

Committee: Development	Date: 30 th July 2008	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/00681	
		Ward(s): Weavers	

1. APPLICATION DETAILS

Location: 151-157 Gosset Street, London, E2 6NR
Existing Use: Vacant Industrial
Proposal: Demolition of existing buildings and construction of 51 residential units within buildings rising from two to six storeys together with associated cycle parking and accessible landscaped roof garden.
Drawing Nos: 6006 – D 1002-rev02, 6006 – D 4100-rev09, 6006 – D 4101-rev05, 6006 – D 4102-rev04, 6006 – D 4103-rev04, 6006 – D 4104-rev04, 6006 – D 4105-rev04, 6006 – D 4106-rev02, 6006 – D 4700-rev04, 6006 – D 4701-rev04, 6006 – D 4702-rev07, 6006 – D 4703-rev04, 6006 – D 4500-rev01, 6006 – D 4501-rev00, 6006 – D 4900-rev11, 6006 – D 4901-rev11.
Applicant: Barratt Homes (East London Division)
Owner: Shougre Ahmed
Historic Building: N/A
Conservation Area: N/A (However, the site is adjacent to Jesus Hospital Estate Conservation Area).

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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2 • The proposal is in line with Mayor and Council's policy, as well as government guidance, which seeks to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 • The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.4 • The loss of the employment use on site is acceptable because the site is unsuitable for

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

continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.4 and 3B.8 of the London Plan (Consolidated with Alterations since 2004) and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.

- 2.5 • The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The quantity and quality of housing amenity space and the communal/child play space strategy is considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12, HSG16, and OS9 of the Council's Unitary Development Plan 1998 and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents, without adversely impacting upon the existing open space.
- 2.7 • The safety and security of the scheme is acceptable and in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.8 • The building height, scale, bulk and design is acceptable and in line with Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • The proposed development will provide appropriate contributions towards the provision of affordable housing, health care, education facilities and open space in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 35% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site
2. A contribution of £51,000 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £98,736 to mitigate the demand of the additional population on education facilities.
4. Provide £50,000 towards open space improvements at Warner Green to relieve the pressure that may arise from the new dwellings.
5. A total contribution of £61,619 towards upgrading part of Durant Street adjacent to the development site, including:
 - the relocation of bollards and construction of shared surface on the south of Durant Street to permit vehicular turning;
 - the repaving/upgrade of the pavement on the east side of Durant Street; and
 - carriageway resurfacing and public realm improvement on Durant Street.
6. Completion of a car free agreement to restrict occupants applying for residential parking permits, apart from disabled users.
7. TV reception monitoring and mitigation;
8. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

3.4 That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years
2. Details of the following are required:
 - Samples of materials for external fascia of building;
 - A 1:20 scale north elevation that includes all specifications, fencing, rainwater pipes, external details (including samples);
 - 1:10 typical details for windows, balcony, and elevation bay where interface between timber panels and brickwork is visible (including samples);
 - 1:5 details for roof railing, top storey metal cladding detail (including samples); and
 - Detailed landscape plan for roof-top amenity space (including samples).
3. Landscape Maintenance and Management Plan. Native species should be implemented
4. Parking – 0 car parking spaces and a minimum of 66 cycle spaces
5. Archaeological investigation
6. Investigation and remediation measures for land contamination (including water pollution potential)
7. Full particulars of the following:

- Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
8. Details of the site foundations works
 9. Construction Environmental Management Plan, including an Air Quality measures
 10. Sustainable design measures and construction materials, including of energy efficiency and renewable measures.
 11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays. No work on Sundays or public holidays.
 12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 13. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
 14. Preparation of a Travel Plan
 15. Details of Refuse Management Plan
 16. Highway works surrounding the site to be submitted to and approved by the Council.
 17. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 6. Environment Agency Advice.
 7. Environmental Health Department Advice.
 8. Metropolitan Police Advice.
 9. Thames Water Advice.
 10. Highways Department Advice.
 11. Advertising signs and/or hoardings consent.
- 3.5 That, if by 30th October 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Head of Development Decisions be delegated authority to refuse planning permission.

4. PROPOSAL

- 4.1 The applicant seeks to respond to reasons for refusal on the previous planning application which comprised the erection of buildings rising from 2 to 10 storeys to provide a total of 66 units.
- 4.2 The application comprises the demolition of the existing buildings and the erection of buildings rising from 2 storeys to 6 storeys to provide a total of 51 units. The scheme was originally proposing 52 units, however, to address design comments raised by the Council, the scheme has been amended which has resulted in the loss of one unit.

Site and Surroundings

- 4.3 The application site, which extends to 0.13 hectares, is located on the corner of Gosset Street, Durant Street and Wellington Row and is currently occupied by two industrial buildings which stand between one and two storeys in height.
- 4.4 The main building which fronts onto Gosset Street previously housed a bakery. The other building was utilised by a variety of industrial uses, including creative industries. Both buildings are now vacant and appear to be occupied by squatters.
- 4.5 The part of Durant Street adjacent to the proposed building is currently closed to vehicular through traffic at the junction with Wellington Row. Notwithstanding, Durant Street remains a

public road and does not fall within the application site boundary.

- 4.6 The surrounding area is residential in character. The predominant dwelling types are flats and houses which vary greatly in terms of their mass, scale and design. In particular, Yates House, located directly to the south of the site, is an 11 storey, 1960s Council block.
- 4.7 To the east of the site is a grassed area, Warner Green. To the east of Warner Green is a four storey development. To the North of the site is Wellington Row which comprises of a row of two storey terraced properties. The northern side of Wellington Row, as well as Warner Green, fall within the Jesus Hospital Estate Conservation Area.
- 4.8 The site itself adjoins an area of amenity space to the west, as well as a five storey residential development which runs along the southern side of Wellington row.

Relevant Planning History

4.10 The following planning decisions are relevant to the application:

- 4.11 PA/07/1959 Application for the demolition of existing buildings and construction of 66 residential units within buildings rising from 3 to 10 storeys together with associated landscaping works; was refused for the following reasons:
1. The proposal, by reason of its height and massing, would fail to either preserve or enhance the character and setting of the Jesus Hospital Estate Conservation Area; and
 2. The proposed dwelling mix, by reason of the limited number of family accommodation units in the market element, does not accord with local and London-wide policy and need requirements set out for mixed tenure developments. As such, the proposed mix is unacceptable.
- 4.12 TH/2989/11272/PM Change of use of premises to light industry
(6 December 1979)
- 4.13 TH/2989/14397/PM/DJ Change of use from public highway to vehicle parking and loading area including erection of single storey extension and boundary fence (Part of Durant Street, by 151 – 157 Gosset Street) (OFFICER COMMENT: This application does not appear to have been implemented in accordance with the conditions of development, where the Highways Department have confirmed that Durant Street is a public road)

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:
- 5.2 **Unitary Development Plan (as saved September 2007)**
Proposals: Not subject to site specific proposals
The proposed development falls within the background area of the view of St Paul’s Cathedral from Westminster Pier.

Policies: Environment Policies

DEV1 Design Requirements
DEV2 Environmental Requirements

DEV3	Mixed Use development
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Developments
HSG16	Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Pedestrian
T21	Existing Pedestrians Routes

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

Proposals: As above

Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Small Businesses
	CP10	Strategic and Local Industrial Locations
	CP11	Sites in Employment Use
	CP12	Creative Industries
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP36	Water Environment and Waterside Walkways
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP50	Views

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Water Quality
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
DEV14	Public Art
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
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
EE2	Redevelopment /Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
OSN2	Open Space
CON2	Conservation Area
CON5	Views
CFR1	Spatial Strategy
CFR2	Transport
CFR3	Health
CFR4	Education
CFR5	Open Space
CFR6 & 7	Infrastructure
CFR38	Residential
CFR39	Design
CFR40	Public Realm

5.4 Supplementary Planning Guidance/Documents

Designing Out Crime
Residential Space
Landscape Requirements
Archaeology and Development

5.5 The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy

2A.1	Sustainability Criteria
2A.5	Opportunity Areas
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and

	community facilities
3B.4	Industrial Locations
3B.8	Creative Industries
3C.1	Integrating Transport And Development
3C.23	Parking Strategy
3D.13	Children and Young People Play Strategies
4A.4	Energy Assessment
4A.7	Renewable Energy
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
4B.11	Built Heritage
4B.12	Heritage Conservation
4B.16	London View Protect Framework
4B.17	View Management Plans
4B.18	Assessing Development Impact On Designated Views
5C.1	The Strategic Priorities For East London

5.6 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG15	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Planning & Noise

5.7 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
- A better place for learning, achievement and leisure
- A better place for excellent public services

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:

LBTH Cleansing

6.2 The cleansing department has no objections. However, they raise the following points for clarification:

- Why are there two alternative bin stores? Both seem ok, but one has the exact number required (9) and the other has 10 but with a different layout inside the chamber. The alternative proposal is considered to be more appropriate as it has the correct number, although they wouldn't object to one extra, and the layout has a better configuration between the recycling and refuse containers
- The applicant will need to ensure that the collection point is free of parking and has a level surface or dropped kerb. Will the doors/gates at the exit point be secure?

6.3 (Officer Comment: A drop kerb has been provided which will be kept free of parking as there are parking restrictions currently in place. The bin store has also been amended to provide 9 bins as requested).

LBTH Crime Prevention Officer

- 6.4 The recess to the private and affordable block entrances may cause safety and security concerns and needs to be designed out.
- 6.5 The design of the ground floor balconies and railings should be designed to prevent non-residents opportunities to climb to upper first floor balconies and for seating. In accordance with Secure by Design Standards (SBD), all the balconies should incorporate PAS 23/24 doors, BS 7950 windows, laminated glass to 6.8mm (not 6.4mm), window locks and window restrictors.
- 6.6 There is no mention of height of boundary railings, particularly to the North and West elevations
- 6.7 (Officer Comment: The applicant has amended the scheme to address the lobby entrance issue by moving it forward to reduce the amount of recess. The applicant has confirmed that they will comply with the SBD standards in all accessible locations, which are likely to be at ground floor level. In terms of providing defensible space, the units on the corner of Durant Street and Gosset Street have been setback to provide defensible space for new residents. The Crime Prevention Officer has confirmed that the amended plans have dealt with all of his concerns).

LBTH Education

- 6.8 The education department identified a requirement for a contribution towards 8 primary places @ £12,342 = £98,736.

LBTH Energy Efficiency Unit

Energy Comments

- 6.9 The energy demand assessment of the development has been calculated using SAP2005 calculation method and the non-regulated energy use has been included from BREDEM-12 calculation to represent the whole energy use by the development. Passive design and energy efficiency measures proposed for this development results in 5.25% carbon dioxide emissions reduction.
- 6.10 A combined heat and power (CHP) system or a communal heating system has been assessed not to be suitable for this development as the development is relatively small (52 residential units). Air Source Heat Pumps (ASHP) have been selected to provide domestic hot water and heating (via wet central heating system). Individual ASHP are proposed for each dwelling and are predicted to provide a 20.31% carbon dioxide emissions reduction.
- 6.11 ASHP work in the same way as Ground Source Heat Pumps (GSHP), where it utilises the outside air and converts it in to heat energy. Therefore ASHP can be regarded as a renewable energy source.
- 6.12 The energy strategy proposed reduces carbon dioxide emissions by 25.51% from the baseline. As such, the energy strategy was found to be satisfactory.

Sustainable Design and Construction Comments

- 6.13 As a condition of Housing Corporation funding, the affordable units are required to meet Eco Homes 'Very Good' rating. To demonstrate compliance with Sustainable Design and Construction policy, the applicant has agreed to meet Eco Homes 'Very Good' rating across the whole development. An Eco Homes pre-assessment has been submitted demonstrating the development achieves an Eco Homes 'Very Good' rating across the whole development.

Eco Homes is a certification scheme where the final assessment is verified by the awarding body (i.e. Building Research Establishment) with certificates. It is therefore recommend the Eco Homes assessment is accepted with a condition to provide confirmation and evidence of certification that the development has achieved the required Eco Homes 'Very Good' rating, prior to the occupation of the building.

LBTH Ecology

- 6.14 No response.
- 6.15 (OFFICER COMMENT: This matter has been addressed later in the report. Notwithstanding, the site is void of vegetation).

LBTH Environmental Health

Contaminated land

- 6.16 No comment.
- 6.17 (Officer Comment: In line with the previous scheme, the development must be conditioned to ensure the developer carries out a site investigation to investigate and identify potential contamination)

Air Quality

- 6.19 The scheme should be conditioned appropriately
- 6.20 (OFFICER COMMENT: The scheme will be condition appropriately)

Noise

- 6.21 No objection.
- 6.22 (OFFICER COMMENT: This matter has been addressed later in the report)

Sunlight

- 6.23 No response.
- 6.24 (OFFICER COMMENT: This matter has been addressed later in the report).

LBTH Highways

- 6.25 All doors along the frontage of the development must not open out onto the highway for pedestrian safety reasons. The developer must make changes to the substation doors in order to accommodate this requirement.
- 6.26 (Officer Comment: The plans have been amended accordingly)
- 6.27 A section 106 car free agreement will apply to all future occupiers. A section 106 agreement will ensure that residents do not have access to residential parking, promote sustainable transport options and minimise any impact on the public highway.
- 6.28 (Officer Comment: This has been secured through the section 106 agreement)
- 6.29 Section 106 contribution of £61,619, including:

- Relocation of bollards and construction of shared surface on the South of Durant Street to permit vehicular turning;
- Repaving/upgrade of the pavement on the east side of Durant Street; and
- Carriageway resurfacing and public realm improvement on Durant Street

LBTH Landscape

6.30 No comment.

6.31 (OFFICER COMMENT: LBTH Landscape comments on the previous scheme required the conditioning of the scheme to provide a management plan with suitable on-going maintenance arrangements for the roof-top terrace. As such, this has been condition appropriately).

Environment Agency (Statutory)

6.32 No objection, subject to condition.

English Heritage – Archaeology

6.33 No response

6.34 (OFFICERS COMMENT: An archaeology condition has been attached to the application).

London Borough of Hackney

6.35 No objection.

London Fire and Emergency Authority

6.36 No information has been given that addresses Access and Water Supplies. Further information is required to ascertain if the proposal will provide a 'Dry Rising Main'.

6.37 (Officer Comment: The applicant liaised further with the fire authority and upon further assessment the fire authority advised that there are no additional or alterations required to the existing fire hydrants nor is a dry rising main required).

6.38 The existing closure of Durant Street may have an impact on the servicing of the development.

6.39 (Officer Comment: The Fire Authority has since advised that where Durant Street is blocked off at the junction with Wellington Row and is an existing situation this specific matter falls outside the scope of their consultation).

Thames Water Utilities

6.40 No objection was raised regarding sewerage and water supply infrastructure capacity to service the development. Recommended a number of conditions and informatives to ensure that foul and/ or surface water discharge from the site and water pressure is appropriately addressed.

Tower Hamlets PCT

6.41 No comment.

6.42 (OFFICER COMMENT: On the previous scheme, the PCT indicated that the application site would require a contribution of £306,716 towards primary care needs of residents. The PCT

were requested to provide further evidence to justify the reasonableness of their request. However, this had not been provided. The contribution requested by the PCT consisted of £62,200 towards capital planning contribution and £244,516 towards revenue planning contribution. In the absence of justification from the PCT, the planning department recommended to the committee that that the revenue planning contribution could not be justified. As such, the applicants proposed contribution of £66,000, which exceeded the capital planning contribution, was considered acceptable by the Planning Department and the Development Committee. Based on these figures, a prorate value of £51,000 towards capital contribution is considered acceptable, particularly in light of recent planning approvals).

7. LOCAL REPRESENTATION

7.1 A total of 351 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:

No of individual responses:	Objecting: 133	Supporting: 0
No of petitions received:	0	

7.2 The following local groups/societies made representations:

- Jesus Hospital Estate Residents' Association

7.3 The following summary of issues were raised in representations that are considered to be material to the determination of the application, and they are addressed in the next section of this report:

Land Use

- The proposed density is too high and will negatively impact on social and physical infrastructure of the area (i.e. roads, public open space, transport, schooling, medical, etc);
- Lack of affordable housing unit;
- Loss of creative industry and employment uses; and
- The application should not include the part of Durant Street adjacent the site, or Warner Green.

Design

- The height, mass, bulk and scale, including the roof design and external materials, will have an unacceptable impact upon the context of the surrounding area, including the character and setting of the adjacent Jesus Green Conservation Area;
- Inadequate provision of amenity space and child play space;
- The height and design quality of Yates House should not be regarded as a design precedent for a tall building on the proposed site;
- The small footprint of the site cannot accommodate a housing development of this scale;
- The roof garden;
- The development is built right up to the site boundary; and
- Small unit sizes and poor design.

Amenity

- Loss of daylight and sunlight;
- Overshadowing;
- Loss of privacy/ overlooking;
- Safety concerns due to higher densities;
- Increased noise;
- Increased disruption due to construction;
- Impact on views/ outlook; and
- Sense of enclosure.

Highways

- There is no provision for car parking spaces;
- Impact on footpaths/cycle route;
- Limited access to the waste facility; and
- The TA doesn't address the construction process.

Other

- Inadequate consideration given to sustainability.

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

- The motive for the development is to maximise profits
- Flaws in the applicants public consultation process
- The site is only vacant because of the developers direction
- The conservation area is used often for filming. An unsympathetic development may cause this industry to look else where, depriving the area of valuable income.
- Insufficient time to consider the application

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

- Land Use;
- Design;
- Amenity;
- Highways; and
- Other

Land Use

Principle of Residential Development

8.2 The proposed scheme includes the demolition of the existing industrial uses on the site, to provide a residential development. In accordance with polices 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The London Plan housing target (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19 of the Interim Planning Guidance).

8.3 The Site is designated for residential development according to the Weavers sub-area within the Interim Planning Guidance City Fringe Area Action Plan. Accordingly, the site is

considered to be appropriate for residential use, particularly, considering the surrounding land use is residential. The proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of London Plan and Interim Planning Guidance (IPG).

- 8.4 The community response to the proposed change of use from employment to residential has been varied. Whilst a number of residents welcome the change in use there are also a number of residents who are opposed to the change. Careful consideration must therefore be given to the proposed loss of employment, which has been assessed below.

Loss of Employment

- 8.5 According to paragraph 35 of PPS4, land and buildings currently or last used for industrial purposes will be assessed to see if it is a vital local industrial land resource which must be maintained.
- 8.6 Policy 3B.4 of the London Plan states that the release of surplus employment land for other uses should be managed in the light of strategic and local assessments of demand. Chapter 10 (supporting paragraph 10.4) of the IPG identifies that the Council has rationalised industrial land within the Borough, of which the site is not allocated.
- 8.7 Further, the Sub Regional Development Framework for East London advises that particularly in East London, there is more provision for economic activity than is necessary to meet future demand. In terms of future land required for industry and warehousing, the document also considers that in East London, some 500 ha of industrial land can be released to other uses between 2001 and 2016 (paragraph 131, p 35)
- 8.8 The Site is not a Strategic Employment Site according to the London Plan or in a Local Employment Location for employment in the UDP. There is no specific land use designation for the Site according to the proposals map of both the Unitary Development Plan and the Interim Planning Guidance. Further, the retention of industrial use on the site is not considered appropriate when considering policy CP11 of the Interim Planning Guidance. In fact, the Interim Planning Guidance City Fringe Area Action Plan designates the site for residential development, not mixed use development.
- 8.9 The Planning Statement submitted by the applicant states that the site is a vacant industrial premises, previously used as a bakery and timber yard. Under the previous application, following representations raised by the public, it was identified that the existing buildings were sublet out to a number of creative industry uses on an informal basis. Notwithstanding, I have been advised that all tenants no longer operate from the premises and it is understood that squatters are currently utilising the premises.
- 8.10 Policy 3B.8 of the London Plan and policies CP12 and CFR1(g) of the Interim Planning Guidance and City Fringe Area Action plan (Respectively) seek to retain and protect existing creative industry clusters. Specific sites are not identified within the London Plan though it recognises that the City Fringe is an important creative industry cluster area for London. According to the Interim Planning Guidance and City Fringe Area Action plan, the site is not located within a creative industry cluster.
- 8.11 In accordance with policies CP11 and EE2 of the Interim Planning Guidance, a change of use is permitted where the applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
- 8.12 A report has been submitted that shows that the current demand/supply dynamics for industrial stock would support the loss of the site from an employment use and that there are better alternative locations for existing and potential tenants requiring industrial-related floor

space. Further, a health and safety audit of the joinery site which confirmed that the activities undertaken do not meet health and safety standards. The building was found to be un-fit for purpose. This would conflict with policy CP9 of the IPG which seeks to promote small businesses in appropriate locations that are of high quality.

- 8.13 In view of the above comments and the fact that the site is not designated for industrial uses in the London Plan, UDP or the IPG, it is not considered that there are any land use reasons that would sustain a reason for refusal in this instance. It must be noted that when the previous scheme on this site was presented to the Development Committee last year, the Committee did not object to the scheme on land use grounds.
- 8.14 The Council has received representations from residents objecting to the loss of creative industries. However, whilst the site may have been historically used for industrial uses and in considering the arguments made above, the planning department is of the opinion that there is insufficient policy justification for the refusal of the scheme based on the loss of the existing industrial uses from the site.
- 8.15 In light of the Mayor's objective to increase the provision of residential accommodation within London, the development of this site for residential housing is considered acceptable.

Density

- 8.16 The Site has a net residential area of approximately 0.13 hectares. The proposed residential accommodation would result in a density of approximately 392 units per hectare and 1192 habitable rooms per hectare (hr/ha). In comparison to the density of the previous scheme, the proposed density represents a reduction of 216 habitable rooms.
- 8.17 In accordance with TfL's public transport accessibility level (PTAL) map, the site appears to be on the border of PTAL level 3 and 4. According to policy 3A.3 of the London Plan, and the Interim Planning Guidance City Fringe Area Action Plan (CFAAP), the suggested density range for this site is 300 – 1100 habitable rooms per hectare (hr/ha).
- 8.18 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's Interim Planning Guidance is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.19 Residents have considered that this application results in an unacceptable increase in density and overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an impact on the following areas:
- Access to sunlight and daylight;
 - Small dwelling units;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation;
 - Detrimental impact on social and physical infrastructure;
 - Visual amenity;
 - Lack of open space; and
 - Poor housing mix.

These issues are all considered in detail later in the report and were considered to be acceptable.

- 8.20 Policies CP20 and HSG1 of the Interim Planning Guidance seek to maximise residential densities on individual sites; taking into consideration:

- the local context and character;
- residential amenity;
- site accessibility;
- housing mix and type;
- achieving high quality, well designed homes;
- maximising resource efficiency;
- minimising adverse environmental impacts;
- the capacity of social and physical infrastructure and open spaces; and
- to ensure the most efficient use of land within the Borough.

8.21 On review of these issues, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The proposal is of good design quality and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The proposals housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education and open space have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with reasonable access to public transport services, open space and other local facilities. The site also has good access to cycle pedestrian linkages. Further, Thames Water has confirmed there is adequate sewerage and water capacity to meet the needs of the development.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan. Also, a section 106 agreement will be implemented to prohibit any overspill parking from the residential development as well as monitor and mitigate any potential impact on TV reception.

8.22 Again, it must be noted that when the previous scheme on this site was presented to the Development Committee last year, the Committee did not object to the scheme on density grounds.

Housing

- Housing Mix

8.23 The scheme is proposing a total of 51 residential units.

8.24 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms.

8.25 Pursuant to policy 3A.5 of the London Plan the development should:

“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.

8.26 The GLA housing requirements study identified within the Mayor’s Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is

inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.27 Paragraph 20 of Planning Policy Statement 3 states that

“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.

8.28 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2006, which reflects the Boroughs current needs, inline with the London Plan SPG for Housing:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	LDF %	units	%	LDF %	units	%	LDF %
1 bed	20	2	18.2	20	2	50	37.5	16	44.4	37.5
2 bed	15	2	18.2	35	1	25	37.5	12	33.4	37.5
3 bed	13	4	36.3	30	1			8		
4 bed	1	1	9.1	10	0			0		
5 Bed	1	1	9.1	5	0			0		
6 Bed	1	1	9.1	0	0	25	25	0	22.2	25
TOTAL	51	11	100	100	4	100	100	36	100	100

8.29 Policies CP21 and HSG2 and of the Interim Planning Guidance 2006 identify that there is a significant deficiency of family housing, particularly within this part of the Borough. However, the policies identify that family housing is needed mostly within social rented housing. The scheme exceeds the Councils targets for family units in the affordable rented mix, providing 63.6% against a target of 45%.

8.30 Notwithstanding this, the Development Committee considered the previous schemes dwelling mix, by reason of the limited number of family accommodation units in the market element, to be unacceptable in accordance with local and London-wide policy and need requirements. As such, the applicant has also increased the provision of family housing to 25% in the intermediate and 22.2% in the market housing components to address the concerns raised by the previous Development Committee.

8.31 The scheme provides a slightly higher provision of 1 bed units from the policy guidance targets. Notwithstanding, it is accepted that the consequence of the high proportion of family accommodation will result in a higher percentage of 1 bed units.

8.32 On balance, where the scheme provides a suitable range of housing choice and meets the needs of family housing in both the affordable and private housing components, the proposed housing mix is considered to comply with national guidance, the London Plan and the Interim Planning Guidance in creating a mixed and balance community.

- **Affordable Housing**

- 8.33 Policies 3A.7 and 3A.8 of the London Plan states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and in line with the Borough's own affordable housing targets.
- 8.34 Policy CP22 of the Interim Planning Guidance states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision.
- 8.35 The scheme provides a total of 15 affordable units and 35.48% on a habitable room basis.
- 8.36 As such, the scheme is compliant with the Council's policy and is considered to be acceptable. Again it is to be noted that the previous scheme provided a total of 35% affordable housing, which the Development Committee deemed to be acceptable.

Social Rented/ Intermediate Ratio

- 8.37 The following table summarises the affordable housing social rented/ intermediate split proposed against the London Plan and Interim Planning Guidance:

Tenure	Habitable Rooms	London Plan	IPG
social rent	44 (80%)	70%	80%
shared ownership	11 (20%)	30%	20%
total	55(100%)	100%	100%

- 8.38 Where the scheme is proposing an 80:20 split, it is compliant with the Interim Planning Guidance. Accordingly, the ratio is considered acceptable.

DESIGN

- 8.39 The site is on the edge of Jesus Hospital Estate Conservation Area. The present development does little to make an active contribution to the urban environment. In fact, a number of residents are in support to the demolition of the existing development. However, there is objection to the proposed development, where the residents are of the opinion that the proposed buildings do not reflect the scale, grain or character of the surrounding area.
- 8.40 As mentioned earlier in this report, the Development Committee refused the previous scheme where they considered that the development, by reason of its height and massing, would fail to either preserve or enhance the character and setting of the Jesus Hospital Estate Conservation Area contrary to PPG15 and policies CP49 and CON2 of the Interim Planning Guidance (2007).
- 8.41 The applicant has sought to address the Committees concerns, in particular, through the reduction in height from 10 storeys to a maximum of 6 storeys, as well as amending elevation detailing. The Council's Development and Renewal Department, including the Design and Conservation team, are now of the opinion that the buildings height, scale, bulk and quality of design is appropriate for this location. This opinion is examined in detail below.

Design Merits

- 8.42 Good design is central to all the objectives of the London Plan. Chapter 4B of the London

Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.

8.43 The design of the scheme has been considered in response to the character of the Conservation Area. As such, the following policies and guidance notes will also need addressing.

8.44 Paragraph 4.14 of Planning Policy Guidance (PPG)15 states that

"the desirability of preserving or enhancing the conservation area should, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area"

8.45 Supporting paragraph 4.20 states that,

"as to the precise interpretation of 'preserve or enhance', the Courts have held that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed".

8.46 The intent of PPG15 is established within the relevant policy of the Interim Planning Guidance. Policy CON2(2) states that development proposals that would affect the setting of a conservation area will only be granted where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.47 In considering the above mentioned policy and guidance, the character and appearance of the Jesus Hospital Estate Conservation Area must be identified.

8.48 The Jesus Hospital Estate was designated a conservation area in 1985. The character of the Conservation Area is very uniform in character and appearance: it largely comprises long two-storey terraced houses, constructed in the 1860's from yellow brick. The terraces are not set back but directly abut the pavement line. Much of the character of the terrace is gained from its overall uniformity and rhythm, its height, bay, width, arched window heads, consistent setback, matching materials and details.

8.49 The Jesus Hospital Estate Conservation Area contains three main areas of significant public open space, namely Jesus Green, the Ion Square Gardens and Warner Green Open space- the gardens to the south and eastern edge of the Conservation Area, terminating at Gosset Street.

8.50 The settings of Conservation Area is affected by nearby and distant tall buildings. The closest is Yates House (11 storeys). This is dominant in views south down Durant Street. It is also visible, but less dominant, in views from Ion square Gardens and Jesus Green.

8.51 To respond to concerns raised by the Development Committee on the previous scheme, the 10 storey tower has been removed and the building reduced in height to a maximum of 6 storeys to reflect the height of the surrounding buildings. The design massing approach, to divide the site in three distinct massing blocks and addressing site edge is welcome as a general concept to allow transition in building height and minimise impact on terrace along Wellington Row. In massing terms, the approach has been successful and presents appropriate scale for the immediate site context. In local views in and out of Conservation Area, the proposed scale, materials and massing is acceptable. At the immediate edge of

Wellington Row, the massing concept will present positive edge with residential entrances echoing character of the terrace opposite.

- 8.52 The LBTH design and conservation officer has confirmed that the development principles, including massing, height, appearance, and the roof-top amenity area, are sympathetic to the character of the Conservation Area and are therefore, in accordance with the Council's policy guidance.
- 8.53 Concerns were raised over the design of the ground floor bedrooms on the corner of Durant and Gosset Streets. To address potential safety issues, the applicant was requested to provide a "defensible" space at ground floor level. Also, to avoid potential safety concerns to the main entrance lobby, the recessed door was considered inappropriate. The applicant has subsequently amended the scheme which resulted in the loss of one unit at ground level.
- 8.54 The design officer has confirmed that the applicant's amendments provide adequate defensible spaces at ground level. Also, the amended elevations for units at the junction of Wellington Row and Durant Street, which introduce vertical proportions to windows, are now considered acceptable. Subject to the conditioning of all external materials and details, including a detailed landscape plan for the roof-top amenity space, the design officer considers the scheme to be acceptable.
- 8.55 Paragraph 4.16 of PPG15 states that

"while conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change...to ensure that any new development accords with the area's special architectural and historic interest".

- 8.56 The scheme is considered to achieve an appropriate balance between conservation and redevelopment. In consideration of the existing industrial development on the site, the scheme provides a positive contribution to the character and appearance of the Conservation Area.

Strategic View Corridor

- 8.57 The proposed development falls within the background area of the view of St Paul's Cathedral from Westminster Pier. However, the height of the development is well beneath the 52.1m height limit defined by the Mayor's London View Management Framework SPG. The scheme will therefore have no impact.

Permeability

- 8.58 The development is not publicly accessible but the proposal does enhance the permeability of the area by creating active frontage along Durant Street and Wellington Row, and through the introduction of s106 improvements works along Durant Street.

Safety and Security

- 8.59 In accordance with DEV1 of the UDP 1998 and DEV4 of the Interim Planning Guidance, requires all development to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.60 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development. The applicant has made a number of changes to the scheme mentioned earlier in this report. In response, the Metropolitan Police has advised that all of their concerns have been addressed. The scheme is therefore considered

acceptable.

Amenity Space

- 8.61 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not be an unacceptable increase in pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	16	50sqm of private space per family unit	800
Non-family units	35	50sqm plus an additional 5sqm per 5 non-family units;	85
Child Bed spaces (in accordance with Council's calculation)	18	3sq.m per child bed space	54
Total			939

- 8.62 Policy 3D.8 of the London Plan seeks to protect and promote London's open spaces. Further, supporting Paragraph 3.300 states that

"as London becomes more compact and intensive in its built form, the value of these spaces will increase". The Mayor intends to "realise the full potential of those spaces that are currently undervalued...This includes both spaces that are private and those that are accessible to the public".

- 8.63 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document.

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
1 Bed	17	6	102
2 Bed	13	6	78
3 Bed	9	10	90
TOTAL	39		270
Ground Floor Units			
1 Bed	3	25	75
2 Bed	2	25	50
3 Bed	4	50	200
4 Bed	1	50	50
5 Bed	1	50	50
6 Bed	1	50	50
Total	12		475
Grand Total	51		745
Communal amenity (including child play space)		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	91sq.m (50sq.m plus 41sqm).
Total Housing Amenity Space Requirement			836sqm

- 8.64 The development is proposing a total of 1029.5sqm of amenity space. Due to the small footprint of the site, the communal amenity space is to be provided at roof level. This area

measuring 538sqm in area and is accessible to the intermediate and private residents only. This is considered an appropriate design approach given the constraints of the site.

- 8.65 In terms of private amenity, the applicant has advised that a total of 491.5sqm of private amenity space is proposed, including either private roof terraces or balconies, to each unit.
- 8.66 London Plan Policy 3A.18 seeks the protection and enhancement of social infrastructure, including child play and recreation facilities. As such, all residential development is expected to provide child play space. No formal play space is proposed as part of this application. Notwithstanding, Policy 3A.18 acknowledges that such facilities could be provided within easy reach by walking and public transport of the population that use them.
- 8.67 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development *“provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies”*. Further, according to paragraph 11.8 of the Mayors SPG for Housing, when assessing needs of children and young people, *“full account should be taken of their need for play and informal recreation facilities within walking distance of their home”*.
- 8.68 The city fringe location of the site and the Mayors policies encourages the maximisation of housing densities. The site is heavily constrained, given its size and location. As such, the entire ground floor footprint is used for development. The provision of ground floor amenity space would effectively make the site undevelopable, which would be in conflict with PPS3 which seeks to make effective use of land by re-using land that has been previously development.
- 8.69 The subject site is located within 200 metres of a formal play ground within Ion Square Gardens to the north and within 400m to Ravenscroft Park to the west. The subject site is also located adjacent to Warner Green to the east and a smaller green space to the west. Further, the total open space provision exceeds the minimum requirement of the housing SPG of the UDP and the emerging LDF policy. Also, whilst the development does not provide formal child play space areas, child play areas are located within close proximity to the development. Also, the social rented town houses have been provided with large private terraces. The applicant is also proposing to contribute to open space improvements within the area as part of a s106 agreement.
- 8.70 In the previous planning application, there was a total provision of 823sqm of amenity space for 66 units. The Development Committee did not object to this provision. Whilst there is a reduction in unit numbers within the proposed scheme, the total amenity provision far exceeds the policy expectations and provides a 12.5% increase in amenity space area from the previous scheme. Further, the previous s106 contribution towards open space equated to £758 per unit. The current proposed figure is approximately £980 per unit, which represents an increase by approximately 13%.
- 8.71 The Mayors and Council’s open space policies seek to protect and enhance open space provision. As such, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate any potential adverse impact upon the surrounding open space areas.

Accessibility and Inclusive Design

- 8.72 The development will be car free. However, the applicant will be seeking parking permits for disabled occupiers only. They accept that there will be a first come first served basis of issuing permits.

- 8.73 The access statement indicates that 10% of the units will be wheelchair accessible, which will be located at ground level. Further, the applicant has advised that all units will be designed to meet Lifetime Homes standards. The development should be conditioned appropriately if the Council is minded to approve the application.
- 8.74 As mentioned above, due to the small footprint of the site, the roof top communal amenity space is accessible for the intermediate and private residents only. As a result, this may raise potential accessibility issues. In response, the applicant has identified that due to the constraints of the site, a separate core for the residents of the social rented units to access this area is unfeasible and would affect the delivery of affordable housing as proposed on the site. Also, the use of the private core to access this area would create management issue for the life of the development which would also be unfeasible.
- 8.75 It has been identified above that the developer will be providing large private amenity spaces for the affordable town house units. All units will be provided with private balconies and also, the open space strategy will include off-site financial contributions to mitigate any potential impacts. It is to be noted that policy 4B.5 of the London Plan does not state that developments are required to be easily useable by all residents. Further, it could be argued that the communal open space area is not part of the development's mainstream activities where policy HSG16 of the UDP and the UDP Housing SPG does not specifically require developments to provide communal open space. On balance, given the Council's need for affordable housing and the constraints of the site, the non-compliance in this situation is not considered to be a sustainable reason for refusal.

Amenity

Daylight /Sunlight Access

- 8.76 The applicant submitted a Daylight and Sunlight report, prepared by Delva Patman Associates, which looked at the impact upon the daylight, sunlight and overshadowing implications of the on neighbouring residential properties, and to ensure the statutory requirements are met on site, in accordance with the BRE guideline.

(a) Daylight Assessment

- Impact on Adjacent Residents

- 8.77 The daylight analysis identified that the majority of neighbouring buildings are left with adequate daylight for their room use and therefore meet the required standard against the Vertical Sky Component (VSC) and no-sky contour assessment. The assessments concluded that the reduction in daylight is less than 20% from the existing and this is therefore considered acceptable in accordance with the BRE guideline.

- 8.78 However (VSC) failures for three windows at 115 Wellington Row were showing minor to moderate adverse impact. As such, a further ADF assessment of these windows was requested by the Council. The ADF assessment was considered to be acceptable in accordance with the BRE guideline.

- Impact on future residents of the development

- 8.79 The No Sky Line Report for the proposed scheme identified that the majority of the proposed units will experience adequate daylight for their room use in accordance with the no-sky contour assessment of the BRE guideline. Whilst there are a small number of rooms that do not meet the BRE guidelines, only 2 rooms are regarded as moderate adversely affected. The windows that will receive levels of daylight below the BRE guideline levels are principally setback beneath balconies, which in themselves have high amenity value.

(b) Sunlight Assessment

- 8.80 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight.
- 8.81 The assessment confirmed that whilst the development will have a degree of impact upon the adjacent resident's existing access to sunlight. However, both the annual and winter sunlight hours are above the recommended minimum levels and therefore meet the required BRE guideline standard.
- 8.82 On balance, it is acknowledged that there will be a loss of daylight/sunlight to a small number of existing neighbouring buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.83 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal should be supported.

(c) Shadow Analysis

- 8.84 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year, no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.
- 8.85 The shadow analysis shows the where the primary amenity space is provided on the roof top, it will not experience any permanent shadow above the BRE guideline. The scheme therefore complies with this guidance. Further, the analysis shows that whilst there will be some additional transient overshadowing in the afternoon, Wapping Gardens will not experience any overshadowing from the development until 1pm on the 21st of March and therefore complies with the BRE guideline.
- 8.86 Also, the assessment looked at the degree of overshadowing to the amenity areas to the rear of 115 Wellington Row and the rear of Durant Street properties. The results indicate that although there will be some additional transient overshadowing in the morning as a result of the proposed development the shadow cast by the proposal moves off the amenity area by 11am and is therefore acceptable.

Noise

- 8.87 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.88 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states

that the impact of traffic noise on new housing developments is to be considered.

- 8.89 The Council's Environmental Health Officer has no objection to the proposed scheme subject to appropriate conditioning. An Environment Construction Management Plan will be required to minimise potential disruption and noise and safety impacts to residents during the construction stage and operational stage, if the Committee was minded to approve the scheme.

Privacy

- 8.90 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.91 In this regard, the development is not considered to have an impact of the adjacent residential buildings. To the west, south or east of the site, the development is either setback over 18 metres or is off-set from adjacent habitable rooms.
- 8.92 The development could have potentially had an unacceptable impact on the privacy of adjacent habitable rooms to the north at 115 Wellington Row where the separation distance is approximately 10 metres. However, the scheme has been amended following concerns raised by the Council to off-set windows in the north elevation to avoid direct overlooking into the adjacent windows. The applicant has raised that the proposed townhouses will reinstate the original character of the street, where buildings are built right up to the pavement. On balance, given that the overall impact upon the adjacent dwellings is minor, the development is considered to comply with planning policy.
- 8.93 Members of the public have objected to the scheme due to potential loss of privacy caused by the use of the roof top amenity area. However, there is no policy guidance that prohibits overlooking from amenity areas. Given the height and location of the amenity space there will be no direct overlooking of adjacent windows if we were to apply the above mentioned guidance. To the east and west of the site there is ground level open space. To the south, there is a separation distance of approximately 40 metres to Yates House.
- 8.94 The stepped-back design and elevation of the roof garden will obscure direct overlooking of buildings along Wellington Row and gardens to the rear of buildings on Durant Street. The building to the west of the site has no windows in the east elevation that can be overlooked. There are windows in the southern elevation, though these are at 90 degrees to the western elevation of the proposed building, hence there will be no direct overlooking. The impact is therefore considered to be negligible in policy terms. Notwithstanding, the scheme should be conditioned to provide landscaping that obscures any potential overlooking opportunities, particularly upon the building to the west.

Sense of Enclosure/ Outlook/ Views

- 8.95 Unlike, sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook, on balance this proposal is not considered to create an unacceptable impact given the city fringe urban context, the historical character of the area and the reduction in height from the previous scheme. A reason for refusal based on these grounds is not considered to be sustainable.

Access and Transport

Access

- 8.96 As mentioned above, the site appears to fall on the boundary of PTAL level 3 and 4. There are good pedestrian links to a number of public transport modes. The nearest bus stops to the site are located on Bethnal Green Road (approximately 500 metres) and are served by routes 8 and 388. The nearest mainline railway station is Cambridge Heath, which is approximately 750 metres walking distance. The nearest LUL station is Bethnal Green underground station, and is approximately 850 metres walking distance. The site is also located in close proximity to a Tower Hamlets strategic cycle route which runs in a north-south direction along Squirries Street (to the south), part of Gosset Street and Warner Place (to the east of Warner Green).
- 8.97 The sites transport accessibility is considered to be good, and is appropriate for car free development as proposed. The proposal will remove traffic including goods vehicles from the area which are currently associated with the existing industrial practice on site. As such, the development should improve the safety and amenity of this street.
- 8.98 It is important to note that despite concerns raised by the community, Durant Street does not fall within the application site boundary. Whilst Durant Street is a no-through road, it is still a Council Highway. This area is currently used by pedestrians and cyclists and will continue as such. The proposed improvement works through s106 contributions to this area will assist in improving the quality and accessibility of this space, which will include:
- Relocation of bollards and construction of shared surface on the South of Durant Street to permit vehicular turning;
 - Repaving/upgrade of the pavement on the east side of Durant Street; and
 - Carriageway resurfacing and public realm improvement on Durant Street.
- 8.99 The Highways department has advised that the bollards within Durant Street are to be relocated to the south at the junction with Gosset Street. Currently vehicles can enter and exit Durant Street in a forward gear due to a turning head provided within the existing site boundary. However, where the proposed development removes this and given the narrow width of Durant Street to the north, the bollards are to be relocated to the south where Durant Street widens. Vehicles will be able to enter and exit Durant Street from Wellington Row in a forward gear due to the alteration. Where the scheme is car free, trips will be minimal apart from intermittent domestic servicing of the site and use of the existing parking spaces on Durant Street.
- 8.100 Residents have raised that Durant Street is a cycle route and that the pedestrian and vehicular traffic generated by the development would not be compatible with this use. It must be noted that the IPG does not identify Durant Street as a cycle route. The development will therefore not have an adverse impact upon strategic cycle routes in this area. Notwithstanding, Durant Street is currently sign posted as a local cycle route. Durant Street will continue to be publicly accessible and the current through route for cyclists and pedestrian will not be affected. Apart from any intermittent domestic service trips to the site, where the scheme will be car free, it will not introduce any significant impact from vehicles upon these movements then what currently is associated with the existing industrial use and car parks. In fact the impact will be reduced with the removal of the industrial use as raised above. Also, the proposed s106 contributions will improve the pedestrian use of Durant Street.
- 8.101 The public have also raised concern regarding the impact caused during construction of development. To address this, the scheme has been conditioned to provide a Construction Management Plan, to mitigate any potential impacts upon the surrounding residents.

Parking

- 8.102 The development will be car free in accordance with the London Plan and the Interim Planning Guidance. Residents have raised concern that there is inadequate provision for car parking spaces. They believe that this will have a negative impact on the area which currently experiences problems from lack of parking. However, London Plan policy 3C.23 and IPG policy DEV19 seek to minimise parking and promote sustainable transport option. The IPG encourages car free developments.
- 8.103 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development to prevent any impacts from overspill.
- 8.104 All of the residents will be committed to using public transport services and alternative modes for all journeys. As noted above, the provision of public transport to the site is of a good level. Further, the development is proposing 66 cycle parking spaces within a secured weather proof storage space, which far exceeds the Council and TFL guidance.
- 8.105 On balance, given that the London Plan and the IPG encourages car free developments and encourages the use of alternative forms of transport other than the car, the planning department is of the opinion that there is insufficient policy justification to sustain a refusal on these grounds.

Servicing and Refuse Provisions

- 8.106 The refuse strategy for the site will be undertaken at ground level, with access gained from an off-street collection area provide off Wellington Row. The collection point in Wellington Row and access arrangement within the site was considered to be acceptable to the Cleansing Department.

Other

Biodiversity

- 8.107 The development site is not designated for its ecological importance. Proposed amenity areas and landscaping will improve the biodiversity potential of this site. The scheme should be conditioned to include native species in the landscaping scheme.

Flooding/ Water Resources

- 8.108 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.109 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

Sustainability

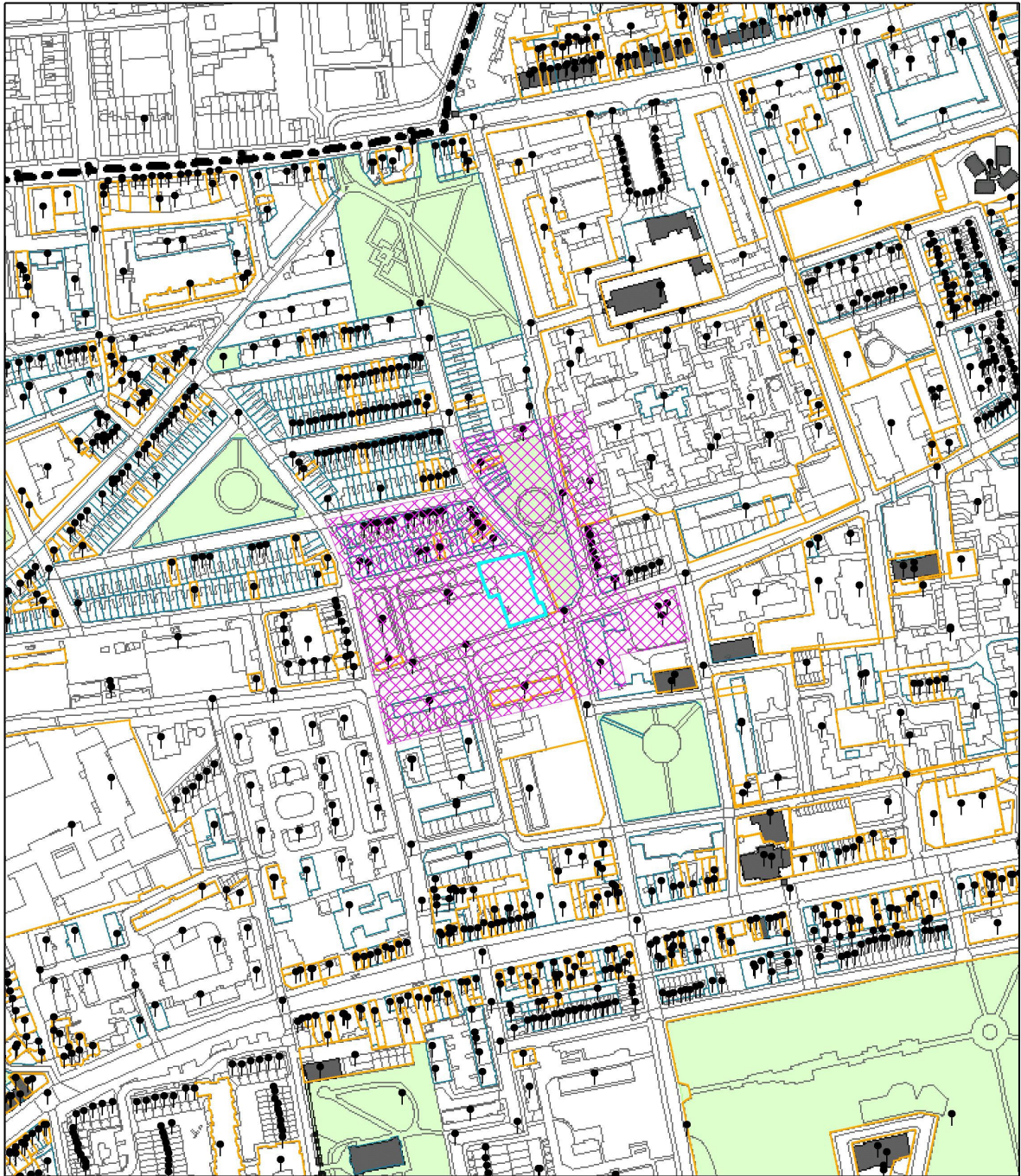
- 8.110 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

- 8.111 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.112 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, the applicant is proposing the following:
- 8.113
- Passive design and energy efficiency measures proposed for this development results in 5.25% carbon dioxide emissions reductions.
 - A combined heat and power (CHP) system or a communal heating system has been assessed not to be suitable for this development as the development is relatively small (52 residential units), Air Source Heat Pumps (ASHP) have been selected to provide the domestic hot water and heating (via wet central heating system) requirements. Individual ASHP are proposed for each dwelling and is predicted to provide a 20.31% carbon dioxide emissions reduction.
 - ASHP work in the same way as Ground Source Heat Pumps (GSHP), where it utilises the outside air and converts it in to heat energy. Therefore ASHP can be regarded as a renewable energy source.
 - The energy strategy proposed reduces carbon dioxide emissions by 25.51% from the baseline.
- 8.114 The Council's Energy Efficiency Unit has confirmed that the scheme complies with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG. The proposal is therefore acceptable.

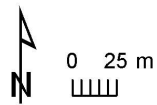
9. Conclusions

- 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