoustic Report has been submitted in support of the application. This has been reviewed by the Council's Noise and Vibration Officer who advises that the report and its recommendations are acceptable. The development itself would not create significant noise or vibration. The report advises that the main sources of noise are road traffic and air traffic from London City Airport and advises that mitigation is required on all facades facing outwards towards highways. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, the future occupiers would not be exposed to undue noise having regard to British Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.
- 9.177 In relation to amenity spaces, BS 8233:2014 advises that noise levels below 55dB would be desirable. The noise assessment results are set out below:

Predicted External Noise Levels – L_{Aeq,T}

Block D, 4th Floor, facing Upper North Street 68 dB(A)

Block A, 4th Floor, facing Limehouse Cut 63 dB(A)

Block A, 8th to top floor, facing Upper North Street 57-63 dB(A)

Balconies facing inwards on site <55 dB(A)

Communal Play Area / Amenity Space to middle of site <50 dB(A)

- 9.178 The results show that the courtyard communal areas and inward facing balconies will meet the British Standard. However, the balconies facing Broomfield Street, Upper North Street and the Limehouse Cut will exceed the relevant standard as a result of the aforementioned noise sources. Whilst this is undesirable, there are no effective mitigation measures for open balconies. It should be noted that communal amenity space and Bartlett Park would provide alternative (and quieter) amenity space.
- 9.179 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.
- 9.180 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

Contaminated Land

- 9.181 The applicant has submitted a desk-top contaminated land study which identifies, due to the previous uses on the site, a potential for contamination. The Council's Contaminated Land Officer has reviewed the study and advises subject to a condition requiring intrusive investigation and remediation there is no objection to the proposal. Subject to such a condition the proposals would accord the requirements of the NPPF and policy DM30 of the MDD.

Flood Risk and Water Resources

- 9.182 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 9.183 The site is located in Flood Zone 2 and partly in Flood Zone 3a. Flood Zone 3a means that there is 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- 9.184 The Council has undertaken a Sequential and Exception test (see Appendix 1) as required by the NPPF and its' associated technical guidance. These tests will be placed on the public planning register.

In summary, the tests identified that in order to meet the Council's housing targets building on Flood Zone 2 and 3a is necessary and there are no more sequentially preferable sites available to meet this demand. A site-specific Flood Risk Assessment has been submitted and, following amendments, the Environment Agency advise that the risks have been appropriately mitigated, which includes a flood defence wall, safe emergency egress and raised (300mm) finished floor levels for ground floor residential units. Moreover, the defence wall has been designed in such a way as it allows for it to be raised in the future in accordance with the Environment Agency's TE2100 plan. The exception test demonstrates that the public benefits of the proposal outweigh the (mitigated) risks. Accordingly, the exception test has been passed.

- 9.185 In relation to surface water run-off, the development achieves a 50% reduction in surface water run-off rates through storage in underground tanks for specified flood events. The run-off is directed into the combined sewer system as it is not feasible in this instance to direct the run-off directly into the Limehouse Cut.
- 9.186 Thames Water advises that there are no concerns with additional water demand from this development. They advise that there is insufficient information submitted to determine the waste water needs of this development and consequently advise that a drainage strategy condition be imposed. They also advise that their assets may be located underneath the site and the path of Thames Tideway Tunnel runs under the adjacent Limehouse Cut, accordingly, they advise imposing a number of conditions relating to construction and piling details. Thames Water also advise imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. An appropriate condition is recommended.
- 9.187 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated Technical Guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 9.188 The application site contains buildings and hard standing and has no significant existing biodiversity value. A bat survey found no evidence of bat roosts within the roofs of the existing buildings. The site is immediately adjacent to the Limehouse Cut which is a Site of Importance for Nature Conservation. The Borough Ecology Officer has advised that lighting over the canal will have a detrimental effect. A condition is recommended to mitigate this problem, however it is inevitable that light spill over the canal will increase to some degree.
- 9.189 Policy DM11 requires major developments to take reasonable opportunities for biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The Ecology Officer advises that the landscaping scheme will provide opportunities for biodiversity enhancements and a condition is recommended to secure this. The submitted Ecology Report also recommends the inclusion of 10 bat boxes and 20 nest boxes for swifts in the new buildings. The submitted plans do not indicate where these will be incorporated and therefore a condition is recommended to secure this biodiversity enhancement.
- 9.190 The Ecology Officer advises that green roofs would be beneficial in this location. However, the roofs of the building are 'allocated' for pv panels and other structures such as flues and satellite dishes. Overall, the scheme has taken reasonable opportunities for biodiversity enhancements.
- 9.191 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

Health Considerations

- 9.192 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 9.193 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.194 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles;
 - Providing high-quality walking and cycling routes;
 - Providing excellent access to leisure and recreation facilities;
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles;
 - Promoting and supporting local food-growing and urban agriculture.

- 9.195 The proposal provides on-site child play and communal amenity space at policy compliant levels. The accessibility to open space (Bartlett Park and the Limehouse Cut) near to the development is also recognised. It is noted that the development would be liable for Community Infrastructure Levy contributions and health facilities are included on the Council's Regulation 123 list (i.e. the development may result in a contribution towards improved health infrastructure). The health benefits to residential occupiers of living in homes with good levels of daylight are recognised and the proposed residential units are considered to have good levels of daylight and sunlight. The effect of noise on the living conditions of occupiers can be adequately addressed through planning conditions. However, it is noted that the noise exposure to some balconies would be above the recommended level set out in British Standard 8233:2014.
- 9.196 It is also noted that the site has relatively poor public transport accessibility and may, therefore encourage more vehicle trips rather than cycling or walking. Cycle parking is provided, in accordance with London Plan standards and a contribution towards funding oyster cards for each flat to encourage the use of more sustainable methods of transportation is recommended to be secured through the legal agreement. The proposed car parking levels is within Development Plan maximum standards.
- 9.197 It is considered when weighing up the various health considerations pertinent to this scheme, the proposal would be consistent with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Impact upon local infrastructure / facilities

- 9.198 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 9.199 The NPPF (at paragraph 204) states that planning obligations should only be sought where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 9.200 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date.
- 9.201 Securing appropriate planning contributions is supported by policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 9.202 The Council's draft Supplementary Planning Document on Planning Obligations (2015) provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also sets out the main types of contributions that can be sought through planning obligations, these include:

- Affordable Housing;
- Skills training;
- Job brokerage, apprentices and work placements;
- Supply chain commitments towards local enterprise;
- Site specific transport requirements;
- Certain transport measures;
- Site specific public realm improvements / provision;
- Carbon Reduction measures;
- Biodiversity measures;
- Site specific flood mitigation / adaption measures; and,
- Community Facilities.

9.203 Financial contributions have been offered in respect of construction phase skills and training in accordance with the guidance set out in the latest draft of the 'Planning Obligations' SPD and is £61,904.00. The applicant has also agreed to provide £43,740 towards encouraging the take-up of more sustainable methods of transportation given the low PTAL of the site.

9.204 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services by value and 20% local labour during construction and a permit-free agreement.

9.205 The financial and non-financial contributions are considered to be in compliance with aforementioned policies and Regulation 122 'tests'.

Local Finance Considerations

9.206 As noted above section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with a planning application a local planning authority shall have regard to:

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

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

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.208 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy and would attract a New Homes Bonus. These financial considerations are material considerations and weigh in favour of the application.

Human Rights Considerations

9.209 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:-

Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.210 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.211 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.212 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

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

9.214 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

9.215 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation

measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

9.216 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:

- 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.

9.217 The financial contributions towards infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

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

9.219 The financial contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

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

9.221 The proposed development allows, for the most part, an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

CONCLUSION

9.222 All other relevant policies and material considerations have been taken into account. Planning permission should be **granted**, subject to planning conditions and a Section 106 Agreement set out in section 2 of this report.

Appendix 1

Demonstrating the flood risk Sequential Test and Exception for Planning Applications

Application details

Planning application reference number	PA/15/00641
Site address and development description	Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 162 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard.
Date	27 th August 2015

Completed by London Borough of Tower Hamlets

In February 2015, Fairview Homes Ltd submitted an application for a housing-led redevelopment of the above referenced site. The applicant has submitted a site specific Flood Risk Assessment (FRA) with the planning application.

LBTH has undertaken a Sequential and Exceptions Test for the site, and this document collates its conclusions.

Proposed Development

The site lies within the 'place' Poplar (as defined in LBTH's Core Strategy 2010).

The site is located within Flood Zone 2 and partly within Flood Zone 3a, which is defined as:

This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. (Department for Communities and Local Government, 2012)

It is important to note that flood zones refer to the probability of sea and river flooding only, ignoring the presence of existing defences the area.

National Planning Policy Framework

Paragraph 101 of the National Planning Policy Framework (NPPF) states that:

"the aim of the Sequential Test is to steer development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding".

As set out in the NPPF, the overall aim should be to steer new development to Flood Zone 1. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.

National Planning Policy Framework Technical Guidance

In accordance with Tables 2 and 3 of Technical Guidance to the NPPF, the classifications of the proposed uses are as set out in Table 1 below.

Table 1 – Classification

Proposed Land Use	Flood Zone	Vulnerability Classification	Vulnerability And Compatibility
Residential institutions	3	More vulnerable	Exception Test required

As shown above, this proposed use of the site is classified as ‘more vulnerable’, and therefore based on flood risk vulnerability and flood zone ‘compatibility’ an Exception Test will also be required for this site.

It is important to note that the proposed used classification is the same as the existing i.e. no change in the vulnerability of the site.

London Borough of Tower Hamlets’ Planning Policy

Core Strategy

LBTH’s Core Strategy makes a commitment to reduce the risk and impact of flooding through ensuring that all new development across the Borough does not increase the risk and impact of flooding, and ensuring the application of flood-resilient design of all new developments in areas of Flood Risk 2 and 3a.

The proposed development site lies within the ‘Poplar’ place as described by the Core Strategy annex.

Core Strategy Strategic Flooding Risk Assessment

In 2009, a Level 1 Strategic Flood Risk Assessment SFRA (Capita Symonds, 2008) was produced on behalf of LBTH to support the Core Strategy. In producing the SFRA, LBTH has confirmed that it has taken full account of flooding in its area, as required by the government guidance.

The SFRA was used to sequentially test the Core Strategy (LBTH, 2009) to ensure it addresses areas of potential risk to all types of flooding across the Borough. The Sequential Test identifies that parts of the Borough are within Flood Zones 1, 2 and 3a, and are therefore at potential risk of flooding. The SFRA has revealed that there is no Functional Floodplain (Zone 3b - highest probability) in Tower Hamlets, but large parts of the identified growth areas lies within High Risk Flood Zone 3.

The Sequential Test identifies that development in this location requires the Exception Test for ‘more vulnerable’ classifications.

The Core Strategy states that further sequential testing of sites will come forward as a part of the Sites and Placemaking Development Plan Document (DPD) which now forms part of Tower Hamlets’ Managing Development Document (adopted April 2013).

Managing Development Document

The London Plan and Core Strategy seek to reduce the risk of flooding within the Borough through identifying areas at risk of flooding and ensuring that development does not impact on the existing flood protection measures. DM13 of the Managing Development Document sets out how development will ensure these risks are minimised.

Managing Development Document Strategic Flooding Risk Assessment

In 2012, a Level 2 SFRA (Capita Symonds, 2012) was produced on behalf of LBTH to support the Managing Development Document. The SFRA was used to sequentially test the Managing Development Document.

The Managing Development Document (adopted April 2013), identifies a number of site allocations, for which a Sequential test was undertaken. The Site Allocations aspect of the Managing Development DPD does not set out to allocate every available development site within the Borough, but rather it provides guidance for sites of a strategic importance.

The proposed development at “Phoenix Works” does not lie within any of the specific site allocations and therefore has not been subject to a Sequential Test at site specific level.

The Sequential Test

The Sequential Test can be considered adequately demonstrated if both of the following criteria are met:

- the Sequential Test has already been carried out for the site (for the same development type) at the strategic level; and
- the development vulnerability is appropriate to the Flood Zone.

The proposed site has been sequentially tested as part of the implementation of the Core Strategy, but not as part of the Managing Development DPD.

The proposed use for the site is classified as ‘more vulnerable’ within Flood Zone 3, and therefore a Sequential and Exception test will be required. The SFRA provides the basis for applying the Sequential Test.

Question 1 – Are there alternative sites available in Zone 1?

Tower Hamlets seeks to deliver 3,931 homes per year as set out in the London Plan. However, 42% of the Borough is at risk of flooding.

Land located within the northern part of Tower Hamlets is located within Flood Zone 1 (and therefore outside of Flood Zone 2 and 3). The Government and Greater London Authority (GLA) have however placed an emphasis on eastward directed growth (in London) and therefore it is unlikely that development and infrastructure support can be accommodated solely outside of Zone 3.

The Council is aware of the protection that flood defences in the area can offer. The flood risk assessment has noted two principle forms of flood defence as follows:

- the Thames Barrier, which has been in operation since 1982, and is designated to prevent the propagation of tidal storm surges upstream; and

- the ‘formal’ flood defences provided by the raised walls, buildings and embankments situated immediately adjacent to the Limehouse Cut.

There would be an overall reduction the ratio of permeable to impermeable area and a suitable sustainable urban drainage system will be secured by condition. It is therefore considered that the scheme offers a sustainable building on previously developed land, with existing flood defences.

There are not considered to be any alternative development sites with Flood Zone 1 that are reasonably available.

Question 2 - Are there alternative sites available in Zone 2?

No. No reasonably available additional sites that meet the site selection criteria are available in Zone 2.

Question 3 - Are there alternative sites available in Zone 3 that have a lower risk of flooding?

No. The site is considered to be at the same risk of flooding of those reasonably available within Zone 3.

Conclusion

Based on the above criteria, no other suitable site was available in a Flood Risk Zone of a lower category. As such this site is the most suitable for the range of uses and therefore the site passes the Sequential Test.

The Core Strategy SFRA states that the proposed development, located where it is, for ‘more vulnerable’ uses, will only be permitted if it passes the Exceptions Test. The Exceptions Test is therefore required to be undertaken.

Stage 1 – strategic application & development vulnerability

Has the Sequential Test already been carried out for this development at development plan level?	Provide details of site allocation and LDD below
No	N/A

State the Flood Risk Vulnerability Classification in accordance with PPS25 table D2	State the Flood Zone of development site
More Vulnerable	Flood Zone 3

Stage 2 – defining the evidence base

<p>State the defining parameters for the geographical area over which the Sequential Test is to be applied e.g. functional requirements of the development; regeneration need <i>identified in the LDF</i>; serves a national market. Indicate if no parameters exist for example, windfall development.</p>	<p>State the area of search in view of identified parameters e.g. whole LPA area, specific market area, specific area of need/regeneration area or on a sub regional or national level.</p>
<p>No parameters, this is a windfall development not previously identified in the Development Plan.</p>	<p>The whole LPA area</p>
<p>Additional justification (if needed): N/A</p>	

Evidence base to be used as source for ‘reasonably available’ sites	Provide details below e.g. date, title of document and where this can be viewed
Managing Development DPD - site allocations	www.towerhamlets.gov.uk
Housing Land Study	N/A
Employment Land Review	N/A
National Land Use Database – Previously Developed Land	N/A
Register of Surplus Public Sector Land	N/A
Rural Exceptions Strategy	N/A
Regeneration strategy	N/A
Other sites known to the LPA e.g. sites of other planning applications	N/A
Other sources not stated	N/A

Method used for comparing flood risk between sites	Provide details below e.g. date, title of document and where this can be viewed

Environment Agency Flood Map	Yes - available to see at www.environment-agency.gov.uk
Strategic Flood Risk Assessment (if comparing flood risk within the same Flood Zone)	Yes - available to see at www.towerhamlets.gov.uk
Site specific Flood Risk Assessments where they are suitable for this purpose.	N/A
Other mapping / source of flooding information not stated	N/A

Stage 3 – applying the Sequential Test

The majority of allocated sites either have permission and or in the application process at densities higher than predicted at Examination stage. They could not accommodate the additional density of this scheme. Other allocated sites, such as Marian Place Gas Works and The Oval are currently being restrained from coming forward for development as the gas holders have not been decommissioned. This site is needed to meet our identified housing needs.

Other issues:

The delivery of additional housing will go towards a demonstrable need of housing within the London borough of Tower Hamlets as set out in the London Plan (consolidated with alterations 2015) and Tower Hamlets' Strategic Housing Needs Assessment.

This part of Tower Hamlets has been historically used for housing and family sized housing is promoted in this location as part of policy SP11 of the adopted Core Strategy which states housing types suitable for families should be promoted in this area.

Conclusion: Are there any reasonably available sites in a lower flood risk zone or at a lower risk of flooding than the application site?

No

The Exception Test

In respect of the above, it is considered that the Sequential Test has been adequately demonstrated and that consideration should be given to the Exception Test as stated in the Sequential Test for the Core Strategy. The Exception Test provides a method of managing flood risk while still allowing necessary development to occur.

Paragraph 102 of the NPPF states that for the Exception Test to be passed it must demonstrate the following:

- *'it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.*

Both elements of the test will have to be passed for development to be allocated or permitted. These criteria are assessed below.

1) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared

In accordance with National, Regional and Local policy, the proposed development would respond to a defined local and strategic need for new housing.

The proposed development is considered to be consistent with the wider sustainability objectives of the Poplar Neighbourhood.

2) A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

The Environment Agency has advised that the defences are adequate currently and are future proofed to allow an increase in the height of the flood defence wall to sufficient heights over the lifetime (100 years for residential) of the development.

The Environment Agency advises that the proposed development is not anticipated to increase the risk of flooding elsewhere.

A site drainage strategy will be secured by condition and reduce the level of surface water drainage from the site compared to the existing situation.

The applicant's Flood Risk Assessment (along with additional information) demonstrates safe access and egress arrangements that can be implemented so that during flood events the appropriate level of safety can be maintained.

The residual flood risks of locating the proposed housing on this site will be mitigated through appropriate mitigation measures i.e. 300mm raised finished floor levels.

Conclusion

Based on the Sequential and Exception Test above, it was concluded that no other site is reasonably available in a Flood Risk Zone of lower category and that the site was most suitable. There is a reasonable prospect of compliance with the second part of the Exception Test subject to an appropriate site layout and a site specific Flood Risk Assessment that takes into account the site recommendations of the SFRA.

Appendix 2

DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The policy refers to the guidance set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The BRE handbook sets out a number of tests to assist a designer optimise the site layout in respect of daylight, sunlight and overshadowing to surrounding properties and land as well as the proposed properties and land as part of the planning application itself.

Vertical Sky Component

The primary method of assessment is through calculating the vertical sky component (VSC). The Vertical Sky Component (VSC) analysis establishes the amount of available daylight received directly from the sky for each individual window. The reference point for the analysis is the centre of the window, on the plane of the outer window wall.

The VSC is the amount of direct sky a window enjoys, expressed as a percentage of the amount of direct sky a horizontal, unobstructed rooflight would receive. The maximum percentage of direct skylight a vertical window can receive is 40%.

BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.

Daylight Distribution

In order to better understand impact on daylighting conditions, the daylight distribution test (otherwise known as the no skyline test (NSL)) calculates the area at working plane level (0.85m above finished floor level) inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.

Average Daylight Factor

For proposed development the BRE guide recommends that average daylight factor (ADF) is the most appropriate form of assessment for daylight. The Average Daylight Factor is the average illuminance on the working plane in the room and takes into account the amount of unobstructed sky the window serving the room can see, the size of the window, the size of the room, the reflectance expected from the surfaces within the room and the reduction in daylight that will occur as it passes through the glazing. British Standard 8206 recommends the following minimum ADF values for new residential dwellings:

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

It should also be noted that ADF can also be used to supplement the VSC and NSL tests for existing properties.

Annual Probable Sunlight Hours and Winter Sunlight Hours

The BRE guide states that 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.

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 through the whole year or just during the winter months, and the reduction is greater than 4% of APSH then the occupants of the existing building will notice the loss of sunlight.

Overshadowing

For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March. Where this is not the case, the reduction should not be more than 20% or the reduction would be noticeably adverse.

Appendix 3

Site Location Plan

