

Strategic Development Committee	Date: 28 th July 2016	Classification: Unrestricted
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Report Of: Director of Development and Renewal	Title: Application for Full Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/16/01090
	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 vacant. It was previously in use as a food wholesaling business.

Proposal: The erection of buildings that range from 3 to 12 storeys in height comprising of 143 residential units including 28 car parking spaces and a central landscaped courtyard.

Drawings:

P0-001 Rev P5; P1-100 Rev P3; P1-150 Rev P2; P1-300 Rev P3; P1-350 Rev P2; P2-000 Rev P13; P2-001 Rev P10; P2-002 Rev P8; P2-003 Rev P8; P2-004 Rev P8; P2-005 Rev P8; P2-006 Rev P8; P2-007 Rev P8; P2-008 Rev P8; P2-009 Rev P7; P2-010 Rev P6; P2-011 Rev P6; P2-012 Rev P6; P2-100 Rev P11; P2-101 Rev P10; P2-102 Rev P7; P2-103 Rev P7; P2-104 Rev P7; P2-105 Rev P6; P2-106 Rev P8; P2-107 Rev P8; P2-108 Rev P8; P2-109 Rev P7; P2-110 Rev P6; P2-111 Rev P6; P2-112 Rev P6; P2-150 Rev P9; P2-151 Rev P8; P2-152 Rev P8; P2-153 Rev P8; P2-154 Rev P6; P2-155 Rev P6; P2-156 Rev P6; P2-157 Rev P6; P2-200 Rev P6; P2-300 Ref P6; P2-301 Rev P6; P2-302 Rev P6; P2-303 Rev P6; P2-304 Rev P6; P2-305 Rev P5; P2-350 Rev P7; P2-351 Rev P8; P2-352 Rev P7; P2-353 Rev P7; P3-110 Rev P6; P3-111 Rev P5; FNH414_LS/01; P0-100 rev P8; P0-101 Rev P5; P0-102 Rev P5; P0-103 Rev P5; P0-200 Rev P3; P0-300 Rev P6.

Supporting Documents:

- Planning Statement by Fairview Homes Ltd
- Daylight/Sunlight Assessment by CHP
- Design and Access Statement by ColladoCollins
- Employment Floorspace Assessment by JLL
- Sustainability Statement by Silver

- Contaminated Land Report by CGL
- Transport Statement and Travel Plan by AECOM
- Flood Risk Assessment by AECOM
- Archaeological Desktop Study by CgMs
- Energy Statement by Silver
- Air Quality Assessment by MLM
- Noise Assessment by Grant Acoustics
- Statement of Community Involvement by Curtain and Co
- Landscape Design Strategy by MCA
- Refuse Strategy and Access by ColladoCollins
- Secure by Design Statement by Fairview New Homes Ltd
- Ecological 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 any direction by the London Mayor and the prior completion of a legal agreement to secure the following planning obligations:

- 35% Affordable Housing by habitable room (28 rented units/12 intermediate units)
- Contribution of £39,500 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 during construction
- Compliance with Tower Hamlets Code of Construction Practice
- Off-site highway improvement works, including zebra crossing and junction improvements (estimated cost of £60,000).
- Residential Travel Plan
 - including commitment for cycle hire annual membership (1 per unit) for three years (cost equivalent of £38,610)
 - including commitment for car club membership (1 per unit) for two years
- Monitoring fee equivalent to £500 per each Head of Terms in the Legal Agreement.

2.2 In addition to the above, the development would be liable for approximately £276,255 to the Mayor of London's Community Infrastructure Levy (CIL) and £276,255 for the London Borough of Tower Hamlets CIL.

2.4 That the Director of Development & Renewal is delegated authority to negotiate and complete 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 amenity space including child play space to be accessible to all future residents of the development;
5. Compliance with Waste Management Plan
6. Control over hours of construction;
7. All residential units are designed to meet noise requirements set out in BS:8233 (2014) and vibration requirements set out in BS: 6472;
8. All lifts operational prior to occupation of the relevant part of the development;

Approval of details, prior to commencement / occupation as applicable

9. Approval of 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);
10. Scheme of ground contamination investigation and remediation;
11. Details of Archaeological investigation;
12. Estate Management Plan including external lighting and, if necessary, CCTV (in consultation with CRT);
13. 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;
14. Hard and soft landscaping details and boundary treatment;
15. Approval of child playspace equipment
16. Approval of details of the wheelchair housing specification/standards
17. Approval of details of all Secure by Design measures (Part 2 Secure by Design Accreditation in consultation with Metropolitan Police);
18. Approval of details of biodiversity enhancements within the site;
19. Detailed specification, tilt angle and location of photovoltaic panels;
20. Scheme of Highway improvement works;
21. Car Parking Management Plan;
22. Details of 40% electric vehicle provision (maximum 20% passive provision);
23. Drainage Strategy (including SUDs) (in consultation with CRT and Thames Water);
24. Final energy calculations to show how the scheme has delivered the carbon emission reductions;
25. Details of cycle storage to be agreed prior to occupation;
26. Servicing Management Plan;
27. Details of obscure glazing and privacy screens;
28. Details of noise insulation measures between plant room and adjoining residential units;
29. 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;

- 30. Details of design and method statement based on agreed Flood Risk Assessment (in consultation with EA);
 - 31. Details of wind mitigation measures – areas to be mitigated are terrace on north-west corner and play space on north-east corner.
 - 32. Scheme for the maintenance of the towpath (in consultation with CRT)
 - 33. Details of construction cranes (in consultation with City Airport)
- 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 On 18th February 2016, the Strategic Development Committee resolved to refuse planning permission for residential redevelopment of the site citing overdevelopment, height, bulk & massing, impact on daylight & sunlight, impact on the towpath and conflict with the Core Strategy vision for the area.
- 3.2 The applicant has submitted a new planning application, substantially revising the proposal to address the concerns raised by the Committee.
- 3.3 In particular, the scale of the development has been reduced further, with 143 residential units proposed in buildings of up to 12 storeys in height – 4 storeys lower and 19 units less than originally submitted and 2 storeys lower and 10 units less than the amended scheme as previously reported to the Committee. The height of the block fronting Limehouse Cut has also been reduced with the apparent massing of the scheme significantly reduced through articulation of the Limehouse Cut and Upper North Street elevations. The height of the taller element is now comparable to that of the tall buildings on the northern side of Limehouse Cut.
- 3.4 The development would now sit more comfortably in the townscape, more closely reflecting the massing of recent developments in the area and diminishing the conflict with the Core Strategy vision for the area. The improvements to the architectural quality of the scheme are particularly welcome in further reducing the perceived massing. The impact on the towpath has been reduced through the removal of the majority of projecting balconies and revisions to boundary treatment including introduction of planters to provide enhanced privacy buffers to ground floor units.
- 3.5 The reductions in massing and height have also led to a reduction in the number of neighbouring properties experiencing adverse daylighting and sunlighting impacts. In particular, the number of properties experiencing high VSC reductions has significantly reduced. Overall, the daylighting to the neighbouring residential units would remain at a good level, with good sky visibility. Sunlighting impacts have been reduced and are now considered to be negligible. An appropriate balance would be struck between provision of much needed new housing and minimising amenity impacts.
- 3.6 Despite the reduction in unit numbers, the applicant has maintained the policy compliant affordable housing offer of 35% by habitable room. The tenure split has been improved with the scheme now achieving the Council's policy compliant tenure split of 70/30. This has been independently verified as the maximum that the development can viably provide.
- 3.7 Overall, while the proposed density would be in excess of the guidelines, the density of the scheme would not be at odds with the character of the area or with the recently approved and constructed schemes in the vicinity. The density has not prejudiced the

quality of the development. The proposed residential accommodation would be of a high quality with all play space and communal amenity space needs met on site, amenity and townscape impacts have been appropriately minimised and the density does not lead to any of the symptoms of overdevelopment. As such, officers consider that the proposal appropriately optimises the use of the site, delivering a significant quantum of affordable housing.

- 3.8 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal 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 site is located in the eastern part of the Borough, adjacent to the Limehouse Cut and Bartlett Park. The site measures 0.43 hectares in area.
- 4.2 The site previously comprised of a food wholesaling business housed in a number of low rise light industrial buildings with an internal service yard. The buildings have recently been demolished and the site cleared pursuant to the prior approval of demolition consent ref PA/16/01084, dated 24th May 2016. Prior to the food wholesaling use, the site was occupied by cement and chemical works associated with the Limehouse Cut, an industrial canal built in 1850.
- 4.3 To the south-west, the site is bounded by Upper North Street with Bartlett Park located on the opposite side of the street and post-war and newly constructed residential buildings located further west. To the south-east is Broomfield Street with a number of residential developments on the opposite side of the street, including E-pad Apartments, a newly constructed part 5, part 6, storey block of flats at the corner of Broomfield Street and Upper North Street, and a 4 storey post-war public housing block at 2-60 Broomfield Street. To the north-east are Werner Terrace and Metropolitan Close, a development of 2 storey houses and 3 storey flats completed in the early 200s. To the north-east the site adjoins the towpath of the Limehouse Cut while on the opposite side of the canal is a large number of new residential developments including the 3 storey Invicta Close, 3 to 6 storey Werner Court, 11 to 12 storey Craig Tower, and 10 to 13 storey Ingot Tower.
- 4.4 The surrounding area is of a predominantly residential urban character with a significant number of contemporary residential developments in the vicinity of the site.
- 4.5 The site public transport accessibility is relatively 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. A number of bus routes stop on Upper North Street (15, 115, D6, N15 and N551). There are also two TfL Cycle Hire docking stations near to the site, on the north and south side of Bartlett Park.
- 4.6 The northern end of Chrisp Street town centre (a district centre in the local plan hierarchy) is approximately 510m away and is the closest shopping centre to the development. There is also a local retail parade on St Paul's Way

- 4.7 The site is not located within a conservation area, but is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. Further away are the Langdon Park Conservation Area (approximately 315m to the east) and Lansbury Conservation Area (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.
- 4.8 The site is within an 'Area of Regeneration' as defined by the London Plan. The Limehouse Cut forms part of the Blue Ribbon Network and both Upper North Street and the Limehouse Cut form 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).

Planning history and background

- 4.9 On 2 March 2015 the Council received an application for full planning permission, ref PA/15/00641, for the following development:

'The proposed development comprises buildings that range in height from 3 to 16 storeys containing 162 units including 32 undercroft and surface car parking spaces and a central landscaped courtyard.'

- 4.10 In June 2015 the Council received revisions to the scheme, with the description of the development being amended to the following:

'Demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 162 units including 29 undercroft and surface car parking spaces and a central landscaped courtyard.'

- 4.11 The application was reported to the Strategic Development Committee (SDC) on 8th October 2015 with officer recommendation to grant planning permission with conditions and planning obligations, subject to any direction by the London Mayor. The Committee resolved to defer the determination of the application in order to undertake a site visit. The site visit took place on 22nd October 2015.

- 4.12 The application returned to the Committee on 19th November 2015 when the Committee resolved not to accept the officer recommendation and resolved that permission should be refused. In accordance with committee procedures, the application was deferred for officers to prepare the final wording of, and comment on, the suggested reasons for refusal. The Committee indicated the following reasons for refusal:

- Overdevelopment of the site;
- Height, bulk and massing;
- Impact on neighbouring amenity in terms of daylight and sunlight, particularly the properties at the north of the site;
- Impact on the towpath;
- Conflict with the Council's Core Strategy's Vision in respect of the area.

- 4.13 Subsequently, on 18th February 2016 the Committee unanimously resolved to refuse planning permission for the following reasons:

Overdevelopment

- (i) *The proposed development would result in overdevelopment of the site, evidenced by the residential density which would substantially exceed the range set out in table 3.2 of the London Plan, without having demonstrated exceptional circumstances and in a location outside of the nearest town centre, not supported by Local Plan policies relating to density. The development would have an overall scale and bulk of development that would be harmful to the visual amenities of the area and harmful to residential amenity of neighbouring properties through loss of daylight and sunlight. The proposed development would therefore conflict with policies 3.4 and 7.4 of the London Plan (2015), the London Housing SPG (2012), policies SP02 and SP10 of the Core Strategy (Tower Hamlets Local Plan), DM24 and DM25 of the Managing Development Document (Tower Hamlets Local Plan).*

Design and relationship to the canal

- (ii) *The proposed development would result in an unsatisfactory design relationship between the proposed buildings and the Limehouse Cut canal and its towpath, arising from the proliferation of projecting balconies, the proximity of ground floor private amenity terraces and an unbroken elevation that would dominate this section of the canal towpath. The relationship of ground floor residential terraces would not provide adequate separation to provide a suitable level of privacy for the occupiers of the proposed units. The proposals would therefore adversely affect the special character of the canal and its use and enjoyment by the public for leisure and recreation as part of the London and Tower Hamlets Blue Ribbon Network. The proposed development would conflict with policies 7.4, 7.6 and 7.24 of the London Plan 2015; policies SP04 and SP10 of the Core Strategy (Tower Hamlets Local Plan) and policies DM12 and DM24 of the Managing Development Document (Tower Hamlets Local Plan).*

Place-making vision for Poplar

- (iii) *The proposed high density and high rise development would conflict with the place making vision for Poplar, included in Annex 9 to the Core Strategy (Tower Hamlets Local Plan), which seeks to focus higher density development in and around Chrisp Street town centre; provide lower and medium density, lower rise family housing around Bartlett Park and ensure new buildings are responsive and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.*

- 4.14 In accordance with the Town and Country Planning (Mayor of London) Order 2008, on 26th February 2016, the Mayor of London was notified of the Council's intention to refuse planning permission and a draft decision was issued.
- 4.15 Pending the decision of the Mayor of London, on 29th February 2016 the applicant appealed against non-determination of the application.
- 4.16 On 10th March 2016, the Council was notified by the Mayor of London that he does not wish to take over the application for his own determination and that the Council is allowed to determine the case itself. The Council did not issue a formal refusal notice because the appeal had already been lodged.
- 4.17 The appeal will be heard as a Public Inquiry, with the inquiry currently scheduled to commence on 6th December 2016.

- 4.18 On 24th April 2016, the Council granted prior approval for: “Demolition of existing buildings and boundary wall including removal of asbestos roof sheeting, foundations, drainage and hard standings to prepare the site for redevelopment.” Ref PA/16/01084. The demolition works have now largely concluded, with the site cleared for redevelopment and secured by a timber hoarding.

Proposed development

- 4.19 Despite submitting the non-determination appeal, the applicant has taken on-board the concerns raised by the Strategic Development Committee and members of the public and worked with officers to amend the development proposal to address the concerns raised.
- 4.20 The main principles of the proposed development remain the same, with the proposal being for comprehensive redevelopment of the site for wholly residential purposes in a courtyard typology layout.
- 4.21 The buildings would front the Limehouse Cut towpath, Upper North Street and Broomfield Street. The courtyard would provide space for servicing, 28 vehicular parking spaces, cycle parking spaces, communal amenity space and child play space.
- 4.22 The scale of the development would be lower than previously proposed, with 143 units to be delivered in building of up to 12 storeys high. The previous application proposal was for 162 units in building of up to 16 storeys high, although this was reduced to 153 units and 14 storeys during the course of the application, prior to the scheme being reported to the Strategic Development Committee on 8th October 2015.
- 4.23 The principal reduction to the height and massing is to the tallest block, where the height has been reduced by a further 2 storeys (approximately 6m) but the massing of the block fronting the Limehouse Cut has also been reduced, in particular at the eastern boundary of the site where the building currently steps up from 4 storeys to 6 storeys with a set-back 7th storey adjacent to the taller element.
- 4.24 Significant revisions to the architecture of the proposed buildings also took place, aiming to break-up the perceived massing and to articulate the elevations, while also aiming to reduce the impact of the proposal on the Limehouse Cut through the removal of the majority of projecting balconies from the northern elevation. The articulation is achieved primarily through the introduction of an additional brick type – a contrasting dark brick, as well as through incorporation of further setbacks and alterations to the balcony treatment.
- 4.25 The following drawings show the evolution of the proposals:

Northern Elevation



Western Elevation



February 2015 - Planning Application - 162 Units, 16 storeys



October 2015 - Planning Substitution - 153 Units, 14 storeys



April 2016 - Current Planning Application (With Comparison) - 143 Units, 12 Storeys

- 4.26 Further to the above drawings showing the April 2016 version of the scheme, additional development of the detailed elevation design also took place, this is set out in the Material Planning Considerations section of this report.
- 4.27 The proposed level of affordable housing remains at 35% by habitable room, however the tenure split has improved, changing from 67/33 to 70/30. All affordable rented accommodation would be provided at Borough Framework rents.

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 London Plan 2016 (consolidated with alterations since 2011)

- 1.1 Strategic Vision for London
- 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 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 (with Annex 9 Placemaking: LAP 7&8 Poplar)
 - SP13 Planning Obligations
- 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
- Planning Practice Guidance

5.6 Supplementary Planning Guidance / Documents:

- Planning Obligations Supplementary Planning Document, LBTH (2012)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Revised Draft Planning Obligations Supplementary Planning Document, LBTH (Consultation Draft, April 2015)
- The Limehouse Cut Character Appraisal and Management Guidelines LBTH (2011)
- Tower Hamlets Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan – 2010-2025, LBTH (2010)
- 2015 Updating and Screening Assessment for London Borough of Tower Hamlets – Local Air Quality Management, LBTH (2015)
- Tower Hamlets Partnership Community Plan 2015 (2015)
- Housing Supplementary Planning Guidance, GLA (2016):
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012):
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014):
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage / Historic England (2008)
- Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage / Historic England (Revised June 2012)
- The Setting of Heritage Assets, Historic England (2015)
- Tall Building Advice Note (Historic England 2015)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)

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 but each issue is addressed in full in the Material Planning Consideration Section of this report.

Mayor of London / Greater London Authority (GLA)

7.2 The GLA consider that the scheme is generally acceptable in strategic terms but make the following observations:

- a) The principle of the loss of employment floorspace and erection of a wholly residential development is supported.
- b) The Council should confirm that the proposed unit mix is in line with local needs.
- c) The residential density is considered to be appropriate.
- d) The residential quality is generally high but some concerns remain with regard to the privacy of ground floor units with a preference expressed for maisonettes. As a minimum appropriate boundary treatments should be secured by condition.
- e) The scheme has potential to provide adequate play provision. Details of play space should be secured by condition.
- f) The viability assessment should be robustly assessed to maximise affordable housing provision.
- g) The scale and massing of the buildings is supported, although GLA officers did consider the previous height of the taller element as acceptable. Provided that quality materials and detailing are secured via robust conditions, the development has the potential to be of a high quality appearance. The proposals are considered to suitably address the site context
- h) The proposals relate acceptably to the public realm, both in terms of addressing changing levels of Bow Common Bridge and the relationship to the towpath.
- i) The applicant should provide layouts of wheelchair accessible units (M4(3)) and confirm that all units would be M4(2) compliant.
- j) Carbon dioxide savings exceed the policy targets but further details shall be submitted to demonstrate how overheating and cooling demand would be minimised, show PV panel layouts and detailed energy efficiency calculations.
- k) The principle of the development is acceptable with regard to flood risk policies. The general sustainable drainage approach is welcome but the applicant should fully demonstrate that it would not be possible to discharge surface water into the canal.
- l) Following TfL's comments on the previous proposal, a number of amendments were made to the scheme which enabled the strategic transport issues to be addressed. These amendments have been carried forward to the

current scheme and the development is considered to be acceptable in transport terms, subject to conditions and S106 agreement. Further improvements to the pedestrian and cyclist safety at the junction with Broomfield Street and Upper North Street should be investigated with Stage 1 Road Safety Audit carried out.

[officer comment: The requested additional information has been provided by the applicant. All of the requested conditions have been included. TfL's detailed junction design comments are noted although the Road Safety Audit demonstrates that the indicative layout would be safe – in any case, the proposed layout is indicative only and full designs would be developed by the Council's Streetworks & Highway teams under a S278 agreement.]

Environment Agency

- 7.3 No objection to the proposed development.
- 7.4 The proposed development will result in a 'more vulnerable use' within Flood Zone 3, however the site is protected by Thames tidal defences from a 1 in 1000 change in any year flood event. The site would be outside of the areas impacted by flooding if there was to be a breach in defences.
- 7.5 A safe route of access/egress and finished floor levels of 600mm above ground level should be achieved.

Canals and Rivers Trust (CRT)

- 7.6 Raises no objection subject to conditions and offers the following comments:
- 7.7 The lack of landscaping to the canal fronting elevation is disappointing; this could soften views of the building from the canal.
- 7.8 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.
- 7.9 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.
- 7.10 Requests that towpath lighting is not provided and lightspill is minimised.
- 7.11 Use of water source heat pumps should be investigated as a renewable energy technology.
- 7.12 CRT advise that conditions should be imposed to cover the following:
 - Risk assessment and construction method statements to ensure the safety of the water way users;
 - Details of surface water drainage;
 - Details of lighting;

- 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)

7.13 With regard to the previous proposal on this site, CRT note that the Strategic Development Committee previously discussed, and resolved to attach (should the application have been approved) a condition requiring that 'no development take place until a protocol is agreed between the Canal & River Trust and the applicant regarding the maintenance of the towpath'. CRT are unclear what this requires, and would like more information. CRT are disappointed that the applicant has not made contact to discuss this, and suggest that the application should not be approved until this has been established.

7.14 CRT notes that the draft Heads of Terms do not include any provision for towpath or canal enhancements or maintenance. CRT advise that the introduction of additional residential 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, CRT would normally request that a contribution is secured towards environmental improvements. However, CRT notes that this was discounted in the committee report for the previous scheme.

[officer comment: The applicant has now included a planter to the private gardens adjoining the towpath, softening the building frontage. All of the requested conditions have been attached. Emergency egress arrangements have been revised so as not to rely on CRT's land. The site drainage strategy directs surface water into the combined sewer and so would not have a direct effect on the Limehouse Cut. In relation to CRT's request for £90,000 to improve the canal environment submitted with regard to the previous proposal for the site, 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 CIL, if such works were considered a priority. A condition has been included to require a scheme for the maintenance of the towpath. Officers are comfortable that the full details of such a scheme can be submitted at condition stage.]

Thames Water

7.15 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.

7.16 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.

7.17 Thames Water does not object on the basis of water supply.

7.18 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.

Crime Prevention Officer (Metropolitan Police)

- 7.19 The discussions that have already taken place will not be affected by the proposed changes and no concerns are raised with regard to the new designs as long as the scheme continues to attain the standards set out in Secured by Design, to ensure the long term safety and security of the residents.

Transport for London

- 7.20 Safety concerns are raised about the detailed Broomfield Street access and the Upper North Street junction design with improvements requested to address pedestrian and cyclist safety and comfort. A Stage 1 Road Safety Audit should be carried out.
- 7.21 The proposed car parking provision is acceptable. A parking management plan, 'car free' agreement and provision of electric vehicle charging points should be secured.
- 7.22 The contribution towards a new pedestrian crossing point on Upper North Street should be secured with additional contributions considered.
- 7.23 The proposed cycle provision is acceptable but TfL recommend that at least 5% of all spaces can accommodate a larger cycle.
- 7.24 Cycle hire membership should be provided for each residential unit to three years at a total estimated cost of £38,610

[officer comment: The requested conditions and planning obligations have been included. *TfL's detailed junction design comments are noted, although the Road Safety Audit demonstrates that the indicative layout would be safe – in any case, the proposed layout is indicative only and full designs would be developed by the Council's Streetworks & Highway teams under a S728 agreement.*]

London City Airport

- 7.25 No objection. Details of construction cranes and methodology statements should be secured by condition.

[officer comment: The requested condition has been included.]

8. LOCAL REPRESENTATIONS

- 8.1 Public consultation took place in accordance with statutory requirements. This included a total of 845 letters sent to occupiers of neighbouring properties, a press advert and site notices.
- 8.2 47 representations in support and 30 in objection have been received.

Representations in support

- 8.3 Reasons given in support of the application include:

- Provision of new housing;
- Positive revisions to the scheme
- Reduced unit numbers
- Reduced density
- Reduced height
- Improved appearance
- Removal of the majority of balconies from the canalside
- Increased number of affordable family homes

Representations in objection

8.4 Reasons given in objection to the scheme include:

- Adverse amenity impacts
 - - Lower daylight & sunlight
 - - Privacy intrusion
 - - Loss of outlook
 - - Disturbance from construction works
- Excessive height
- Excessive density and overdevelopment
- Pressure on services
- Increased car parking stress
- Conflict with the local plan vision for the area
- Adverse impact on the amenity value of the Bartlett Park and the Limehouse Cut
- Public access to the canal towpath should be provided

These issues are addressed in the material planning considerations section of this report.

8.5 The loss of private views of Bartlett Park and Canary Wharf has also been raised in objection to the proposal. Impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed in the amenity section.

8.6 Inadequacy of the applicant's pre-application consultation with neighbours has also been raised with a number of properties allegedly not consulted. This is disputed by the applicant in the submitted Statement of Community Involvement. In any case, the public consultation carried out by the Council took place in full accordance with statutory requirements, providing all relevant parties with an opportunity to make representations on the proposal. This should be afforded greater weight than the applicant's statement of community involvement.

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 Managing Development Policy DM0 and 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 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 not be given.

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 During the course of the determination of the previous proposal for the site, it has been established that the employment uses at the site are no longer viable or needed and that 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 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 a local office location or a strategic or a 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 was produced by Jones Lang LaSalle Ltd (JLL) and submitted together with the previous planning application for the redevelopment of the site. This has been updated for the current application. The assessment has demonstrated 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 identified 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 which until earlier this year occupied the site were in a state of disrepair and needed significant capital expenditure to return them to a satisfactory condition. The site in its poor condition was therefore only likely to be of interest upon a highly opportunistic nature where pricing would be reduced significantly to take account of the expenditure required to create appropriate industrial / storage space. Since then, the buildings on site were demolished pursuant to a demolition prior-approval consent. This does not change officers' conclusion that, in the long-term, the site is not viable for employment purposes.
- 9.23 The JLL assessment concluded 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 considered to be 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.
- 9.24 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 the NPPF.

Place making and density

- 9.25 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 Chrissp 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.
- 9.26 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.
- 9.27 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.
- 9.28 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."*
- 9.29 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. The net site area for the purpose of density calculations is 0.43ha. The previous 153 unit scheme resulted in a density of 356 dwellings per hectare or 1,107 habitable rooms per hectare. The current scheme proposes 143 residential units, resulting in a density of 332 dwelling per hectare or 1,032 habitable rooms per hectare.
- 9.30 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.
- 9.31 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."*
- 9.32 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.

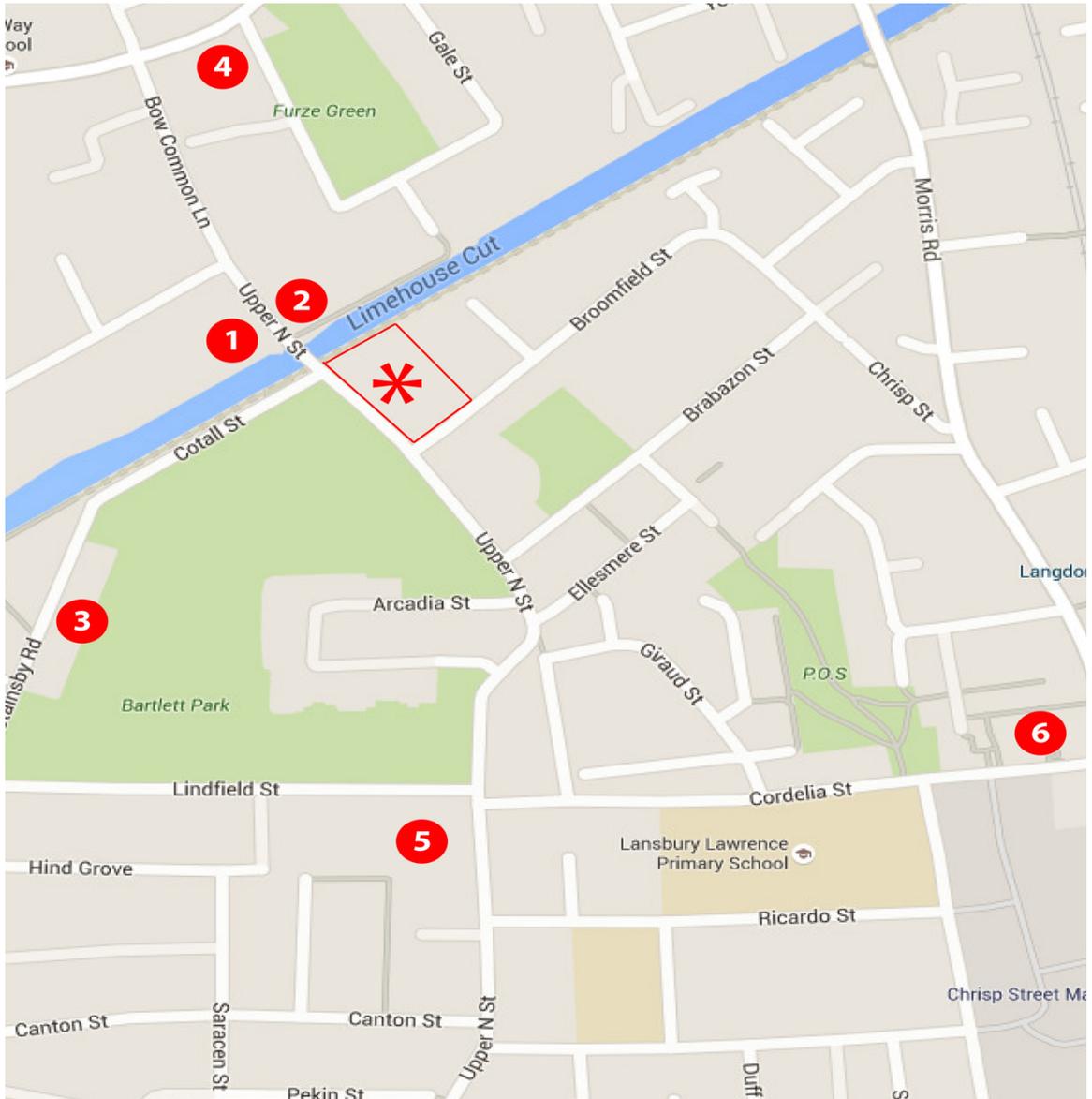
9.33 An interrogation of this scheme against these standards in the London Plan Housing SPG is set out in the following sections of this report. However, in summary it was found that the development would:

- enhance the setting of Limehouse Cut Conservation Area;
- the development would not result in excessive 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, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure;
- The materiality and design is considered to be of high quality, would develop a vacant site next to the conservation area and replaces a former building that detracted from the quality of the built environment.

9.34 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. The density and height of this 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)
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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, D1 or D2 use with car parking and landscaping.	960
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)	Site 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 Chrisp 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



9.35 The reduction in density in comparison to the previous proposal for the redevelopment of the site, while relatively limited numerically, has resulted in a significant reduction in the impact on the amenity of the nearby residential occupiers, as further described in the Amenity section of this report, lower townscape impact and lower impact on the amenity value of the Limehouse Cut, as described in the Design section of this report.

9.36 In conclusion, the proposed density is acceptable, in particular because it has not prejudiced the overall high quality of the development and because amenity & townscape impacts have been minimised. The potential of the site to deliver housing, including affordable housing, is being optimised, as required by the London Plan, without any undue adverse effects.

Design

9.37 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.

- 9.38 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.
- 9.39 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.
- 9.40 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

- 9.41 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 realm and private space. 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. This does not change from the previous redevelopment proposals for the site.

Appearance

- 9.42 The scheme's appearance is inspired by what is often termed 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 directly 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.
- 9.43 The appearance of the development varies around the site appropriately addressing the site's setting. The architecture and design quality has been developed further since determination of the previous application proposal.
- 9.44 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 principal change to the canal facing block in comparison to the previous proposal is that the articulation has been increased and massing broken up through the use of dark brick on every other bay, creating a finer grain and reducing the apparent massing of the proposal. Subtle setbacks have also been introduced to enhance this.
- 9.45 The Broomfield Street block's scale remains lower to suit the smaller neighbouring residential developments and the rhythm along this facade references town houses and smaller residential developments found along this street.
- 9.46 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. The elevation of the lower section of the Upper North Street block has also been significantly articulated in comparison to the previous proposal. This has been achieved through introduction of dark brick to the more solid, projecting bays and alterations to balcony design to further break up the massing.
- 9.47 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.
- 9.48 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 confused or busy.

- 9.49 In reference to traditional canal buildings and for contrast against the light 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

- 9.50 The Broomfield Street block would be four storeys high, reflecting the more modest, domestic scale of the street. This has not changed from the previous scheme and remains an appropriate response to the Broomfield Street setting. The lower scale also assists in providing good daylight and sunlight to other parts of the development, including the communal amenity space & play space located within the courtyard.
- 9.51 The block facing the Limehouse Cut ranges from 4 storeys at the eastern end to 6 storeys with a setback 7th storey at the western end. This broadly aligns with other recent approvals along the Limehouse Cut and would not appear as out of context with its surroundings. In comparison to the previous proposal, the scale has been reduced through a significant reduction in the area of the 7th storey set-back element and the further tapering of height at the boundary with Metropolitan Close. The reduced scale together with the articulation and removal of the majority of projecting balconies result in a much improved relationship with the Limehouse Cut and provide for a more sympathetic transition from Metropolitan Close to the more recent high density developments located adjacent the canal, along Upper North Street.
- 9.52 The Upper North Street block remains at 7 storeys. The height reflects its position on the busier Upper North Street opposite Bartlett Park and would not appear out of scale with surrounding development, nor would it dominate views across Bartlett Park. The appearance of the block has been improved substantially through articulation with the massing broken up by use of dark brick and changes to the recessed balconies. The roof canopies to the top floor recessed balconies have also been omitted to further articulate the elevation.
- 9.53 Located on the corner of Bell Common Bridge, as Upper North Street crosses the Limehouse Cut, would be a 12 storey tower element. The height would be lower than previously proposed, with a reduction of 4 storeys (circa 12m) in comparison to the previous scheme as originally submitted, and 2 storeys (circa 6m) as reported to the October 2015 Committee. The taller element would act as a marker on Bow Common Bridge where Bow Common Lane, an important thoroughfare through Tower Hamlets, crosses the Limehouse Cut.
- 9.54 The tower would benefit from '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 would effectively 'complete' 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 would also have a triple order element on its upper levels with bronze coloured cladding to subtly differentiate and add interest to its appearance. Following the reduction in height, the proposed taller element would be of comparable height to that of the towers located on the opposite side of the canal.
- 9.55 Whilst the tower is not within the locations explicitly supported by Local Plan policy DM26 and London Plan policy 7.7, for tall buildings, a taller element in this location is considered appropriate for the reasons explained in paragraphs 9.53 and 9.54 above. Its' height and scale would be proportionate with the surrounding development, including Ingot and Craig Towers.

- 9.56 The taller element would relate well to the surrounding development as well as to the 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 regard to the Lawson Comfort Criteria. In relation to these issues, the proposal would accord with the aforementioned tall buildings policies.

Landscaping

- 9.57 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

- 9.58 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.
- 9.59 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.
- 9.60 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.
- 9.61 The proposal accords with the aforementioned policies.

Inclusive Design

- 9.62 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.
- 9.63 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.
- 9.64 The entrances and circulation spaces are 'level' and the podium level amenity space can be accessed by way of a platform lift. At least 4 wheelchair accessible parking spaces are provided, in excess of the minimum required by Development Plan policy with potential for further 2 accessible spaces being allocated to wheelchair users, depending on demand.

- 9.65 10% of units would be wheelchair accessible or adaptable, in accordance with the policy requirements. There would be two wheelchair accessible affordable rented units.
- 9.66 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.
- 9.67 Other than the access between the towpath and adjacent block, the proposal accords with the aforementioned policies.

Blue Ribbon Network

- 9.68 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.
- 9.69 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.
- 9.70 The proposed development's appearance would be a significant improvement in comparison to the buildings which have previously occupied 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.

- 9.71 The design of the building has developed significantly since the previous application, aiming for the development to sit more comfortably in the setting of the Limehouse Cut and to reduce the impact on the amenity of the users of the canal. The massing of the northern elevation has now been broken up and vertically accentuated through

introduction of dark brick and setback bays, the number of projecting balconies has been significantly reduced and the heights have also been reduced, both with respect of the taller element and the lower block, closer to the boundary with Metropolitan Close.

- 9.72 These changes would significantly reduce the apparent bulk of the scheme by creating a finer grain of frontages and create more breathing space for the towpath through removal of the projecting balconies. The boundary treatment to the ground floor private amenity gardens has also been revised to incorporate more screening through raised sections of brick walls and through planters. The revised boundary treatment would improve the privacy to the ground floor units by providing stronger defensible space while providing planting to improve the amenity of the users of the towpath. The applicant has also investigated whether it would be possible to increase the setback from the canal, however this would be difficult without a substantial re-design of the scheme, including further reductions to the quantum of accommodation which would be required to avoid any increased amenity impacts on the residents of metropolitan Close.

Microclimate

- 9.73 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.
- 9.74 The previous application for the site was supported by a 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.
- 9.75 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. While no updated assessment has been submitted for the revised, lower, building height, the assessment submitted with the previous application is likely to constitute the worst case scenario, with the lower building having less of an impact.
- 9.76 In conclusion, the development would be of high quality design and is an appropriate response to redevelopment opportunities presented by this site. The proposal generally accords with the relevant development plan policies.

Heritage

- 9.77 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.

- 9.78 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.
- 9.79 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.
- 9.80 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.
- 9.81 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.
- 9.82 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.
- 9.83 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.
- 9.84 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.
- 9.85 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

- 9.86 The application site is adjacent to, and within the setting of, the Limehouse Cut Conservation Area. The buildings which previously occupied the site related poorly to the conservation area. The dilapidated buildings were harmful to its setting and did

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

- 9.87 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.
- 9.88 There are not considered to be any non-designated heritage assets affected by this proposal.

Archaeology

- 9.89 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.
- 9.90 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

- 9.91 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."
- 9.92 The application proposes 143 residential units. The consolidated London Plan identifies a housing need of at least 3,931 units per annum in Tower Hamlets.
- 9.93 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

- 9.94 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.
- 9.95 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.
- 9.96 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.
- 9.97 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.
- 9.98 Despite the reduction in the number of units proposed and the increase in proportion of affordable rented units within the affordable housing tenure, the applicant maintains the offer of 35% affordable housing by habitable room. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the financial viability consultants appointed by the Council. The review, based on establishing land value by reference to the existing use value, demonstrates that the 35% affordable housing offer is the most the scheme can viably provide. All of the affordable rented units would be provided at Borough Framework Rents. Accordingly, the proposed affordable housing offer complies with the aforementioned policies.
- 9.99 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. In accordance with the Council's policies, the proposed development would deliver a tenure split of 70:30. Whilst the

development does not fully accord with the London Plan policy, it 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

9.100 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).

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

Ownership	Type	Policy requirement (%)	Proposed mix (%)
Private	Studio	0	0
	1 bed	50	33%
	2 bed	30	53%
	3 bed	20	14%
Intermediate		0	0
	4+ bed		
Affordable Rent			
Private	Studio	0	0
	1 bed	25	0
	2 bed	50	75%
	3 bed	25	25%
	4+ bed	0	0
Private	Studio	0	0
	1 bed	30	28.5%
	2 bed	25	28.5%
	3 bed	30	32%
	4+ bed	15	11%

9.102 In relation to the affordable rent mix, the proposal broadly meets the policy targets and in particular the affordable rented accommodation has a good mix of 2, 3 and 4 bedroom homes.

- 9.103 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 would be acceptable, taking into account affordability levels in Poplar.
- 9.104 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*".
- 9.105 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. It is noted that the mix does not differ significantly from that of the previously proposed scheme and that the Council has not raised this area as an issue in the determination of the previous application.

Quality of residential accommodation

- 9.106 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.
- 9.107 All of the flats meet the relevant London Plan space standards; have 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 SPG.
- 9.108 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.
- 9.109 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. This can be successfully mitigated through appropriate planting and boundary treatment.
- 9.110 There are also instances of potential overlooking between flats within the proposed development. In particular, in the internal corner between the 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.

- 9.111 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 (ADF).
- 9.112 The analysis has also assessed the sunlight levels for relevant windows (those facing 90 degrees due south), 79% 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 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.
- 9.113 In accordance with policy requirements, 10% of units would be wheelchair accessible or adaptable. This would include 2 wheelchair accessible affordable rented units.
- 9.114 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

- 9.115 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.
- 9.116 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 183sqm. The child play space requirement is 10sqm per child. The development is predicted to contain 48 children and therefore 480sqm of child play space is required, split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 9.117 The development would provide, on top of the car park podium and at ground level, approximately 800sqm of amenity space. This would significantly exceed the combined requirement of 663 sqm for communal amenity space and child play space for all ages . 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 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.
- 9.118 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

9.119 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

9.120 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.

9.121 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. Comparison tables for the two most affected buildings, Werner Court and Craig Tower, are included below, comparing the previous application and the current proposal.

9.122 An explanation 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

9.123 The results show that 35 out of the 60 windows tested do not pass the VSC standard and that, of these, there are 20 with a reduction of between 20% and 30%, 10 with a reduction of between 30% and 40% and 5 with a reduction of between 40% and 50%. The reduction in daylighting would therefore be noticeable to residents of these properties.

9.124 However, the ADF results are compliant for all of the rooms demonstrating that the overall quality of daylighting would remain at a good level. 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.

9.125 Therefore, whilst the reduction in VSC would be noticeable, the sky visibility within the rooms would remain at a good level and the ADF results show that in all cases the rooms would remain adequately, and in many cases, well lit. The Council's consultant considers the impacts to be moderately adverse but with an acceptable actual result.

9.126 The below table compares the daylighting impacts of the previous application scheme and the current proposal, showing that the current scheme would result in significantly less impact than the previous proposal. The number of rooms experiencing largest VSC reductions (over 30%) is particularly reduced, reducing the impact on the most affected properties.

Werner Court (60 windows tested for daylight VSC impact)		
VSC reduction (> 20% is material)	14 storeys (previous proposal)	12 storeys (current proposal)
20% - 30%	17	20
30% - 40%	12	10
40% - 50%	10	5
>50%	1	0
Total number of windows with material reduction of daylight	40	35

Craig Tower

- 9.127 In relation to the VSC analysis, the results show that 21 out of the 45 windows tested do not pass the VSC standard and that, of these, there are 10 with a reduction of between 20% and 30%, 8 with a reduction of between 30% and 40%, 2 with a reduction of between 40% and 50% and 1 with a reduction of over 50%. The reduction in daylighting would therefore be noticeable to residents of these properties.
- 9.128 However, the ADF results for this property are very high and the rooms will be left with a very well lit internal environment. There will also be no effective impact on the NSL results.
- 9.129 Therefore, whilst there will be a noticeable reduction in daylight, the rooms will still appear adequately lit to the occupants. The Council's consultant considers the impacts to be "moderately adverse but with potentially acceptable actual result".
- 9.130 The below table compares the daylighting impacts of the previous application scheme and the current proposal, showing that the current scheme would result in significantly less impact than the previous proposal. The number of rooms experiencing largest VSC reductions (over 30%) is particularly reduced, reducing the impact on the most affected properties.

Craig Tower (45 windows tested for daylight VSC impact)		
VSC reduction (> 20% is material)	14 storeys (previous proposal)	12 storeys (current proposal)
20% - 30%	11	10
30% - 40%	12	8
40% - 50%	5	2
>50%	1	1
Total number of windows with material reduction of daylight	29	21

Ingot Tower

- 9.131 20 windows were tested, of which 9 would experience a material reduction. Of these, only 2 windows would experience a reduction in VSC of more than 30%. However, the ADF levels are above the minimum recommended levels for the rooms that are

not VSC compliant and therefore, the affected rooms would still appear reasonably well lit. 8 rooms would experience a reduction in NSL of more than 20%, representing a minor adverse impact.

E-Pad

- 9.132 For this property only 4 of the windows will not meet the VSC standard out of the 31 tested. The VSC reductions would be only marginally above the 20% standard. All but one of the rooms would have ADF levels above the recommended minimum and achieve very good daylight distribution. The impact would be negligible overall.

1-5 Broomfield Street

- 9.133 One window would not meet the VSC standard, however, as the ADF and NSL results are good, the impact would be negligible.

8-36 Broomfield Street

- 9.134 Only 2 out of 54 windows would experience a reduction in VSC of more than 20% from existing. 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%.

- 9.135 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.

17-25 Invicta, 2-5 Metropolitan Close and 6-9 Metropolitan Close

- 9.136 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

- 9.137 Overall, as would be expected, the proposals would result in some impact on the daylighting conditions of the 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 well-lit and would retain good sky visibility.

- 9.138 The independent daylighting consultant appointed by the Council concludes that *“The scheme proposal does not fully meet the VSC standards for impact on neighbouring windows. However, the NSL results and ADF results show that the neighbouring rooms will substantially remain well day lit and have adequate amenity as observed from inside the properties. Therefore, we believe that the daylight results can be considered to be acceptable.”*

- 9.139 The reduction of height of the current proposal has led to a substantial reduction in the VSC impact as summarised in the tables above, reducing the number of the worst affected properties and reducing the overall impact. While perceptible reductions to daylighting would still occur, in all cases the properties would continue to receive good levels of daylighting, especially for an urban location, assisted by the

aspect of some properties toward the canal and Bartlett Park. The proposal would appropriately protect surrounding residents' level of daylight in accordance with Local Plan policy DM25.

Sunlight

- 9.140 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 a number of units in Craig Tower, which is assessed in more detail below. Craig Tower was also the only building materially affected by the previous proposal.
- 9.141 For the previous proposal, the results for Craig Tower showed, for annual sunlight, that whilst the majority (35 of the 41) of windows passed the BRE sunlight test, there were 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 reducing the annual sunlight levels below the recommended 25%. The winter sunlight results were compliant to all but one window on level 2. In all cases this was primarily due to the obstruction caused by balconies which themselves provide well sunlit external amenity space.
- 9.142 For the current proposal, only 4 windows do not meet the BRE sunlight tests, these are at floor levels 2, 3, 4 and 5 with reductions of 29%, 32%, 29% and 22% respectively. Once the obstruction caused by balconies is taken into account, the results are compliant with BRE guidance. The Council's consultant advises that, therefore, "the sunlight impact on the development is negligible".
- 9.143 Overall, the proposal makes appropriate efforts to protect neighbouring properties' sunlight in accordance with policy DM25.

Privacy, outlook and enclosure

- 3.144 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 is also safeguarded.
- 9.145 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

- 9.146 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.

- 9.147 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.
- 9.148 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

- 9.149 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, they are considered acceptable subject, where applicable, to conditions.

Conclusion

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

Highways and Transportation

- 9.151 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.
- 9.152 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.
- 9.153 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

- 9.154 When assessing the previous proposal, TfL have reviewed the Transport Assessment and 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 and TfL are now satisfied with the projections. The scheme would not result in a material adverse effect on the transport network.

Car Parking

- 9.155 The proposed development would provide of 28 vehicular parking spaces including 6 that are wheelchair accessible or could be adapted 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

- 9.156 The number of residential cycle spaces to be provided would be 254 and the number of visitor cycle spaces is 10. The residential and visitor cycle space numbers are in compliance with relevant policy. Details would be reserved by condition.

Access / Servicing and Deliveries

- 9.157 The servicing strategy is for on-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 designed to ensure that refuse trucks can enter and leave the site in forward gear.
- 9.158 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.
- 9.159 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.
- 9.160 In their response to the previous application, LBTH Highways advised that the site access would be 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 adversely affect other aspects of the scheme layout. The Stage 1 Safety Audit did not raise any compelling reasons to amend the access arrangements.

Accessibility

- 9.161 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.
- 9.162 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.
- 9.162 However, residents particularly those at Metropolitan Close have previously 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 Bow 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

- 9.163 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

- 9.164 Highways (in assessment of the previous application) 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.
- 9.165 The above conditions and / or obligations have been recommended as part of this report.

Summary

- 9.166 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

- 9.167 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).
- 9.168 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.
- 9.169 In terms of operational waste, during the course of the determination of the previous development proposal for the site, the Council's Waste department advised the access arrangement for refuse vehicles were acceptable. Whilst they some concerns were raised with the complexity of the arrangements, the developer's management team advised that they consider it workable. A condition is recommended to ensure that monitoring can take place to deter contamination of waste containers (i.e. ensuring residents are not generating undue amounts of refuse and not putting waste in recycling bins).

Energy & Sustainability

- 9.170 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.
- 9.171 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.
- 9.172 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)
- 9.173 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.
- 9.174 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.
- 9.175 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.

- 9.176 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures, use of a centralised CHP system and a PV array. 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 45% reduction against the Building Regulations 2013.
- 9.177 Accordingly, the Energy Strategy's approach to reducing carbon dioxide is supported and in accordance with relevant policies and is secured by condition.
- 9.178 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.
- 9.179 The proposal accords with the aforementioned policies.

Environmental Considerations

Air quality

- 9.180 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.
- 9.181 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.
- 9.182 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.
- 9.183 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

- 9.184 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.

9.185 An Acoustic Report has been submitted in support of the application. This has previously been reviewed by the Council's Noise and Vibration Officer who advised that the report and its recommendations were 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.

9.186 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)

9.187 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.

9.188 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.

9.189 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

9.190 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

9.191 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.

- 9.192 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.
- 9.193 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.
- 9.194 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.
- 9.195 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.
- 9.196 Thames Water advises that there are no concerns with additional water demand from this development. They that a drainage strategy condition be imposed to allow more information to determine the waste water needs of the development. 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.
- 9.197 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

- 9.198 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. In determination of the previous redevelopment proposals, the Borough Ecology Officer 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.
- 9.199 Policy DM11 requires major developments to take reasonable opportunities for biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The Ecology Officer advised that the landscaping scheme would 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.

9.200 The Ecology Officer advised 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.

9.201 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

9.202 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.

9.203 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.

9.204 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.

9.205 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.

9.206 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.

- 9.207 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

- 9.208 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.

- 9.209 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.

- 9.210 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.

- 9.211 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.

- 9.212 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.

- 9.213 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 £39,500. The applicant has also agreed to provide £38,610

towards encouraging the take-up of more sustainable methods of transportation given the low PTAL of the site.

9.214 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.

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

Local Finance Considerations

9.216 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.

9.217 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.

9.218 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.

9.219 It is estimated that the development would be liable for £276,255 of Tower Hamlets CIL, £276,255 of Mayor of London CIL and £1,309,930 of New Homes Bonus payments over a period of 6 years.

Human Rights Considerations

9.220 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

9.221 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".

9.222 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.

9.223 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.

9.224 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.

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

9.226 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.

9.227 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

9.228 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.

9.229 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.

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

9.231 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.

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

9.233 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.

10. CONCLUSION

10.1 All relevant policies and material considerations have been taken into account. The development would address reasons for refusal indicated by the Committee for the previous application. Planning permission should be **granted**, subject to planning conditions and a Section 106 Agreement set out in section 2 of this report.

Appendix 1

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

