

Committee: Strategic Development	Date: 10 th July 2008	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal Case Officer: Jason Traves		Title: Planning Application for Decision Ref No: PA/08/00305 Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: Site at Bishop Challoner School House, Christian Street, E1 1SE
Existing Use: School (Class D1) and Community Centre (Class D2)
Proposal: Demolition of existing buildings on site. Redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre; public open space extending to 4,546 m² incorporating a new public square, sports pitch provision and an extension to Ropewalk Gardens; car parking; landscaping and associated infrastructure works

Drawing No's: Plan No's:

2865-PL 001A, 002A, 003A, 101K, 102K, 103J, 104D, 105E, 106D, 107D, 108D, 109D, 110D, 111D, 112D, 113D, 114D, 115D, 120D, 121D, 122C, 123D

Documents:

Planning Statement
Design and Access Statement
Transport Assessment
Travel Plan
Energy Statement
Code for Sustainable Homes Preliminary Assessment
Flood Risk Assessment
Daylight and Sunlight Assessment
Noise and Vibration Assessment
Air Quality Assessment
Site Preparation and Construction Report
Wind Assessment
Ground Investigations Report
Archaeological Assessment
Landscape Analysis and Design Proposals
Addendum to the Planning and Design and Access Statements
Addendum to the Daylight and Sunlight Assessment

Applicant: Bellway Homes (Thames Gateway North)
Owner: LBTH
Historic Building: No
Conservation Area: No

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

- (a) The proposed land use is in accordance with the Interim Planning Guidance Proposals Map in proposing a scheme comprising residential units (Class C3), a community facility (Class D1) as well as the re-provision of the 4,546sqm of open space. As such the proposal is in line with council Policy CP19 which seeks to provide housing in appropriate locations.
- (b) The proposed density falls within the range specified for sites with a Public Transport Accessibility Level (PTAL) 4-6. Therefore, the scheme is within the capacity of the site and area in accordance with the guidance on density pursuant to Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007), which seek to ensure that development is sustainable and in an appropriate location.
- (c) The scheme provides significantly in excess of the total required amenity open space, including the re-provision of 4,546sqm publicly accessible open space. Therefore, the proposal addresses the amenity needs of future occupiers pursuant to policies HSG 16 'Housing Amenity Space' and 'Residential Space SPG' of the LBTH adopted UDP 1998 and CP25 'Housing Amenity Space' of the LBTH Interim Planning Guidance (2007).
- (d) The scheme provides for 35.2% affordable housing with a 70:30 split between the social rent and shared ownership tenures. The scheme also provides 32% family housing. This accords with the requirement of schemes to cater for housing need pursuant to Policies CP22 'Affordable Housing', 3A.7 'Affordable Housing Targets', CP21 'Dwelling Mix and Type' of the LBTH Interim Planning Guidance (2007).
- (e) The design is considered to be high quality. As such, the scheme complies with LBTH Policy DEV1 'Design Requirements' and CP4 'Good Design' which indicate a need for a development to be sensitive to the area and that buildings and spaces should be high quality, attractive, safe and well integrated.
- (f) The scheme satisfies the criteria for the consideration of tall buildings in being:
 - Of high architectural quality and contributing positively to the skyline,
 - Sensitive to and integrated with the local context,
 - Proposing high quality and safe public spaces

Therefore, the proposal accords with London Plan Policies Policy 4B.1 'Design Principles for a Compact City', Policy 4B.10 'Large-Scale Buildings – Design and Impact' and Policy 4B.9 'Tall Buildings – Location' which requires schemes, amongst other criteria, to enhance the public realm, respect local context / character, be attractive to look at and act as a "catalyst" for regeneration. Moreover, it complies with Council Policy CP48 'Tall Buildings' and CABE / English Heritage 'Guidance on Tall Buildings' in this respect.

- (g) The scheme provides for the amenity of future occupiers in making adequate provision for waste/recycling storage, cycle, car and disabled parking plus a car club,

and addressing potential noise and vibration impacts through the building design. Therefore the scheme is in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure a high quality environment and the amenity of future occupiers.

- (h) The scheme has taken into consideration the relationship with neighbours and any potential impact posed. Amendments to Block B, to increase its separation distance to Walford House have reduced its daylight and sunlight impact. In addition, the scheme has paid particular regard to future residential development south of Block B. Notwithstanding this, testing indicates that rooms within Walford House will remain adequately lit. The scheme has maximised separation distances where possible in order to mitigate any loss of outlook, without compromising the rest of the design. Therefore the scheme has appropriately addressed its relationship and potential impact with neighbours in accordance with Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3 which seek to ensure the amenity of the adjacent area is protected.
- (i) The scheme has been considered and poses no significant transport impact to the area. Furthermore, the parking and servicing arrangements for the development as well as the stopping up of Golding Street are acceptable. Therefore the scheme accords with Policies PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities', CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007. These policies seek to ensure the scheme adequately provides for the needs of the future development as well as considering potential impacts on the surrounding area.
- (j) Measures incorporated into the scheme including green roofs and Combined Heat and Power (CHP) system, have satisfactorily addressed the policy requirement for reduce carbon dioxide emissions as well as providing for a component of energy production by renewable means. The scheme therefore accords with Policies CP3 'Sustainable Environment', CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Renewable Energy' of the LBTH Interim Planning Guidance 2007 as well as Policies 4A.4 'Energy Assessment', '4A.6 Decentralised Energy: Heating, Cooling and Power', 4A.7 'Renewable Energy' of the London Plan (Consolidated 2008). These policies seek to tackle climate change by reducing the reliance on non-renewable energy resources and reducing pollution, thereby, making schemes more energy efficient and sustainable.
- (k) The scheme provides s106 planning contributions package of £1,070,000.00 to mitigate impacts on transport, health and education. The contributions are appropriate and satisfy the tests of the Circular 05/2005 on contributions. It is noted that the contributions are in addition to the £1,23m community facility and £250k multi-sports pitch that will be delivered as part of the scheme. This equates to £2,550,000.00 of investment in the development and regeneration of the area.

3. RECOMMENDATION

3.1 That the Committee resolve to grant planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) A proportion of 35.2% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8;
- b) Provide **£122,000** towards transport improvements;
- c) Provide **£370,260** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£300,417** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£257,323** towards community facilities (in addition to delivery of the community centre building)
- f) **£20,000** for DAISY boards; and
- g) Car free, travel plan, car club, TV reception monitoring/mitigation, local employment initiatives

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

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - External appearance and materials board
 - Balcony details
 - Landscape plan for private gardens and ground floor public realm improvements including children's playspace and sports pitch.
- 3) Parking maximum cars comprising 2 x accessible spaces and 3 x car club spaces
- 4) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 5) Piling hours of operation limits (10am – 4pm Mon-Fri)
- 6) Wheel cleaning facility during construction
- 7) 10% renewables required.
- 8) Full land contamination study required to be undertaken with remediation certificate
- 9) Method of piling as required by EA
- 10) No soakaways in contaminated land as required by EA
- 11) Oil bypass interceptors prior to discharge into any watercourse as required by EA
- 12) Program of archaeology as required by EH
- 13) Construction in accordance with the noise and vibration report.
- 14) Full details of the recycling facilities
- 15) Details of green roofs
- 16) Lifetimes homes standards and 10% wheelchair accessible required
- 17) Sustainable homes standard required
- 18) Full CHP details
- 19) Condition requiring s278 agreement
- 20) Any other conditions required by the Director

Informatives

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 9-11
- 3) Consult Metropolitan Police in terms of conditions 2
- 4) Consult Network Rail in respect of demolition, plant/scaffolding/cranes locations, excavations and footings, drainage, fencing, landscaping and Party wall Act 1996 matters and secure any necessary permissions in writing prior to commencement of works on site
- 5) Consult English Heritage in respect of the retention of the granite sets in Golding Street.
- 6) Site notice specifying the details of the contractor required
- 7) EA prior approval for dewatering
- 8) Obtaining consent under the pollution act prior to commencement
- 9) Submission of an archaeological project design and consult EH Archaeology
- 10) S278 highways agreement
- 11) Drainage provision
- 12) Water supply provision.
- 13) Details submitted in respect of landscaping (condition 3) to have regard for the recommendations of the microclimate study

3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application is for the demolition of existing buildings on site and the redevelopment of the site to provide:
- 214 residential units (21 x studio, 68 x 1bed, 56 x 2 bed, 64 x 3bed, and 5 x 4bed);
 - 35.2% affordable housing;
 - Two buildings ranging between 4 to 14 storeys in height;
 - A new 512sqm community centre;
 - Multi-sports pitch measuring 60m x 34m;
 - A total of 4,546 m² of public open space, incorporating a new public square, new children's play area and improvements to Ropewalk Gardens.

In addition, car parking and landscaping and associated infrastructure works also form part of this application.

4.2 The details of the development are as follows:

- The provision of 18,805sqm of residential floorspace (Class C3) and a 512 sqm Community Centre use (Class D2).
- Density of 459 habitable rooms per hectare.
- Affordable housing provision which equates to 35.2% of total habitable rooms.
- A social rent to shared ownership split of 70:30
- 4,546sqm of publicly accessible amenity space (Excluding Ropewalk Gardens) incorporating:
 - 335sqm landscaped children's playspace and;
 - a 60m x 34m multi-sport pitch to replace the existing football pitch.
- 1600sqm of private amenity space.
- 2 x accessible spaces for people with a disability and 3 x car club spaces.
- 244 cycle parking spaces including spaces and power-points for mobility devices for people with a disability.

- Residential design that achieves level 4 Sustainable Homes standards;
- Incorporation of energy efficient and sustainable measures into the scheme including a Combined Heat and Power (CHP) plant, producing 29% of the developments energy needs and CO2 reduction of 37%.
- The provision of refuse and recycling facilities at ground floor level.

4.3 It should be noted that the site plan (red line) was amended during the course of the application to include Ropewalk Gardens. This was to facilitate the integration of the proposal with Ropewalk Gardens as part of the landscaping and public open space design. Full re-notification with the public as well as internal and external consultees was undertaken in respect of this change to the application.

Site and Surroundings

- 4.4 The application site is within the Whitechapel Ward and Local Area Plan (LAP) boundary No. 3. The site is 1.3Ha in size and is located to the north of Network Rail track and to the south of Ropewalk Gardens. The application site is subdivided in two land parcels by Golding Street.
- 4.5 Part of the site is occupied by the former Bishop Challoner School. This Victorian, 3-4 storey building has been vacant since 1999. An application for listing the school building was considered by English Heritage in 2007. However, the building was not considered of sufficient special interest to be listed (English Heritage Ref 164507 decision 16 November 2007).
- 4.6 Between Golding Street and Walford House, the application site is occupied by a tarmac football pitch and The Berner Community Centre.
- 4.7 Bordered by Network Rail land and the application site is a land parcel fronting Golding Street. It has permission for residential use (see history for details) but, to date, this land has not redeveloped.
- 4.8 The immediate area is characterised by residential flats in the LBTH Berner Estate (Class C3). This includes Walford House immediately to the east of the site and Haliday House to the north-west. It is noted that commercial premises are located to the east of the site along Christian Street, as well as in the railway arches of Golding Street. The Markazi Masjid mosque is also located to the east of the site along Christian Street.

Planning History

Application site

- 4.9 On 15 December 2005, application PA/04/1431 was withdrawn. The application proposed demolition of the school and its redevelopment to create 257 residential units, 62 car parking spaces in the basement and 1735sqm of D1/D2 uses (community facilities), plus 2 x artificial surface sports pitches with lighting and a public open space.
- 4.10 On 16 November 2007, PA/07/1556 was withdrawn. The application was for demolition of the existing buildings and redevelopment to provide 213 residential units in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre (including a new community café), public open space (4,546 m²), a new public square, sports pitch and extension to Ropewalk Gardens.
- 4.11 On 16 November 2007, English Heritage resolved not to list the former Bishop Challoner School.

Adjoining site – Land bound by Network rail track, Golding St and the sports pitch

- 4.12 On 27 May 2004, planning permission was granted for the erection of a 3 storey, two-bedroom house with a double garage (PA/01/01412).
- 4.13 On 13 June 2006, planning permission was granted for the construction of a 4 storey, three-bedroom house with integral garage, basement and roof terraces (PA/05/00723).
- 4.14 In February 2008, an application for the erection of 6 storey building and 6 two-bedroom flats was withdrawn (PA/08/00335).

Adjoining site – Ropewalk Gardens

- 4.15 On 10 July 1991, permission was granted for the refurbishment & development of existing gardens, children’s play & sports area (WP/91/00102).

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Within an area of archaeological importance

Policies:	ST23	Housing
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG 14	Provision for Special Needs
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control (October 2007)

Proposals: City Fringe AAP, Site CF17 (Residential C3, Community D1 and open space), Area of Archaeological Importance

Core Strategies: CP1 Creating Sustainable Communities
 CP2 Equality of Opportunity

	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	CON5	Protection and Management of Important Views

Supplementary Planning Guidance/Documents

Residential Space Standards
 Archaeology and Development
 Design Out Crime

(Consolidated with Alterations since 2004) 2008

Located within the Central Activities Zone of North East London

Polices	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.17	Addressing the Needs of London's Diverse Population
	3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.23	Parking Strategy
	3D.11	Open Space Provision in DPDs
	4A.22	Spatial Policies for Waste Management
	4A.3	Maximising the Potential of Sites
	4A.4	Energy Assessment
	4A.6	Decentralised Energy: Heating, Cooling and Power
	4A.7	Renewable Energy
	4A.16	Water Supplies and Resources
	4A.17	Water Quality
	4A.18	Water and Sewerage Infrastructure
	4A.20	Reducing Noise and Enhancing Soundscapes
	4A.33	Bringing Contaminated Land into Beneficial Use
	4B.1	Design Principles for a Compact City
	4B.2	Promoting World Class Architecture and Design
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4A.3	Sustainable Design and Construction
	4B.9	Tall Buildings – Location
	4B.10	Large Scale Buildings – Design and Impact
	5C.1	The Strategic Priorities for North East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

Other Guidance

Guidance on Tall Buildings (CABE/EH)
By Design (CABE)

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Greater London Authority (Statutory Consultee)

- 6.2
- No objection in principle.
 - Design generally supported, but suggests dwellings could be larger and the layout of the blocks could be improved.
 - Further justification for the proposed affordable housing, energy, air quality and noise offer is required;
 - Contributions for DIASY boards (£20k), a travel plan, improvements to Shadwell DLR and pedestrian links (£75k) were requested; and
 - More details in respect of the community centre, community café and measures to secure local training and employment were requested.

(Officer Comment):

- *The acceptability of housing, affordable housing contribution, energy, air quality, noise and design is discussed in section 8 of this report;*
- *The planning contributions to DAISY, Travel Plan, and local training/employment initiatives will be secured as part of the planning agreement. Discussions with GLA confirm that the Shadwell DLR improvements were not required; and*
- *The community café has been removed as part of revisions to the scheme. The alternative community centre is proposed to replace the existing centre which is to be demolished as part of the application. It is noted that the operation and management of the facility is not a planning consideration under the Town and Country Planning Act 1990.)*

Environment Agency (Statutory Consultee)

6.3 No objection to the scheme and recommends standard conditions:

- Piling method of foundations to be agreed;
- No soakaways in contaminated ground; and
- Oil bypass interceptors prior to discharge into the watercourse

(Officer Comment: appropriately worded conditions are recommended.)

TFL (Statutory Consultee)

6.4 No comments received.

BBC

6.5 No comments received.

English Heritage (Statutory Consultee)

- 6.6
- The railway viaduct to the south house a distinct historical character. This includes surviving granite sets of the carriageway which should be retained in accordance with English Heritage 'Streets for All' guidance and;
 - Notes that the school did not fulfil the criteria for listing when the previous application for listing was considered. Nevertheless, they noted that the building makes a significant contribution to the character of the area, is the most attractive building in

the area and is of strong local interest.

- Opportunities for the re-use of the building should be considered.
- The application does not appear to assess the impact of the proposed 14 storey structure against CABE/EH Guidance on Tall Buildings.

(Officer Comment: The potential reuse of the building has been evaluated. However, it is not suitable in this case. In summary, the existing window/opening locations and layout detrimentally impact on the unit numbers that can be achieved. Necessary additions to achieve modern high quality accommodation, including balconies for amenity space, would alter the appearance and potentially detract from its character.

An indicative layout has been prepared which achieves 31 units as compared with the 153 unit proposed in Block A. The schemes low density would be contrary to Central Government, London Plan and Council planning policies which seeks to maximise the development of brownfield sites. Such a reduced scheme, along with the expense of converting the building, would have implications for viability and the ability to provide affordable housing and the other necessary regeneration benefits including, the community centre and sports pitch. Moreover, it would necessitate changes to the building which would alter its appearance and potentially detract from its character. Consequently, on balance, the retention of the building would not be an efficient use of the site.

In respect of the suitability and appropriateness of retaining the granite sets in proximity to the railway arch of Golding Street, an appropriately worded informative is recommended to ensure EH are consulted prior to works commencing on site.

In respect of the CABE/EH 'Guidance on Tall Buildings', the importance of design quality as a planning consideration has been a key element of this design. The scheme is considered to have suitably addressed the guidance. Section 8 of this report details the reasons for this view.

English Heritage (Archaeology)

- 6.7 EH Archaeology recommends a condition to secure a program of investigation and recording prior to development.

(Officer Comment: An appropriately worded condition is recommended.)

London City Airport (Statutory Consultee)

- 6.8 No objection.

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

- 6.9 No objection to the proposal.

Thames Water Authority

- 6.10 No comments received.

Crime Prevention Officer (Metropolitan Police)

- 6.11
- Pleased that the crime prevention issues have been addressed; and
 - Notes views into and out of the central square are maximised.
 - Considers the proposed trees, shrubs and hard landscaping are acceptable.

London Fire Emergency Planning Unit (LFEPA)

- 6.12 The Unit is satisfied with the general fire precautionary arrangements for access.

Tower Hamlets Primary Care Trust

- 6.13 Requests a capital contribution of £300,417.00 and revenue contribution of £1,052,219.00 towards healthcare to offset the impact of the development on local facility and service provision (total requested £1,352,636.00).

(Officer Comment: Healthcare contributions are discussed in section 8 of this report)

DLR

6.14 No comments received.

Network Rail

- 6.15
- *Demolition* - Approval must be obtained from Network Rail Outside Parties Engineer before construction commences;
 - *Plant, Scaffolding & Cranes* - plant and scaffolding must be positioned so that, in the event of debris from the site, it will not fall on to Network Rail land;
 - *Excavations of footings* - Network Rail will need to be consulted on any alterations to ground levels noting a history of instability. Network Rail is concerned about excavations within 10m of the boundary. A full method statement must be agreed prior to works commencing;
 - *Drainage* - soakaways should not be constructed within 10m of the boundary with the operational railway;
 - *Fencing* - 1.8m high perimeter fencing around Block B is recommended to mitigate trespassing and vandalism and provide acoustic insulation for the residential units;
 - *Site Layout* - all buildings and structures should be set back at least 2m from the boundary of the operational railway and at least 5m for overhead power lines.
 - *Landscaping* – recommends consultation with Network Rail on appropriate landscaping along the railway corridor; and
 - *Party Wall Act 1996* - Developer to consult with NRIL at an early stage of the preparation of their Party Wall matters. Covenants may exist which require approval from Network Rail.

(Officer Comment: Appropriately worded informatives are recommended for consultation and/or approvals, where applicable, to be sought from Network Rail prior to commencement. It is noted that buildings are set back well in excess of the minimum 2m requirement from Network Rail Land.)

The Environment Trust

- 6.16
- LBTH refused developers offer to improve Ropewalk Gardens;
 - Concerns about new public square;
 - Concern about take-up of the community café;
 - Concern about the affordable housing proposed;
 - Concern about the treatment and liveability of the ground floor;
 - Concern about the impact on the built environment and considers there is an overprovision of housing; and
 - Recommends ground and first floor workspace and other non-residential uses,
 - The scheme should be redesigned to allow more daylight into the central square
 - Dialogue between the Council and developer to improve the open space within Ropewalk Gardens should be undertaken.

(Officer Comments:

- *The application site has been amended to include Ropewalk Gardens. The revised Landscaping Plan has considered the overall design of this space in consultation with the Council's Parks and Open Spaces team as well as LBTH Accessibility officer and Metropolitan Police Crime prevention Officer.*
- *The public square and ground floor treatment has been the subject of extensive consultation with the architect, landscape designer and developer. The scheme has been reviewed and influenced by the LBTH Design and Conservation Team, Environmental Health Daylight and Sunlight Officer, Accessibility Officer, Parks and Landscape Team, Housing Officer, as well as the Metropolitan Police Crime Prevention Officer. The overall design, amenity and relationships between public and*

private spaces is considered acceptable and supported as being a high quality and successful design solution;

- *The Community café has been deleted.*
- *The housing offer is considered in section 8 of this report; and*
- *The mix of uses on the site is considered appropriate and in accordance with policy. The relevant issues are covered in Section 8 of this report.)*

The Victorian Society

6.17 Objects to the demolition of the existing building because:

- The building is a fine example of the work of architect T J Bailey
- The internal spaces are interesting and features typical characteristic of schools
- The building makes a contribution to the area which is deprived of historic buildings
- Suggests the building is well-suited for re-use and conversion.

(Officer Comment: Whilst the architecture of the building is interesting, it was not of such significance that it warranted listing. Moreover, the re-use of the school is unviable (see under English Heritage comments). Consequently, whilst the existing building makes a contribution to the varied architectural character of the area, its demolition would not be a sustainable reason refusal.

Save Britain's Heritage

6.18 No comments received.

LBTH landscape

6.19 Reprovision of open space including the general layout, public square and facilities including the children's play area and new football pitch are acceptable.

LBTH Highways

6.20 No objections in principle on highways grounds and as such the proposed scheme is acceptable.

Notes separately The applicants proposed part stopping up of Golding Street under Section 247 of the T/CP&A 1994 which is acceptable.

Planning contributions are recommended for the following transport related works. The total contribution requested is £122,000.00 which comprises the following improvements:

- Raised table at junction of Christian Street and Pinchin Street
- Raised table adjacent to pedestrian access to Ropewalk Gardens
- Upgrade of footway west of Christian Street
- Resurfacing works on the carriageway of Christian Street in the vicinity of the site
- Improvements to Golding Street through the viaduct to Cable Street

(Officer Comment: The full contribution requested will be secured in the planning agreement)

LBTH Energy Efficiency Unit

6.21

- The revised energy strategy satisfies the energy efficiency and renewable energy policy.
- The development is an exemplar scheme as it achieves Sustainable Homes Code Level 4, whilst the current 'best practice' guideline standard is Code Level 3. A "prior to occupation" condition is recommended to satisfy the Local Authority that the completed development achieves the proposals made.

(Officer Comment: An appropriately worded condition of approval is recommended.)

LBTH Environmental Health

6.22 *Land Contamination*

Satisfied with the site investigation report for the scheme.

(Officer comment: An appropriately worded condition is recommended for the further assessment and any necessary remediation measures to be agreed in writing.)

Noise and Vibration

Satisfied with the noise and vibration assessments of the scheme

(Officer comment: an appropriately worded condition is recommended to ensure construction in accordance with the details agreed in the noise and vibration report.)

Daylight and Sunlight

They considered the impact of the scheme on future occupiers as well as neighbours. In respect of the impact on Walford House, amendments to Building B have reduced the impact such that only the ground to third floors are slightly impacted. The fourth floor is no longer affected. This lessening of the impact is welcomed.

Overall, it was considered that the amount and quality of light provided to all properties was sufficient in view of the urban context of this site to justify support of this scheme, particularly in view of the regeneration benefits this scheme also creates.

(Officer Comment: See section 8 for discussion.)

LBTH Education

- 6.23 An education contribution of £370,260.00 was requested to offset the impact of the scheme on local facilities.

(Officer Comment: The full education contribution is secured as part of the planning agreement.)

LBTH Waste

- 6.24 The waste storage and collection arrangements are acceptable.

LBTH Youth & Community Services

- 6.25 The provision of the community facility is welcomed and a much needed improvement to the Berner Estate.

The Whitechapel Centre

- 6.26 The existing community facilities are very poor so the proposals to provide new community facilities and public open space are welcome.

7. LOCAL REPRESENTATION

- 7.1 A total of 1934 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

Initial notification

- 7.2 - No. of individual responses: 540 (Includes 531 identical pro-forma letters)

- Against: 540.
- In Support: 0.

The following issues were raised in representations that are material to the determination of the application, and they are addressed in sections 6 and 8 of this report:

Land Use

- Reduction in sports pitch size
- Loss of the sports pitch and open space
- Loss of the existing community hall and concern about the size of the proposed community hall and whether it will be an improvement and cater for the range of uses of the current facility.
- Loss the school building in terms of impact to historical character
- Introduction of a community café
- Request for more youth facilities
- Affordable housing and play area should be prioritised.
- Impact on education and medical facilities

Housing

- The provision of sufficient proportion of housing as affordable.

Design

- Building height, massing and density (overcrowding) concerns.
- Built form quality and relationship to the surrounding area concerns.
- Loss of the school building.
- The affordable housing provided does not justify the proposed tall building.

Amenity

- Potential for increased anti-social behaviour due to the new public square and loss of the existing pitch.
- Overshadowing and loss of light of adjacent occupiers
- Concern about the developments relationship with neighbours
- Increased noise and vibration and worsening microclimate (wind) conditions.

Transport

- Parking impact
- Recommends scheme be car-free
- The stopping up of Golding Street is unacceptable.

Sustainability

- Recommends zero carbon scheme with wind turbines and solar panels.
- Impact of cars on air pollution
- Demolition of a useable building is wasteful

Section 106 matters

- Impact on the availability of healthcare and education facilities for local residents
- S106 monies should be spent on Wilton's Music Hall and not a community centre.

(Officer Comment: The community facility is to be re-provided in an enlarged and improved form as part of the land disposal contract and does not rely on planning contributions for its funding. In general, the priorities for the available planning contributions are outlined in section 8. Furthermore, no justification has been provided as to why the funding of Wilton's Music Hall is necessary, nor directly related to the scheme. Therefore, it is not established that this would satisfy the tests of the planning contributions circular 05/2005.)

The following issues were raised in representations, but are not material to the determination of the application:

- Preference for what sports should be catered for on the multi-sports pitch.
- The existing community centre usage would be interrupted and compensation should be provided to address this.
- The Council benefits unduly from the sale of the site.
- Walford House, adjacent to the site, should be demolished and replaced.

The following issues were raised in representations, and are addressed below:

- Development and site description (*Officer Comment: The description of the development and site is considered to correctly describe the extent and location of the proposed development proposed. Furthermore, full documentation is available on the council's website and at LBTH offices for interested parties to look at the development in detail.*)
- Consultation with the community was inadequate (*Officer Comment: The application has been subject to extensive consultation in accordance with the Council's Statement of Community Involvement. This includes a newspaper advertisement in East End Life, site notices as well as letter notification to 1934 properties in the immediate area.*)
- Impact on Telecommunications equipment.
(*Officer Comment: The planning agreement requires telecommunications monitoring and mitigation to address any potential impact upon reception.*)
- Noise and disturbance will be created by the location of sports pitch because of its proximity to Walford House.
(*Officer Comment: the sports pitch has now been relocated away from Walworth House.*)
- The development creates social segregations (*Officer Comment: Whilst the majority of affordable housing is located in Block B, some affordable housing will nevertheless be found in Block a. Furthermore, the size of flats and external appearance is equivalent in both blocks, thereby mitigating any sense of segregation of exclusion.*)

Further notification following amendments to increase the floor area of the community centre and create a single larger multi-use sports pitch

- 7.3 - No. of individual responses: 587 (includes 583 identical pro-forma letters)
- Against: 587
- In Support: 0.

The following issues were raised in representations that are material to the determination of the application, and they are addressed in the sections 6 and 8 of this report:

Amenity

- Potential for antisocial behaviour, noise and disturbance created by the sports pitch

The following issues were raised in representations, but they are not material to the determination of the application:

- Ice-cream selling vehicles will cause children to cross busy streets without due care and attention to oncoming traffic
- The sports pitch will cause more people to gather which will lead to more road accidents
- Consider that Bellway Homes have not listened to the community.
- It is suggested that the proposed rose garden be deleted and replaced with a car parking

- Local residents should be compensated by providing back gardens to existing ground floor flats in the surrounding housing estate blocks
- Crime, health and quality of life in the area have deteriorated in recent years due to a lack of space and insecurity.

The following issues were raised in representations, and are addressed below:

- LBTH did not provide a response to the objections previously submitted (*Officer Comment: LBTH sent letters acknowledging receipt of objections to the proposal.*)
- Revised drawings do not give the existing football pitch size (*Officer comment: All drawings can be scaled for planning purpose to confirm the size of the sports pitch*)
- Uses and amenity of Ropewalk Gardens affected by the football pitch (*Officer Comment: The scheme has considered the redesign of Ropewalk Gardens and provides a variety of spaces to serve different functions to cater for a range of activity, not just sports. For example, the existing community facility will be replaced by a rose garden which could offer an alternative area for activities like sunbathing, reading and eating. The space is set away from and therefore will be less disturbed by the activity on the multi-sports pitch*)
- Traffic safety from the pitch (*Officer Comment: An appropriately worded condition requiring details of the fencing treatment for the sports pitch will mitigate any potential safety impact.*)
- Loss of Golding Street parking spaces (*Officer Comment: Golding Street is a single lane road with no parking spaces in the area where it will be stopped up.*)
- Floodlights will cause disturbance (*Officer Comment: No floodlighting is proposed.*)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application are:

1. Landuse
2. Housing
3. Design
4. Amenity
5. Transport Impacts
6. Sustainability
7. S106 Contributions

Landuse

Principle

8.1 Pursuant to the LBTH Interim Planning Guidance (2007), the Proposals Map identifies The former Bishop Challoner Christian Street and the adjacent sports pitch as a potential development site (Site ID No. CF17). The uses nominated are residential (Class C3), Community Facility (Class D2) and Open Space. The subject application proposes residential and community uses as well as re-provides the existing 4,546 m² of open space. The Scheme is consistent with Policy and therefore acceptable in principle, subject to the further considerations of section 8 of this report.

The Community Facility

8.2 The application includes provision of a new 512sqm community facility on the ground and first floor of Block B. This facility will provide a larger and improved venue for activities that would otherwise have been accommodated in the existing Berner Estate community centre which is to be demolished as part of the application. It should be noted that the existing centre is required to be retained for use until such time as the new facility can be occupied for use. This arrangement, along with the delivery of the new facility, is a requirement in the

contract for the sale of the land.

Demolition

- 8.3 The potential reuse of the former school building has been evaluated and is not considered viable. See discussion in section 6 under English Heritage comments. Therefore, the demolition of the school building is acceptable.

Density

- 8.4 In addition to the general guidance of Policies 3A.3 'Maximising the Potential of Sites' of The London Plan, Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the LBTH Interim Planning Guidance (2007) outline the standards for maximising intensity and efficient use of sites.

- 8.5 The site has a Public Transport Accessibility Level (PTAL) of 5. Therefore, the indicative density provisions based on habitable rooms per hectare are as follows:

- London Plan: 650-1100 habitable rooms per Hectare
- Interim Guidance: 650-1100 habitable rooms per Hectare

- 8.6 The scheme is for a density of 459 habitable rooms per hectare. As such, the scheme is not in excess of the density range. Moreover, the scheme shows none of the characteristics that are typically associated with an overdeveloped site. These include:

- Loss of privacy and overlooking
- Loss of light
- Sense of enclosure
- Insufficient rooms sizes
- Poor mix of units; and
- Lack of amenity space

- 8.7 The scheme is further justified on the basis of its quality as well as the regeneration benefit for the area. For example, the scheme achieves the following benefits:

- Code level 4 Sustainable Homes when the requirement is level 3,
- Exceeds the required carbon reduction as well as the required percentage of energy production by renewable means;
- The improved design to Ropewalk Gardens, the public square, new multi-sports pitch, and additional children's play areas;
- The scheme re-provides the 4,546 m² open space as currently exists;
- The provision of an enlarged 512sqm community centre;
- Provision of affordable and family housing in excess of policy requirements; and
- A planning contributions package including transport, health and education.

- 8.8 Maximising the efficient use of sites is further reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

"The council will resist any proposed housing development that results in an inefficient use or under-development of a site."

- 8.9 Overall the density of the scheme complies with policy and is acceptable.

Housing

- 8.10 The application is for a total of 214 residential (Class C3) units which are set out in the table below with the following mix when split into market, social-rent, shared-ownership tenures:

Units <i>(Habitable rooms)</i>	Market Sale	Social Rent	Shared Ownership
Studios	21 (21)	0 (0)	0 (0)
1 Bedroom flat	51 (102)	10 (20)	7 (14)
2 Bedroom flat	39 (117)	7 (21)	10 (30)
3 bedroom flat	39 (156)	20 (80)	5 (20)
4 Bedroom flat	0 (0)	5 (30)	0 (0)
Total Units	150 (396)	42 (151)	22 (64)
Total Affordable Units		64	(215)

8.11 The acceptability of the housing provision is assessed in terms of affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floorspace standards and provision of amenity space.

Affordable Housing

8.12 The LBTH Interim Planning Guidance requires affordable housing on schemes greater than the 10 ten units pursuant to Policy HSG3.

8.13 Based on habitable rooms, Policy CP22 'Affordable Housing' requires 35% affordable housing. The scheme exceeds this by providing 35.2% affordable housing based on habitable rooms.

8.14 Policy HSG10 'Calculating Provision of Affordable Housing' requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%. The subject scheme proposes 34% based on floor area which therefore complies with the Policy.

8.15 The requirement for affordable housing provision is further split into social rented and shared ownership tenures. A split of 80:20 is required pursuant to Policy HSG 4 'Loss of Housing' in the interim Planning Guidance whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 'Affordable Housing Targets'. The subject scheme provides 70:30 split and is considered acceptable and in line with policy. Overall, the proportion of affordable housing provision is acceptable

Family Housing

8.16 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership), although varying amounts are required in each.

8.17 CP21 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 26%. In the social-rent housing 45% is required and 60% is provided. In the market housing, 25% is required and 23% is provided. This corresponds to a total provision of 32% family housing provision across the whole scheme for which the Policy aspiration is 30%.

8.18 It is considered that the overall provision of affordable housing including family sized units accords with policy aspirations. Also, the application exceeds the amount of family housing

otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report. Therefore, it is a positive step towards LBTH achieving key housing targets and better catering for housing need as shown in the table below.

Table: Family housing provision comparison

Tenure	% LBTH Policy	% PA/08/305	% LBTH Annual Monitoring Report 2006/7
Social-rented	45	60	17.5
Intermediate (Shared ownership)	25	23	2.5
Market	25	26	4
Total	30	32	7

Wheelchair Housing and Lifetime Homes

- 8.19 Policy HSG9 ‘Density of Family Housing’ of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or “*easily adaptable*”. 10% of units are accessible in accordance with Lifetime Homes Standards and will be secured by an appropriately worded condition.

Amenity Space

- 8.20 All flats meet the minimum floorspace pursuant to Policy HSG 16 ‘Housing Amenity Space’ and ‘Residential Space SPG’ of the LBTH adopted UDP 1998.
- 8.21 In respect of outdoor amenity space, the application proposes 6571sqm (Excluding Ropewalk Gardens) amenity space comprising the following:
- 1600.5sqm is private amenity space including private gardens and balconies;
 - 425sqm private communal space in the form of rooftop terraces (Comprising Block A communal garden at 4th floor of 343sqm, and Block B communal garden at 6th floor of 82sqm)
 - 4,546sqm publicly open space (Excluding Ropewalk Gardens);
 - 335sqm designated children’s playspace (This is in addition to the existing children’s play area in Ropewalk Gardens)

The Policy requirements are summarised in the tables below

Residential Space SPG 1998 requirements (Excl Site B)

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	69	50sqm of private space per family unit	3450
Non-family units	145	50sqm plus an additional 5sqm per 5 non-family units;	195
Child Bed spaces	67.5	3sq.m per child bed space	202.5
Total			3847.5

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	18	6	108
1 Bed	66	6	396
2 Bed	55	10	550
3 Bed	55	10	550
4 Bed	0	10	0
5 Bed	0	10	0
TOTAL	194		1604
Ground Floor Units			
Studio	3	25	75
1 Bed	2	25	50
2 Bed	1	25	25
3 Bed	9	50	450
4 Bed	5	50	250
5 Bed	0	50	0
Total	20		850
Grand Total			2454
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	254
Total Housing Amenity Space Requirement			2708

8.22 The general amenity space provision across the scheme significantly exceeds the total required provision of the Adopted UDP 1998 and the Interim Planning Guidance. It is therefore considered acceptable on balance as meeting the needs of future occupiers.

The sports pitch replacement

8.23 As part of the open space provision, the existing sports pitch will be replaced by a new facility. The existing tarmac football pitch is of approximate dimensions 73m x 28m with an area of 2044sqm. It is in a poor state of repair, is not well maintained and does not conform to the standard dimensions for football pitches. In contrast, the replacement multi-sports pitch will be a high quality artificial surface. The dimensions 60m x 34m (total area 2040sqm) which conforms with standard dimensions for small football pitches. Whilst there is a reduction in the area of the pitch, the improved facility is considered to enhance the recreational opportunities for the area and is therefore acceptable.

Design

- 8.24 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look. Policy 4B.9 'Tall Buildings – Location' outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality. CABI and English Heritage Guidance on tall buildings as previously discussed in section 6, also informs the consideration of tall buildings.
- 8.25 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, as well as providing for safety and security for example. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere when accompanied by the appropriate justification. Generally, all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.26 The design is considered acceptable for the following reasons:
- The tall element of the scheme is located to the south of the site adjacent the railway and is much reduced in scale compared to the existing towers of the LBTH estate to the south;
 - The scheme, including the 14-storey tower and public square, are of high design quality. They offer a positive addition to the varied architecture pattern of urban development in this area. It is also noted that the site is not within or adjacent a conservation, nor are any listed buildings close by;
 - The building will be constructed from durable materials which will have a high quality finish and a pleasing appearance, offering visual interest and enhancement of the area;
 - The ground floor treatment, including the new public square and changes to Ropewalk Gardens, has been the subject of extensive consultation with the architect, landscape designer and developer. The scheme has been reviewed and influenced by the design by the LBTH Design and Conservation Team, Environmental Health Daylight and Sunlight Officer, Accessibility Officer, Parks and Landscape Team, Housing Officer, as well as the Metropolitan Police Crime Prevention Officer. Within the overall design, specific attention has been paid to the amenity for neighbours and future occupiers as well as the relationships between public and private areas at the ground floor. In addition, treatment of the public spaces, connectivity between them as well as the links through the site and with the surrounding area are welcomed. The scheme is supported as being a high quality and successful design solution;
 - The scheme successfully provides for the access and servicing needs of the development including refuse storage, refuse collection, bicycle storage and parking for people with a disability and car club parking. The level of provision complies with requirements and is appropriately located within the site. The area is also accessible with a Public Transport Accessibility Level of 5; and
 - Energy efficient and renewable measures have been incorporated into the scheme including green roofs and a Combined Heat and Power (CHP) system. This means the proposal exceeds the required carbon reduction percentage, as well as the percentage of energy to be generated by renewable means.
- 8.27 Overall, the design is considered to be of high quality and will contribute positively to regeneration of this area.

Amenity for Future Occupiers and Users

- 8.28 The consideration of amenity for future occupiers is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policy ST23 Housing of the adopted Unitary Development Plan 1998, Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.29 Amenity is also considered in the 'Housing' section of this report. In addition, the following details further demonstrate how the scheme provides for the amenity;
- The provisions of waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
 - The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
 - The provision of car parking, including spaces for people with a disability, is in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
 - A window to window separation distances range between 19.5m to 43m between Blocks A and B, exceeding the minimum 18m separation distance of the adopted UDP; and
 - A building design that addresses potential noise and vibration impacts in accordance with PPG24.
 - A building design that addresses microclimate (wind) impacts it being noted that:
 - The ground level pedestrian conditions entrances will remain safe for all users; and
 - The provision of soft landscaping will ensure suitable amenity of ground level recreational activity in square and ground floor amenity spaces of the Block B.
- 8.30 Overall, the amenity of future occupiers is satisfactorily addressed in accordance with Policy.

Neighbour Impacts

Privacy, overlooking, noise & general disturbance

- 8.31 No significant impacts are posed to neighbours, in particular, the following points should be noted:
- In respect of privacy/overlooking, the scheme provides adequate window-to-window separation distances in excess of 18m to neighbours including Walford House to the east in accordance with the LBTH adopted Unitary Development Plan 1998;
 - Where neighbouring buildings are in close proximity, for example, the future dwelling to the south of Block B, there are no directly facing windows or balconies between buildings. Therefore, there is no significant privacy/overlooking posed; and
 - In respect of noise and general disturbance, the additional residential units are not considered to give rise to any significant noise or general disturbance impacts to the surrounding area. Notwithstanding the change in location, any potential noise and disturbance associated with the new sports pitch and community centre are not considered to pose any significantly new or different impact in comparison to the existing facilities. Furthermore, it should be noted that any unreasonable or excessive noise and general disturbance from the future residential units, sports pitch and community use is controlled by the Environmental Protection Act 1990.

Loss of light

- 8.32 In considering the impact of light on surrounding properties, a daylight and sunlight report has been submitted in support of the application. Overall, it proves that there is no significant impact to neighbouring properties, other than to Walford House to the East.

- 8.33 In terms of the BRE (Building Research Establishment) guide to sunlight and daylight levels, the detailed analysis is summarised below:
- In terms of the initial Vertical Sky Component (VSC) test, Building B intersects the 25 degree line projected from Walford House. Therefore, a more detailed VSC and Average Daylight Factor (ADF) assessment was provided;
 - The detailed VSC test shows more than 27% reduction in light reaching the east facing windows of Walford House at ground floor to third floor. Amendments to increase the setback of Block B mean that the fourth floor of Walford House is not significantly affected. As such an ADF test was required to test the quality of light received by adjacent properties;
 - The Average Daylight Factor (ADF) test confirmed that all rooms, including living rooms, remain lit to a higher level than the minimum criteria.
- 8.34 Consequently, whilst the scheme poses some impact, it is not considered to be a significant enough deterioration to warrant refusal of the application on these grounds.
- 8.35 It is also important to recognise that Walford House currently enjoys a very open aspect with existing levels of light being almost as high as is possible to record. If Block B was designed to meet the initial VSC test for Walford House, it could only be a couple of storeys high. This is inappropriate given the following circumstances:
- The scale and character of development in the immediate area,
 - The central London location,
 - The public transport accessibility; and
 - The regeneration benefits of the scheme.
- 8.36 In terms of overshadowing of open space, it should be noted that the intervening area between Block B and Walford House is merely an open grassed area. It does not comprise private gardens nor a formal public space. Therefore, any shadowing of this space is not a significant issue in the assessment of the application.

Loss of outlook

- 8.37 The development will not result in a significant reduction to the outlook of neighbours, other than for the future dwelling on land bound by Network Rail track, Golding Street and the existing sports pitch. See section 4 of this report for details. The outlook from the north facing habitable room windows will be altered as a consequence of Block B. However, Block B has been designed with an awareness of this future building. Separation and openness in its relationship to the future dwelling have been maximised. The future dwelling will also benefit from the outlook and openness created by the public square. In addition, the consideration of the impact to outlook for one dwelling must be balanced by the regeneration benefits of this scheme to the area as a whole. It is considered that a suitable and appropriate balance has been achieved without an unreasonable loss of outlook.

Transport

- 8.38 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), Policies ST25, ST28, ST30, of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the LBTH Interim Planning Guidance 2007.
- 8.39 No significant traffic, parking and servicing impacts are identified as part of this scheme. The scheme provides for the following:
- 2 x accessible parking spaces for people with a disability;
 - 3 x car club parking spaces;
 - 244 cycle parking spaces including spaces and power-points for mobility devices for people with a disability;

- Access and turning for service/waste vehicles to the satisfaction of the LBTH Highways Team;
- Planning contributions which will improve the pedestrian links and connectivity to the surrounding area; and
- A car free agreement which will prevent future residents from applying for parking permits, thereby impact to parking pressure.

8.40 The scheme involves the stopping up of Golding Street. The Council's Highway Team has considered this matter in detail and considers it is acceptable. It is noted that the dwelling to the south of Block B as well as the commercial premises in the railway arches will retain vehicular access through the viaduct to Cable Street to the south. This access will be improved with monies secured as part of the s106 planning contributions.

8.41 The scheme is therefore considered acceptable on these grounds.

Environmental Assessment (EA)

8.42 A screening opinion was sought for this site and confirmed that an Environmental Impact Assessment was not required. Nevertheless, the application is supported by a range of technical reports identified in section 1. Sections 6 and 8 of this report outline the relevant considerations. Appropriately worded conditions have been recommended where they are applicable.

S106 Planning Contributions

8.43 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.

8.44 Planning obligations can be used in the following three ways: -

- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
- (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.45 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

8.46 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *"where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be"*.

- 8.47 Similarly the circular states that decisions on the amount of contributions “*should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place*”.
- 8.48 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.49 Following LBTH negotiations, the agent has agreed to contribute £5,000.00 per unit as well as the 35.2% affordable housing provision. The breakdown is discussed in more detail below. Note that the provision of the £1,230,000.00 community centre and £250,000.00 multi-sports pitch are in addition to the planning contributions and are separately secured as part of the contract for sale. This equates to £2,550,000.00 of capital investment in the development and regeneration of the area.
- 8.50 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £1,352,636.00 (Capital = £300,417.00, Revenue = £1,052,219.00) towards primary care needs of future residents. Given the range of contributions being sought for this site and the five tests of the Circular 05/2005 as well as recent planning appeals, it is considered that seeking only the capital component can be readily justified as discussed below in more detail.
- 8.51 Doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
 - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.52 In summary, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet; and
 - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; ie:
 - There are no details of capacity of health services in an area, need or slack in the system;
 - The model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
 - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.53 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, they felt the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.
- 8.54 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.
- 8.55 The request from the PCT shows no real evidence of the capacity, need or slack of existing

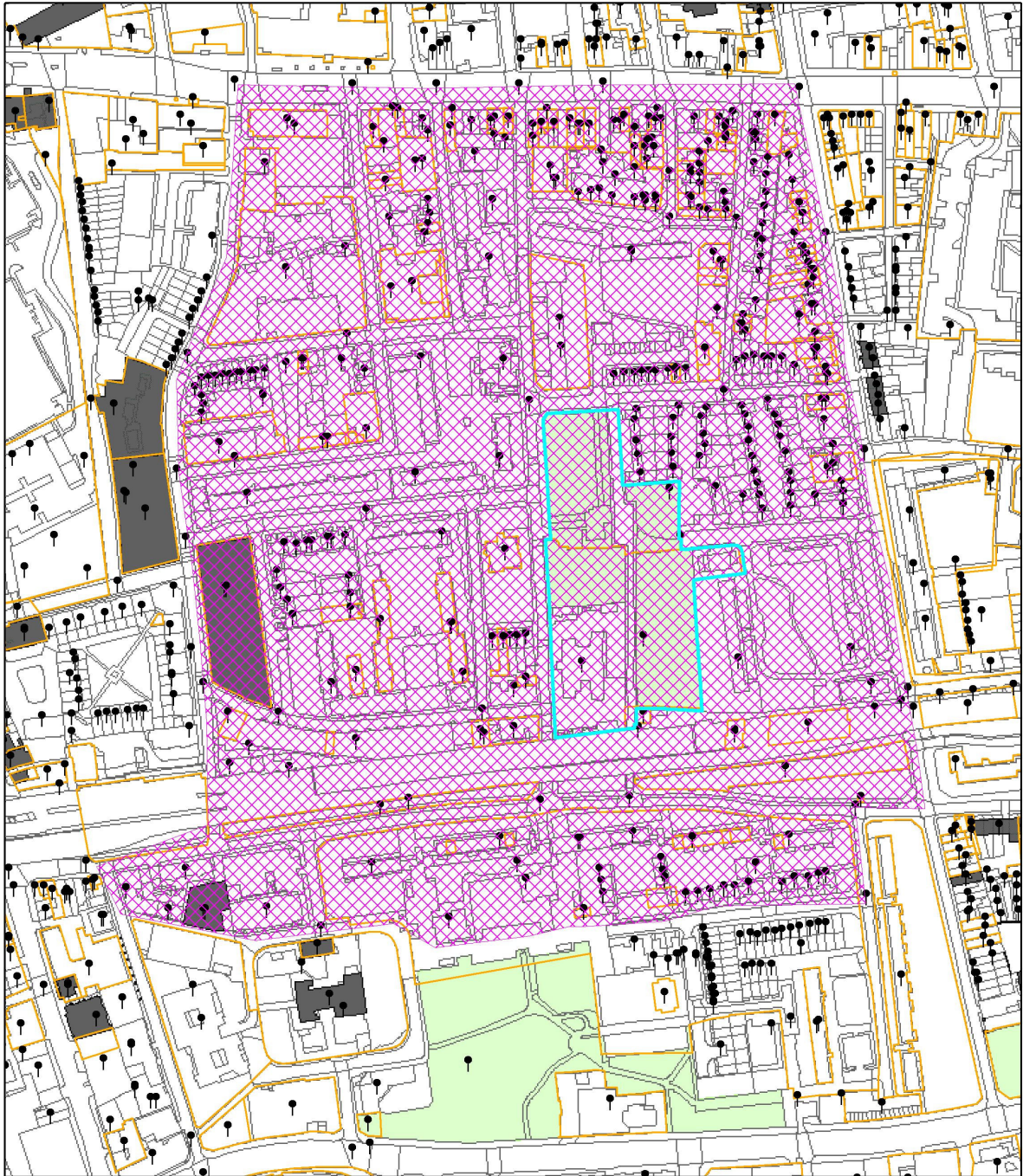
health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified. In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.

- 8.56 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. The capital contribution sought however is considered to be satisfactory. Given these matters and the overall monies available, **£300,417.00** can be allocated to healthcare.
- 8.57 In respect of an education contribution, the LBTH Education section indicates that the proposed development will generate the need for an additional 30 school places. The developer will be asked to contribute **£370,260.00** towards the education needs of future residents not covered by existing provisions. This represents the full contribution requested by LBTH education.
- 8.58 In respect of affordable housing, the scheme comprises of 35.2% affordable residential units, and includes 1, 2, 3, 4 bedroom apartments, with a split of 70:30. A summary table as well as discussion of the provision is provided previously under 'Housing'.
- 8.59 In respect of transport, the Traffic and Transportation Team advises **£122,000.00** is needed for works to improve the connectivity of the site. In addition, TFL/DLR has also identified the need for DAISY information system which requires a contribution of **£20,000.00**.
- 8.60 In addition to the community centre, the scheme provides **£257,323.00** capital funding for community initiatives. The funding would be administered by a group including representatives of the developer, LBTH, the Local Area Partnership (LAP) as well as representatives of the community facility.
- 8.61 There will also be standard S278 highway improvements/ modifications, including: new access points, modification of existing access points and general repaving as required.
- 8.62 A 'Car Free' agreement is recommended restrict the occupants from applying for residents parking permits in the area.
- 8.63 Other heads of terms include Transport Assessment, TV reception monitoring and impact mitigation, employment/training initiatives.
- 8.64 Overall, the contributions package is considered to be acceptable, in line with the guidance of the Circular and will mitigate the impacts of the development.

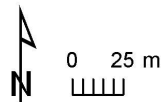
9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568