

<b>Committee:</b> Strategic Development	<b>Date:</b> 10 <sup>th</sup> July 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Tim Porter		<b>Ref No:</b> PA/07/3277	
		<b>Ward(s):</b> Bow East	

**1. APPLICATION DETAILS**

- 1.1 **Location:** Roman Place, London
- 1.2 **Existing Use:** Former Safeway store (retail) and ancillary car parking.
- 1.3 **Proposal:** Demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space.
- 1.4 **Drawing Nos:** PA(20)01 Rev. D, PA(20)02 Rev. D, PA(20)03 Rev. D, PA(20)04 Rev. C, PA(20)05 Rev. C, PA(20)06 Rev. C, PA(20)07 Rev. C, PA(20)08 Rev. B, PA(20)09 Rev. B, PA(20)10 Rev. B, PA(20)11 Rev. B, PA(20)12 Rev. B, PA(20)20 Rev. D, PA(20)21 Rev. D, PA(20)22 Rev. B, PA(20)30 Rev. D, PA(20)31 Rev. C.
- 1.5 **Applicant:** Goldquest Investment Ltd c/o Stock Woolstencroft
- 1.6 **Owner:** London Borough of Tower Hamlets
- 1.7 **Historic Building:** N/A
- 1.8 **Conservation Area:** N/A (Note: No part of the 'development' falls within the Roman Road Conservation Area. Whilst the north part of Gladstone Place forms part of the Conservation Area, it is an existing highway. Any proposed work to Gladstone Place constitutes highway improvement works, not development as defined under the Planning Acts).

**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 the Mayor and Council's policy, as well as government

**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

guidance which seek 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 retail uses (Class A1) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location and amongst other things contribute to the regeneration of the Roman Road District Centre. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community and strengthen designated shopping centres.
- 2.4 • 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.
- 2.5 • 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 development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Further, the quantity and quality of housing amenity space and the communal/child play space strategy is also 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 ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, 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 whilst creating a more attractive environment for those who live and work here.
- 2.7 • The building height, scale, bulk and design is acceptable and in line 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, DEV 27, CON 1 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.
- 2.8 • The safety and security of the scheme is acceptable 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 require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 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, T18 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 there are no detrimental highways impacts created by the development.

- 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 • Contributions have been secured towards the provision of affordable housing, health, education, town centre regeneration, public realm and open space improvements 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 mitigate the impact of the 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 a 69.1/30.9 split between rented/ shared ownership to be provided on site.
2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme, though they are located off-site. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. The provision of £438,442 towards Roman Road district shopping centre regeneration works.

(Officer Comment: During the pre-application process, the LBTH Market Services inquired of the applicant to explore provision of market trader parking spaces within the proposed car parking area to accommodate an identified need. The market currently operates 3 times a week.

The applicant explored a number of options and identified that the scheme could viably provide up to 16 market trader spaces on site as a planning contribution if required, and was designed into the scheme and assessed accordingly. The applicant advised that if the Council determined that these spaces were no longer required the spaces could be allocated and sold to the residents of the development. The capital receipt (valued at approximately £400,000) would then be transfer to the Council as a s106 financial contribution towards Roman Road district shopping centre regeneration improvement works.

Upon submission of the application, further investigation was undertaken to evaluate the appropriateness of on-site market trader spaces. The LBTH Market Services has advised that a more suitable solution in meeting the needs of market traders is to identify opportunities for on-street trader parking spaces within the local area. This was considered to be a more appropriate solution than providing trader spaces within the Gladstone Place development.

In accordance with the Council's Strategic Plan and the London Plan, in terms of improving existing town centres, the Council is currently preparing a program of delivery works that will assist in the regeneration the Roman Road district shopping centre. The LBTH Development Implementation Team, who is tasked with the role of pushing forward the regeneration of the Roman Road, has advised that a financial contribution is imperative in securing much needed capital to deliver this programme that will assist in mitigating any negative impacts that additional residential and retail uses may bring to the immediate environs, including the proposed development.

This regeneration program is essential to help sustain and improve the town centre for new residents and businesses. This funding will allow for a multi - faceted approach to regenerating the town centre, rather than addressing trader parking alone. As such, in consideration of the schemes viability assessment, a financial contribution of £438,442 towards the regeneration of Roman Road district shopping centre is considered reasonable).

6. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
7. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
8. The provision of a north-south and east west-public walkway through the site
9. Completion of a car free agreement to restrict occupants applying for residential parking permits.
10. TV reception monitoring and mitigation;
11. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
12. Commitment towards Code of Construction Practice.

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

### 3.4 **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
  - Samples for all external materials to be submitted with detail specifications.
  - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
  - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a green wall.

- All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
  - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
  4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
  5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
  6. Archaeological investigation.
  7. Investigation and remediation measures for land contamination (including water pollution potential).
  8. Full particulars of the following:
    - Surface/ foul water drainage plans/ works; and
    - Surface water control measures.
  9. Construction Environmental Management Plan, including dust monitoring
  10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
  11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
  12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
  13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
  14. 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 and no working on Sundays or Public Holidays
  15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
  16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
  17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
  18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
  19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
  20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and recycling facilities are required.
  21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras

throughout the site.

22. Provision of electrical charging points for vehicles.
23. Details of the highway works surrounding the site
24. Any other condition(s) considered necessary by the Head of Development Decisions

### 3.5 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.
5. Environmental Health Department Advice.
6. English Heritage Advice
7. Parking Services Advise – Traffic Management Order
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. Contact the GLA regarding the energy proposals.
11. Contact Thames Water for water and sewage infrastructure advice

- 3.6 That, if by 10<sup>th</sup> October 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated authority to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

- 4.1 The full description of the proposed development submitted to the Planning Authority was as follows:

- 4.2 *“Application for full planning permission for the demolition of existing buildings occupying the site and redevelopment to provide five buildings of between four/five and ten storeys providing 2,633sqm retail floorspace and 221 x no. studio, one, two three and five bedroom residential units (C3), plus associated car and cycle parking, public space and landscaped amenity space”*

- 4.3 However, following issues raised by the public regarding the impact of the development upon the Roman Road Conservation Area, the applicant has made amendments to the scheme reducing the height along Cardigan, Anglo and Vernon Roads resulting in a total reduction of 13 units. The current description of development is as follows:

- 4.4 *“Demolition of the existing buildings occupying the site and redevelopment to provide five buildings of between four and ten storeys accommodating 2,687sqm retail floorspace and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped, public, communal and private amenity space”.*

- 4.5 An EIA screening opinion was sought by the applicant. The proposed development falls within the description at paragraph 10 (b) and Column 2 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. However, taking account of the criteria in Schedule 3 of the Regulations; the Council's Environmental Impact Assessment officer did not considered the development would have significant effects on the environment by virtue of factors such as nature, size or location. Accordingly, the proposal is not EIA development.

- 4.6 The development consists of 5 buildings. Buildings A to D are set around a podium level communal courtyard space, whilst the buildings Ei and Eii form two blocks within the western section of the site. The following provides an overview of the proposed buildings:

- *Building A:* A ten storey block at the centre of the site with two small, flexible units of retail floorspace at ground floor level (170sqm and 127sqm) and 71 residential units in the floors above. The proposed retail units will be accessed from Gladstone Place, whilst the residential entrance will be on the southern side of the building.
- *Building B:* A five storey building, plus recessed upper floor, occupying the northern section of the site. The building will include the 2,390sqm supermarket unit at ground floor and basement level and 48 residential units above. The main entrance to the supermarket will be at its north western corner of the building, whilst the residential entrance will be from Cardigan Road to the east.
- *Building C:* A three storey building, plus recessed upper floor fronting the western side of Cardigan Road. The building will accommodate the delivery/servicing bay for the supermarket at ground floor level and 27 residential units in the floors above. Vehicles will access the delivery bay via an entrance at the southern end of the building and will exit the bay further north. The vehicle entrance will also provide access to the car parking areas at basement and ground floor level. The residential entrance to the building will be situated within its south eastern corner and will include a concierge's office.
- *Building D:* An L-shaped residential building of between four and six storeys within the southern and south western sections of the site. The southern section of the block will comprise a four storey building, plus recessed upper floor fronting Anglo Road. The building will step up to five storeys, plus a set back level fronting Gladstone Place. It will accommodate 37 residential units, including eight double height family units with front garden spaces at ground floor level and private gardens at podium level to the rear. The residential units above will be accessed via an entrance from Anglo Road at the south western corner of the block.
- *Building E:* Two adjoining blocks within the western section of the site. The westernmost block will rise to a height of six storeys, whilst the eastern block will step down to five storeys. The building will accommodate 25 residential units which will be accessed via entrances from the pedestrian route west from Gladstone Place on the southern side of the building. The ground floor level units will be served by private gardens.

### **Site and Surroundings**

- 4.7 The application site covers an area of approximately 0.75ha. It is currently occupied by a former supermarket building with a footprint of ca. 3,000sqm, including ancillary service area off Cardigan Road and two areas of pay and display car parking, which have been vacant since November 2005.
- 4.8 The site is located immediately to the south and west of the Roman Road Conservation Area, though no part of the development is within a conservation area. The site does not include any listed or locally listed buildings, though a neighbouring building (Passmore Edwards Public Library, No. 564 Roman Road) is grade II listed. The site is located in an area of archaeological significance.
- 4.9 The application site is located to the south of the Roman Road district shopping centre and ancillary markets. It is bounded by Gladstone Place to the north, Cardigan Road to the east, Anglo Road to the south, Cruden House to the south west and the Bow Neighbourhood Office/Ideas Store to the west. The predominant land uses to the north of the site are retail and commercial uses flanking Roman Road, whilst the areas to the south, east and west are principally residential in use.
- 4.10 The former supermarket building occupies the northern part of the site and presents blank unadorned frontages to Gladstone Place/Gladstone Walk and Cardigan Road. It is constructed of pale brick with metal seam upper sections and rises to a height of ca. 10m, stepping up to ca. 14m to the east. The building is adjoined to the south by an open loading bay/storage area which is enclosed by a 4m high brick wall. The supermarket was

formerly accessed by pedestrians from Gladstone Place, whilst servicing was from Cardigan Road. The building relates poorly to neighbouring buildings and creates visually unattractive and intimidating alleyways to the rear of buildings fronting Roman Road and adjacent to the Bow Neighbourhood Office/Ideas Store.

- 4.11 The car parking areas occupy the southern and western sections of the site and together cover an area of ca. 5,000sqm. Parking within these areas is on a pay and display basis, though they appear to suffer from poor management/enforcement. Additionally, the areas are cluttered and visually unattractive. The open spaces also appear to have been subjected to fly tipping.

### **Planning History**

- 4.12 The London Borough of Tower Hamlets planning records reveal that the earliest planning application for development at the site related to the construction of the supermarket and associated car parking areas in May 1978 (TH12789/92/07). Following this consent, a number of applications were submitted to vary the permissible delivery hours. The most recent application, PA/02/674, was approved by the Council permitting the following hours:

- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of planning permission.
- In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate delivery times.

- 4.13 The Council's records reveal no other recent applications relating to the site.

## **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

Policies: Environment Policies

ST34	Shopping
ST35	Retention of Shops
ST37	Enhancing Open Space
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic



T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

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

Proposals: C12 Development Site (Specific uses have not yet been identified)  
Archaeological Priority Area

Core Strategies: IMP1 Planning Obligations

CP1	Creating Sustainable Communities
CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP11	Sites in Employment Use
CP15	Range of Shops
CP16	Town Centres
CP18	Street Markets
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
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
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
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development

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
CON1	Setting of a Listed Building
CON2	Conservation Area

#### 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.8	Town Centres
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.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
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

#### 5.6 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning

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 Design Statement incorporates a waste plan that is based on Planning Standard 2. As such, refuse and recycling provision should be compliant.

6.3 Due to the hauling distances for Blocks A and E, the containers need to be brought to a collection point under a managed scheme. Highway based collections do not appear practical as shown at Anglo Road as this would disrupt traffic flow. There is parking bays currently on the street to the front of the Anglo Road store which would add to the difficulties of the collection service. Collections should be from within the site.

6.4 (Officer Comment: Amendments to the scheme have been made to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and a managed refuse collection point for Blocks A and E. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. Council's parking services has advised that they have no objection to this proposal subject to a Traffic Management Order. Further, it is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities).

### LBTH Education

6.5 The education department identified a contribution towards 27 additional primary school places @ £12,342 = £333,234

6.6 (Officer Comment: The financial contribution will be secured by s106 agreement).

### LBTH Energy Efficiency Unit

6.7 Comments were provided on the energy and sustainability strategy for this site on the 22<sup>nd</sup> of January 2008 raising a number of concerns with the scheme, in particular, the lack of a CHP system. As a result of the comments made by the Energy Efficiency Unit, the energy strategy has been revised. The strategy is now considered to comply with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London plan and LBTH Interim Planning Guidance although the detailed information on the proposals are pending and shall be provided at the detailed design stage, via condition.

6.8 (Officer Comment: The details of the revised energy strategy are provided later in this report. The scheme shall be conditioned appropriately)

## **LBTH Environmental Health**

### 6.9 Contaminated land

6.10 No objection subject to appropriate conditioning.

### Air Quality

6.11 No objection subject to appropriate conditioning.

### Noise

6.12 No objection subject to the following requirements being implemented:

- Parts of the building are expected to be exposed to external noise levels falling into Noise Exposure Category (NEC) “B” of PPG 24. As such, sealed thermal double glazing with sound attenuating ventilators are required to provide a noise reduction of approximately 25 dBA
- A higher degree of sound insulation would be required between the residential units and the commercial units. This must be at least 60 Dntw.
- Deliveries should only be allowed between 0700 and 2300 hrs – Monday to Friday, 0800 and 2200hrs – Saturdays and 1000 – 1600 hrs- Sundays, provided lorries are not permitted to wait in the road with engines or refrigeration units running at any time.
- Construction work to be only carried out within the following hours: 8a.m.- 6p.m. Monday-Friday, 8a.m.-1p.m. Saturdays and no working on Sundays or Public Holidays
- No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
- During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property

6.13 (Officer Comment: These matters will be address by planning condition or informative, where they can only be enforced by Environmental Health Regulations).

### Sunlight/ Daylight

6.14 *External Impacts (Neighbouring Properties)*

6.15 In assessing the impact of the development on the neighbouring properties the ADF levels of failures are minimal, therefore the impact on surrounding buildings from the proposed scheme is minimal.

### *Internal Impacts (Within the Development)*

6.16 There is a concern regarding the impact of the development upon itself between Blocks A, B, C, D and E where there are some rooms that do not comply with BRE standards for daylight and sunlight. The main considerations given by the applicant where the scheme does not meet the BRE standard are:

- (1) The urban character of the area surrounding the site.
- (2) The high density nature of the scheme.
- (3) Some of the windows are situated beneath balconies.

Whilst this is a concern, the Planning Officer must determine whether the non-compliance with the BRE standard when considering the impact of the development upon itself can be considered acceptable for planning permission to be granted.

6.17 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

### **LBTH Highways**

6.18 The developers should provide some motorcycle bays.

6.19 (Officer Comment: The development has been amended to provide 10 residential and 4 commercial motorcycle spaces).

6.20 Doors which open outwards over the public highway are forbidden by Section 153 of the Highways Act, 1980. Where an escape door is required to open outwards it must be suitably recessed. The developer should amend those door(s) opening outwards on Cardigan Road.

6.21 (Officer Comment: The scheme has been conditioned to ensure no door opens outwards over the public highway).

6.22 For pedestrian safety reasons, as well as avoiding possible vehicular conflict points, it is advisable that the service access points are separate from the customers and residents vehicular access point/parking area.

6.23 (Officer Comment: The scheme has been conditioned to provide a service management plan. This will ensure personnel are present at the time of deliveries and that any potential impacts with customer vehicles or pedestrians are mitigated. Also, a pedestrian refuge has been provided in the middle of the cross-over to create a safe place for pedestrians. The Highways Officer has confirmed the acceptability of the amendments to address his concerns).

6.24 The development should secure the following highway works:

- i. Closure of the existing access;
- ii. Reconstruction/resurfacing of the carriageway/footway; and
- iii. Removal of existing highway trees.

6.25 (Officer Comment: This matter will be addressed by a s278 agreement).

6.26 The following financial contributions are required:

- Highway improvement works on Cardigan Road, which will include resurfacing works to the carriageway and upgrade of the eastern footways = £100,000
- Raise Table at the junction of Cardigan Road and Anglo Road, including the proposed access to the site = £35,000

### **Greater London Authority (Statutory)**

6.27 The application was referable to the GLA under Category 1B of the Order 2000: *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000sq.m”*.

6.28 The application was considered by the Deputy Mayor under Stage 1 referral on the 15<sup>th</sup> May 2008. The Deputy Mayor concluded that *“whilst the principle of the development is*

*acceptable, the application raised serious strategic issues that must be addressed, including the quantum of affordable housing, the proposed mix of social rented units, the provision of children's play space, particularly for older children, design and inclusive design, provision of Lifetime Homes and accessible housing, the sustainability and energy strategy, and transport".*

- 6.29 (Officers Comment: A number of the issues raised are not considered to be strategic issues and have been addressed in detail within the body of this report. The applicant has sought to address the Mayors concerns and has amended the scheme accordingly. Each of the issues raised by the Deputy Mayor has been addressed within the body of this report and are not considered to be grounds for refusal.

It must be noted that the Stage 1 referral response does not represent the final decision of the Mayor. If the committee is minded to approve the application, the application must be referred back to the Major for Stage 2 referral decision, whereby, the Mayor will decide whether or not to direct the Council to refuse planning permission).

### **Transport for London (Statutory)**

- 6.30 TFL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. As such, TFL comments have been addressed in detail within the Highways section of this report.

### **English Heritage**

- 6.31 English Heritage did not object or recommend the development for approval. Rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

### **English Heritage - Archaeology**

- 6.32 No objection subject to conditions.

### **Metropolitan Police**

- 6.33 The crime prevention officer made the following comments:
- 6.34 • Regarding the east-west link along Gladstone Walk, the following is required: excellent lighting, prickly planting to discourage access where appropriate, no seating, and the building to be flush as possible.
- 6.35 (Officer Comment: The applicant has advised that the lighting and planting matters will be incorporated in the detailed building and landscaping design, which will be conditioned. The seating has been removed from the plans and the building façade has been amended to reduce any insteps).
- 6.36 • The large undercroft to the ground floor car parking access may attract anti-social behaviour
- 6.37 (Officer Comment: This area will be covered by CCTV and a dedicated security point adjacent the car park entrance has been introduced).
- 6.38 • There is a concern over the apparent lack of active frontage to the north and south of Block E. CCTV, fencing and lighting should be incorporated, entrances brought flush to the façade.
- 6.39 (Officer Comment: CCTV, fencing and lighting will be introduced in the design stage to be

conditioned. The entrances have been amended and brought flush to the building).

- 6.40 • The design of the pocket park must ensure mitigation of anti-social behaviour. The play equipment should not form a visual barrier. The play area must be Secure by Design certified.
- 6.41 (Officer Comment: Given the detailed nature of these design comments, the pocket park will be conditioned appropriately to address these concerns).
- 6.42 • The recessed entrances at ground level to Block A and the narrow pedestrian route from the car park may result in safety issues
- 6.43 (Officer Comment: The entrance to Block A is now flush and the car park/bin store access has been rationalised with secure gates to avoid hidden areas. Also, the car park access passage has been doubled in width)
- 6.44 • The recessed entrance to Block D must be removed
- 6.45 (Officer Comment: The recess has been removed).
- 6.46 • Along the north-south route through the site, the seating should not be covered to discourage any potential anti-social behaviour after business hours; CCTV coverage will be required here. Also, there should be no permanent market stalls here.
- 6.47 (Officer Comment: The canopies have been removed from above the seating and CCTV will be installed at the design stage. Further, the applicant has advised that any market stalls would be temporary, but to avoid confusion, have been removed from the plan).
- 6.48 • The planting fronting the entrance to the sub-station should be removed to minimise any potential hiding places
- 6.49 (Officer Comment: The plans have been amended accordingly)

### **Tower Hamlets PCT**

- 6.50 In accordance with the HUDU model, the PCT indicated that the development will generate a required contribution of £1,309,588 towards primary care needs of residents as follows:

<b>Revenue Planning Contribution</b>	<b>Capital Planning Contribution</b>	<b>Total</b>
£978,269	£293,324	£1,271,593

- 6.51 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:
- 6.52 • 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.
- 6.53 To summaries both cases, 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; i.e.:
    - There are no details of capacity of health services in an area, need or slack in the

system.

- Furthermore, 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.

6.54 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, 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.

6.55 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.

6.56 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.

6.57 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.

6.58 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. However, the capital contribution sought is considered satisfactory, particularly in consideration of recent committee decisions.

## **7. LOCAL REPRESENTATION**

7.1 A total of 1372 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.] As mentioned above, the scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of individual responses:	Objecting: 170	Supporting: 0
No of petitions received:	Petition 1 34 Signatures	
	Petition 2 649 Signatures	
	Petition 3 1249 Signatures	

7.2 The number of representations received from neighbours and local groups in response to the second round of notification and publicity of the application were as follows:

No of individual responses:	Objecting: 279	Supporting: 4
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7.3 The following issues were raised in representations that are material to the determination of



the application, and they are addressed in the next section of this report:

#### 7.4 Land Use

- The proposed density is too high and will negatively impact on social and physical infrastructure of the area (i.e. roads, open space, Roman Road market, public transport, schooling, medical, etc);
- The development will 'kill off' the Roman Road markets and existing shops;
- Inadequate provision of family housing;
- Insufficient provision of affordable housing;
- The proposed retail development is smaller than the previous Safeway store; and
- The area does not need more residential buildings.

#### 7.5 Design

- The height, bulk, scale and design quality of the development will have a negative impact upon the context of the surrounding area, particularly the Roman Road Conservation Area;
- The development is gated and child play space is not accessible;
- Poor frontage design along Cardigan Road;
- Disruption to TV reception;
- Lack of play space; and
- Increased anti-social behaviour, particularly along Cardigan Road, Gladstone Walk and the proposed pocket park.

#### 7.6 Amenity

- Loss of daylight and sunlight;
- Wind impacts;
- Overshadowing;
- Loss of privacy;
- Increased dust pollution;
- Increased noise;
- Sense of enclosure/ loss of outlook ; and
- Deliveries should only occur after 10am Monday to Saturday and after 12 on Sunday (Officer Comment: The Council's Noise officer has recommended acceptable hours which have been conditioned appropriately).

#### 7.7 Highways

- Impact on the accessibility of Cardigan Road from Roman Road;
- Increased congestion;
- Lack of parking;
- Safety issue with the servicing arrangements;
- Impact of the lorries on the surface treatment of Roman Road (Officer Comment: Neither TFL or the LBTH Highways Department raised objection to the scheme on these grounds);
- Existing parking spaces on adjacent roads should not be removed to meet servicing requirements;
- No taxi drop-off/ pick-up area;
- Inadequate public transport;
- Removal of existing car parking (ex-Safeway site) will have an impact on the success of the Roman Road markets;
- The cycle parking areas will encourage thieves in this area; and
- Servicing of the site should not occur before 7am (Officer Comment: The Council's

Noise officer has recommended acceptable hours which have been conditioned appropriately).

#### 7.8 Other

- No mention of the heat and power source.
- Loss of trees on Anglo Road.

#### 7.9 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;
- Limited scope and duration of the public consultation;
- The development will result in loss of value to surrounding buildings;
- An unconditional agreement for lease of the main retail unit as a supermarket must be obtained before commencement of development (Officer Comment: The applicant has advised that Tesco's will be using the retail unit if planning approval is granted. Notwithstanding, tenants of the retail use cannot be conditioned by planning approval);
- Increase in fly tipping; and
- The Council must review the parking permits allocated to Council officers at the Bow Neighbourhood offices who utilise the existing car park if the scheme is approved.

### 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
- Other

#### **Land Use**

##### Principle of Residential-Led Mixed Use Development

##### *Residential Use*

- 8.2 The proposed development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use district centre location, which includes existing residential uses as well as local shops, services and employment opportunities. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.
- 8.3 In accordance with policies 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 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 the London Plan.
- 8.4 Further, there is no strategic land use designation over the site, in accordance with the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.

- 8.5 The current development represents low density use of the site, which does not accord with local and strategic objectives. Whilst there has been public objection to further residential development in the area, the proposed residential element to the scheme represents a more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the site, in accordance with policy DEV3 of the UDP.

#### *Retail Use*

- 8.6 The development will comprises 2,687sqm of retail floor space that is proposed to be utilised as a supermarket and two small flexible retail units. The site is located immediately to the south of the Roman Road district shopping centre, which covers the urban blocks on either side of Roman Road.
- 8.7 The main pedestrian access to the site is through Gladstone Place which fronts the district shopping centre. Gladstone Place is currently used to gain access to the Bow Idea Store, which is also located to the rear of the main shopping street. The entrance to the proposed supermarket is located opposite the entrance to the Idea Store, and will be visible from the main street. The applicant proposes public realm improvements to Gladstone Place, providing a permeable route from the main street to the development, the Idea Store, and the existing residential properties to the south of the site.
- 8.8 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.
- 8.9 Annex A of PPS6 defines the main characteristics of different types of centres. It is to be noted, in particular for district centres, PPS6 states:
- “District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library”*
- 8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Policy 3D.1 identifies Roman Road as a district centre. Whilst the policy discourages retail uses outside the town centres, the policy encourages net additions to town centre capacity where appropriate to their role in the overall network. Further to this, the London Plan policy 3D.3 seeks to resist the loss of retail facilities and paragraph 3.276 states *“the existence of thriving local convenience shopping is important, especially for less mobile people and those on low incomes”*.
- 8.11 According to the Council’s UDP and IPG proposal maps, the site primarily falls outside and borders the district centre designation. However, the Council’s Borough-Wide Retail Capacity Study Appendices (which forms part of the evidence base used in formulating the IPG) paragraphs 1.41 and 1.42, state that the Roman Road District Centre is split into 3 parts, of which the application site is considered to be an ‘anchor’ for the Roman Road East part of the centre designation.
- 8.12 As mentioned earlier the site already contains up to 3000sqm of retail floorspace. Clearly the proposed development is not introducing retail floorspace to a new location, and therefore it is more appropriate to consider the proposal as replacement floorspace. In this respect, there is nothing that would prevent the existing store reopening and trading as a

supermarket. Whilst a number of objections were received over the reduction of retail floor space, the applicant advised that the redevelopment provides the opportunity to create a unit which is better designed and more suitable to the needs of modern retailers.

- 8.13 Further to this, the applicant has undertaken a Retail Statement to assess the need for the development, in accordance with PPS6, at the request of the Council, following objections raised by the public. The assessment identifies that whilst the Roman Road district centre offers a range of goods and services, together with a street market; its role is undermined by the lack of a good supermarket, a high vacancy rate and a lack of national multiples. In the wider area there are no major food stores, and residents are forced to travel significant distances to undertake their main food shop. Given the current lack of a supermarket within the Roman Road district centre, there is a clear need for such a facility, in order for the centre to fulfil its role.
- 8.14 The loss of the former supermarket building has had a detrimental effect on local retail provision and viability in the Roman Road district centre. The Central Area Action Plan (issues and options paper) which was consulted on in April 2007, states that the Roman Road East district centre is one of the key centres suffering from decline, particularly following the loss of its anchor foodstore. It notes that the local community would like to see another large retail provider operating in the centre as soon as possible.
- 8.15 The applicant has identified that the proposed development will generate approximately 149 new jobs in this area which will contribute to the growth and diversification of the local economy and act as a catalyst in the ongoing regeneration of this area, as sought by London Plan policy 3B.11 and UDP Policy EMP1.
- 8.16 A number of people have raised objection to the scheme where they believe the scheme will have a negative impact on the Roman Road markets and existing shops. The Retail Statement identifies that the market stall operators occupy a different role in the provision of convenience goods. As noted in the Council's Borough-Wide Retail Capacity Study, *"these markets provide a mix of convenience and comparison goods and specialise in ethnic foodstuffs"* and *"ethnic goods including textiles and fabric"* (para 1.193). The statement concludes that they *"sell a different range of niche goods which would be available from the proposed foodstore and are therefore unlikely to be directly impacted by it"*. Further, the Statement suggests that the district centre may experience spin-off benefits as a result of the potential to promote 'linked trips'.
- 8.17 Within the Stage 1 report, the GLA have stated that *"given the site's location, and the current loss of retail facilities within the district centre caused by the closure of the previous supermarket, the re-provision of retail floorspace within this development is acceptable"*.
- 8.18 Where the development replaces an existing supermarket which forms a fundamental part of the regeneration of Roman Road district shopping centre, providing a valuable contribution towards local and strategic employment, retail and residential objectives, the scheme is considered acceptable in line with national, regional and local planning policies.

#### Density

- 8.19 The Site has a net residential area of approximately 0.75 hectares. The scheme is proposing 208 units or 614 habitable rooms. The proposed residential accommodation would result in a density of approximately 277 units per hectare and 819 habitable rooms per hectare (hr/ha).
- 8.20 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.

- 8.21 The applicant has stated that the site has a public transport accessibility level, or PTAL, of three. However, TfL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 250 to 450 habitable rooms per hectare for sites with a PTAL range of 2 to 3. The proposed density is therefore significantly higher than the GLA guidance and would appear, in general numerical terms, to be an overdevelopment of the site.
- 8.22 However, the density matrix within the London Plan and Council's IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.
- 8.23 Moreover, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Loss of privacy and outlook;
  - Small unit sizes
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure;

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

- 8.24 Policies 3A.1, 3A.2 and 3A.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG 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.
- 8.25 The GLA made the following comment:

*“The built character of the surrounding area is urban, comprising a mix of four and six storey mid rise flatted development. The scheme therefore relates well to its context and does not appear over-scaled. Whilst the PTAL is not high, three bus routes are within walking distance of the site. The development includes a supermarket and is located immediately adjacent to a district centre which comprises shops, an outdoor market, health centre and a dentist surgery. Consequently occupiers of this development will be within walking distance of a range of retail provision and local services. The development is also adjacent to Bow Idea Store, which provides a library, adult learning opportunities and a café. In addition, the proposal includes landscaped residential amenity provision, as well as children’s play space, and the proposal contains a mix of tenures and bedroom sizes.*

*The local context therefore supports a high-density development”*

- 8.26 On review of these issues, a high density mixed use development is justified 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 a high design quality and responds appropriately to its context.

- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education, town centre, public realm and open space improvements, have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with moderate access to public transport services, open space, town centre and other local facilities, whilst also providing a generous provision of retail space on site.
- 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.

## Housing

### *Housing Mix*

8.27 The scheme is proposing a total of 208 residential units.

8.28 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”.*

8.29 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”.*

8.30 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.

8.31 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. The UDP does not provide and prescribed targets.

8.32 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	2			0			0	2	1.5	
1 bed	81	15	38.5	20	7	30	37.5	59	40.5	37.5
2 bed	76	2	5	35	11	48	37.5	63	43	37.5
3 bed	39	12	31	30	5	22	25	22	15	25
4 bed	4	4	10	10	0					
5 Bed	6	6	15.5	5	0					
<b>TOTAL</b>	<b>208</b>	<b>39</b>	<b>100</b>	<b>100</b>	<b>23</b>	<b>100</b>	<b>100</b>	<b>146</b>	<b>100</b>	<b>100</b>

8.33 A number of residents have raised concern that the scheme does not provide sufficient family housing (+3 bedrooms per p255 of the Interim Planning Guidance). However, policy HSG2 and of the IPG identifies that family housing is needed mostly within social rented housing, which the proposed development exceeds as mentioned above.

8.34 There has been an overall reduction of 13 units from the original submitted scheme, which has had some impact on the proportion of family accommodation. The new proposal introduces 4, four bedroom units into the affordable rented mix, and result in an increase from 50% to 56.5% in the percentage of family accommodation within the affordable rented which includes 25.5% four and five beds, meeting a priority housing need.

8.35 The GLA has raised concern over the provision of 1 and 2 bed units. The Councils Housing Department however has accepted that a consequence of the high proportion of family accommodation is the low percentage of two bedroom units, and finds the mix on balance acceptable.

8.36 The Housing Department also finds the level of family accommodation in the intermediate housing mix (22%) and market housing mix (15%) to be acceptable, and the resultant overall unit mix of approximately 24% family housing.

8.37 It is to be noted that the scheme also exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Tenure	Borough-Wide %	Proposal %
Social-rented	17.5	56.5
Intermediate	2.5	22
Market	4.1	15
<b>Total</b>	<b>7.1</b>	<b>23.6</b>

8.39 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan, UDP and the Interim

Planning Guidance in creating a mixed and balanced community.

#### *Affordable Housing*

- 8.40 Policy 3A.9 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable.
- 8.41 Policy CP22 of the IPG document 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 being sought.
- 8.42 The scheme is proposing 35% affordable housing based on habitable rooms.
- 8.43 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Development Control Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. Whilst the GLA have raised concerns with the toolkit assessment in their Stage 1 report, the applicant has sought to address these. In response the GLA have advised that they broadly support the toolkit assessment and the affordable housing provision. The toolkit assessment has been scrutinised by the Council and its conclusion that 35% affordable housing is the most that is viable for this scheme, on balance, is supported.
- 8.44 Where the scheme is meeting the Council's affordable housing target of 35%, the scheme on balance, is considered acceptable.

#### *Social Rented/ Intermediate Ratio*

- 8.45 Against London Plan policy 3A.9 affordable housing target of 50%, 70% should be social rent and 30% should be intermediate rent.
- 8.46 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing.
- 8.47 The scheme is proposing a housing ratio split of 69.1:30.9 rented/ intermediate (by habitable room). The GLA stage 1 report states that the affordable housing "*tenure mix of the development is acceptable*".
- 8.48 The proposed tenure split falls short on the 80% requirement for social rented within the Council's IPG. However, where the split is generally in line with the London Plan 70/30 target, the provision is considered on balance to be acceptable.

#### **Design**

- 8.49 The site is on the edge of Roman Road Conservation Area and behind Grade II listed Passmore Edwards Public Library. Gladstone Place forms punctuation along Roman Road street market and is home to the Bow Ideas Store. Conservation Area boundaries include the two storey terrace along Cardigan Road, which is the eastern edge of the application site. Building heights within the Conservation Area are consistent between 2-3 storeys and rise towards the south with post-war modern housing estates. However, immediately to the west of the site is the Bow Neighbourhood Office/Ideas Store which comprises a modern, four/five storey red brick building and just beyond this is Brodick House; a 22 storey residential block.
- 8.50 There is objection to the proposed development where the residents are of the opinion that the proposed buildings do not reflect the scale or character of the surrounding area. However, the Council's Development and Renewal Department are of the opinion that the



building's height, scale, bulk and quality of design are appropriate for this location. This opinion is examined in detail below.

### Bulk and Massing

- 8.51 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.
- 8.52 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.53 Following concerns raised by the public over the height and bulk of the development, as well as officers original concerns over the impact on Cardigan Road terrace, the applicant has sought to address this by re-designing the eastern, western and southern elevations of the scheme, reducing its mass (in particular to blocks C and D) and amending elevation detailing by omitting projected balconies where possible. The general distribution of bulk and massing is now considered acceptable.
- 8.54 Objections to the scheme suggest that the scheme is a gated community. It must be noted that the podium play space area above the car park is not required by policy to be publicly accessible in accordance with private and communal amenity space requirements. Also, this design responds well to the constraints of the site, and in providing car parking space, to meet the needs of the residents and users of the retail space. Further, the proposed layout will provide better accessibility and safety for pedestrians, where the north - south and east west routes are to be improved and a series of plazas provided, that include public child play space.
- 8.55 Along Cardigan and Anglo Roads, the development will define the street edge with four/ five storey residential accommodation, including appropriate setbacks at the higher levels. When viewed from Roman Road, the proposed massing will generate sufficient interest with minimal impact on the setting of the Listed Building. With choice of sympathetic materials, brickwork and well proportioned windows; it will achieve adequate transition in character. Use of materials will be conditioned appropriately.
- 8.56 By re-introducing active retail at ground floor, Gladstone Place and Gladstone Walk will receive a fresh lease of life and has the potential to become a successful place. Further, the alignment of building E with Cruden House, including defined entrances, fits well within the context. Blocks A, B, C, D and E are generally well designed with appropriately sized units.
- 8.57 The site will continue to be serviced from Cardigan Road for proposed retail at ground floor and parking spaces. Whilst objections have been received over the lack of active frontage, this location is the only viable vehicular access point for the site, with limited impact on the surroundings. With careful site management and articulation of ground floor gates, green wall and residential entrances; any impact on existing houses should be mitigated. The quality of external finishes and detailing is critical in ensuring promised design quality. Also, proposed CCTV and dedicated security point adjacent the car park entrance should mitigate the anti-social behaviour concerns along this frontage as raised by the public.
- 8.58 The GLA stage 1 report states that "*the development concept and the scale of the development are largely supported*". Whilst the stage 1 report identified a number of design elements that could be improved, including the need for more double aspect dwellings and reconfiguration of block E for safety reasons, these matters are not considered to be

strategic nor sustainable reasons for refusal. Notwithstanding this, the applicant has amended the scheme to increase the total provision of dual aspect units to 77 as well as committing to improve lighting and CCTV along the north and south elevations of block E.

- 8.59 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context. The development presents a good opportunity to reinvigorate Gladstone Place and the Roman Road district centre. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

#### Tall Building

- 8.60 The London Plan defines a tall building as one that is significantly taller than their surroundings, has a significant impact on the skyline and is larger than the threshold sizes for the referral of planning applications to the mayor.
- 8.61 The IPG defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings, dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the London Plan and the IPG since the development was not referable to the mayor under the tall building criteria. Whilst the proposed development exceeds the height of the existing commercial development on the site, the majority of the development is between 5 and 6 storeys, apart from building A which is 10 storeys. There are buildings up to 4 storeys adjacent to the development to the north, south and west and a 22 storey building adjacent to the site to the west (Brodict House)
- 8.62 Notwithstanding, the development has been assessed against the tall building policies within the IPG given the concerns raised by the public. CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.63 The site is not within an identified tall building cluster. The design quality of the development will create a landmark that has the potential to act as a catalyst for the regeneration of the surrounding area. The height of Block A reflects the larger grain development to the west of the site. Also, the height of the building would guide legibility along Roman Road where the site will be an anchor for economic activity in the area.
- 8.64 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfies the relevant policy criteria as follows:
- The design is sensitive to the local and wider context.
  - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and public realm provision.
  - The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005). Nonetheless, the building is considered to provide an appropriate contribution to the skyline.
  - Visually integrated into the streetscape and the surrounding area as a landmark building.
  - Presents a human scaled development at the street level.
  - Respects the local character and seeks to incorporate and reflect elements of local distinctiveness.

- On balance, there will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
- Incorporates principles of inclusive design.
- The site is located in an area with relatively good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses and public realm.
- The scheme would conform to Civil Aviation requirements.
- Whilst a TV reception report was not submitted, a s106 agreement will be secured to monitor and mitigate any impacts upon TV reception.

8.65 The Council's Design and Conservation Officer and the Mayor considered the proposal to be acceptable in terms of building height. Further, English Heritage raised no objection to the scheme.

8.66 On balance, in accordance with London Plan and the IPG, the proposal scores merit for its response to the context, evolution of form, distinct character, high design quality and generous public realm. The height of the building is therefore considered to be acceptable.

#### Built Heritage

8.67 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.68 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy CON1 [1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.69 As mentioned earlier in this report, no part of the development is located in a conservation area. However, the site is adjacent to the Roman Road conservation area and the Grade II listed Passmore Edwards Public Library.

8.70 Notwithstanding, English Heritage has raised no objection to the proposal; rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

8.71 Also, the Council's Design and Conservation team has advised that the proposal would enhance the character of the Conservation Area along Roman Road and Gladstone Place in contrast to the existing development upon the site. The affect on Cardigan Road is considered moderate; however, this can be mitigated at the detailed design stage for its external appearance. As mentioned earlier, the use of materials will be conditioned appropriately.

8.72 The proposal is therefore considered to be appropriate in accordance with PPG15, the

London Plan and the IPG.

Amenity/Open Space

8.73 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase 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 <sup>2</sup> )
Family Units	49	50sqm of private space per family unit	2450
Non-family units	159	50sqm plus an additional 5sqm per 5 non-family units;	209
Child Bed spaces	93	3sq.m per child bed space	279
<b>Total</b>	<b>208</b>		<b>2938</b>

8.74 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)
Studio	2	6	12
1 Bed	81	6	486
2 Bed	76	10	760
3 Bed	30	10	300
4 Bed	4	10	40
<b>TOTAL</b>	<b>193</b>		<b>1598</b>
<b>Ground Floor Units</b>			
3 Bed	9	50	450
5 Bed	6	50	300
<b>Total</b>	<b>15</b>		<b>750</b>
<b>Grand Total</b>	<b>208</b>		<b>2348</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>248</b> (50sq.m plus 198sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>2596sqm</b>

8.75 In total, the proposed development will provide 1,101sqm of communal amenity space and 2,131sqm of private amenity space within the site. It will also provide 986sqm enhanced public realm within the site boundary and 1,157sqm beyond the site boundary as a s106 contribution. In total, the development will provide 3,232sqm of private and communal amenity space and 2,143sqm of enhanced public realm.

8.76 The enhanced public realm will include a widened, hard landscaped pedestrian link between Gladstone Place and Vernon Road, and improved connections to the north of the proposed supermarket along Gladstone Walk and to the north and south of building E. The public realm will be integrated with the proposed pocket park within the south western corner of the site. The area at podium level above the proposed parking area and supermarket will form a private and communal courtyard space, including private gardens, children's play space and a soft communal amenity area.

- 8.77 All of the proposed residential units, with the exception of a limited number of 1 bed apartments, will be served by private amenity space in the form of private gardens or balconies.
- 8.78 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site, including Victoria Park (approximately 400 to 500 metres to the north) and Mile End Park (approximately 750 metres to the west).
- 8.79 Taking account of the site's urban, district centre location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG, despite objections raised by the community.

#### *Child Play Space*

- 8.80 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. The applicant has not submitted an estimated child occupancy rate. Using the methodology within the Mayors SPG, this development will be home to 93 children (being 36 under 5 year olds; 35, 5 to 11 year olds; and 22, 12 to 16 year olds).
- 8.81 Using the Council's methodology for calculating child play space, the scheme will be home to 60 children. The methodology for this calculation is inline with the Council's capacity study for education. As this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.82 Whilst both the UDP Residential Standards SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 930sq.m recreation space.
- 8.83 The applicant has stated that 48sq.m of play space and 1,134 sq.m amenity space will be provided within the development. Two courtyard spaces are proposed in addition to communal space provided on the roof space of blocks B and D. This is in addition to a 232sq.m publicly accessible pocket park that is being provided by the development. The spaces have been designed so as to provide passive and active areas and amount to 1,414sq.m of play and recreational space.
- 8.84 The children's play space within the development will be designed for children under six and will include equipment such as climbing frame, sand pit and educational fixed toys. The passive spaces will include grassed area with seating. Whilst the applicant has indicated materials to be used and demonstrated on the plan the design of the courtyard spaces, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.85 The pocket park will act as a community facility, and will also provide play space for children from the development up to 12 years old. By using more adventurous equipment, including climbing walls and a tree play fort.
- 8.86 Whilst specific facilities are provided for 0 – 5s and 6 – 11s age groups, the applicant has provided no details on provision for the 12 – 16 year olds. The GLA stage 1 report states that if *“off-site provision is to be used, then the location, size, suitability and quality of the space should be illustrated, including demonstrating a clear and safe route from the development to the space, that should meet the distance criteria of the Mayors SPG”*.

- 8.87 The applicant has advised that it is not possible or appropriate to provide onsite provision of outdoor play space for the 12 – 16 year old group. Victoria Park is a large urban park with a range of recreational facilities including pitches, tennis courts and a running track. The needs of 12-16 year olds are therefore adequately catered for in the local area. This response has been accepted by the GLA.

#### *Summary*

- 8.88 It is clear that the open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Whilst not all of the units are provided with private amenity space, the development provides significant communal open space. The applicant is also proposing to improve public realm, including a new pocket park. The proposed child play space is also considered to comply with relevant national and local policies and guidance.
- 8.89 On balance, 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 and adverse impact upon the surrounding open space areas.

#### Accessibility and Inclusive Design

- 8.90 The access statement indicates that 10% of the units will be wheelchair accessible in accordance with Council policy. The scheme should be conditioned appropriately to ensure that this is provided for. The scheme has also been conditioned to ensure the proposed disabled parking spaces are provided and maintained.
- 8.91 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.
- 8.92 The GLA has raised concern over the schemes accessibility and inclusive design standard, in accordance with policy 4B.5 of the London Plan. The particular issue raised concerns the use of ramps on the podium deck. Again this matter is not considered to be strategic where the applicant has advised that the gradient of the access ramp complies with the building regulations, ensuring accessibility issues are appropriately addressed. As such, this is not considered to be a sustainable reason for refusal.

#### Safety and Security

- 8.93 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.94 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments. The scheme will also be conditioned appropriately to ensure a number of proposed mitigation measures are implemented in consultation with the Metropolitan Police.

#### **Amenity**

##### Daylight /Sunlight Access

- 8.95 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.

- 8.96 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.97 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.98 The following properties were assessed for daylight and sunlight, particularly in response to objections received and where they are considered to represent worst case scenarios:
- No. 568a Roman Road (Emerson Building) to the north;
  - No's 36 to 60 Cardigan Road to the east;
  - 1 to 10 Dornoch House and Lord Cardigan Public House to the south; and
  - 11 to 16 Cruden House and Brodick House to the west.
- 8.99 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

#### 1. Daylight Assessment

- 8.100 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.101 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
  - 1.5% for living rooms; and
  - 1% for bedrooms.
- 8.102 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.

#### *a. Daylight Results: Impacts on Neighbouring Properties*

- 8.103 Overall, of the 109 windows assessed, 62 will comply with the VSC target levels. Given that a number of neighbouring windows will receive VSC levels below the relevant BRE target levels, ADF calculations have been undertaken. It is important to reiterate that the calculation of ADF provides a more rigorous and accurate assessment of the level of daylight received by a room than the calculation of VSC as it takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s)
- 8.104 The ADF results show that 92 of the 105 rooms assessed (not including Brodick House) will comply with the respective BRE target levels (87% compliance). The rooms assessed that will receive interior daylight levels below the BRE guide levels represent isolated rooms within No.568a Roman Road (3 rooms) and Dornoch House (10 rooms). In the case of the majority of these rooms, the breach of the guide is marginal and not sufficient to realistically sustain a refusal. The majority of these rooms are kitchens and are within 0.5% of the respective target level (2%), and comply with the relevant target for living rooms (1.5%). In accordance with advice from Council's sunlight/daylight officer and the sites urban context,

this impact on balance is considered acceptable.

- 8.105 Objections have been raised from residents of Dennis House to the north of Roman Road. However given the separation distance of approximately 50 metres, any impact is considered to be minimal and not requiring a detailed analysis.
- 8.106 The impacts of the development on the northernmost, east facing ground floor level window within Brodick House that will be most affected by the development was assessed. This window represents the worst case scenario and the resultant VSC level resulting from the proposed development would be above the BRE guide level.

*b. Daylight Results: Impacts on Proposed Units*

- 8.107 The results of the interior daylight calculations undertaken for the 588 proposed main rooms and bedrooms within the development, demonstrate that 498 rooms will comply with the respective BRE interior daylight guide levels (85%). The windows that will receive levels of daylight below the BRE guide levels are principally situated beneath balconies, which in themselves have high amenity value.

2. Sunlight Assessment

- 8.108 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.

*a. Sunlight Results: Impacts on Neighbouring Properties*

- 8.109 The results of the sunlight assessment demonstrate that all 53 of the south facing neighbouring windows assessed will comply with the BRE annual sunlight guide levels (100% compliance). In addition, 49 of the 53 windows will comply with the BRE winter sunlight guide levels (92% compliance). Those that don't comply but one would be within 2% of the guide level.

*b. Sunlight Results: Impacts on Proposed Units*

- 8.110 The sunlight results for the 356 south facing windows serving main rooms/bedrooms within the proposed units demonstrate that 216 windows will comply with the BRE annual and winter sunlight guide levels (61% compliance). The windows that will receive levels of sunlight below the BRE guide levels are generally either situated directly beneath balconies or are at a low level overlooking the courtyard.
- 8.111 On balance, it is acknowledged that there will be a loss of daylight/sunlight to both proposed units on site and 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.
- 8.112 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 can be supported.

*(c) Shadow Analysis*



- 8.113 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 21<sup>st</sup> of March.
- 8.114 The applicants assessment confirms that the amenity areas surrounding the site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. Similarly, whilst objections have been received regarding the impact upon surrounding residential gardens, the applicants assessment shows that no garden will experience permanent shadow beyond the permitted limits indicated within the BRE guideline.
- 8.115 The assessment also considers the impacts upon the proposed areas of amenity space, including the public realm, podium deck, pocket park and the ground floor/ podium private garden areas. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area, as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

#### Privacy/ Overlooking

- 8.116 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The particular sites that may be impacted upon are addressed below. The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where 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 depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.117 • No. 568a Roman Road to the north

The positions of the windows in the north elevation facing No. 568a Roman Road have been adjusted to ensure the opposing windows are offset and an inset in the face has been provided to ensure a setback distance of approximately 15 to 18 metres. Separation distances such as these are not uncommon in urban settings and are considered appropriate in this instance.

- 8.118 • No's 36 to 60 Cardigan Road to the east

The minimum separation distance between the eastern elevation and these neighbouring dwellings is a minimum of approximately 16m. The separation distance is generally in compliance with policy guidance and, in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.119 • Lord Cardigan Public House to the south

The minimum separation distance between the southern elevation of the development and the Lord Cardigan Public House is approximately 15m. It is understood that the first floor level of the public house is used for ancillary accommodation and is therefore considered to be commercial in type. As such, these rooms are not considered as habitable in line with Council policy. The 18m policy guidance therefore does not apply.

- 8.120 • 1 to 10 Dornoch House to the south

The minimum separation distance between the southern elevation and these neighbouring dwellings is approximately 17m. The separation distance is generally in compliance with policy guidance and in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

8.121 • 11 to 16 Cruden House to the west

There is a separation distance of approximately 23 metres between adjacent habitable windows. The separation distance exceeds the policy direction and is therefore considered acceptable.

8.122 • Impact of the development upon itself

The separation distance between windows within Block E is below the guideline distance, at approximately 16 metres. The opposing windows however have been offset to prevent direct overlooking and are therefore considered acceptable.

8.123 The separation distance between windows within Blocks A and E is below the guideline distance at approximately 14 metres. The only windows of concern are on levels 1 and 2. However, these are generally offset to prevent direct overlooking and are on balance considered acceptable.

Sense of Enclosure/ Loss of Outlook

8.124 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. 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 to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to be sustainable.

Wind/ Microclimate

8.125 Members of the public have concerns regarding the potential impacts that may arise from wind. The applicant has not undertaken a Wind Assessment. Notwithstanding, potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme.

8.126 As mentioned above, the scheme is not considered to be a tall building. The GLA stage 1 report does not assess the development against the tall building policies, which must consider wind impacts. Further, there is no objection from the GLA regarding the height of the scheme or any impacts caused by wind. It is acknowledged that most developments that intensify the existing situation would materially affect the wind environment. However, any wind impacts caused by this development are considered to be appropriate for the scale of this development. Notwithstanding this, to address the public concern, the landscape condition should consider the resultant wind environment to the public realm.

Noise and Vibration

8.127 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).

- 8.128 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.
- 8.129 A supplementary noise assessment was submitted which considers impacts upon the surrounding environment during the construction phase and the operation phase. The main noise sources of concern would typically be as follows:
- Construction
  - Deliveries to the store
  - Service yard activity at the store
  - Car park activity associated with the store and the residential car park
  - Fixed plant associated with the store.
- 8.130 The Council's noise officer found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction and operation hours, delivery, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.
- 8.131 Notwithstanding this, as mentioned earlier in the report, the delivery hours for the previous supermarket were restricted as follows:
- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of the permission.
  - In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate times.
- 8.132 LBTH Environmental Health Department identified more extensive delivery hours in considering the applicants noise report. However, given the residential nature of the surrounding environment and the previous planning approval history for the site as a supermarket, the applicant has agreed to operate the store in accordance with the previously approved delivery hours. Also, the applicant has agreed to enter into a s106 agreement to exclude delivery traffic from the locality of the store until the appropriate times.

#### Air Quality

- 8.133 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department.
- 8.134 In order to mitigate any potential impacts and to address concerns raised by the public, a Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.135 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed by condition via a travel plan.

#### **Highways**

##### Access

- 8.136 The proposed development is bounded by Anglo Road, Cardigan Road and Gladstone Place. Cardigan Road, the main frontage to the site, is not well connected to the Transport for London Road Network (TLRN) as the A12 East Cross Route is 650m east and the A11 Bow Road 1000m south. The nearest section of the Strategic Road Network (SRN) is the A110 High Street, terminating at Bow Interchange, 1500m east of the site. Roman Road is part of the London Cycle Network but the route does not connect directly to the site. There are 3 bus routes within a 285m walk from the site; routes 8, 339 and S2. Bow Road Underground and Bow Church DLR stations are approximately 951m and 958m respectively south from the proposed development.
- 8.137 The public have raised objection to the impact of the scheme upon the transport system in the area. Whilst the applicants transport assessment identifies the site as having a PTAL score of three, TFL has advised that the site has a PTAL score of two. Notwithstanding, the accessibility level and current service is considered to be acceptable for the proposed development, particularly given the proximity of the development to the town centre and the proposed supermarket on the site.
- 8.138 Also, the public have raised objection to increased congestion within the surrounding streets. The LBTH highways department did not object to the scheme on these grounds, particularly given the existing trips generated by the existing use of the site as a car park and the previous retail development.
- 8.139 The public also objected to the scheme based on the impact of the development upon the accessibility of Cardigan Road from Roman Road. The applicant provided turning circle diagrams for this junction showing acceptable movement which neither TFL nor the Highways department have objected to.
- 8.140 Residents have raised concern regarding impacts associated with the construction traffic. As such, the scheme has been conditioned to provide an Environmental Construction Management Plan to mitigate any potential impacts.

## Parking

### *Car parking*

- 8.141 The proposed car parking provision is 104 spaces which represents a reduction from the 140 spaces on site at present. 72 spaces will be for residential parking whilst a further two space will be used as car club spaces (this represents a parking ratio of 0.35 which is well below the maximum standard). The allocated residential spaces will include 7 disabled spaces.
- 8.142 The remaining 30 spaces are pay and display for the retail elements of the scheme, including 4 disabled spaces). A further 10 residential and 4 commercial motorcycle spaces have been provided at the request of the LBTH Highways department.
- 8.143 The public have raised concern that the scheme provides insufficient parking spaces and as such, there will be an overspill from the development upon the surrounding street. Both TFL and the LBTH Highways Department have found the car parking provision for the residential and commercial elements of the scheme to be policy compliant. 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. As such, there should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.
- 8.144 Also, the public are concerned that the removal of the existing car parking (ex-Safeway site)

will have an impact on the success of the Roman Road markets. It must be noted that the existing car park was approved ancillary to the operation of the supermarket. It has been mentioned earlier in this report that the success of the district centre is dependant on the provision of a supermarket in this area. TFL has confirmed that the number of car parking spaces proposed for the commercial premises is acceptable.

- 8.145 Objection has been raised where there is no taxi drop-off/ pick-up area. According to the IPG, the requirement for a taxi pick up/set down area is to be determined on a case by case basis, subject to the Transport Assessment results. Neither TFL nor the LBTH Highways Department have objected to the scheme where a taxi area has not been provided.

#### *Cycle Parking*

- 8.146 Planned provision of 1 cycle parking space per residential unit complies with TfL's and the Council's cycle parking standards. The 21 spaces proposed for the commercial element of the scheme also meet the levels required (229 spaces in total). It is supported that the cycle parking will be secure and covered. The public has raised concern that the cycle parking areas will encourage thieves in this area. TFL have requested that the cycle parking spaces be covered by CCTV to discourage thieves. As such, to address TfL's comments and to address public concerns, the scheme should be conditioned appropriately.

#### Servicing and Refuse Provisions

- 8.147 Currently the site has two vehicular accesses onto Cardigan Road: One for the car parking and one for service vehicles. The car park access will be retained for the new development proposal and merged into a combined access for residents, visitors, delivery and service vehicles. The access will be widened to allow a private access into the basement car park for residents, and an opening into the pay and display parking area for shoppers.
- 8.148 As stated, delivery vehicles will also share this entrance with residents and visitors. Delivery vehicles will enter through this entrance, drive into an enclosed delivery area, service the site and then leave through a second exit onto Cardigan Road. A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.149 Amendments to the scheme have been made to increase pedestrian safety at these access points to address safety concerns raised by LBTH Highways Department. Also, a condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.150 Provision for the storage of refuse for the residential and non-residential uses has been provided for. Amendments to the scheme have been made at the request of LBTH cleansing department to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and the introduction of managed refuse collection point for Blocks A and E. Objection has been raised by the public over any proposed loss of existing parking spaces on adjacent roads to meet servicing requirements. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. The Council's parking services has raised no objection to this proposal subject to a Traffic Management Order. It is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities is provided.

#### **Other**

### Biodiversity

- 8.151 Objection has been raised over the proposed removal of two existing trees along Anglo Street. The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The existing trees are not protected by a tree preservation order. Notwithstanding, the applicant is proposing to retain a number of the existing trees along the north-south public realm route. The scheme will be conditioned to include native species in the landscaping scheme, also, requiring the creation of brown/green roofs.

### Flooding/ Water Resources

- 8.152 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.
- 8.153 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.

### Archaeology

- 8.154 PPG16 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Whilst the site is located within an Archaeological Priority Zone as specified within the UDP and the IPG, English Heritage is happy to accept appropriate conditioning of the scheme where planning approval is granted.

### Sustainability

- 8.155 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.
- 8.156 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.
- 8.157 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, GLA and objections made by the public the proposal has been revised as follows.
1. The proposed passive design and energy efficiency measures will represent a 5% reduction in the Building Emission Rate, for both the residential and retail schemes
  2. A single energy centre is proposed with a designated plant area within the basement area of the main block. This is detailed on the architectural drawings within the planning submission. A woodchip delivery pit will also be provided within the retail loading bay above to allow for biomass deliveries.
  3. A gas fired CHP system is now proposed to act as the lead boiler which has been sized to meet the domestic hot water load, the system has been provisionally sized to 80 kWe in conjunction with substantial thermal storage to cater for the predicted steady-state residential domestic hot water base load and should be able to provide a minimum 10% CO2 reduction across the development, compared to a standard Part L compliant scheme.
  4. A woodchip biomass boiler is proposed to meet the renewable energy target and will

be sized to operate during the heating season to provide heat which should further reduce the scheme's carbon emissions by approximately 15%. The size of the biomass boiler will be in the region of 200-300kW, dependent on detailed design analysis. During heating peaks the natural gas condensing boilers will fire to meet the maximum demand

5. The original scheme proposed 35% of the residential elements of the scheme (affordable units) will achieve a Code Level 3 – Code for Sustainable Homes. To comply with the Sustainable Design and Construction policies set out in the London Plan and the LBTH Interim Planning Guidance an assessment against the Mayors sustainable Design and Construction SPG has been completed and the scheme will be extended to meet Code Level 3 – Code for Sustainable Homes for all of the residential units. The financial implication of this is yet to be assessed and shall be completed at the detailed design stage, if there are no financial implications affecting the viability of the scheme than the whole residential development shall meet Code Level 3.

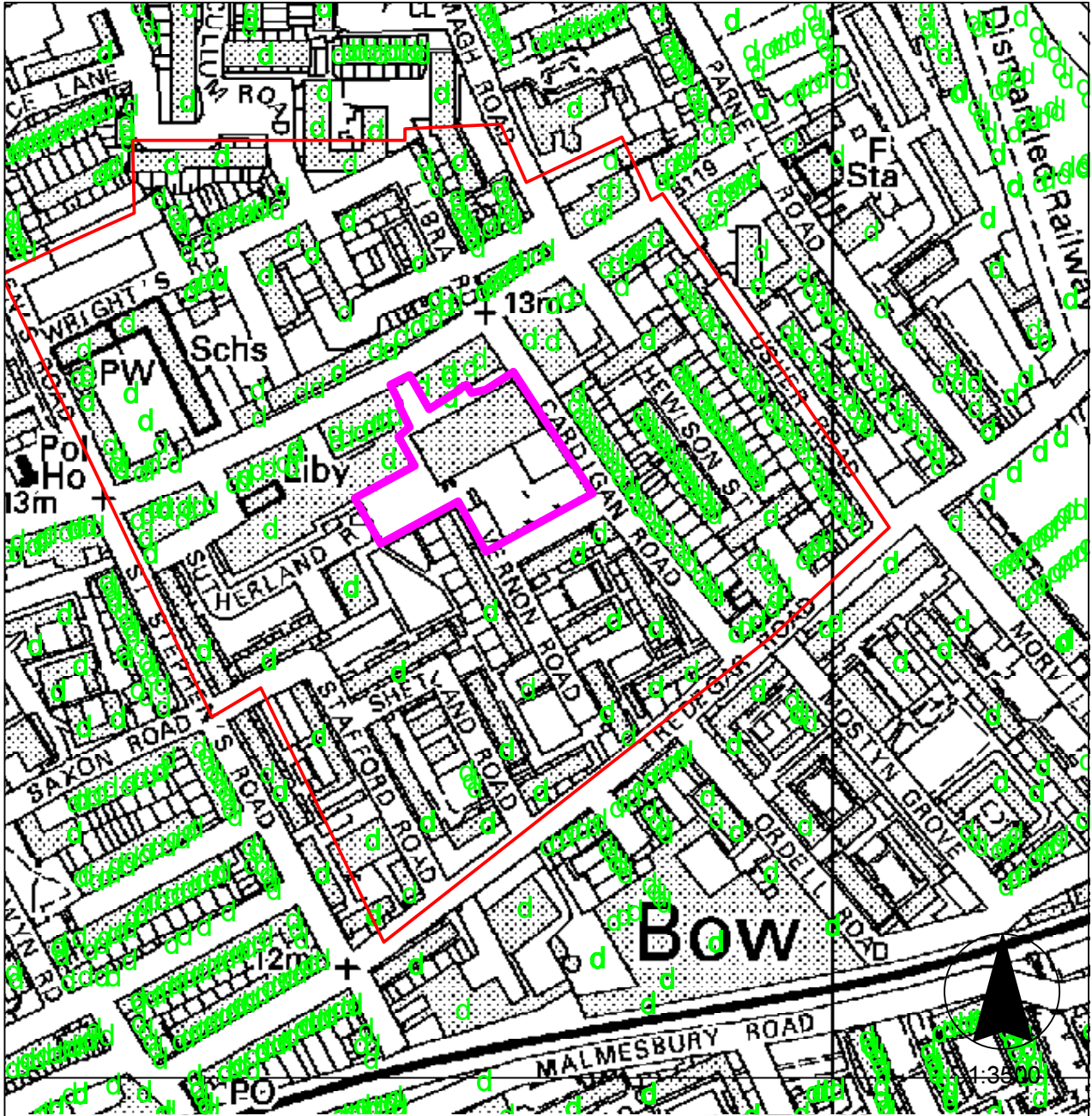
8.158 Since the energy strategy for this development has been revised, the Council's Energy Efficiency Unit confirms that it now complies with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG.

8.159 Whilst final comments have not yet been received from the GLA on the amended energy strategy, pursuant to the Energy Efficiency Unit's advice, the proposal is acceptable subject to conditions to provide the design details before the commencement of the development.

## **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.

# Site Map



**Legend**

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

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 © Crown Copyright. London Borough of Tower Hamlets LA086568