

Committee: Development Committee	Date: 16 th December 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application
Case Officer: Killian Harrington	Ref No: PA/15/02148
	Ward: Limehouse

1. APPLICATION DETAILS

Location: Our Lady's Primary School, Copenhagen Place,
Limehouse, London E14 7DA

Existing Use: D1 Non-Residential Institutions

Proposal: Demolition of existing buildings for the redevelopment of the site to provide buildings ranging between 4 part 5 storeys to 7 storeys in height comprising 45 residential units including affordable housing (Use Class C3), together with associated disabled car parking, cycle parking, open space, landscaping and infrastructure works.

Drawing and documents: Drawings:

3335_PL.120 Site Location Plan Rev P
3335_PL.100 Rev P2
3335_PL.101 Rev P1
3335_PL.102 Rev P1
3335_PL.103 Rev P1
3335_PL.104 Rev P1
3335_PL.105 Rev P1
3335_PL.106 Rev P1
3335_PL.107 Rev P1
3335_PL.121 Rev P1
3335_PL.200 Rev P1
3335_PL.202 Rev P1
3335_PL.300 Rev P1
3335_PL.301 Rev P1
3335_PL.302 Rev P1
3335_PL.303 Rev P1
3335_PL.401 Rev P
3335_PL.402 Rev P
3335_PL.403 Rev P

Documents:

- Design and Access Statement prepared by Stockwool (incorporating a Landscape Strategy prepared by Murdoch Wickham);

- Planning Statement including (S106 Draft Heads of Terms) prepared by Savills;
- Daylight and Sunlight Assessment prepared by eB7;
- Sustainability Statement prepared by Hodkinson Consultancy;
- Energy Strategy prepared by Hodkinson Consultancy;
- Transport Assessment (inc. Travel Plan) prepared by Ardent;
- Statement of Community Involvement prepared by Hard Hat
- Archaeological Assessment DBA prepared by CgMs;
- Flood Risk Assessment prepared by Ardent;
- Noise Assessment prepared by Ardent;
- Air Quality Assessment prepared by Ardent;
- Geotechnical / Contamination Survey prepared by Merebrooks;
- Heritage Statement prepared by Turleys;
- Utilities and Servicing Statement prepared by Ardent; and
- Construction Traffic Management by Ardent.
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Applicant: Bellway

Ownership: Bellway

Historic Building: N/A

Conservation Area: Adjoins the Limehouse Cut Conservation Area

2. EXECUTIVE SUMMARY

2.1 Officers have considered the particular circumstances of this application against the adopted policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council’s Managing Development Document 2013, the National Planning Policy Framework (NPPF), and National Planning Practice Guidance (NPPG).

2.2 Officers consider the proposal to be acceptable for the following reasons:

- By redeveloping a vacant school site, the proposal would deliver 45 new homes at a suitable location and create a canal frontage, providing a robust building line, new public realm, and a sense of place.
- The proposed change of use of the site from D1 to C3 is acceptable because, due to its small size, the site is no longer fit for purpose for a school. Moreover, there would be no loss of school places in the borough as a result of the proposal. The former Our Lady’s Primary School has already amalgamated with St Joseph’s Poplar.

- The proposed accommodation meets the minimum standards as set out in the Department for Communities and Local Government *Technical housing standards – nationally described space standard* (March 2015)
- The amenity of neighbouring occupiers would, on balance, not be unduly detrimentally impacted as a result of the proposal.
- The proposed design is in keeping with the character of the area and is considered to enhance and preserve the setting of the Limehouse Cut Conservation Area and the Grade II listed buildings opposite the site.

2.3 As explained within the main report, the proposal is in accordance with the Development Plan and all other material considerations.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

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

3.3 Financial Obligations:

- (a) A contribution of £16,432 towards providing employment & training skills for local residents.
- (b) A monitoring fee in line with the emerging Planning Obligations SPD £2,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).
- (c) £14,994 contribution to carbon offset projects (subject to status of the Planning and Energy Act 2008).

Total: £33,426.

3.4 Non-Financial Obligations:

- (a) 37% affordable housing by habitable room comprising:
 - 65% affordable rent by habitable room
 - 35% intermediate by habitable room
- (b) Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).
- (c) On-street parking permit free.
- (d) Bond to cover the Council's costs associated with laying out of disabled parking spaces on-street
- (e) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

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

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

3.7 Compliance conditions

- 1 Time limit 3 years.

- 2 Compliance with plans.
- 3 10% of the housing measured by habitable rooms shall either be wheelchair accessible or wheelchair adaptable and shall include 1 x 3 bed family affordable unit that shall be wheelchair accessible.
- 4 Compliance with Energy and Sustainability Strategy.
- 5 Communal amenity space and child space accessible to all future residents of the development.
- 6 Cycle parking/storage to be provided and maintained
- 7 Refuse and recycling facilities to be implemented in accordance with approved plans.
- 8 Acoustic glazing and ventilation to comply with the submitted Air Quality and Noise Assessment.
- 9 Hours of construction (08.00 until 18.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
- 10 Impact piling limited to 10.00 am to 4.00 pm.

3.8 Prior to commencement

- 11 Demolition/Construction Environmental Management & Construction Logistics Plan.
- 12 Waterway Wall Survey, Risk Assessment, Surface Water Discharge and Asbestos Demolition Survey
- 13 Refuse and recycling facilities Strategy
- 14 Ground contamination – investigation and remediation.
- 15 Piling Method Statement.
- 16 Thames Tideway Tunnel impact assessment
- 17 Engineering investigation of the river wall, including any necessary intrusive investigations, and carry out of remedial works

3.9 Prior to above ground works commencement

- 18 Drainage details and mitigation of surface water run-off.
- 19 Details and samples of all facing materials including windows, balustrades and screening.
- 20 Scheme of Highway Improvement Works including Section 278 agreement with Highways Authority.
- 21 Landscaping to include boundary treatment, brown and green roofs, ecological enhancement/mitigation measures (relating to the Green Grid Strategy) and external lighting.
- 22 Details of the specifications of the four wheelchair accessible units and the five wheelchair adaptable units.
- 23 Details of external plant and ventilation, including noise attenuation measures.
- 24 Details of rooftop PV array.
- 25 Details of children's play equipment.

3.10 Prior to occupation

- 26 Grampian condition requiring public access to the path that is part of the Locksley Estate.
- 27 Secured by Design accreditation.

3.11 Informatives

- Thames Tideway Tunnel

- Code of Practice for Works affecting the Canal and River Trust, surface water discharge and waterway access
 - Thames Land Drainage Bylaws
- 3.12 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.
- 3.13 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning consent.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The site is a slender, rectangular plot of land that measures 0.14 hectares (ha) and comprises the former Our Lady's Roman Catholic Primary School. This is a two-storey school building, fronted by car parking to the north with the playground area located to the south. The south (rear) of the site also backs onto Limehouse Cut canal. The school building dates to the 1950s, is made of stock brick with a flat roof and occupies the centre of the site, at odds with the neighbouring buildings that tend to front onto the canal.
- 4.2 The site is within 400 m of the Limehouse Basin and within 800 m of the Thames. In terms of pedestrian access the site can be reached from the east via the main road, Copenhagen Place, or from the west via the north side of the canal where Salmon Lane joins Commercial Road. This route through Commercial Road provides a direct connection to the East India Dock Road, the DLR stations at Limehouse and Westferry, as well as the many east / west bus routes into the City and Canary Wharf.
- 4.3 The site is set in a residential area with housing on all sides (except to the south where the canal is located) and between two residential developments which front on to the north side of the canal. To the west of the site is Locksley Estate with Elland House neighbouring the site, a post war council housing development with the main building fronting onto the canal. To the east of the site is a more recent development, known as Tivoli Mews, which has an L-shaped form, and the tallest element fronting onto the canal.
- 4.4 The site is located just outside the Limehouse Cut Conservation Area, which is a linear-shaped designation that takes the shape of the canal. There are no listed buildings on the site. However, there are two Grade II listed buildings opposite the site, on the south bank of the canal: Former Caird and Rayner Warehouse; and No. 777-783 Commercial Road.
- 4.5 The site has a PTAL of 5. The site is less than 1 km from Limehouse DLR Station and is served by eastbound bus routes to Blackwall (15), Canning town (N550), Isle of Dogs (135/D3), Romford Market (N15), East Ham (115) and Gallions Reach (N551) at bus stop LD, Salmon Lane/A13. Westbound routes include Charing Cross (15), Lemn Street (115), Trafalgar Square (N550/N551) and Bonner Road (D3) from bus stop LJ, Lowell Street/A13.
- 4.6 The site is located in Flood Zone 1 and is therefore only considered to have a 1 in 1000 year or greater annual probability of fluvial flooding (0.1%). The site therefore

has a low to very low risk of flooding from surface water, groundwater and flooding from artificial sources as shown on the EA Flood Map.

The Proposal

- 4.7 The application proposes the demolition of all existing buildings and the redevelopment of the site to provide residential accommodation in buildings ranging between 4 and 7 storeys in height. There would be 45 residential flats and houses, disabled car parking, cycle parking, open space, landscaping and infrastructure works.
- 4.8 The proposal involves the construction of 7 conjoined blocks of development centred on a communal courtyard. The development would be accessed via entry points from the street at Copenhagen Place, or the pedestrian path linking to the canal side. The two access points are located on Copenhagen Place (one communal entrance), or one in pedestrian path to the west. A range of housing types from studio units to three-bedroom houses are proposed.
- 3 x buildings west to east: 4/5, 5 & 5 storeys at Copenhagen Place side ('Block A')
 - 1 x central building: 5 storeys ('Block B')
 - 3 x buildings west to east: 7, 6 & 5 storeys at canal side ('Block C')
- 4.9 Block A would have a single entrance point to the stair core. The building is mostly five storeys high but the four storey part of the building is accessed via stair only. The last storey is a duplex. The eastern building in Block A is all affordable rent units. The wheelchair accessible parking bays would be located to the front of this block.
- 4.10 Block B residential access would be from the corner between Copenhagen Place and the adjacent path. The entrance would be level with the adjacent pathway and all upper floors will be directly accessible from the entrance lobby by a Part M compliant lift. Level access will be provided to all balconies and terraces.
- 4.11 Block C residential access would be from the pedestrian path which runs along the west edge of the building. The entrance would be level with the adjacent pathway and all upper floors will be directly accessible from the entrance lobby by a lift. Level access would be provided to all balconies and terraces.
- 4.12 The proposal would deliver a public walkway along the canal edge. This would be in addition to widening the existing path between the site and Elland House, thereby creating a continuous public route that connects to Limehouse. The images below illustrate the proposed development and connectivity.
- 4.13 In terms of materials, the blocks would consist largely of red brickwork and powder-coated aluminium windows with grey metal roofing in a vernacular warehouse style form.



Relevant Planning History

4.14 The following is the most relevant planning history for the site and its surroundings:

- 1955: PA/55/00515 Planning permission granted for the erection of a covered fuel store.
- 1993 PL/93/00161 Planning permission granted for the alteration to existing buildings and construction of mansard and second storey extensions. Extension to existing premises, comprising two storeys: boys and girls WCs

cleaners store, P.E. equipment store, community room and provision of entrance canopy/area.

- 1965: PA/65/00374 Planning permission granted for the erection of a single-storey extension
- 2001: BN/01/14962 Planning permission granted for the installation of stairlift.
- 2004: PA/04/01371 Planning permission granted for the erection of a single storey extension for a new kitchen and store.

4.15 Planning approvals on adjacent sites:

- Carmine Wharf, Copenhagen Place, 2008: PA/08/01580 Planning permission granted for the erection of a seven storey building to provide 883m² of floor space for B1 use on the ground and lower floors, with 35 residential units on upper floors with car parking and landscaping.
- Frances Wharf, 303-305 Burdett Road, 2005: PA/05/01337 Planning permission granted for the demolition of existing building and erection of a 4 to 9 storey mixed use building with basement to create 90 residential units (30 x one-bedroom, 40 x two-bedroom, 20 three-bedroom) and 947 sqm of offices (Use Class B1) at basement and ground floor level. Creation of a public walkway and associated landscaping.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy Guidance/Statements

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

5.3 London Plan 2015

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People’s Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice

- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.19 Sports facilities
- 4.4 Managing Industrial Land and Premises
- 4.5 London's visitor infrastructure
- 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
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

5.4 **Tower Hamlets Core Strategy 2010**

- SP02 Urban Living for Everyone
- SP03 Creating Healthy and Liveable Neighbourhoods
- SP05 Provide appropriate refuse and recycling facilities
- SP07 Improving Education and Skills
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places

SP11 Working towards a Zero Carbon Borough
SP12 Delivering place making
SP13 Planning Obligations

5.5 **Managing Development Document 2013 (MDD)**

DM0 Delivering sustainable development
DM3 Delivering Homes
DM4 Housing standards and amenity space
DM8 Community Infrastructure
DM11 Living Buildings and biodiversity
DM13 Sustainable Drainage
DM14 Managing Waste
DM18 Delivering Schools and Early Learning
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM27 Heritage and the built environment
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

5.6 **Other Relevant Documents**

The London Plan (2015) 'Shaping Neighbourhoods: Play & Informal Recreation SPG'

Limehouse Cut Conservation Area Appraisal & Management Guidelines

5.0 **CONSULTATION RESPONSE**

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

External Consultees

5.2 The following were consulted regarding the application:

Thames Water

5.3 No objection subject to informatives being attached to this decision.

Thames Tideway Tunnel

5.4 No objection subject to a suitably worded condition and informative to ensure that there is no adverse impact on the Thames Tideway Tunnel.

Historic England

5.5 No objection. The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Greater London Archaeology Advisory Service (GLAAS)

5.6 No archaeological requirements.

Canal & River Trust

- 5.7 No objection subject to suitably worded conditions for a Waterway Wall Survey, Risk Assessment, Surface Water Discharge and Asbestos Demolition Survey. Informatives should be added relating to the Code of Practice for Works affecting the Canal and River Trust, surface water discharge and waterway access.

Secured By Design (Metropolitan Police Service)

- 5.8 The Met Police require the applicant to achieve a SBD accreditation to a minimum of Part 2 (current levels).

Transport for London (TfL)

- 5.9 TfL are content with the level of cycle parking and disabled parking bays provided. Furthermore TfL are satisfied with the Framework Travel Plan provided and expect the final Travel Plan to be secured through S106.

Environment Agency

- 5.10 No objection subject to the inclusion of a condition requiring the engineering investigation of the river wall and an informative requiring the applicant to liaise with Environment Agency for a Flood Defence Consent.

Internal Consultees

LBTH Environmental Health: Noise and Vibration

- 5.11 Demolition and construction must comply with the Council's Code of Construction Practice and noise should be predicted using the British Standards 5228 methods. Noisy works are permitted Mon-Fri 0800-1800 and Sat 0800-1300. Audible works should not be carried out at any time on Sundays and Bank Holidays.
- 5.12 Details of the methodology for the following aspects of the works must be provided, along with justification in terms of best practicable means, and details of any proposed mitigation:
- (i) Piling
 - (ii) Demolition
 - (iii) Excavation of hard materials

LBTH Environmental Health: Contaminated Land

- 5.13 No objection subject to a contaminated land report being secured by condition.

LBTH Environmental Health: Air Quality

- 5.14 No objection

LBTH Building Development, Children's and Adult Resources

- 5.15 There is no concern about the loss of this building from education use. Our Lady's School formerly occupying the site has amalgamated with the former Holy Family School and relocated to a new building on that site. The school is now known as Our Lady & St Joseph's School. There has been no loss of primary school places. The Copenhagen Place site of Our Lady's was recognised as deficient and did not have the capacity to be improved to provide accommodation and space to meet current standards. The amalgamation and rebuilding proposal was developed by Westminster Diocese to ensure proper accommodation and the sustainability of two smaller schools by their amalgamation.

7.0 NEIGHBOUR REPRESENTATIONS

- 5.16 A site notice was erected and press notice published. A total of 106 planning notification letters were sent to nearby properties as detailed on the attached site plan. The Council received one letter of objection. The main concerns were:
- The 7 storey building would be too tall and out of context with the surrounding buildings and the Grade II listed building on the opposite side of the canal.
 - The path between the proposed development and Elland House is part of the Locksley Estate. Opening up this alleyway would encourage anti-social behaviour.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 5.17 The main planning issues raised by the application that the committee are advised to consider are:
- Land Use;
 - Heritage;
 - Design
 - Standard of Accommodation;
 - Highways and servicing
 - Neighbour Amenity; and
 - Other issues

Land use

- 8.2 In terms of the principle of residential use, delivering new housing is a key priority both locally and nationally. Policy 3.3 of the London Plan seeks to alleviate the current and projected housing shortage in the Capital through the provision of an annual target of 3,910 homes. This is reflected in LBTH Core Strategy policy SP02.
- 8.3 The principle of residential use in the area is already well established with older blocks of flats such as Elland Road and Southwater Close to the west and north and newer developments to the east. Recently approved residential schemes include the 7 storey Carmine Wharf (planning permission ref PA/08/01580) immediately to the west of the site and other developments towards Bow Common Lane bridge.
- 8.4 The site is previously developed land within a highly accessible/sustainable location (PTAL 5) and its redevelopment for housing would comply with London Plan Policy 3.3 'Increasing Housing Supply' and help the Council meet its increased housing targets set by the London Plan.
- 8.5 NPPF Paragraph 49 requires housing applications to be considered in the context of the presumption in favour of sustainable development. The development would provide much needed housing in a sustainable location that meets the relevant NPPF tests.
- 8.6 The NPPF Ministerial foreword 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.*"

Development means growth. We must house a rising population. 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.”*

8.7 The NPPF Introduction page 2 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; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

8.8 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.

8.9 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. This includes widening the choice of high quality homes. (NPPF Paragraph 9).

8.10 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This is reflected in the 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.

8.11 There are no site allocations for the proposed site. However, the LBTH Core Strategy (LAP 3 & 4) outlines the Council’s vision for the Limehouse area and states that there will continue to be medium levels of growth in this area, with old industrial sites being redeveloped for residential or mixed-use. This proposal satisfies the key principles for residential development in Limehouse, which are:

- *To identify ways to link the existing green spaces together and connect to the River Thames and other waterways.*
- *New development should be in keeping with the scale and character of historic warehouse buildings, conservation areas and waterways.*

- *Development and regeneration should seek to improve physical and visual access to the River Thames and other waterways.*

Loss of school

- 8.12 MDD Policy DM8 details the Council's approach to Community Infrastructure. Paragraph 8.4 in the supporting text includes schools and other D1 uses as community facilities. The policy states that health, leisure, social and community facilities will be protected where they meet an identified need and the buildings are considered suitable for their use. Furthermore it states that the loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable or the facility is being adequately re-provided elsewhere in the borough. MDD Policy DM18 outlines the Council's policy on delivering schools and early learning. It states that the Council will deliver a network of schools and Children's Centres by, inter alia, protecting schools and Children's Centres where they are considered suitable for their use and meet relevant standards, safeguarding the potential for schools in accordance with site allocations and only supporting the redevelopment of an existing school or Children's Centre where there is adequate re-provision on site or in accordance with any site allocation, unless it can be demonstrated that there is no need to retain the school or Children's Centre
- 6.3 Our Lady's Primary School was built in the 1950s and remained open until July 2014. The former Our Lady's Primary School has now amalgamated with the former Holy Family School and relocated to a new building on that site in Wade's Place, Poplar. The school is now known as Our Lady & St Joseph's Roman Catholic School. There has been no loss of primary school places.
- 6.4 The Council's Children's and Adult Resources Building Development department has confirmed that the Copenhagen Place site was deficient and no longer adequate for any potential school use. It could not provide a full 1FE of places (i.e. it had only a capacity of 26 places per year rather than the usual 30). Neither the building nor the site was capable of being made accessible and could not be altered to provide teaching accommodation to meet current standards. The new amalgamated school building in Poplar is now 2FE (i.e. 60 places per year). The amalgamation and rebuilding proposal was developed by Westminster Diocese to ensure proper accommodation and the sustainability of two smaller schools.
- 6.5 In conclusion the information provided by Children's Services confirms that there would be no net loss of school places as Our Lady's primary school has since amalgamated with St Joseph's primary school. The site is not fit for purpose as a school site as it is too small for a 1FE school.

Heritage

- 6.6 Although the site is not in a Conservation Area, it is important to consider the proposal's impact on (i) the adjacent Limehouse Cut Conservation Area, a linear designation formed by the canal, and (ii) the Grade II Listed buildings on the south side of the canal (also outside the Conservation Area).

National Planning Policy Framework (“NPPF”),

- 6.7 Section 12 of the NPPF headed “Conserving and enhancing the historic environment” contains guidance in consideration of development proposals and their effect on this historic environment

Strategic and Local Planning Policy

- 6.8 Policy 7.8 of the London Plan seeks to record, maintain and protect the city’s heritage assets in order to utilise their potential within the community. It requires that developments which have an effect on heritage assets and their settings conserve their significance, by being sympathetic to their form, scale, materials and architectural details.
- 6.9 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough’s heritage assets, their setting and their significant as key elements of developing the sense of place of the borough’s distinctive places.

Limehouse Cut Conservation Area

- 6.10 The Limehouse Cut Conservation Area is focused on the canal and its immediate hinterland, and runs south west from the River Lea to the Limehouse Basin. Within its boundaries, it includes the southern end of the River Lea and a section of Bow Creek. The conservation area boundary includes all retaining walls associated with Limehouse Cut, revetment walls and associated features on both sides of the historic cutting and its tow path. The area retains its predominantly industrial form, with large buildings along both sides of the Cut.
- 6.11 Whilst much of the built form along the bank of the canal lies outside of the conservation area boundary, it forms a fundamental part of its character and is therefore relevant in this assessment.
- 6.12 The Limehouse Cut Conservation Area Appraisal document (2011) describes how the proximity of buildings to the canal edge enhances the sense of enclosure which in turn contributes to the linear character of the conservation area. It states that the consistency of building heights, bulk and massing and width of the canal combine to provide a sense of place, and overall experience of place. Thus scale and consistency add to the sense of calm that pervades the Canal. The traditional low rise scale and human character of the canal should still be respected and no one building should dominate.
- 6.13 The existing school site has a lower profile than the surrounding buildings and is set back from the rear boundary of the site. Its current height and layout are at odds with the 4 to 11 storey residential ‘block’ buildings on the north bank and equally the lower (3 to 4 storey) 19th century industrial red brick buildings to the south. Immediately east and west of the site are 5, 6 and 7 storey buildings. The school is a 2 storey building, not of any particular architectural interest and is therefore not considered to contribute towards the character or appearance of the Limehouse Cut Conservation area, unlike surrounding buildings. The proposed development would infill a gap in the current block of buildings, improving the canal frontage, sense of enclosure and sense of place. It has been carefully designed to ensure the taller

element does not dominate and its height is generally consistent with neighbouring buildings.

- 6.14 The sloping roofs and red brick mimic the industrial heritage assets along the canal. The proposed design has clearly evolved with due consideration for all surrounding heritage assets. Overall it would not be a clear departure from the scale, massing and materials already present along the banks of the canal. Effort has been made by the applicant to respond sensitively to the vernacular form.
- 6.15 The Limehouse Cut Conservation Area Appraisal also makes reference to the redevelopment that has already taken place adjoining the Cut, with new residential use being compatible with the canal side location.

Grade II Listed buildings

- 6.16 The former Caird and Raynar Ltd Warehouse building is a Grade II Listed 19th century sail-makers and chandlers' warehouse, which was constructed during a period of intense development in this industrial and manufacturing area. Most of its historic features are intact despite it being derelict.
- 6.17 No. 777-783 Commercial Road is a Grade II Listed 19th century former engineering workshop and office range, constructed as ancillary buildings associated with the adjoining Caird and Rayner warehouse. The listing description includes the buildings fronting onto Commercial Road and the galleried workshop with gable end fronting onto Limehouse Cut. The buildings are derelict.
- 6.18 The two listed buildings make up the former Caird and Rayner working site. This site reflects the canal's industrial trading links and this contributes positively towards their setting. The proposed development is sensitively designed using brick predominately and is not considered to harm the setting of these buildings due to the northern bank of the canal being already substantially built up and dominated by apartment blocks. The adjacent Carmine Wharf is 7 storeys in height and 9-14 storey buildings are located on the same canal bank within 500m from the site.
- 6.19 Overall in terms of heritage, the proposed development would preserve and enhance the setting of both the Limehouse Cut Conservation Area and the Grade II listed buildings. In relation to the Conservation Area appraisal document, the existing site is sparsely developed, low-lying and confusing in its layout. It detracts from the desired effect of a consistent, built-up canal-side setting. This low density site is also counterintuitive to the more progressive townscape qualities that the LBTH Core Strategy seeks for the future Limehouse area. The proposal is considered to enhance the townscape and heritage qualities of this area by conforming to the 2011 Conservation Area appraisal document, incorporating the area's industrial heritage in its design and layout and not adversely impacting on the listed buildings opposite. The proposal would therefore meet the objectives of national policy set out in the Framework (policies 131, 132, 134, 135 & 137), Policy 7.8 of the London Plan and LBTH MDD Policies DM24 and DM27.

Design

Layout

- 6.20 The proposed development is formed by 7 interconnecting blocks that front the northern, southern and western boundaries of the site. There is a communal courtyard to the centre and east of the site, which can be accessed by all residents.

The development has been designed to be inherently outward-facing and interact with the existing path to the west whilst also extending and improving the canal walk to allow public access through canal section of the site.

- 6.21 The numbers of dwellings sharing an access core is proposed to be no greater than 26. The maximum number of dwellings sharing a landing is 5. This is considered acceptable for a site of this shape and size and the limitations of the surrounding context.
- 6.22 The proposal has incorporated the Tower Hamlets Green Grid Strategy whereby the development would connect to this network by providing landscaping and tree plantations around the perimeter.
- 6.23 Block A is accessed from a communal entrance from the street at Copenhagen Place. Block B is accessed from Copenhagen Place (western corner). Block C is accessed from the path to the west with ground floor units at this elevation having secondary entrances

Materials

- 6.24 The residential blocks would consist of facing red brickwork, pebble grey coloured facing Equitine Linea concrete wall panels, grey fibre cement cladding, painted galvanised steel handrails and balustrades, powder-coated aluminium recessed windows and stone grey metal roofing.
- 6.25 The materials sensitively correspond to the surrounding historical and modern context and are considered to be acceptable. Windows are repeated in an orderly pattern, reflective of the surrounding area's Victorian and industrial character and consistent with neighbouring apartment blocks.

Heights and Massing

- 6.26 The proposed block heights read as follows:
- 3 x Copenhagen Place buildings west to east: 4/5, 5 & 5 storeys ('Block A')
 - Central Link building: 5 storeys ('Block B')
 - Canal Side building west to east: 7, 6 & 5 storeys ('Block C')
- 6.27 The building heights in this part of the canal are generally consistent, between 4 and 7 storeys. These include buildings which are around the Commercial Road junction, those along Burdett Road, and even the Grade II Listed building opposite the site which is equivalent to four to five storeys. The proposal broadly provides a similar scale, increasing the amount of frontage along the canal side area.
- 6.28 Considering that the 7 storey Carmine Wharf development immediately to the east of the site (approx. 25m) was granted planning permission in 2008 (refer to the planning history section in this report), a 7 storey building would not appear incongruous or intrusive at this location.
- 6.29 It could be argued that Carmine Wharf is set back from the canal and therefore is hidden from the canal to a certain extent. However, approximately 170m further northeast along the canal is Frances Wharf, 303-305 Burdett Road, which is a 9 storey tall waterfront residential development. This site shares similar characteristics to the proposed site, in terms of its canal side location, public walkway, variation of

building height and the fact that it is sited opposite low-lying industrial heritage assets. Frances Wharf was granted planning permission in 2005 (ref PA/05/01337).

- 6.30 Further northeast to Frances Wharf along the canal around Bow Common Bridge (approx. 450m from site) there are taller residential towers between 9 and 14 storeys, which also front onto the canal, with 2 storey industrial buildings on the opposite bank similar to the proposed site. These towers include Hallmark Court, Ingot Tower, Carat House and Craig Tower on the northern bank, which all have heights varying between 7 and 14 storeys and the numerous Stainsby Road blocks of flats on the southern bank, which also vary and rise up to 14 storeys.
- 6.31 It is felt that the comparatively low heights of other buildings and the variety in building height reduce the visual impact of this taller element. This variation in height represents good design and reflects the industrial character of existing heritage assets and accurately reflects the spirit of the Limehouse Cut Conservation Area appraisal in terms of building heights and massing along the canal.
- 6.32 The location of the proposed tallest building is 1.5m lower than the north of the site, thereby reducing visual impact. It would not appear out of character for the area and would not impact on the setting of the Grade II listed building or Limehouse Cut Conservation Area. The proposal has been careful to vary the building height and design the roof slopes in the vernacular canal warehouse style which, when combined, reduce the impact of the taller element. As mentioned, there are clusters of taller buildings between and 9 and 14 storey towers within 500m of the site. Historic England also reviewed the proposal and raised no concerns about building height or massing.
- 6.33 The proposed development has been carefully considered with relation to local and national policy. The proposal generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document 2013 and the Government guidance in Section 12 of the NPPF.

Density

- 6.34 The proposed scheme would have a residential density of 929 habitable rooms per hectare or 321 units per hectare (based on 133 habitable rooms and 45 units, and a site area of 0.14 hectares).
- 6.35 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 6.36 The site has a public transport accessibility level (PTAL) rating of 5 which means it has good access to public transport. Table 3.2 of the consolidated London Plan (2015) suggests a density of 200-700 habitable rooms per hectare (hrph) for sites with a PTAL range of 4 to 7.
- 6.37 The proposed density exceeds the target for this area, however density figures only serve as an indication of the likely impact of a development and the development, in broad terms, does not present serious concerns in respect of overdevelopment as considered in detail below.

- 6.38 High density schemes may exhibit symptoms of over development which relate to:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of appropriate amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure
- 6.39 As reviewed in this report, officers are satisfied that the proposal does not unduly present symptoms associated with overdevelopment. The density is considered acceptable because the proposal assists in the delivery of affordable housing targets, is of a high design quality, responds appropriately to its context and is not considered to result in adverse symptoms of overdevelopment.
- 6.40 Officers consider that the proposal would provide good quality dwellings and affordable homes, including a very high proportion of family sized units in a well-designed scheme that positively responds to local context. Due to the fact that this proposal is responding to an identified housing priority which is a demand for large affordable family housing, it is not considered that this would result in an under-provision of units, it is considered that the proposal optimises the use of the site and the site would comfortably accommodate the proposed density in line with the relevant local, regional and national policies.

Housing Quality

- 6.41 London Plan Policy 3.5, LBTH Core Strategy Policy SP02 and Managing Development Document (MDD) Policy DM4 seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing Supplementary Planning Guidance.
- 6.42 The proposal is for 45 units with a total of 130 habitable rooms. The breakdown of units and tenure mix is below. The location of these units is contained within the application.

	Studio	1 Bed	2 Bed	3 Bed	Total
Private	3	7	17	3	31
Affordable Rent	0	1	4	4	9
Shared Ownership	0	3	2	1	6
Total	3	11	23	8	45

- 6.43 All of the proposed units meet the minimum space standards in their respective categories as set out in the Policy DM4 of the MDD (2013) and the Department for Communities and Local Government's Technical housing standards – nationally described space standard. For reference, these standards are set out below:
- Studio flat: 37 sq m
 - 1 bedroom apartment/2 persons: 50 sq m
 - 2 bedroom apartment/3 persons: 61 sq m
 - 2 bedroom apartment/4 persons: 70 sq m

- 3 bedroom apartment/4 persons: 74 sq m
- 3 bedroom apartment/5 persons: 86 sq m

6.44 Below are the typical sizes of the main proposed units:

- 1 bedroom apartment/2 persons: 51.61 sq m
- 2 bedroom apartment/4 persons: 70.38 sq m
- 3 bedroom apartment/5 persons: 95.62 sq m

6.45 The internal specifications and layouts, including 2.5m minimum floor to ceiling heights meet Lifetime Homes and London Plan 2015 standards, complying with London Plan policy 3.8.

6.46 The applicant has demonstrated a policy compliant mix of units, with 18% 3 bed/family units and the proportion of larger units in the shared ownership category. This mix, whilst it could still be improved upon, better corresponds to the LBTH Core Strategy SP02 policy.

6.47 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 take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

6.48 The proposal includes 5 wheelchair adaptable units which, at 11%, exceeds the Council's 10% requirement and meets MDD Policy DM4. These are located at ground floor for both intermediate and social rent units and include 3b/4p and 3b/5p family units.

Internal daylight/ sunlight

6.49 The daylight amenity for each habitable space has been assessed using the Average Daylight Factor (ADF) and Vertical Sky component (VSC) following the methodology of the British Research Establishment (BRE) guidance.

6.50 BRE conducted an independent review of the applicant's daylight/sunlight report by on behalf of the Council and 125 windows were tested, of which 26 did not achieve the recommended minimum ADF in BS 8206. There are some considerably low values of average daylight factor shown for three units e.g. a bedroom on the ground floor, a bedroom on the first floor, and a bedroom on the second floor. These would not be considered minor deviations from BRE (or BS8206) targets. However, officers note that these affected rooms are on the lower floors and belong to dual aspect units that would otherwise receive good levels of daylight.

6.51 The internal sunlight to the rooms was not assessed as this would provide limited information in this case due to the constraint of the courtyard design and the obstruction the southern part of the building represents to the northern one.

6.52 It should be noted that whilst there are two single aspect units in the proposal, these are west-facing and receive sufficient daylight and outlook. There are no north-facing single aspect units and so the layout complies with Policy 3.5 of the London Plan (2015) in this regard.

- 6.53 In terms of privacy, the windows and balconies have been designed to reduce overlooking between the proposed units. Two west-facing private market units on the fourth floor would be single-aspect and therefore future occupants would be free to decide on the suitability of these units for their own needs.
- 6.54 Due to the outward-facing orientation of the buildings and the spaces around its perimeter (Copenhagen Place road, Limehouse Cut canal and Elland House ancillary space) the proposed 7 blocks avoid causing any significant overlooking impacts. In the courtyard, some non-habitable rooms of Blocks A and C face each other. Due to the uneven arrangement of the courtyard, this distance is approximately 10m on the western side and 15m to the east. However the mitigating effect of the stairwell in Block C and the fact that there would be no bedrooms facing each other makes this arrangement acceptable on balance as only kitchens or bathrooms are proposed at these elevations which would be obscurely glazed where they face habitable rooms.
- 6.55 The proposal provides separate kitchens for 2 family-sized affordable (social rent) units and so caters for the preferences of different ethnic groups in the borough.
- 6.56 The proposed communal courtyard is 10-15m in length (north-south) and therefore provides a reasonable separation between Blocks A and C. All other aspects open out onto the canal, Copenhagen Place or Elland Road car park, with the exception of the northern and southern ends of Block B. Here, 2 no. proposed private tenure units are 6m from existing Elland Road habitable rooms. The applicant has provided glazed windows at these points. Officers acknowledge that the proposed design has evolved to intentionally maximise the outlook of all units. The glazing of these 2 units is the only viable solution given the constrained physical space and take into consideration the otherwise appropriate distances and outlooks for all other units.
- 6.57 On balance, the proposed standard of accommodation is therefore considered to be acceptable and in line with London Plan policy 3.5, Policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document 2013.

Affordable housing

- 6.58 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 6.59 LBTH Core Strategy Policy SP02 sets an overall strategic target for the delivery of between 35% and 50% affordable housing on sites providing 10 or more units, subject to viability.
- 6.60 The Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

- 6.61 The proposed affordable housing is set at 37% per habitable room and so is in accordance with LBTH MDD Policy DM3 as it exceeds the minimum requirement.
- 6.62 All proposals are required to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in the LBTH Core Strategy and Policy DM3. The London Plan (policy 3.12) favours a 60%-40% split.
- 6.63 The development proposes 15 affordable units. The proposed tenure split within the affordable is 65%:35% in favour of affordable rented housing. This is still broadly in line with Policy DM3 and it complies with the London Plan and officers therefore find this acceptable.

Amenity Space

- 6.64 The London Plan 2015 and LBTH MDD Policy DM4 outline the minimum requirements for private amenity spaces in each unit. Policy specifies that a minimum of 5 sqm of private outdoor space must be provided for every 1-2 person dwelling and a further 1 sqm for each additional occupant. Furthermore balconies must have a minimum width of 1500 mm.
- 6.65 All 45 proposed units have private balconies that conform to the above amenity space requirements. This space equates to a total of 380 sqm, which exceeds the minimum requirements.
- 6.66 All developments of 10 or more residential dwellings must also provide 50 sqm of communal amenity space for the first 10 units and a further 1 sqm for each additional unit thereafter. This space should not include circulation areas, access routes or storage areas.
- 6.67 The proposal provides a total quantum of 380sqm of outdoor amenity space. This includes 165sqm of child play space, leaving 215sqm of net communal amenity space which exceeds the required 85sqm. This is deemed a sufficient provision as it accords with LBTH MDD policy DM4 mentioned above.

Play space

- 6.68 The London Plan 'Shaping Neighbourhoods: Play & Informal Recreation SPG' also specifies that 10 sqm of playspace should be provided for each child.
- 6.69 As mentioned, the proposal would have 165sqm of child play space. This exceeds the minimum requirements of the London Plan for this development which is expected to accommodate 16 children based on the housing mix proposed. The minimum would be 160 sqm. The on-site play space would comprise the following:
- 6.70 As illustrated below, the child play space would be delivered within the communal courtyard (132 sqm) at ground level and the roof terrace level (33 sqm) above Block C. Given that the roof terrace would only be accessible to the children of Block C, the provision has been designed to meet the child yield for this block only (two under fives and one five to eleven year old). As such the courtyard has been designed to meet the remaining play space requirements of Blocks A and B, and split proportionately between each age category.
- 6.71 BRE's sunlight assessment of the courtyard (on behalf of the Council) concluded that levels would be below standards set out in BRE guidance, receiving less than

two hours of direct sunlight on March 21st across the whole of its area. However, by utilising the roof terrace and the river walk, the applicant has to some extent offset the shading constraints of the courtyard arrangement with the landscaping and planting of this space responding to the shaded nature of the space as per the BRE recommendations. In terms of play space provision this is a further design factor which the BRE guide acknowledges is to be balanced against daylight /sunlight provision.

6.72 The March 21st date for assessment was chosen to give a general idea of sunlight availability. However, this would obviously increase in the summer months.

6.73 In addition to these areas of dedicated child play space, the canal walk would offer informal general amenity space (which could be utilised by children). As mentioned, the sunlight amenity study shows that the riverside walk would be well sunlit. It is also worth noting the site is within close proximity of a number of amenities including Bartlett Park, Mile End Park Stadium, Rope Marker Park and St Ann's Garden.

Copenhagen Place - Distribution of Play



Age Group	Number of Children	Play Space Requirement	Courtyard Area (sqm)	Roof Terrace Area (sqm)	Total Provision (sqm)
Under 5	7	73	56.5	21	77.5
5 to 11	5	51	44	12	56
12+	3	31	31.5	0	31.5
Total	15	155	132	33	165

Highways and Servicing

- 6.74 The proposed development would be car-free and this will be secured by a condition. However there would be four on-street disabled/blue badge holder car parking spaces on the existing Copenhagen Place street to comply with MDD Policy DM22.
- 6.75 Proposed cycle parking includes 76 stands in three different cycle stores with a further 2 visitor cycle stands in the public realm. These stores are easily accessible and located in Blocks A and B and can be accessed from the communal courtyard and Copenhagen Place.
- 6.76 The refuse and servicing vehicles would arrive via Copenhagen Place. Due to the existing vehicular barrier across the road in front of the site, vehicles can approach from either east or west. Fire vehicles can reach the site from the west on Copenhagen Place and reach the main building cores within allowable distances. Refuse and service vehicles can reach the site's refuse from the east. Vehicles would have to turn at Timoli Mews and reverse westwards alongside the kerb at Copenhagen Place. They would then move off eastwards again. This would not impact on the two blue badge holder parking bays.
- 6.77 Refuse stores would be located at the Copenhagen Place side of the development, allowing for deliveries and servicing vehicles to access and egress at this location.
- 6.78 The delivery and servicing proposals for the site are acceptable. Given the existing vehicle barrier on Copenhagen Road is adjacent to the site, encouraging delivery vehicles to set down to the east of this barrier represents the most sensible approach as goods vehicles will be able to use the existing turning head to exit away from the site the tracking drawing shows this movement can be achieved for refuse vehicles.
- 6.79 This plan would also minimise the number of deliveries approaching from the west. This access does not offer turning space for larger vehicles and would force a long reversing movement on Copenhagen Place which would not be acceptable. The applicant has also satisfactorily demonstrated that a goods vehicle servicing the site would not impede emergency vehicles through the vehicle barrier.
- 6.80 LBTH Highways and waste officers have reviewed the proposal and have no concerns with the layout subject to conditions for a car-free agreement, Construction Management Plan and a Section 278 Schedule of Highway Improvement Works. In response to the changing policy requirements officers have requested a pre-commencement planning condition seeking detail of the refuse

strategy, including plans which outline the storage and collection of the required number and type of refuse containers. The proposal therefore complies with MDD Policies DM14, DM20 and DM22.

Energy Efficiency

- 6.81 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. At a strategic level, 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.
- 6.82 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 6.83 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 6.84 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, and utilise PV's on the available roof area (37kWp). The CO2 emission reduction measures proposed are supported and would result in a circa 30% reduction against the Building Regulations 2013.
- 6.85 Based on the current proposals there is a shortfall to policy DM29 requirements by 15% which equates to 8.33 tonnes of regulated CO2.
- 6.86 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through an in lieu cash contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2015 which states:
- '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'
- 6.87 It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 6.88 For the proposed scheme it is recommended that a figure of £14,994 is sought for carbon offset projects as identified in the submitted Energy Statement:

Shortfall to meet DM29 requirements = 8.33 tonnes/CO2 x £1,800 = £14,994 offset payment to meet current policy requirements.

- 6.89 With the shortfall in CO2 emissions met through carbon offsetting contribution, the current proposals are considered appropriate for the development and meet policy requirements for energy and sustainability. The contribution will be secured by an appropriately worded condition and by way of a section 106 Agreement.

Impacts on neighbour's amenity

Loss of daylight/sunlight

- 6.90 Vertical Sky Component (VSC) is the calculation most readily adopted in daylight assessment of existing properties, as the principles of calculation can be established by relating the location of any particular window to the existing and proposed, built environment. DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions. For calculating daylight to neighbouring properties, affected by a proposed development, the 2011 BRE guidance emphasises the VSC assessment as the primary method of assessment.
- 6.91 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value.
- 6.92 The applicant submitted a daylight/sunlight assessment and the Council subsequently conducted their own independent review of this report (conducted by BRE). Three locations were assessed for loss of daylight and sunlight, 1-17 Elland House, Southwater Close and 68-72 Copenhagen Place.
- 6.93 The proposal has been articulated to step back from the Limehouse Cut to maintain good levels of sky visibility. Notwithstanding this, the unavoidable proximity of the single bank of (5) windows in Elland House, results in some inevitable deviation from the BRE targets. This is due to the percentage reduction in vertical sky component being exacerbated due to the current unusual unobstructed outlook over the low-rise school site.
- 6.94 Elland House has five flank windows outside BRE guidelines on daylight and sunlight. The majority serve small 'non-habitable' kitchens which are generally considered a secondary concern to main living spaces. These windows experience a reduction to between 0.5 and 0.6 times their former value as a result of the proposal. However, retained VSC levels to all windows remain good for an urban location and at a range of 19% to 23.5% actually exceed the 18% VSC level considered by the BRE to be typical for this type of location. All other windows at this elevation relate to a communal stairwell and would therefore not have any bearing on neighbour amenity. All other rooms within Elland House, including the main living spaces, remain fully compliant with the BRE targets. Officers acknowledge that the proposed Block C has been set back from the canal to increase the daylight and sunlight to Elland House.
- 6.95 Five windows at Southwater Close would be severely affected by the development, but this is because they are recessed into the building and are already obstructed above and to both sides. Without the obstruction of their own building, loss of

daylight would be well within the guidelines, as it is for all the windows on the main face of the building. The affected windows are likely to be secondary windows, with the main windows serving the room being within the guidelines. The loss of daylight is therefore not as a result of the proposed development.

- 6.96 Loss of daylight to two windows at 68-72 Copenhagen Place would be outside the BRE guidelines, but these are indicated to be secondary windows with the main window to the room being unaffected. Loss of daylight would therefore be within the guidelines overall.
- 6.97 Officers conclude that whilst some deviation from BRE guidance would occur, the majority of this deviation is related to the existing recessed window designs on Southwater Close, which is not related to the proposed development. The overall daylight/sunlight intake to neighbours would not be significantly worse than the prevailing conditions of the area and, on balance the proposal is acceptable with respect to this impact. Elland House would suffer a bad loss to 5 unit rooms but 3 of these are kitchens and therefore not habitable. The other rooms are secondary bedrooms and all 5 rooms belong to dual aspect units. The loss is therefore not significant enough to warrant a refusal on its own. The VSC would exceed 18% in these 5 windows, which although below 27%, is considered reasonable for an infill development such as this. Furthermore Block C has been deliberately set back from the canal to allow for maximum sunlight penetration from the south into Elland House.
- 6.98 The existing neighbouring units currently benefit from an unusually high sky visibility due to the low-rise nature of the school site and this has had an effect on the percentage reduction.

Overlooking

- 6.99 There is direct overlooking between 5 secondary windows (1 per floor) on the western elevation of the proposed and 5 rooms (1 per floor) on the eastern gable wall of Elland House. The proposal has set back 2.0m from the path and so the distance between these neighbouring units would be approximately 6m. The Elland House rooms are secondary bedrooms (lower floors) and kitchens (upper floors). The proposal has been careful to only have kitchens or bathrooms at this elevation and all with obscure glazing narrow windows. These obscured windows are part of the proposal's controlled aspect strategy which seeks to resolve the issue of overlooking. Officers consider that this strategy is the best possible mitigation that the proposal can include.
- 6.100 The short distance at this one location is unavoidable and is not uncommon for urban infill developments. The acceptability of this in planning terms largely depends on (i) the extent of the overlooking and (ii) the extent to which the applicant can mitigate this. The proposal demonstrates maximum possible mitigation in terms of arranging the layout so there are no habitable rooms facing neighbours and also providing narrow, obscure glazed windows so there can be no overlooking. All other neighbouring units (e.g. Southwater Close, Copenhagen Place) are either at an acceptable distance (18m +) or do not face onto any of the proposed windows (i.e. there are no windows in the proposed eastern elevation).

Public safety

- 6.101 A neighbour objection raised the issue of public safety and potential anti-social behaviour arising from the close proximity of the proposed development to the

adjacent path. Officers note that the path is currently a dilapidated back space with high security fencing that is intimidating to pedestrians. Widening and rejuvenating this path and increasing pedestrian flow would enhance the permeability, usability and security of this space. The applicant has submitted a Site Safety and Security Plan and proposes a new street lighting system among other improvements. By way of a condition, the applicant will be required to gain a Secured by Design (Metropolitan Police) accreditation and submit to the planning authority for written approval, prior to the occupation of the development.

Noise

- 6.102 There would be no new significant noise impacts arising from this development as this is already a built-up residential area with a number of apartment blocks located alongside the canal to the east and older flats to the west and north.
- 6.103 By way of a compliance condition attached to this decision, the applicant would have to adhere to the Construction Code and limit construction hours to 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday and no work on Sundays. The proposal would therefore comply with Policy SP10 in the Core Strategy (2010) and Policy DM25 in the Managing Development Document (2013).

Air Quality

- 6.104 As the proposed development is to be car-free, there are significant adverse impacts in terms of air quality. The canal side location and no through road means exposure to poor air quality for new residents is low. The applicant's assessment of construction impacts on air quality is considered acceptable provided suitable mitigation measures are contained in the Construction Management Plan. This will be submitted to the planning authority for written approval prior to commencement.

Contaminated Land

- 6.105 The applicant has submitted a geotechnical report as part of the planning application. However full details will be required to be submitted to the planning authority for written approval prior to commencement. This will allow a full and detailed analysis of potential ground contamination.

Flood Risk

- 6.106 The site is located in Flood Zone 1 and is therefore only considered to have a 1 in 1000 year or greater annual probability of fluvial flooding (0.1%). The site therefore has a low to very low risk of flooding from surface water, groundwater and flooding from artificial sources as shown on the EA Flood Map.
- 6.107 The applicant's flood risk assessment and surface water drainage strategy are acceptable, particularly the proposed use of permeable paving.
- 6.108 However, a condition will be attached to this decision that will require the submission of further details on how any SuDS and/or attenuation features will be suitable maintained for the lifetime of the development.

Human Rights Considerations

6.109 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

6.110 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 Conventions 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 the 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's interest (Convention Article 8); and
- Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole"

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

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

Equalities

8.119 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.

8.120 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual

orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 8.121 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations. There is no loss of school places. The proposed residential accommodation provides a sufficient affordable housing mix with wheelchair accessibility in addition to units available to all on the private market.

Local Finance Considerations

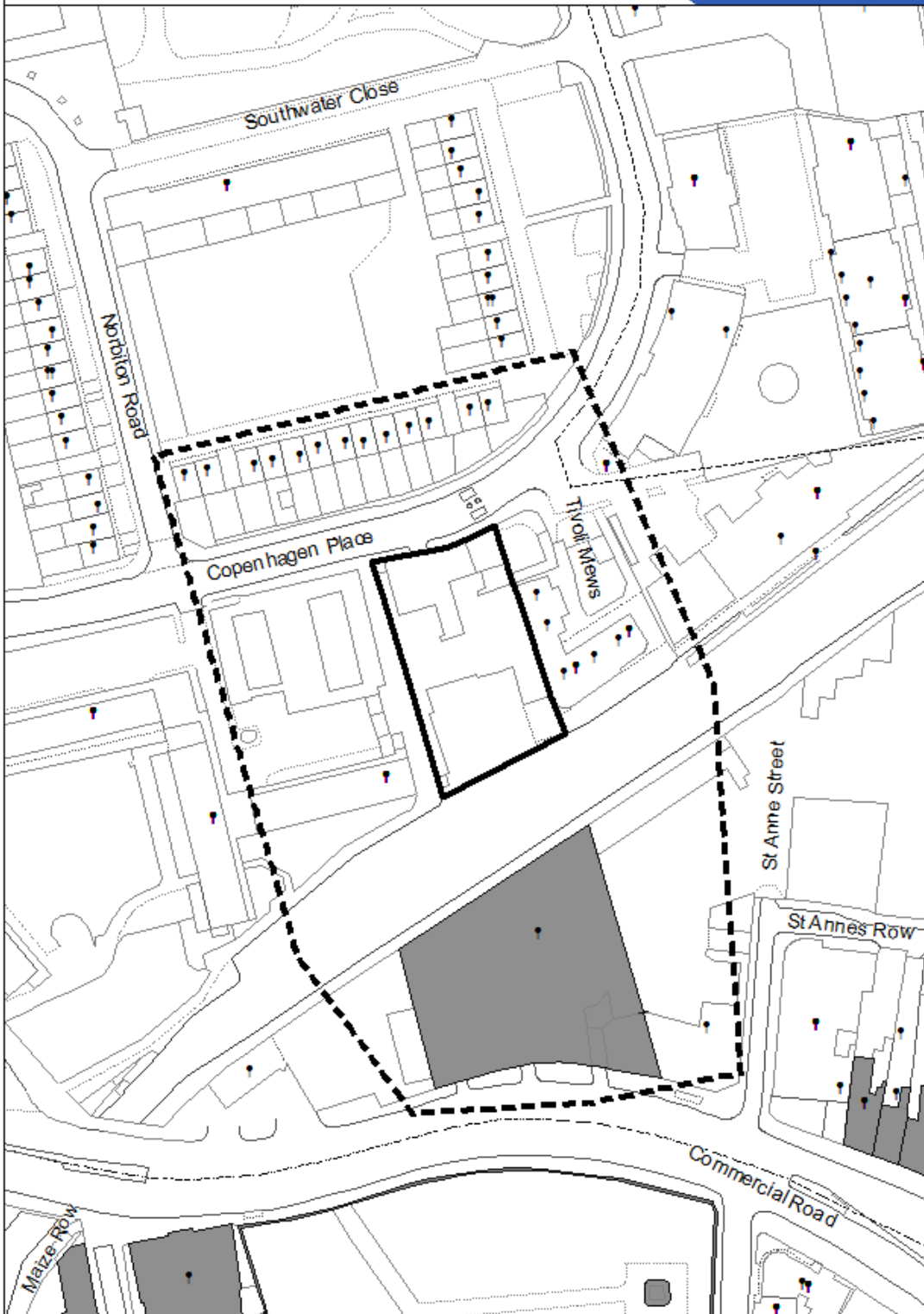
- 8.122 This application is subject to the Borough's Community Infrastructure Levy (CIL), which came in to force for applications determined from 1st April 2015. This is a standard charge, based on the net new floorspace of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.
- 8.123 The estimated Borough CIL contribution for this development is **£267,020**. This is payable on commencement of the development, and the amount will be confirmed at that stage by the LBTH Infrastructure Planning Team.
- 8.124 The LBTH Borough CIL secures infrastructure contributions from development and can be spent by the Council on those infrastructure types set out in the Council's Regulation 123 list.
- 8.125 Members are reminded that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be **£143,780**.







9.0 CONCLUSION

- 9.1 In terms of land use, the proposed development is acceptable and complies with the NPPF, London Plan 2015 and LBTH policies. There would be no loss of school and with a PTAL rating of 5 and residential use already established in the area, Copenhagen Place is suitable for this level of residential density.
- 9.2 The height, bulk and scale are in keeping with surrounding buildings (up to 7 storeys in the immediate area) and the proposal does not harm the integrity or the setting of the Limehouse Cut Conservation Area or listed buildings mentioned in this report. With clusters of taller buildings along the canal within 500m, the proposal would not appear incongruous or overbearing. By infilling a gap in the existing building line, the proposal would visually enhance the townscape and heritage assets. By widening and improving the canal walk and public realm, the proposal would improve public safety.
- 9.3 The proposed density, mix of units, layout and the allocated private amenity and child play space are deemed to be appropriate and in accordance with the London Plan 2015 and technical housing standards, LBTH Core Strategy and MDD Policies DM01, DM03, DM04, DM22, DM24, DM25 and DM27. The proposal therefore provides a good standard of housing to meet the current housing need and the targets set by the Mayor of London.

- 9.4 Although there would be some loss of daylight/sunlight to some neighbouring residents, a substantial majority of this loss is a result of existing conditions of neighbouring buildings and relates to non-habitable rooms. In addition, there would be no single-aspect rooms affected.
- 9.5 Although there would be poor direct sunlight to the communal courtyard/child play space and some deviation from BRE standards to some habitable rooms, the proposal includes rooftop and waterfront amenity space that would maximise sunlight and any impacted habitable rooms belong to dual aspect units that, per unit, receive ADF and VSC that exceed the minimum BRE thresholds. Therefore on balance, the proposal is considered acceptable as the design has evolved to provide good daylight/sunlight for the proposed dwellings by maximising the amount of dual aspect homes.
- 9.6 Given the limitations of the site, the proposed design has maximised amenity space and achieved (in many cases exceeded) London Plan and Lifetime Homes standards of accommodation for future residents whilst also managing to minimise the impacts on neighbour amenity in as much as is possible for a site of this size and shape.
- 9.7 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

Planning Application Site Map
PA/15/02148



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m	

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

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