

Committee: Development	Date: 8 th October 2008	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Richard Murrell		Ref No: PA/08/1000 and PA/08/1001	
		Ward(s): Bow West	

1. APPLICATION DETAILS

Location: Gun Wharf, 241 Old Ford Road, London E3
Existing Use: Light Industrial (Use Class B1)
Proposal: PA/08/1000 (Planning Permission)
Demolition of existing buildings and redevelopment to provide four buildings of between three and six storeys in height providing 139 residential units and 252 sq m commercial floorspace (Use Classes A1,A3, B1 and D1). Provision of car and cycle parking, public space and landscaped amenity space.

PA/08/1001 (Conservation Area Consent)
Demolition of existing buildings

Drawing No's: L4012/1, L4012/2, PL100 Rev A, PL/101 Rev B, PL/102 Rev B, PL/103 Rev A, PL/104 Rev B, PL105 Rev B, PL106 Rev B, PL107 Rev B, PL108 Rev B, PL109, PL110 Rev A, PL111 Rev B, PL200 Rev A, PL201 Rev A, PL202 Rev A, PL203 Rev A, PL204 Rev B, PL/205 Rev A, PL206 Rev A, PL207 Rev A, PL208 Rev A, PL209 Rev A, PL210 Rev A, PL211 Rev A, PL212 Rev A and PL213.

Supporting documentation

Design and Access Statement
Planning Statement
Landscape Statement
Transport Assessment
Archaeological Assessment
Air Quality Assessment
Noise and Vibration Statement
Sustainable Energy Statement
Sustainability Statement
Daylight and Sunlight Assessment
Ecological Scoping Report
Phase 1 Desk Based Assessment of Ground Conditions
Statement of Community Involvement
Commercial Viability Statement
Television and Radio Reception Assessment
Wind and Microclimate Assessment

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

Applicant: Durkan Estates Limited
Owner: Morgan Crucible Company Plc
Connor Finance Corporation Limited
EDF Energy
Historic Building: None within site
Site adjacent to Three Colts Bridge – a Grade II Star Listed Structure
and a Scheduled Ancient Monument

Site adjacent to Victoria Park - a Grade II Star Historic Park

Conservation Area: Victoria Park

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- The proposal makes efficient use of the site with a high-density mixed use redevelopment and as such accords with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007), which seek the maximum intensity of use compatible with local context.
 - The loss of the employment use on site is acceptable because the site is unsuitable for continued industrial use due to its size, location and condition. The proposal therefore accords with policies EMP1 and EMP8 of the Council's Unitary Development Plan 1998 and policies CP9, CP11, CP19 and EE2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which consider appropriate locations for industrial employment uses and proposals for the loss of employment land.
 - The proposal provides an acceptable amount of affordable housing and mix of units overall and as with policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 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.
 - The density of the scheme does not result in any of the significant adverse impacts typically associated with an overdevelopment and is therefore acceptable in terms of 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 ensure development is sensitive to the capability of a site and that it does not have an adverse impact on neighbouring amenity.
 - The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development and as such accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

- The quantity and quality of housing amenity space, communal space and open space is acceptable and accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.
- The building height, scale, bulk, design and relationship to the canal are acceptable and accord with Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV2, DEV46 and DEV48 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, CON1 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, sensitive to the character of the area and context of a site.
- The demolition of the existing structures on-site and the erection of the proposed building enhances the appearance and character of the Victoria Park Conservation Area, the setting of Grade II* Listed Three Colts Bridge and the setting of nearby locally listed buildings by the provision of a high quality building and landscaped areas of public realm. The proposal therefore accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, IPG policies CON2 and CON3 and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- The safety and security of the scheme is acceptable and in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- Transport matters, including parking, access and servicing, are acceptable and accord with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16 and T18 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and accord 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.
- The proposed development will provide appropriate contributions towards the provision of affordable housing, health care, education facilities, transport and open space in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** Conservation Area Consent subject to:
Conditions

1. Time Limit
2. No demolition until let of contract for rebuild
3. No demolition until bat survey

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

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

- a) Forty-six units of affordable housing comprising 31 social rent units and 15 shared ownership units, as specified in the submitted schedule of housing
- b) A contribution of £283, 866 to mitigate for the demand of the additional population on educational facilities
- c) A contribution of £230, 910 to mitigate for the demand of the additional health care facilities
- d) A contribution of £225 000 for highway improvement works including the provision of a shared surface on Gunmakers Lane.
- e) A contribution of £175 000 to mitigate for the additional demand of the development on public transport
- f) A contribution of £80, 000 towards improvements to public realm (including £75 000 to mitigate for increased pressure on Victoria Park).
- g) A contribution of £20, 000 to British Waterways for improvements to canal
- h) A commitment to provide a car-club parking space
- i) The completion of a car-free agreement
- j) TV reception monitoring
- k) Travel Plan
- l) A commitment to utilising employment initiatives in order to maximise employment of local residents
- m) A commitment to secure public access to the canal-side through the central courtyard of the development

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

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

Conditions:

Conditions

1. Time Limit
2. Contaminated land survey
3. Samples / pallet board of all external facing materials
4. Detail of landscaping including Landscape Maintenance and Management Plan specifying the use of native species

5. Construction Management Plan
6. All residential accommodation to be completed to lifetime homes standards plus at least 10% wheelchair accessible
7. Implementation of sustainable design and renewable energy measures
8. Removal of permitted development rights to erect fences or gates
9. Provision of 7 wheelchair parking spaces
10. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
11. Hours of operation of commercial units (7.00am until 11.00pm on any day)
12. Detail of ventilation and extract equipment for commercial units
13. Detail of Highway Works to be completed through S278 agreement
14. Detail of glazing including measures to reduce noise transmission
15. Scheme of lighting and CCTV
16. Visibility splays for proposed car-park entrance
17. Detail biomass system including flue
18. Scheme for surface water drainage
19. Details of balcony privacy screens and off-set windows
20. Risk Assessment and Method Statement for works adjacent to water
21. Survey and schedule of repairs to canal wall including potential mooring points
22. Detail of living roofs and brown roofs
23. No construction of solid matter within 10m of Hertford-Union Canal

Informatives

- 1) Section 106 required
- 2) Section 278 required
- 3) Thames Water advice regarding petrol / oil interceptors, water pressure
- 4) British Waterways advice regarding surface water drainage.
- 5) British Waterways advice regarding third party works

3.4 That, if within 2-weeks of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the redevelopment of Gun Wharf Business Centre - which is located on Old Ford Road at the junction with Gunmakers Lane. This would involve the demolition of the existing single-storey industrial units on-site and the erection of four linked buildings ranging in height from three to six storeys. The buildings would be arranged around a central courtyard. A new area of public open space would be created adjacent to Gunmakers Lane, forming an entrance to Victoria Park via Three Colts Bridge.
- 4.2 The buildings would comprise 139 residential units and 252 square metres of commercial floorspace (Use Classes A1 - retail, A3 - restaurants and cafes, B1 – business or D1 – non-residential institutions). The proposal includes landscaping, public-open space, basement car parking and cycle parking.
- 4.3 In detail the application proposes:
 - Four blocks arranged around a central courtyard comprising:
 - Block A – A five storey L-shaped residential block located at the north-west

corner of the site adjacent to Empire Wharf and the canal (Max height 36.7m AOD)

- Block B - A block running adjacent to Gunmakers Lane ranging from 3 storeys adjacent to the canal, to 6 storeys towards Old Ford Road. This block is residential with commercial space on the ground floor. (Max height 39.7m AOD)
 - Block C – An L-shaped residential block 6 storey in height located at the junction of Gunmakers lane and Old Ford Road. (Max height 39.7m AOD)
 - Block D – A 5 storey residential block fronting Old Ford Road and running along the western boundary with Empire Wharf (Max height 36.7m AOD).
- A residential density of 754 habitable rooms per hectare.
 - One hundred and thirty nine (139) residential units (comprising 8 x Studios, 36 x 1 bedroom flats, 48 x 2 bedroom flats, 42 x 3 bedrooms flats and 5 x 5 bedroom houses)
 - Two hundred and fifty two (252) square metres of commercial floorspace located in the ground floor of Block B, with the proposed use falling into Use classes A1, A3, B1 and D1)
 - Forty six (46) designated units of affordable housing, of which 31 units would be for social rent and 15 shared ownership.
 - Thirty four (34) percent family sized units across all tenures.
 - Seven (7) wheelchair adapted units and a further 10 units that are easily adaptable for wheelchair use.
 - Sixty-five (65) car-parking spaces located at basement level. Including 6 dedicated disabled bays and one-car club space. One-hundred and forty-eight (140) cycle parking spaces at basement level.
 - A total of 4421 square metres of amenity space comprising 1493 square metres of communal amenity space, 1631 square metres of private amenity space and 1296 square metres of public open space.
 - A communal heating system powered by a biomass boiler
 - Allocated space at ground floor level for refuse and recycling facilities

4.4 During the course of the application, following advice from Officers and concerns expressed by local residents, the scheme was amended and revised drawings submitted. The revisions included

- Reduction in height of block D fronting Old Ford Road from 6 to 5 storey
- Reduction in height of block C on landscape spay from 7 to 6 storey
- Reduction in number of residential units from 148 to 139
- Reduction in commercial floorspace from 650sqm to 252sqm
- Amendments to elevations to reduce parapet build-up.
- Amendments to landscaping.

Site and Surroundings

- 4.5 Gun Wharf is located at the junction of Old Ford Road and Gunmakers Lane. The site is located on the opposite side of the Hertford Union Canal from Victoria Park. Gunmakers Lane provides access to the park, via Three Colts Bridge, from residential properties to the South and the Roman Road District Centre.
- 4.6 The application site itself covers an area of 0.56 hectares and is roughly rectangular in shape. It is bounded by Old Ford Road to the South, Empire Wharf to the West and Gunmakers Lane to the East. To the North, the rear boundary abuts the Hertford Union Canal. This rear boundary runs to the very edge of the canal for a distance of 27m. The remaining 41m of rear boundary is separated from the edge of the canal by a narrow strip of land owned by British Waterways. The canal towpath runs on the opposite side of the canal to the application site.
- 4.7 The site is accessed from Old Ford Road via a mini roundabout and is currently occupied by the Gun Wharf Business Centre. The Centre comprises 23 individual industrial units, providing 2500 square metres of light industrial (Use Class B1) floorspace. Nine of the units are currently vacant. The units are located in three single-storey brick buildings with the remainder of the site hard-standing. The site has a functional appearance typical to many other small industrial estates built around the 1980s.
- 4.8 To the West of the site is a 4 storey residential development known as Empire Wharf. The development comprises of two separate rectangular blocks orientated East-West. The first of these is located at the front of the site, the second to the rear. The space in-between is used for car-parking. To the East of the site, across Gunmakers Lane, is a collection of residential blocks – Gatehouse, Monteith, Albany Works and Connaught Works. These vary in height with Albany Works the highest at 6 storeys. These buildings are brick built and locally listed.
- 4.9 On the opposite side of the canal from the application site is Victoria Park. Victoria Park is registered as a Grade II Star Listed Historic Park or Garden. Three Colts Bridge, designated a Grade II Star Listed Structure and a Scheduled Ancient Monument, provides a crossing over the canal and into the park from Gunmakers Lane.
- 4.10 The site has a Public Transport Accessibility Level (PTAL) of 2. The closest stations to the site are located at Mile End and Bow Road. The site is close to bus routes numbers 8, S2 and 339.
- 4.11 In the adopted Unitary Development Plan 1998, the site falls within the Victoria Park Conservation Area. The Hertford Union Canal is a designated Site of Nature Conservation Importance and a Green Chain. The front portion of the site is safeguarded for Road Widening.

Planning History

- 4.12 There are a number of old planning permissions dating from the 1980s and 1990s relating to the construction of the existing industrial units on-site. They are not relevant to this planning application.
- 4.13 PA/07/03294 – Request for a Screening Opinion as to whether an Environmental Impact Assessment is required in respect of demolition of existing buildings and construction of mixed use development consisting of 650 sq m. commercial floorspace and 160 residential units up to six storeys plus car parking, landscaped amenity space and public realm improvements.

On 23rd January 2008 the Council determined that an Environmental Impact Assessment

was not required because the development is not located in a sensitive area or thought to have significant urbanising effects.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals: Road Widening

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV17	Street Furniture
	DEV28	Demolition in Conservation Areas
	DEV42	Protection of Ancient Monuments
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV48	Development with Water Frontage
	DEV49	Proposals for Moored vessels
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Development and Sites of Nature Conservation Importance
	DEV63	Green Chains and Walkways
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities
	EMP6	Employing local People
	EMP8	Encouraging Small Business Growth
	EMP10	Business Development Elsewhere in the Borough
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	T26	Use of Waterways for Freight
	ST34	Viability of District Centres
	ST35	Reasonable Range of Local Shops
	S7	Special Uses
	S10	Requirements for New Shop front Proposals
	OS9	Children’s Playspace

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

Proposals: Central Area Action Plan
Road Widening Safeguarding

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP30	Improving open-spaces
	CP31	Biodiversity
	CP33	Site of Nature Conservation Importance
	CP34	Green Chains
	CP36	The Water Environment and Waterside Walkways
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP44	Promoting Sustainable Freight Movement
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP49	Historic Environment
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
	RT3	Shopping Provision Outside of Town Centres
	RT4	Retail Development and the Sequential Approach

HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
OSN3	Blue Ribbon Network
CON1	Listed Buildings
CON2	Conservation Areas
CON3	Protection of Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments

5.4 **Supplementary Planning Guidance/Documents**

Residential Space Standards
 Archaeology and Development
 Canal-side Development
 Riverside Walkways
 Designing Out Crime Parts 1 and 2

5.5 **Spatial Development Strategy for Greater London (London Plan) 2004**

Polices	2A.1	Sustainability Criteria
	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.9	Affordable Housing Targets
	3A.17	Protection of social infrastructure
	3A.23	Health Impacts
	3A.24	Education Facilities
	3B.1	Developing London's Economy
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.22	Improving conditions for cycling
	3C.23	Parking Strategy
	3D.10	Open Space Provision in UDPs
	3D.13	Children's and Young people's play space
	3D.14	Biodiversity and Nature Conservation
	4A.3	Sustainable Design and Construction
	4A.7	Renewable Energy
	4A.11	Living Roofs and Walls
	4A.14	Sustainable Drainage
	4A.19	Improving air quality
	4B.1	Design Principles for a Compact City
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an Inclusive Environment
	4B.6	Sustainable Design and Construction
	4C.1	Blue Ribbon Network
	4C.11	Improving access alongside Blue Ribbon Network

5.6 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG15	Planning and the Historic Environment

- 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

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:

British Waterways (Statutory Consultee)

- 6.1 British Waterways has no objection to the scheme subject to the following:
- A financial contribution of £20,000 towards cycling improvements, new signage, maintenance and graffiti removal.
 - Conditions requiring the submission of additional detail in relating to the condition of the waterway wall, a risk assessment relating to water safety, landscaping, proposed lighting and CCTV.

Officer Comment: The financial contribution would be secured in a S106 agreement. The requested conditions would be imposed on any permission.

Environment Agency (Statutory Consultee)

- 6.2 The Environment Agency have stated that they have no objection to the development subject to the following conditions
- Details of proposed living roofs, landscape management, detail of brown roofs, use of local plant species in vicinity of canal, detail of canal wall construction, detail of type of recycled timber, detail of canal wall planting, detail of management plan for planting, detail of storage facilities for oil or fuels.

Officer Comment: Conditions to cover the planning issues raised by the Environment Agency would be placed on any permission.

English Heritage (Statutory Consultee)

6.3 Historic Buildings and Areas Section

English Heritage have stated that they would not wish to comment in detail and offered the following general observations:-

- The existing structures on-site appear to be of no particular architectural or historic interest.
- The site is important and forms part of the visual boundary of Victoria Park (which is included in the Register of Parks and Gardens at Grade II Star).
- Gunmakers Lane is a historic street, and whilst they understand the desire to flagpost the entrance to the park they have concerns regarding the opening up of the narrow thoroughfare by the positioning of blocks B and C at an angle to the prevailing orthodox geometry of the area.
- Note that granite kerbs survive on the west side of Gunmakers Lane which should be retained and supplemented.
- The road surface of the bridge should also be upgraded with historic materials.
- Conditions should be imposed to protect Three Colt Bridge Abutments and to require details of materials and landscaping.

- 6.4 *Officer Comment: These matters are discussed in more detail in the design section of this*

report. The submission of detail in relation to landscaping, materials and bridge protection would be secured by condition. The resurfacing of the bridge is not part of this application

6.5 Greater London Archaeology Advisory Service

GLAAS have reviewed the submitted Archaeological Desk based Assessment and have concluded that the proposal would not have any significant impacts on archaeological remains.

6.6 Inspector of Ancient Monuments

No objection in relation to works adjacent to scheduled ancient monument. Incumbent on developer not to cause damage

National Air Traffic Services Ltd (NATS)

6.7 No objection

British Broadcasting Corporation – Reception Advice

6.8 No comments received

Thames Water

6.9 Thames Water note that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. It is also noted that oil interceptors should be fitted to prevent the pollution of water courses. An informative in relation to water pressure in the area is also requested

6.10 *Officer Comment: These matters are satisfactorily controlled under other legislation, an informative would be placed on permission*

London Fire and Emergency Planning Authority

6.11 The LFEPA have stated that access and facilities for fire-fighting appliances are not apparent from the planning application and that the proposal does not appear to meet the functional requirements of Building Regulations. The LFEPA would recommend that the Developer consults with them at an early opportunity to avoid conflicting interests.

6.12 *Officer Comment: Compatibility between landscaping arrangements and the requirements of the emergency services can be considered during the discharge of condition process.*

National Grid

6.13 Responded to consultation stating that there was negligible risk to operational electricity and gas transmission networks.

Transport for London

6.14 TfL have stated that the proposal would not have any unacceptable impact on the road network. TfL have questioned some of the data in the submitted Transport Assessment (*Officer comment: TA was revised*).

6.15 TfL would accept a contribution of £175 000 from the developer to improve public transport in the vicinity of the site. TfL note that such a sum, for example, could be sufficient to add an extra bus journey to route 8 in the morning peak to avoid overcrowding and improve reliability.

6.16 TfL recommend that a car-free agreement is used to prevent future residents from obtaining on-street car-parking permits. (*Officer comment: This would be secured in the S106 legal agreement.*)

6.17 TfL recommend that cycle parking should be provided for the non-residential component of the scheme. (*Officer comment: The amended plans include provision of non-residential*

cycle parking).

- 6.18 TfL recommend that a Travel Plan for the development is produced. (*Officer comment: This would be secured in a S106 legal agreement).*

Natural England

- 6.19 No comments received

Garden History Society (Statutory Consultee)

- 6.20 No comments received

LBTH Highways

- 6.21 The Council's Highway Department have agreed to the provision of a shared surface on Gunmakers Lane and consider the submitted Transport Assessment acceptable. The Highways Department also request:

- Provision of car-club space
- Car-free agreement
- Financial contribution of £75 000 to improve footway on southside of Old Ford Road from St Stephens Road to Ford Street
- Financial contribution of £150, 000 towards the upgrade and improvement of Gunmakers Lane
- The agreement of the developer to dedicate at least 2.4m width of land on Gunmakers Lane to facilitate the construction of a 2.4 meter width of footway on both side of the road.
- The agreement of the developer to dedicate at least 1m width of land on Old Ford Road to facilitate the construction of a 2.4 meter width of footway on the North side of Old Ford Road.
- Other necessary highway improvement works

- 6.22 *Officer comment: The developer has agreed to the requested financial contributions. The other matters would be secured using conditions and/or legal agreements as appropriate.*

LBTH Building Control

- 6.23 The Council's Building Control section have indicated that in general terms the layouts of the flats, duplex units and studios are generally acceptable. A number of comments are made in relation to the need for smoke control and the position of staircases. It is also noted that the landscaping may have to be altered to allow Fire Brigade Access to the central courtyard.

Officer Response: The issues raised are controlled under Building Regulations. The detail of the landscaping will be secured by condition and the Applicant would be reminded of the need to ensure suitable access for the emergency services.

LBTH Education

- 6.24 The Council's Education section have assessed the proposal as requiring a contribution towards 23 additional primary school places totalling £283,866.

Officer Response: The contribution has been agreed with the Developer and would be secured via a S106 legal agreement

LBTH Environment and Ecology Officer

- 6.25 No comments received

LBTH Energy Efficiency Unit

- 6.26 The Council's Energy Officer has reviewed the scheme and notes that energy efficiency

measures are in-line with current standards. The use of community district heating and a biomass boiler is also considered appropriate. Details of the size of the fuel store and the source of fuel would be required by condition.

The application proposes that the development will be completed to Sustainable Homes Code Level 3. This would also be secured by condition.

LBTH Housing

6.27 The Council's Housing Section have reviewed the scheme and have noted that

- the scheme overall is still delivering 37% affordable housing
- the scheme delivers a 72:28 split between socially rented and intermediate, which, as with the original submission, is between the the Council's expectation of 80:20 and the 70:30 target set by the London Plan.
- the revised scheme will deliver an additional 3 bedroom wheelchair accessible unit on the ground floor

Officer comment: Housing is discussed in detail at later section of the report.

LBTH Environmental Health

6.28 Contaminated Land

The Council's Contaminated Land Officer has reviewed the submitted Phase 1 Desk Study and concluded that additional intrusive investigations would be required if planning permission were granted.

Officer Response: This would be secured by condition.

6.29 Air Quality

The Council's Air Quality Officer requires the submission of additional information in relation to potential emissions from the biomass boiler including the height of the flue.

Officer response: This would be secured by condition.

6.30 Sunlight / Daylight

The Council's Environmental Health Officer is satisfied with the submitted Sunlight and Daylight Report. This matter is discussed in more detail under the main issues section of this report.

6.31 Noise

The Council's Noise Officer has reviewed the submitted Acoustic Survey and is satisfied that, with suitable sound attenuating glazing, future occupants of the development will not suffer from unacceptable disturbance from road noise.

Officer Comment: The installation of suitable glazing would be required by condition

An objection has been raised because at this stage no detail has been submitted in relation to potential noise / odour disturbance from the proposed ground floor commercial unit.

Officer Comment: The submitted plans include a shaft rising through the development from the commercial unit to the top of the building. This shaft could house ventilation equipment that might be required. A condition would require the future submission of details of noise output of any proposed plant, including the biomass boiler - and any necessary mitigation measures.

The Noise Officer is satisfied that the Council's Environmental Protection and Licensing Team can control noise from events in Victoria Park to ensure that future residents do not suffer undue noise disturbance

LBTH Cleansing Team

6.32 No comments received

LBTH Cultural Services

6.33 Cultural Services have requested a financial contribution of £72,364 towards improvements to Victoria Park

Officer Response: The contribution has been agreed with the developer and would be secured via a S106 legal agreement

LBTH Primary Care Trust

6.34 Tower Hamlets Primary Care Trust has requested a financial contribution to compensate for the additional burden on local health-care services. A £771, 747 revenue contribution and a £230, 910 capital contribution has been requested.

Officer Comment: The PCT were advised that LBTH Planning only seek the capital contribution as recent appeal decisions suggest that a revenue contribution cannot be justified. The PCT dispute that a revenue contribution cannot be justified. However, Officers are of the opinion that, without a more rigorous policy framework and detailed justification on the shortfall in local healthcare provision, it is not possible to seek revenue contributions at this time.

A capital contribution of £230,910 has been agreed with the developer and will be secured via a S106 legal agreement

Olympic Delivery Authority

6.35 No comments

Crime Prevention Design Advisor

6.36 The Council's Metropolitan Police Crime Design Advisor has commended the Architects for adjusting the scheme to include active frontages to Gunmakers Lane. However, a concern is raised that public development to the canal 'is not a good idea' and is likely to lead to anti-social behaviour and crime.

Officer response: The detailed design of the scheme is discussed in a latter section of the report. Council policy does not support the creation of gated communities and the benefit creating a permeable development with public access to the canal is considered to outweigh the concerns raised.

7. LOCAL REPRESENTATION

7.1 A total of 415 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 55 Against: 55 In Support: Nil

A petition was received containing 282 signatures objecting to the development

7.2 Two ward Councillors objected to proposal

Re-consultation

7.3 During the course of the application the scheme was amended and revised plans submitted. Neighbours were re-notified of the proposal and an additional site notice was posted. The number of responses received in response to this re-notification were as follows

No. of individual responses: 15 Against: 15 In Support: 0

7.4 This includes all responses received by 23 September 2008. Any additional responses received will be reported to committee in an addendum report.

7.5 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:

Density and land use

- Density is too high, exceeds London Plan recommendations
- Site overdeveloped
- Density more than triple that on Empire Wharf site
- Density of flats will put excessive pressure on local bus services
- Existing small businesses should be assisted
- Commercial uses will probably lie vacant, too much proposed
- Proposal will not regenerate area
- Loss employment not justified
- Application not accompanied by retail impact assessment / sequential test

Design / bulk / scale / height

- Building far too large and bulky
- Overbearing
- Will dominate views
- Out of scale with neighbouring buildings
- Materials do not relate to surroundings
- Does not relate to character of area
- Generally unacceptable design
- Sense of enclosure to Empire Wharf
- Design too bold
- Does not respect street pattern
- Albany works has a small footprint and does not set scale precedent
- Lack of amenity space indicative of overdevelopment

Impact on Conservation Area / locally listed buildings

- Height and design contrary to objectives of Conservation Area Appraisal
- Proposal will detract from conservation area
- Block views of park
- Materials inappropriate
- Brick is typical of area
- Poor relation with locally listed building
- View of park / conservation area blocked from St. Stephens Green

Loss of light / overshadowing

- Building will cause unacceptable loss of light / overshadowing
- Will totally block light
- Methodology of assessment flawed
- Only summer conditions assessed

- Not all properties assessed
- BRE targets not met

Loss of privacy

- Direct line of sight into neighbouring properties facing Gunmakers Lane
- Overlooking of properties on Empire Wharf
- Overlooking of communal spaces
- Does not meet 18m separation distance

Sense of enclosure

- Height/scale of building will create sense of enclosure to residents of Empire Wharf / properties to East of Gunmakers Lane.

Impact on local infrastructure

- Local transport, especially number 8 bus, already overcrowded
- Insufficient school places in area
- Insufficient GP places
- Lack of suitable facilities in area e.g. supermarkets
- Cumulative impact of other developments in area needs to be considered (e.g. Safeway site)

Traffic generation /parking

- Additional cars will cause congestion
- Lack of parking, especially given poor transport links
- Entrance to car-park unsafe
- Lack commercial parking
- Increased traffic dangerous to cyclists

Other issues raised

- Traffic will cause air pollution
- Loss of habitat for waterfowl / feeding places
- Loss of security by loss of Empire Wharf Wall
- Shops / restaurants / open space will encourage loitering youths
- Noise and disturbance from cars entering underground car-park
- Noise from proposed shops / restaurants
- Dust
- Disturbance during construction process
- Open-spaces difficult to police
- Larger S106 contributions could be secured in better economic climate
- Development will not be built leaving vacant site
- Increased pressure on Victoria Park e.g. litter generation
- Amendment to proposal not enough to overcome concerns

7.6 Some letters of objection also contained comments in support of some aspects of the proposal. Specifically:

- Welcome opening up Gunmakers Lane and improved lighting
- Welcome principle of residential redevelopment

7.7 The following issues were raised in representations that are not considered material to the determination of the application:

Developer Consultation

Pre-application consultation carried out by Developers was inadequate, some residents were not invited, sessions were held at inconvenient times, views of residents were misrepresented in the submitted report, offers of meeting with residents ignored.

Officer comment: The Council encourages developers to engage with the local community. However, the extent of this is at the discretion of the Developer. The Council also conducts its own consultation in accordance with statutory requirements.

Council Consultation

Residents concerned that Officers told developer revised plans would be acceptable prior to re-consultation. (*Officer comment: Officer advice is always informal, subject to consultation and does not bind the formal decision of the Council*).

Residents did not receive notification of revised plans
Website not updated / not all residents have access to website
Users of Victoria Park not aware of proposal

(Officer comment: Revised letters were sent to all residents originally consulted and a site notice was also posted. This fully meets statutory requirements and the Council considers that all necessary consultation has taken place.)

Others

- Excavation will undermine foundations
- Housing market will collapse
- Loss of value of house
- Loss of view

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land-use
2. Density
3. Housing
4. Design, public realm and impact on Conservation Area
5. Amenity for future occupiers
6. Impact on amenity of neighbours
7. Transport Impacts
8. Other planning matters

Land-use

8.1 The application site has no specific designations in the adopted Unitary Development Plan 1998 or the Interim Planning Guidance 2007. The site currently provides 2500 square metres of light industrial floorspace (Use Class B1). The application proposes a mixed use comprising residential (Use Class C3) and 252 square metres of commercial floorspace (Use Classes A1/A3/B1 or D1).

8.2 Loss of employment uses

Policies EMP1 and EMP8 of the adopted UDP seek employment growth and the development of small businesses. Policies CP11 and EE2 of the IPG (2007) seek to protect sites in employment use, and policy CP9 seeks to retain employment space for small business. The policies require that there should be no net loss of employment floorspace unless, it is demonstrated that the continued use of the land is no longer viable.

- 8.3 The main issue is whether the loss of 2500 square metres of employment floorspace can be justified. In accordance with policy requirements, the application has been accompanied by a Commercial Viability Assessment prepared by Strettons Chartered Surveyors.
- 8.4 This assessment notes that the Gun Wharf Estate comprises 23 light industrial units providing a total of 2500 square metres of floorspace. Approximately 65% of this is currently occupied, providing employment for 37 full-time employees. The assessment states that many of the units have only been let on short term leases after significant voids. The report also notes that the low floor to ceiling heights of the units and the lack of lorry parking makes the units unattractive to potential occupiers. The report includes marketing information which suggests that some interest has been expressed in letting units, although there has only been one viewing in the last 5 months.
- 8.5 The current occupancy of some of the units and the interest expressed in taking on units must be considered in the context of the general decline in demand for industrial floorspace in the area. The Sub Regional Development Framework for East London advises that there is more provision for economic activity than is necessary to meet future demand. Specifically, in relation to this site, the submitted viability statement states that within 1 mile of the site there are 13 available commercial units providing over 11,000 square metres of space.
- 8.6 Given the general decline in demand for employment floorspace, the specific surplus identified in the local area and the poor quality of the accommodation being lost, there is no identifiable over-riding demand to justify the re-provision of a greater amount of employment floorspace than is currently proposed. The loss of employment floor space is therefore acceptable in terms of saved policies EMP1 and EMP8 of the UDP and policies CP9, CP11 and EE2 of the IPG (2007).
- 8.7 Principle of a residential use
- The principle of the loss of employment floorspace has been considered and found acceptable. In terms of a housing use it is noted that the surrounding area is already predominately residential and will therefore provide a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies 3A.1, 3A.3, 3A.5 of the consolidated London Plan 2008 and policy CP19 of the IPG (2007) - which seek to maximise the supply of housing.
- 8.8 It is also noted that several objectors supported the principle of the residential redevelopment of the site, albeit with a caveat that the scale of current proposal was unacceptable.
- 8.9 Principle of provision of commercial use
- The application proposes the provision of 252 square metres of ground floor commercial space. This could be used for uses falling within Classes A1 – Retail Shops; A3 – Restaurants/Cafes; D1 – Non-Residential Institutions or B1 – Offices.
- 8.10 The provision of this commercial element adds interest and activity to the Gunmakers Lane elevation. It is therefore acceptable in land-use terms as it accords with policy DEV3 of the UDP (1998) which encourages mixed use developments. The potential amenity impacts of these uses are considered below – and are found acceptable in terms of saved UDP policy S7.

- 8.11 At 252 square metres, the level of commercial provision is modest (and reduced from the amount proposed in the original plans). It is likely to cater for local convenience needs without detriment to the Roman Road District Centre, and as such it would accord with saved UDP policies ST34 and ST35. The relatively low level of provision means the scheme is unlikely to suffer from the problem of new units remaining vacant which objectors identified as a problem in other new developments. For these reasons, the development is considered to accord with the requirements of saved UDP policies ST34 and S7.
- 8.12 A planning consultant acting for objectors to the development has noted that the proposal was not accompanied by a retail impact statement as required by IPG policy RT4 for new retail development under 2500 square metres. It is noted that policy RT4 states the amount of evidence required for retail impact statements should be proportionate to the scale and nature of the proposal. Officers are satisfied that a full assessment of the impact of the commercial element of this scheme can be made without the need for a separate statement.

Density of Development

- 8.13 National planning guidance in PPS1: Sustainable Development and PPS3: Housing stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3A.3 – which requires development to maximise the potential of sites, and policy 4B.1 – which details design principles for a compact city. Interim Planning Guidance (2007) policies CP20 and HSG1 also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.14 The site has an area of 0.56 ha and a residential density of 754 habitable rooms per hectare. In an urban area with a PTAL of 2 London Plan Policy 3A.3 states than a density range of 200 – 450 hr/ha is appropriate.
- 8.15 In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's Interim Planning Guidance is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.16 Residents have objected to the scheme on the grounds that the density exceeds the recommended ranges. However, it should be noted that solely exceeding the recommended range is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that the high density value was symptomatic of an overdevelopment of the site. Typically an overdeveloped site will experience shortfalls in one or more of the following areas:
- Access to sunlight and daylight
 - Sub-standard dwelling units
 - Increased sense of enclosure
 - Loss of outlook
 - Increased traffic generation
 - Detrimental impacts on local social and physical infrastructure
 - Visual amenity
 - Lack of open space; or
 - Poor housing mix

These specific factors are considered in detail in later sections of the report – and are found to be acceptable.

- 8.17 Policies CP20 and HSG1 of the Interim Planning Guidance seek to maximise residential

densities on individual sites taking into consideration:-

- 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

8.18 In the case of this proposal it is considered that

- The proposal is of a particularly high quality that responds to the local context by delivering a significantly improved entrance to Victoria Park.
- The proposal does not result in any of the adverse symptoms of overdevelopment
- The proposal provides good quality homes, including larger family houses, of an appropriate mix with an acceptable percentage of affordable housing.
- The package of S106 mitigation measures including contributions towards affordable housing, health-care, education, Victoria Park and transport will mitigate for any potential adverse impacts on social and physical infrastructure.

8.19 There are numerous examples of developments where the Council has accepted a density above the suggested range, where it has been demonstrated that there are no adverse impacts from a development. In overall terms, Officers are satisfied that the development makes the most efficient use of land. The proposed mitigation measures, including financial contributions towards local education, healthcare, transport and greenspaces, ensure that the development has no significant adverse impacts and accords with the aims of London Plan policy 3A.3 and IPG policies CP20 and HSG1.

Housing

8.20 The application proposes 139 residential (Class C3) units in the following mix when split into market, social-rent, shared-ownership tenures:

	Market Sale	Social Rent	Shared Ownership
Studios	8	0	0
1 Bedroom unit	25	6	5
2 Bedroom unit	32	10	6
3 bedroom unit	28	10	4
4 Bedroom unit	0	0	0
5 Bedroom unit	0	5	0
Total Units	93	31	15
Total Affordable Units		46	

8.21 This section of the report considers the acceptability of the housing provision on site in terms level of affordable housing, mix of tenures, mix of dwellings sizes and provision of wheelchair units.

Affordable Housing

8.22 London Plan policies 3A.8 and 3A.9 state Boroughs should seek the maximum amount of affordable housing. Interim Planning Guidance Policies CP22 and HSG3 require the provision of 35% affordable housing on schemes of 10 dwellings or more. Policy HSG10 notes that it is acceptable for the proportion of affordable housing to be calculated using habitable rooms as the primary measure.

8.23 The scheme provides a total of 46 affordable housing units, which equates to 37.7% of the habitable rooms in accordance with IPG policy CP22.

Social Rent / Intermediate Ratio

8.24 London Plan policy 3A.9 states that there should be mix of tenures within the affordable housing units with 70% social rent and 30% shared ownership. The Council's own IPG policy CP22 requires a split of 80% social rent and 20% shared ownership given the particular shortage of social rent units in the Borough.

8.25 The application proposes the following mix of tenure types

Tenure	Number Hab. Rooms	%	London Plan Policy 3A.9 target	IPG (2007) target
Social Rent	117	73%	70%	80%
Shared Ownership	44	27%	30%	20%
Total	161			

8.26 At 73% the amount of social rent units does not quite reach the 80% target set by IPG policy CP22. However, given the compliance with the 70% minimum specified in the adopted London Plan policy 3A.9 the proposed mix of tenures is acceptable.

Mix of dwelling sizes

8.27 The Council's housing studies have identified that there is a significant deficiency of family housing within the Borough. This shortage is reflected in Council policy which seeks to ensure development provides a range of dwelling sizes.

Saved policy HSG7 of the UDP (1998) requires development to provide a mix of unit sizes. London Plan policy 3A.5 also requires development to offer a range of housing choice. Interim Planning Guidance policies CP21 and HSG2 specify the particular mix of unit sizes required across different tenures in the Borough.

8.28 Social Rent:

Table DC1: Housing Mix in IPG policy HSG2 details the mix of units required in the social rent tenure. These figures and the breakdown of the proposed accommodation are shown in the table below: -.

Housing Mix: Social Rent

Unit Size	no Units	IPG Target %	Proposed %
Studio	0	0	0
1 Bed	6	20	20
2 Bed	10	35	32

3 Bed	10	30	32
4 Bed	0	10	0
5 Bed	5	5	16
Totals	31	100	

8.29 The development exceeds policy requirements (the target values for 4 and 5 bed units have been added given the absence of 4 bed units) and the proposal accords with IPG policy HSG2. It is also noted that the development includes 5 x 5 bedroom 'houses' with private gardens which is a particularly valued form of accommodation.

8.30 Market and Shared Ownership:

Interim Planning Guidance requires both market and shared ownership housing to provide an even mix of dwelling sizes and a minimum of 25% family housing (taken as dwellings with 3 or more bedrooms).

The application proposes

Housing Mix: Shared Ownership

Unit Size	No. Units	IPG Target %	Proposed %
1 Bed	5	-	33
2 Bed	6	-	40
3 Bed	4	25	27

Housing Mix: Market Sale

Unit Size	No. Units	IPG Target %	Proposed %
Studio	8	-	9%
1 Bed	25	-	27%
2 Bed	32	-	34%
3 Bed	28	25	30%

8.31 In the case of both shared ownership and market flats the proposed development exceeds the requirements of IPG policy HSG2 of provide at least 25% family sized units and the proposal is therefore acceptable.

Wheelchair Housing and Lifetime Homes

8.32 London Plan policy 3A.5 and Interim Planning Guidance policy HSG9 require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

8.33 It total 7 wheelchair accessible units are proposed. These are located within Block D within the social rent tenure. The scheme currently only shows 6 demarcated wheelchair parking bays and this should be increased to 7. This matter can easily be resolved by condition if permission is granted. A further ten units could also be adapted for wheelchair use if required.

8.34 In terms of compliance with lifetime homes standards, it is noted that 5 of the units do not comply with the requirement 'the living room should be at entrance level'. These five units are the duplex houses which have living accommodation at first floor level. It is noted that these units do have a bedroom at ground floor level which could be used as living accommodation if this proved necessary.

In overall terms, the majority of the units fully comply with lifetime homes standards and the level of wheelchair housing provision is accord with the requirements of London Plan policy 3A.5 and IPG policy HSG9.

Design, public realm, impact on Conservation Area and Listed Bridge

Design

- 8.35 Good design is central to the objectives of national, regional and local planning policy. 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 policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; and IPG policies DEV1 and DEV2.
- 8.36 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.37 Policy CP4 of the IPG seeks to ensure new 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.
- 8.38 The application is not a 'tall building' within the definition set by the Mayor as it is not higher than 30m above ground level. However, the 6 storey part of the scheme could be considered significantly higher than the surrounding buildings. In light of the level of objection received on the grounds of height, consideration has also been given to relevant criteria in IPG policy DEV27.
- 8.39 In considering the design of the proposal, it is important to understand the context of the site. The site is the last development opportunity along the Old Ford Road. The site occupies an important location on a key north-south route through the Borough – which runs from Tredegar/Roman Road to the south, past St. Stephens Green, up Gunmakers Lane and across Three Colts Bridge into Victoria Park. The site is relatively large and occupies a prominent position opposite St. Stephens Green – a large area of open space.
- 8.40 The current industrial buildings make little positive contribution to the streetscene. They present a long blank flank wall to Gunmakers Lane, creating a relatively unsafe alleyway leading from Old Ford Road into the park.

Layout, height, bulk and appearance

- 8.41 Many of the objectors to the proposal (both in its original and revised form) consider that the scheme is too large and that it does not respect the character of the surrounding area in terms of design and use of materials. In particular, objectors have stated that the area is characterised by 3 / 4 storey development, with only the relatively slender Albany Works reaching 6 storey in height.
- 8.42 It is recognised that the building is larger in scale than many of the neighbouring buildings. However, in urban design terms the size of the site and the location opposite a large area of public open space provides a justification for a building of the proposed scale. The design quality of the building is high and the building is well articulated helping to eliminate any impression of excessive bulk.
- 8.43 On the Old Ford Road frontage a distance of 27m separates the proposed building from Connaught Works and this, coupled with the reduction in height to 5 storey, is considered sufficient to ensure these buildings read well together in the streetscene.
- 8.44 In terms of appearance, the building makes use of an attractive variety of materials including brick, cedar shingles, coloured concrete frame, and glazing. The application includes a detailed plan showing how the timber shingles will be fitted at the interface between windows and corners. This plan helps to demonstrate the proposed quality of finish to Officers, providing additional re-assurance on the final design quality.

- 8.45 The introduction of splashes of colour to the balconies fronting Old Ford Road adds visual interest to this elevation. The building meets the high design standards required by policy and is considered to be well integrated to surroundings in accordance with all relevant design policies.

Access to Victoria Park and public open space

- 8.46 The current access to Victoria Park from the South, via Gunmakers Lane, is narrow, unsafe and unattractive. The proposed development realises the opportunity to improve this access by creating a landscaped splay running alongside Gunmakers Lane. The scheme also proposes to create a 'shared-surface' on Gunmakers Lane - which means that there would be no demarcation between the area used for pedestrians and the area for cars. The result of these two design features is the replacement of the existing alleyway with a wide and attractive landscaped boulevard.
- 8.47 In effect this design approach creates a new major entrance to Victoria Park, with the contribution of a sizeable amount of the development site to the public realm. The formation of a green-link between Victoria Park and St Stephens Green delivers a marked improvement to the accessibility of the park from the South. This aspect of the proposal is considered to be a permanent and tangible benefit to Borough residents, in the vicinity of the site and further a-field, and has been given considerable weight by Officers.
- 8.48 As well as the landscaped splay itself, the development also provides a small area of open-space in front of the South abutment to Three Colts Bridge allowing improved views, and potentially access, to the canal for the first time.
- 8.49 To mitigate for any potential additional use of Victoria Park the developer has agreed to make a financial contribution of £72, 364 to the Council's Cultural Services section.

Impact on Conservation Area

- 8.50 The site is located in the Victoria Park Conservation Area. In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Planning Policy Guidance Note 15: Planning and the Historic Environment, provides additional advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.
- 8.51 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.
- 8.52 Victoria Park is included on English Heritage's Register of Parks and Gardens of Special Historic Interest at Grade II star. This is a material consideration and IPG policy CON3 requires that the impact of the development on the setting of the park should be taken into account.
- 8.53 The character of the Victoria Park Conservation Area is identified in the Council's Conservation Area Appraisal and Management Guidelines. The Conservation Area comprises the listed park, the formal axial road pattern to the south west and the Victorian terraces. The character of the area is principally defined by Victoria Park.
- 8.54 The defined conservation area includes a narrow strip of land on the south side of the canal, to provide a backdrop to the park. The application site is located within this strip.

The appraisal notes that the historic industrial buildings associated with the canal make a positive contribution to the townscape. The hard built edge of the canal also creates a clear sense of definition.

8.55 The appraisal states that

'The scale and density of development in the area varies. The prevailing height is 3-4 storeys for Victorian terraced housing. Generally the development of tall buildings would be considered inappropriate, as its dominance in the residential area would impact on the quality of views within the park.'

8.56 The existing single storey buildings on-site have no historical significance and clearly detract from the overall quality of the Conservation Area. The demolition of these buildings, and the erection of a suitable replacement, would accord with the requirements of saved UDP policy DEV28 and IPG policy CON2, as it would improve the character of the conservation area. A condition would be placed on any permission to ensure that the demolition of the buildings was tied to the construction of a replacement building – to prevent a undeveloped site blighting the Conservation Area.

8.57 As discussed under design above, it is accepted that the scale of the building is appropriate. Although neighbouring buildings are predominately lower than the proposal, Officers do not consider that in this location the building would appear out of character with the Conservation Area or over-dominant. The creation of a landscaped splay will improve the quality of views into and out of the park, which can be seen in the sequence of views included in the submitted Design and Access statement. Views would also be improved from St. Stephens Green.

8.58 In assessing the impact on the Conservation Area, careful attention has been paid to the canal elevation – as this provides the back drop to the park. It was considered that this elevation needed to respond the character of neighbouring waterside frontages and the park opposite. The use of cedar timber shingles on the lower floors responds well to the softer park character and will provide an attractive backdrop.

8.59 English Heritage has expressed concern that the opening up of Gunmakers Lane with a landscaped splay will detract from the historic narrow character of the street. IPG policy CON2 also requires development to respect historic street patterns. Officers consider that the benefits of providing an enhanced entrance to the park, outweigh the importance of maintaining the existing narrow alleyway. The careful use of contrasting landscape materials along the old line of Gunmakers Lane will allow the former position of the historic street to be recognised within the new landscape splay – providing a link to the past form of the area. There is not considered to be any unacceptable conflict between the layout of the development and the prevailing east-west linear form of adjacent blocks.

8.60 English Heritage have also requested the re-use of existing granite sets on site and the use of historic materials for re-surfacing works on bridge. The detail of this would be investigated through conditions relating to landscaping and materials.

8.61 The Council's Design and Conservation section have reviewed the scheme and consider it acceptable.

8.62 In overall terms, the replacement of the existing buildings with the proposed development is considered to enhance the special character and appearance of the Victoria Park Conservation and is appropriate in terms of scale, design and use of materials. The development also respects the setting of the grade II star historic park. The proposal therefore accords with the requirements of IPG policies CON2 and CON3; and advice in PPG15.

Impact on Listed Bridge, Scheduled Ancient Monument and Locally Listed Buildings

- 8.63 Three Colts Bridge is a cast iron Grade II Star listed structure and was probably constructed around the same time as the Hertford-Union canal in 1830. It is also listed as scheduled ancient monument. Scheduling provides legal protection for archaeological sites of national importance.
- 8.64 IPG policy CON1 states that development should not be permitted if it would have an adverse impact on the setting of a Listed Building. Saved UDP policy DEV42 states that new development should not adversely impact scheduled ancient monuments. Guidance in PPG15 is also relevant.
- 8.65 Currently, the setting of the bridge to the South is marred by the proximity to the rear of the industrial estate buildings, which gives the area a 'back of house' feel. The proximity of these buildings to the bridge also limits viewing opportunities.
- 8.66 The proposals would create an area of landscaped amenity space in front of the south abutments, which would significantly improve the setting of the bridge and open-up improved views. Off-site works to the British Waterways strip of land would also enhance the quality of the environment around the bridge and its general setting.
- 8.67 The Inspector of Ancient Monuments has confirmed that there is no objection to the proposed works in terms of impact on the scheduled monument and on this basis the proposal is satisfactory. At the request of English Heritage, a condition would be imposed requiring the detail of any proposed works close to the bridge abutments, to ensure that no inadvertent damage is caused.
- 8.68 The buildings to the East of the site, including Gatehouse, Monteith, Albany Works and Connaught Works, are locally listed. For the reasons discussed above the scale and appearance of the proposed development are considered acceptable and would improve the setting of these buildings.

Relationship with Hertford-Union Canal

- 8.69 The Hertford-Union canal forms part of the Blue Ribbon Network. Policies in chapter 4C of the London Plan, seek the improvement of the capitals waterways. London Plan policy 4B.3 requires a high standard of design for water-side development. Saved UDP policies DEV46 and DEV48 seek to enhance waterways and include a requirement that, where possible, the public should have access to the waterside. Advice in Supplementary Planning Guidance: Canalside Development is also relevant.
- 8.70 The proposed development is considered to relate well to the canal. The public have improved access to the canal, via the creation of public space adjacent to Three Colts Bridge. A condition would also ensure that the public have access to the canal through the central courtyard. The proposal would not cause any permanent overshadowing of the canal. For these reasons, the proposal is considered to accord with requirements of saved policies UDP DEV46 and DEV48.
- 8.71 British Waterways were consulted on the application and have stated that they have no objection to the proposal – subject to recommended conditions. If planning permission is granted, the Developer would make a financial contribution of £20, 000 to British Waterways for improvements to the canal in the vicinity of the site.

Permeability and Security

- 8.72 Saved UDP Policy DEV1 and IPG policy DEV4, requires development to consider safety and security of users. Regards should also be given to the principles of Secure by Design. However, these matters must also be balanced against requirements to promote site

permeability and inclusive design.

- 8.73 The development includes an open triple storey entrance to the central courtyard from the landscaped splay giving the site good permeability. The canal can be reached through the central courtyard and a condition would be imposed on any permission to ensure public access. Security of the new public spaces is improved by the provision of commercial units, providing an active frontage, by the landscaped splay.
- 8.74 The Council's Crime Prevention Design Advisor considers that allowing the general public into the development could compromise security and that the development should be 'gated'. Officers consider that the benefits of site permeability and providing access to the canal outweigh the potential security issues. Other methods of improving site security, such as the provision of CCTV, are likely to allow a good level of security without the need for target hardening measures such as fences or gates. The installation of CCTV would be required by condition, and with this safeguard, the development is acceptable in terms of security and safety. The installation of CCTV would also respond to objectors concerns regarding the potential for anti-social behaviour in the proposed amenity spaces.

A resident has objected to the proposal on the grounds that the loss of the wall between Empire Wharf and the site will decrease security. The scheme includes replacement boundary walls and a building along the length of the boundary with Empire Wharf. This will improve security for residents of Empire Wharf.

Amenity for Future Occupiers and Users

8.75 Standard of accommodation

London Plan policies 4B.1 and saved UDP policy DEV1 set out general principles of good design. London Plan policy 3A.6 seeks quality in new housing provision. UDP policy HSG13 requires new development to make adequate provision of internal residential space. Supplementary Planning Guidance: Residential Space sets minimum space standards for new development.

Floorspace

- 8.76 The submitted schedule of housing shows that the flats are generally well sized, in-line with the requirements of supplementary planning guidance. Though some of the 2b4p and 3b/5p units are less than standard required by supplementary planning guidance, other units exceed the minimum. When the scheme is looked at as a whole the units area acceptable in size. The flats tend to be well laid out with dedicated circulation space and provision of storage areas. Many of the units are dual aspect or have views out across areas of landscaped space - which is indicative of the high standard of residential accommodation provided by the development. All units benefit from balconies, a feature which is usually much valued by future residents.

Daylight / Sunlight

- 8.77 The submitted daylight and sunlight study considers proposed light-levels within the proposed development. Daylight Distribution calculations have been determined for those rooms in the development that are likely to receive the least light. These show that all rooms will receive sufficient natural daylight to pass BRE targets resulting in an acceptable standard of accommodation.

Privacy

- 8.78 Within the development a distance of at least 20m separates directly opposing rooms ensuring that future residents will have sufficient privacy. Where the distance is less than 20m overlooking is from a more oblique angle reducing any potential overlooking to an acceptable level.

Noise

The development has been accompanied by a Noise Assessment produced by Enviro Consulting. The study notes that the site is affected by road noise and proposes the use of sound attenuating glass in rooms fronting Old Ford Road. This would be secured by condition.

The commercial units could also have an impact on the development in terms of potential noise and disturbance from machinery / ventilation equipment, or from users. Conditions would be used to require the submission of the detail, and likely noise output from any mechanical equipment for approval. A condition would also prevent the late opening of any commercial use e.g. café that could cause noise, disturbance or activity in the late evening. With these controls the occupants of the development would not suffer from any unreasonable noise or disturbance and the proposal would be acceptable.

Residential Amenity Space

8.79 Saved UDP policy HSG 16 (Housing Amenity Space) requires that new development should make adequate provision of amenity space. Interim Planning Guidance Policies CP25 and HSG7 sets minimum space standards for the provision of private, communal and child play space in new developments. London Policy 3D.13 on the provision of child play space is also relevant.

8.80 The requirements of policy HSG7 and the level of private amenity space in the development and is shown below:-

Category	HSG7 Policy Standard	Number of units	Policy Requirement (sqm)	Proposed
Ground floor units with 3 or more beds	50	13	650	341
Ground floor units with less than 3 beds	25	8	200	114.6
Other 1 bed units and studios	6	39	234	204
Other 2 or more bedroom units	10	79	790	972
TOTAL		139	1874	1631

8.81 The application proposes 1631 square metres of private amenity space in the form of balconies for the flats on the upper floors and garden space for the ground level accommodation. All units benefit from some amenity space. The total level of private provision is less than the policy requirement. However, it is considered to be acceptable given the provision of communal space, public open space and the proximity to the park.

8.82 In terms of communal amenity space HSG7 requires the provision of 50 squares of amenity space for the first 10 units plus a further 5 square metres for each 5 additional units thereafter. For a development of 139 units this triggers a policy requirement of 179 squares metres of communal amenity space.

8.83 The application makes good provision of high-quality amenity space in the form of the large communal landscaped area in the centre of the development. In total this space has an area of 1491 square metres. The better quality space is found towards the canal adjacent to the entrance to Block A. A further area of space is provide adjacent to three-Colts Bridge and the more public space created in the landscaped splay would also be available to residents.

- 8.84 BRE standards suggest that to be valued, amenity space should not experience permanent overshadowing more than 25% of the time. All private and communal areas comply with this requirement.
- 8.85 Policy HSG 7 also requires the provision of child playspace in new development. The developer has indicated that this could be provided within the landscaped areas of the communal courtyard. The detail of this could be secured by condition to ensure compliance with London Plan policy 3D.13.
- 8.86 In overall terms the provision of private and communal amenity space is considered good. The area of land is acceptable, and the high quality of the landscaping and canal-side setting ensure that the standard of space is likely to be valued by future residents and accords with UDP policy HSG16 and IPG policy HSG7.

Refuse and recycling

- 8.87 Provision is made for refuse and recycling in four separate stores located on the ground floor of each block. Access to the stores for collection is achieved via Gunmakers Lane and the hard-landscaped central courtyard area. This is satisfactory and accords with requirements of saved UDP policy DEV55, which seeks to ensure development makes adequate provision for the collection and storage of refuse.

Amenity of neighbouring occupiers

Daylight and Sunlight

- 8.88 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions. Policy DEV1 of the IPG states that development should not result in a material deterioration of sunlight and daylighting conditions for surrounding occupants.
- 8.89 The Applicant has submitted a detailed Daylight and Sunlight Report produced by Nathaniel Lichfield and Partners. The methodology and findings of this assessment have been carefully reviewed by Officers. In response to this review, additional information was requested to ensure that all sunlight / daylight issues have been thoroughly assessed.
- 8.90 It should be noted that the daylight/sunlight study was prepared on the basis of the original drawings. As the scale of the building has been reduced, any potential impacts would be lesser.
- 8.91 The submitted study assesses the impact of the development on existing properties surrounding the development site. The study makes an assessment of the twelve main rooms and bedrooms (in total 34 rooms) within neighbouring residential properties that will be most affected by the development. This includes rooms in Gatehouse, Monteith, Albany Works, Connaught Works and Empire Wharf. The rooms were selected because the windows represent the 'worst-case' scenario. Rooms in properties further away from the development will receive a lesser impact.
- 8.92 The study also assesses the impact of the development on itself and the potential overshadowing of the canal and surrounding open-space.
- Daylight:
- 8.93 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered a more detailed and accurate measure because it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes.
- 8.94 The submitted study show that worst-case rooms all pass the relevant ADF targets. In

response to objections the Applicant also submitted an extra assessment of rooms some distance from the development that were previously omitted (22-23 Albany Court). These rooms also past relevant VSC and ADF plots.

Sunlight:

- 8.95 Sunlight is assessed through the calculation of 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 (i.e. those windows which receive sunlight).
- 8.96 The results of the study show annual and winter sunlight levels, at all neighbouring windows requiring assessment, will remain above BRE targets. The impact on neighbouring sunlight is therefore considered acceptable.

Overshadowing:

- 8.97 The study includes an assessment of potential overshadowing of existing residential amenity space, the canal and Victoria Park.
- 8.98 The study shows that the canal and Victoria Park will experience additional overshadowing during the morning hours. At the spring / autumn equinox, the canal would be overshadowed until 3.00pm. However, this impact is transitory and there will be no permanent overshadowing. On this basis, the impact of the development on these existing public amenity spaces is acceptable.
- 8.99 The potential overshadowing of the central courtyard area of Empire Wharf and the canal-side areas has also been considered. It is noted that the central courtyard is predominately car-parking and has little amenity value; whilst the canal-side areas, which are located to the north of the building, already experience considerable overshadowing.
- 8.100 The study shows that these areas will receive some transitory morning overshadowing throughout the year. However this will not continue beyond 11.00am. Given the low quality of the areas affected this impact is considered to be acceptable.
- 8.101 An objector stated that the proposal will overshadow St. Stephens Green. However, this is located to the South of the building and will not suffer any overshadowing.
- 8.102 Objectors to the development questioned whether the overshadowing assessment should have included a consideration of the potential impact during the winter months. BRE guidance recommends that studies are based on the impact during the Spring Equinox – as this date is a best reflection of the impact of the proposal throughout the year. Analysis during the winter months has limited value because of the low angle of the sun in the sky and Officers are satisfied with the methodology employed.

Conclusions:

- 8.103 The submitted study shows that the development will have some adverse impact on neighbours in terms of loss of light, loss of sunlight and overshadowing. However, the study also robustly demonstrates that these losses do not exceed recommendations given in BRE guidance. As the development meets BRE guidance it is acceptable in terms of UDP policy DEV2 and IPG policy DEV1.

Overlooking / loss of privacy

- 8.104 Saved UDP Policy DEV 2 requires that new development should be designed to ensure that there is sufficient privacy for neighbouring residents. The policy states that a distance of 18m between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.105 The main issue is whether the proposed development will result in significant loss of

privacy to neighbouring occupiers – in particular residents of Albany Works, Connaught Works, Monteith, Gatehouse or Empire Wharf.

Gatehouse, Monteith, Albany and Connaught

- 8.106 There are windows serving habitable rooms (including living-rooms and bedrooms) located in the West elevation of Gatehouse, Monteith, Albany Works and Connaught Works. The opposing proposed east elevation also contains windows serving habitable rooms and has balconies. It is recognised that to some people the open-nature of balconies means that they can exacerbate the feeling of being overlooked.
- 8.107 Gatehouse is located to the north-east of the development. At the closest the distance is 10m, though the distance between opposing windows is higher. The relatively oblique nature of any potential overlooking is considered sufficient for there not to be any significant loss of privacy.
- 8.108 At its closest the Monteith building is approximately 12m from the balconies of the proposed development. The balcony – building distance for Albany Works is 16m and for Connaught Works a minimum of 22m.
- 8.109 Though the fenestration of the Gunmakers Lane elevation has been positioned to reduce the possibilities of direct overlooking, it is likely that neighbouring occupants are likely to suffer a degree of additional overlooking. However, it is considered that the landscape splay and Gunmakers Lane give, the relationship an ‘across the street’ feel. The separation distances are considered acceptable in the context of an urban environment and it would not be possible to substantiate refusing an application on loss of privacy grounds.
- 8.110 An objector drew attention to the fact that the penthouse flat in Albany Works has floor to ceiling glazing which makes it particularly vulnerable to overlooking. Again in this case Officers consider that the ‘across the street’ type relationship is more than sufficient to overcome the relative shortfall in separation distance and the impact on the privacy of this neighbour is also acceptable.

Empire Wharf

- 8.111 Windows from Block A and D of the proposed development will look out across the central courtyard of Empire Wharf - which is primarily used to provide car-parking. The layout of Block D ensure that windows tend to face away from opposing windows in Empire Wharf. This, coupled with the reasonable separation distance across an area of car-park, ensures that there would be no significant loss of privacy. A condition would require the submission of window detail and balcony screens to ensure that no direct overlooking back to the rear block of Empire Wharf is possible.
- 8.112 There are windows located in the north-east elevation of the rear block of Empire Wharf. The proposed development does not propose any windows in the opposing wall so there is no potential loss of privacy. Privacy screens would ensure that it is not possible to look into the Empire Wharf flats from balconies and this would also be secured by condition.
- 8.113 In general terms, the development mitigates for any potential loss of privacy, with a careful pattern of fenestration and the use of translucent glass screens and perforated metal fins to reduce the impression of direct overlooking. The resulting relationship is not unusual in an urban environment and any loss of privacy is not considered sufficient reason to warrant the refusal of the application.

Sense of enclosure

- 8.114 Residents have objected to the scheme on the basis that the increase in built development will create a sense of enclosure and a loss of outlook. This matter always tends to be

subjective and cannot be readily assessed in terms of a percentage or measurable loss of light. Officers accept that the increase in storey height from a single storey to 5/6 will increase the sense of enclosure felt by residents surrounding the development. However, Officers do not consider the impact of this to be significant enough to warrant the refusal of the application given the urban context of the development

Noise / disturbance

- 8.115 Saved UDP policy DEV2 requires that new development should not have an adverse impact on residential amenity in terms of noise or disturbance. The site is located on Old Ford Road – a relatively busy thoroughfare with a corresponding background noise level. In this context a residential use is unlikely to result in any significant additional noise disturbance. The proposed ground floor commercial uses, which could include shops, cafes or offices, could potentially cause some disturbance if they operated late into the night. A condition would be placed on any permission restricting the hour of operation of these uses to ensure the development accords with the requirements of saved UDP policies DEV2, S7 and HSG15. The creation of a shared space / landscaped area on Gunmakers Lane could attract additional people to the area and increase general noise / disturbance to nearby residents. However in an urban environment this is considered to be acceptable.
- 8.116 A resident has stated that traffic noise from cars entering the car-park could cause disturbance. However, given the proximity of the site to Old Ford Road any additional noise is unlikely to exceed ambient background levels.
- 8.117 Saved Policy DEV50 of the UDP states that the Council will consider the level of noise from a development as a material consideration. This policy is particularly relevant to construction noise during the development phase. To ensure compliance with this policy conditions would be placed on any permission restricting construction works to standard hours.

Transportation

- 8.118 The site falls in an area with a public transport accessibility level (PTAL) of 2. Old Ford Road is a Strategic Cycle Route. The nearest bus stop is on the no.8 route located approximately 25m from the site. Bus routes S2 and 339 also run relatively close to the site. Train stations are located at Mile End and Bow Road which are in the region of a 20 minute walk from the site. The north-west side of Old Ford Road between Empire Wharf and Gunmakers Lane is safeguarded in the development plan for road widening.
- 8.119 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport.

Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians.

- 8.120 The application is supported by a Transport Assessment and framework Travel Plan prepared by Atkins. This report details the policy context and baseline conditions in respect of the local areas public transportation and road network. The report then considers likely trip generation resulting from the residential and commercial components of the development; and the potential impacts this may have on the road network, walking, cycling and public transport. The study includes an assessment of the development during the construction phase.

Access and Servicing

- 8.121 The application proposes closing the existing access to the site from Old Ford Road. A new access to the basement car-park would be provided adjacent to Empire Wharf. Servicing access for the residential and commercial components of the scheme would be provided via a new access from Gunmakers Lane. This access would be a 'shared surface' comprising hard-landscaping that would allow vehicles to enter into the central courtyard area. The courtyard area provides sufficient circulation space for turning vehicles, as demonstrated, on the submitted swept path diagrams. Residential refuse stores, biomass fuel delivery and servicing for commercial units can all be achieved from this central courtyard.
- 8.122 The proposed access arrangements have been reviewed by the Council's Highway Section and are considered acceptable. Details of proposed visibility splays for the new access from Old Ford Road would be required by condition.
- 8.123 The developer has also agreed to the widening of the footway alongside Old Ford Road to achieve a width of 2.4m in accordance with the requirements of the Highways Department. If planning permission were granted, the developer has agreed to a financial contribution of £75, 000 for upgraded and improved streetworks along Old Ford Road.

Shared Surface on Gunmakers Lane

- 8.124 The design benefits of a shared surface on Gunmakers Lane have been considered under the Design section of this report. In Highways terms, a shared surface is acceptable given the low levels of vehicle movement expected on the road. If planning permission is granted, the developer has agreed to make a financial contribution of £150,000 to pay for the costs associated with the required works to Gunmakers Lane.

Vehicle Parking

- 8.125 The application proposes 65 car-parking spaces and 3 motorcycle bays. One car-club space would be provided. Electric car-charging points would be provided at three of the bays. The proposed level of parking corresponds to a 47% provision and is below the maximum 50% level permitted by policy. No parking is proposed for the commercial element of the scheme.
- 8.126 Six of the car-parking spaces would be larger wheelchair accessible bays. To make proper provision for the 7 wheelchair flats provided an additional bay is required and this matter could easily be resolved by condition.
- 8.127 If planning permission is granted, the developer would agree to enter into a car-free agreement so that no controlled parking permits are issued to new residents. This would prevent additional pressure for on-street parking and reduce congestion and promote alternative modes of transport.
- 8.128 It is noted that some residents consider that the level of car-parking is insufficient. However, given policy objectives to promote sustainability, Officers consider that both residential and commercial parking arrangements are acceptable in terms of London Plan policy 3C.23 and IPG policy DEV19.

Cycle Parking

- 8.129 The application proposes 140 cycle parking spaces for the residential flats. These are located in three separate secure stores within the basement area. This exceeds the one stand per dwelling minimum specified in IPG policy standards. Cycle parking stands will also be provided adjacent to Gunmakers Lane for users of the commercial unit and visitors. The level of provision accords with London Plan policy 3C.22 and IPG policy CP40 and is acceptable.

Impact on local transport infrastructure

- 8.130 Bus:
The site is close to bus routes numbers 8, S2 and 339. The submitted transport assessment estimates that the development will result in 36 additional bus trips during the AM (0800-0900) peak, 28 of which will be leaving the site.
- 8.131 A number of objectors to the scheme have raised concerns that the local bus service, in particular the no.8, are already oversubscribed and that there is not the capacity to support additional users. Officers are aware that bus services are often over-crowded in the mornings and share the concerns of residents.
- 8.132 Transport for London would not usually seek a financial contribution for public transport improvements from a development of this size because the impact on service is not considered to be significant. However, in light of residents and Officer's concerns the Developer has agreed to make a financial contribution of £175,000 to mitigate for any increased pressure on local bus services. Transport for London have indicated that such a sum of money would, for instance, be sufficient to add an extra bus journey to the morning peak to reduce overcrowding.
- 8.133 Rail:
The Transport Assessment estimates that additional demand on train services from Bow Road could easily be absorbed into existing capacity. Officers agree with this finding.
- 8.134 Road:
The submitted Transport Assessment has modelled the likely increased traffic flow resulting from the residential and commercial uses proposed. The study concludes that there is sufficient capacity in local road and junction capacity to absorb any potential additional traffic without any risk to highway safety. Officers agree with this finding.

Conclusion

- 8.135 The submission has been reviewed by both the Council's Highway Engineers and Transport for London who have raised no objection. In overall terms, Officers are satisfied that with the proposed mitigation the impact of the development on public transport and road capacity is acceptable. Given the relative small size of the scheme, it is not considered that the cumulative impact of this and other development in area is likely to be significant. The scheme will significantly improve conditions in the immediate area of the site for cyclists and pedestrians and the development is acceptable in terms of transportation policies.

Others

Microclimate

- 8.136 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment prepared by Cambridge Architectural Research. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed buildings. The report considers both comfort within the development and the comfort of pedestrians on surrounding streets including Gunmakers Lane. The assessment concludes that any increased wind flow is unlikely to be significant and can be mitigated for with suitable tree planting. Officers are satisfied that this matter can be suitably addressed during the discharge of landscaping conditions.

Air Quality

- 8.137 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application has been accompanied with an Air Quality Assessment prepared by Enviro Consulting. The

study is a desk-based assessment that considers these potential impacts. Officers also requested additional information from the developer to assess the potential impact from the biomass boiler.

- 8.138 The study concludes that during the construction phases the development may have some adverse impacts in terms of the generation of dust emissions. It is considered that this matter can be controlled via an appropriate construction management plan. This would be required by condition. The study notes that the development proposes little on-site car parking, and no other uses that are likely to generate significant emissions. Therefore once completed it is unlikely to have any significant impact on air quality. The Council's Air Quality Officer has reviewed the submitted study and considers it acceptable – subject to the submission of the detailed design of the biomass boiler and flue. This would be secured by condition.

Renewable Energy and Energy Efficiency

- 8.139 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.
- 8.140 The application is accompanied with a Sustainable Energy Statement produced by ESD Ltd. This details that the development will use a community district heating system powered by a biomass boiler. The proposed residential units would be completed to Code for Sustainable Homes Level 3.
- 8.141 The measures outlined are expected to reduce CO2 emissions from the site by 23%. Where 3% CO2 abatement comes from the energy efficiency measures and 20% from biomass heating with a communal system. The proposed measures have been reviewed by the Council's Energy Efficiency Officer who considers them acceptable. A condition would be imposed on any permission to ensure that the proposed measures were implemented as approved.

Biodiversity

- 8.142 The site is located adjacent to the canal and Victoria Park, which is designated as a Site of Nature Conservation Importance. The site also forms part of a Green Chain. Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.
- 8.143 The application is supported by an Ecology Phase 1 Study, prepared by Standerwick Land Design. The study found that the site, which is mostly hard-standing, has limited opportunity to support biodiversity with the more habitat rich areas associated with the canal edge.
- 8.144 The study also notes that bats have been recorded within 500m of the site. The lack of crevices and openings means that the buildings are unlikely to house bat roosts. However, the study recommends that a specific bat survey is undertaken prior to any construction works. This would be secured by condition.
- 8.145 An objector to the proposal noted that Three Colts Bridge is a good area for wildfowl and that it was used by people feeding ducks. As has previously been discussed, the proposal will not lead to any permanent overshadowing of the canal and it is considered that the proposed landscaping can only improve the opportunities for this kind of recreational activity.

8.146 Both Natural England and the Environment Agency were consulted on the applications and have raised no objection, subject to the imposition of conditions regarding landscaping and use of native species.

8.147 In overall terms, the provision of additional landscaped open-space, a brown roof, a green roof, the use of native species in planting and the treatment of the canal edge are all likely to improve the range of habitats available and promote biodiversity in accordance with policy.

Site Contamination

8.148 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by a Phase 1 Desk Based Assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

Telecommunications and radio reception

8.149 The application includes an assessment of the potential impact of the development on local radio and television reception. This assessment concludes that there are slight interference risks to analogue television services to the east of the application site (the predicted impact zone partly falls on Connaught Works and Albany Works). The effects of this could be mitigated for by the provision of DTT receiving equipment. The S106 legal agreement attached to any permission would contain a suitable clause to ensure suitable monitoring and mitigation takes place, to ensure compliance with IPG policy DEV27.

Archaeology

8.150 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. The study concludes that any potential remains are likely to have been removed during development in the 19th and 20th centuries. This document has been reviewed by English Heritage who concluded that no further investigations are required. On this basis the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

Other impacts on local infrastructure

8.151 Objectors have stated that the proposal would increase pressure on over-burdened local services. To mitigate for any increase in pressure on education facilities, the developer has agreed to make a financial contribution of £283, 866 to the Borough. This is calculated on the expected child yield from the development and is acceptable to the Council's Education Department. A contribution of £230, 910 to mitigate for the demand of the additional health care facilities has also been agreed.

8.152 This accords with requirements of saved UDP policy DEV4 and Officers are satisfied that these matters mitigate for any additional pressure the development may have on local services.

9.0 Conclusions

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.