

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION****PLANNING COMMITTEE MEETING: 8 March 2007****Planning Application for LTGDC's Determination****Report of the Director of Planning****CASE NUMBER:** LTGDC-07-005 **DATE MADE VALID:** 21/12/2006**APPLICATION NO:** PA/06/02304/LBTH **TARGET DATE:** 22/03/2007**APPLICANT:** Swan Housing Group**AGENT:** BPTW Partnership**PROPOSAL:** Demolition of existing factory building and warehouse to construct a new four to eight storey building comprising 66 affordable housing units (25 x one bedrooms, 23 x 2 bedrooms and 18 x 3 bedrooms) and 774sqm of commercial space comprising of 25 artist studios.**LOCATION:** North End of 84, Leven Road, London, E14**1. SUMMARY**

1.1 The application has been submitted by Swan Housing Association and proposes redevelopment of the site to provide a residential-led mixed use scheme comprising 66 affordable housing units and 25 artist studios.

1.2 The site is located within Poplar Riverside which is an area characterised by a mix of low density social housing and industrial uses located between the A12 and the River Lea.

1.3 The principle of redeveloping the site with a residential-led mixed use scheme is considered acceptable given the replacement employment floorspace. The draft Local Development Framework (LDF) Leaside Area Action Plan (LAAP) identifies the site as appropriate for a mix of residential and employment generating land uses with a higher proportion of family housing.

1.4 The application is considered to maximise the development potential of the site by responding appropriately in design terms to the constraints of the site and delivers 100% affordable housing and commercial floorspace scheme. While the proposed housing density represents an intensive use of the site this is not considered to detract from the quality of building design and the standard of living accommodation created. The approach is considered to be consistent with planning policy seeking to maximise the development potential of sites.

1.5 The proposed tenure split of 58% social rented and 42% intermediate housing is supported given the existing high concentration of social rented housing in the surrounding area. As the site is proposed to be redeveloped by a Housing Association, a higher proportion of affordable housing, including family sized accommodation, can be secured compared to that secured through redevelopment on the open market.

1.6 The site size and configuration restricts opportunities to provide quality communal open space within the site. It is accepted that the demand for communal open space can be met by surrounding areas of open space within Poplar Riverside. It is also noted that the draft LAAP identifies a significant new area of open space at Leven Road gas works site. All proposed residential units include well proportioned private amenity space.

1.7 The application adopts a restraint based approach to car parking with provision limited to on-street disabled parking and a car club. While the site does not currently benefit from high public transport accessibility improvements will be achieved in the short term by the proposed Langdon Park Docklands Light Railway station.

1.8 One letter of objection has been received on behalf of neighbouring residents. The grounds for objection relate to the proposed housing density, the provision of amenity space, the development height, bulk and mass, the loss of sunlight and daylight to adjacent occupiers and the disparity between the low public transport accessibility and low car parking. These issues are considered in the report.

1.9 The application is recommended for approval subject to conditions and a section 106 agreement requiring:

- A financial contribution to be agreed towards local environmental improvements between the site and existing transport nodes;
- A financial contribution to be agreed towards education provision;
- A financial contribution to be agreed towards health provision;
- Affordable Housing
- Affordable Business Space
- 'Car Free' development

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

2.1.1 The linear shaped site forms a development block between Leven Road to the east and Nairn Street to the west (see appendix 1). The site measures 0.19 hectares and its entire footprint is occupied by single storey factory units and a three storey warehouse that are characteristic of the area's industrial legacy.

2.1.2 The adjoining commercial unit to the south of the site is a two storey industrial building. An industrial depot site is located to the east of Leven Road bounded by a brick built retaining wall and warehouse buildings. Bromley Hall Special School is located to the north of the site.

2.1.3 The site is flanked to the west by 4 storey housing in Nairn Street that forms part of the Aberfeldy Estate. The existing residential blocks are sited at a level lower than the application site. The distance between the site boundary and the existing housing in Nairn Street is between 15.0 and 20.0 metres.

2.2 Description of Proposal

2.2.1 The application proposes demolition of the existing industrial warehouse and factory and redevelopment to provide a part 4, part 5 and part 8 storey building comprising 66 affordable housing units and 25 ground floor commercial studios (see appendix 2).

2.2.2 The application proposes redevelopment to provide 25 x 1 bed units, 23 x 2 bed units and 18 x 3 bed units with a 58:42 split between social rented and intermediate housing.

2.2.3 The application proposes a car free development and the use of a section 106 agreement to prevent future residents from applying for parking permits.

3. MAIN ISSUES

3.1 The main issues relating to this application are considered to be as follows:

- Land use
- Housing mix and tenure
- Housing density
- Residential Amenity
- Design
- Amenity Space
- Car and Cycle Parking
- Safety

4. RELEVANT SITE HISTORY

4.1 On 4 November 2006 the applicant withdrew a previous application for demolition of the existing factory building and warehouse and the erection of a part 7, part 5 and part 4 storey block to provide 78 flats and 25 artist studios. Following negotiations with the Corporation the applicant submitted a revised application which is the subject of this report.

5. CONSULTATIONS/NOTIFICATIONS

Health and Safety Executive (HSE)

5.1 The HSE has undertaken an assessment of the site based on the type and intensity of the land use proposed and its location relative to Leven Road gas works.

5.2 The HSE recommends that planning permission is not granted on safety grounds given the risk of harm caused by the proximity of the proposed development to a major hazard installation/complex and pipelines.

5.3 In the event that planning permission is granted the Local Authority should give advance notice of that intention and 21 days to consider whether or not to request a call-in of the application.

5.4 English Heritage recommends a condition to secure a programme of archaeological investigations should be undertaken prior to any development works.

Environment Agency

5.5 The Environment Agency raises no objection in principle to the proposal provided that the following conditions are attached to any grant of planning permission:

- During construction no solid matter shall be stored within 10 metres of the banks of the Bow Creek and thereafter no storage of materials shall be permitted in this area;
- Full drainage details must be submitted to the Agency prior to works commencing on site. These details should incorporate sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development.

London Borough of Tower Hamlets

The following provides a concise summary of comments received from officers within LBTH:

LBTH Environmental Health

5.6 Environmental Health recommend refusal on grounds that the daylight and sunlight report submitted in support of the application concludes that the impact of the development on adjacent residential occupiers does not meet BRE standards in terms of winter sunlight. It is recommended that the development height is reduced.

5.7 Environmental Health recommended that windows fronting Leven Road offer a sufficient level of sound insulation. This can be secured through the imposition of a planning condition.

LBTH Highways

5.8 Highways raise no objection to a car free development on the basis that the site can be accessed by public transport services.

5.9 Highways recommend that the developer enters into a section 106 agreement preventing future residents from applying for parking permits in the surrounding area.

5.10 The proposed on-street disabled parking spaces have not been considered as part of the application and will require independent approval from LBTH Parking.

5.11 While the opening of Langdon Park DLR station will improve site accessibility, other proposed transport improvements are not committed. As prospective occupiers will be dependent on the use of public transport, the developer is required to provide a financial contribution towards the implementation of environmental improvements between the site and surrounding transport nodes, including Leven Road, Oban Street and Abbott Road.

5.12 Cycle parking facilities should be amended to ensure the provision of 1 space per unit.

5.13 A section 278 is required to deliver any works to the highway, including footways and kerbs, surrounding the site.

LBTH Housing

5.14 LBTH Housing raise no objection to the proposed tenure split of 58% social rented and 42% intermediate housing. It is acknowledged that the development will provide a greater number of social rented units than would be achieved by a private development scheme.

5.15 LBTH Housing object to the proposed unit mix on grounds that there is inadequate provision of family sized social rented units within both social rented and intermediate sectors. The draft LDF seeks 30% 3 bedroom 10% 4 bedroom and 5% 5 bedroom units within the social rented sector and 25% family housing in the intermediate sector.

LBTH Policy

5.17 Policy recommends refusal of the application on grounds of (1) excessive housing density (2) inadequate provision of family accommodation and (3) inadequate provision of amenity space. In the event that planning permission is granted section 106 contributions should be secured towards transport and open space improvements.

LBTH Design and Conservation

5.18 Raise no objection and supports the overall development bulk, massing and layout following amendments made to the scheme and further consideration of the use of external finishing materials. To ensure design quality is achieved recommends the imposition of planning conditions requiring the submission of details to include: sample board of all external materials including photomontages and colour elevations, external lighting, glazing to artists studios, 1:20 part elevation details of cladding to northern elevation and 1:20 details of balconies and typical windows.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 26/02/2006

6.2 Press Notice Expiry: 12/02/2007

6.3 Neighbour Notification:

6.3.1 There were two site notices placed on the northern and eastern sides of the site, a press advert was placed in the East End Life and letters were sent to adjoining occupiers on the 15 January 2006.

7. REPRESENTATIONS

7.1 One letter of objection received objecting to the development on the following grounds:

Comment	Response to Comment
1. The density proposed is in excess of local and regional planning policy. Given the character and accessibility of the location the proposal represents an inappropriate and excessive density.	Refer to section 9.15-9.22
2. The development makes inadequate	Refer to section 9.37-9.40

provision for communal amenity space given the scale, intensity and mix of the proposed development

3. The height, bulk and mass of the development would have a negative and overbearing impact on existing buildings in Nairn Street. The tower element should be reduced in height. Refer to section 9.29-9.36

4. The proposals will result in a material deterioration of the sunlight and daylight currently enjoyed by adjoining residents. The applicant has not undertaken a revised sunlight and daylight assessment. Refer to section 9.23-9.28

5. The development will increase pressure on car parking facilities within the Aberfeldy Estate. There is a lack of detail surrounding the delivery of the car club. The application makes inadequate provision for disabled car parking spaces. Refer to section 9.30-9.32

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG4	Industrial, Commercial Development and Small Firms
PPG13	Transport
PPS25	Development and Flood Risk

8.2 The London Plan (2004)

3A.4	Housing choice
3C.1	Integrating transport and development
4B.3	Maximising the potential of sites
4B.9	Large scale buildings – design and impact

8.3 LB Tower Hamlets Unitary Development Plan (1998)

DEV1	Design requirements
DEV2	Environmental requirements
DEV3	Mixed use Developments
DEV4	Planning Obligations
DEV6	Buildings outside the Central Area & Business Core
DEV43	Protection of Archaeological Heritage
DEV45	Development in areas of Archaeological
DEV50	Noise
DEV51	Contaminated Land
DEV54	Consultation with the Health & Safety Executive
DEV55	Development and Waste Disposal
EMP1	Encouraging New Employment Uses
EMP2	Retaining Existing Employment Uses
EMP5	Compatibility with Existing Industrial Uses

HSG1	Provision for Housing Development
HSG2	Location of New Housing
HSG3	Affordable Housing
HSG7	Dwelling Mix & Type
HSG8	Mobility Housing
HSG9	Density in Family Housing
HSG10	Density of New Housing Development
HSG11	Minimum Density in Family Housing
HSG15	Preservation of Residential Character
HSG16	Amenity Space
T15	Location of New Development
T17	Planning Standards
U2 - U6	Tidal and Flood Defenses

8.4 LB Tower Hamlets draft Local Development Framework (2006)

CP1	Sustainable Communities
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP9	Employment Space for Small Businesses
CP11	Sites in Employment Use
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP25	Housing Amenity Space
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development and Transport
CP49	Historic Environment
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
EE2	Redevelopment/ Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
CON4	Archaeology and Ancient Monuments

8.4 Other Relevant Planning Policies & SPG's

The Mayor of London Lower Lea Valley Opportunity Area Planning Framework

London Plan Housing SPG (November 2005)

9. ASSESSMENT OF MAIN ISSUES

Land Use

9.1 The adopted Unitary Development Plan (UDP) does not designate the site within any specific land use category. It is, however, located at the boundary of an Industrial Employment Area. UDP Policy EMP2 and draft LDF Policy EE2 support the redevelopment of sites last used for employment generating uses where the reprovision of employment floorspace is capable of generating a comparable or improved job density, and where the premises remain vacant after having been actively marketed for continued employment generating uses. The scheme comprises 25 studios and social landlord ACME has been identified as managing their occupation.

9.2 The draft LAAP locates the site within the Poplar Riverside Sub Area which is identified as providing new small and medium sized employment spaces and new residential communities. The new employment generating uses are proposed to be located to buffer existing and new residential communities from the visual and amenity impacts of the A12 and A13 strategic roads.

9.3 The site is located within the Poplar Riverside Sub Area of the Mayor of London's Lower Lea Valley Opportunity Area Planning Framework. The site is identified within an area of existing and potential new housing in which a high proportion of family housing will be delivered.

9.4 The application site is located within site allocation L15 which identifies residential, employment and open space as preferred land uses. The principle of redeveloping the site with a residential led mixed use development is therefore considered to be in accordance with existing and emerging planning policies.

Housing Tenure and Mix

9.5 The application proposes redevelopment of the site to provide a 100% affordable housing scheme, comprising 25x1 bed units (38%), 23x2 bed units (35%) and 18x3 (27%) bed units. The tenure mix has been revised to increase the percentage of intermediate housing units and now comprises 38 (58%) social rented units and 28 (42%) shared ownership units.

9.6 The application accords with planning policies designed to maximise the provision of affordable housing and exceeds the London Plan requirement for new housing developments to provide 50% affordable housing and the draft LDF requirement to provide 35% affordable housing. In terms of the proposed 58:42 split between social rented and shared ownership, this departs from the London Plan target of 70:30 and the draft LDF target of 80:20.

9.7 As the site is located within an area accommodating a high proportion of social rented housing there is a strong justification for securing a higher proportion of intermediate housing within the development in support of policies seeking the creation of balanced and mixed tenure communities.

9.8 London Plan Policy 3A.4 requires new development to provide a range of housing size and types. This approach is consolidated in the Housing SPG which seeks an overall housing mix of 32% 1 bed units, 38% 2/3 bed units and 30% 4+ bed units in

9.9 UDP Policy HSG7 requires new housing developments to provide a mix of unit sizes including a substantial proportion of family dwellings. This approach is consolidated in Development Control Policy CP21 of the draft LDF which requires all new housing to contribute to the creation of mixed communities by offering a range of housing choices including a mix of dwelling sizes, family housing and accessible homes.

9.10 Policy HSG2 of the draft LDF requires sites to provide social rented housing in accordance with a housing mix that seeks 20% 1 bed, 35% 2 bed, 30% 3 bed, 10% 4 bed and 5% five and six bedroom units. The application proposes 34% x1 bed, 26% x 2 bed and 39% x 3 bed units for social rent and 43% x 1 bed, 46% x 2 bed and 11% x 3 bed units for intermediate housing.

9.11 London Plan Policy 3A.4 and draft LDF Policy HSG9 require all new housing to include at least 10% wheelchair access units or easily adaptable for wheelchair users. The proposed development makes provision for 7 wheelchair accessible units which accords with this policy requirement.

9.12 While it is acknowledged that the proposed mix departs from the draft LDF in its provision of family sizes units within the social rented and intermediate tenures, the provision of 27% 3 bedroom units is considered acceptable given the total number of affordable housing units secured. This is considered to compensate for the absence of any 4 and 5 bedroom units.

9.13 While the site is located in an area identified for a higher proportion of family housing, including 4 and 5 bedroom units, it is considered that the site's size and configuration is not suited to the provision of a traditional family housing typology.

9.14 On balance, the application is considered to satisfy planning policy seeking the provision of affordable housing and an appropriate mix of tenure and units sizes.

Housing Density

9.15 The application proposes redeveloping the site with 66 residential units. The site measures 0.19 hectares resulting in a housing density of 347 units or 997 habitable rooms per hectare. The site occupies an urban setting and has a Public Transport Accessibility Level (PTAL) of 2 (where 6 is the highest).

9.16 London Plan Policy 4B.3 seeks to maximise the potential of sites through a consideration of location, public transport accessibility and local context, and requires Borough's LDF's to adopt the residential density ranges set out Table 4B.1. These density ranges provide a guide to density relative to site classification based on location, setting and public transport accessibility. In considering the application of table 4B.1, paragraph 6.7 of the London Plan Housing SPG advises that the table should not be seen as prescriptive, should be applied flexibly and support higher densities where they can be justified by local circumstances.

9.17 While UDP Policy HSG9 states that the density of new housing should not normally exceed 247 habitable rooms per hectare, it recognises that higher densities may be acceptable where (1) the development will provide affordable housing (2) the development is located with easy access to public transport and (3) the dwellings are part of a mixed use development. The application proposals are considered to concur with these requirements given that the scheme will provide 100% affordable housing, include affordable floorspace for artist studios and is located within an area which will,

and is expected to, benefit from improved public transport accessibility.

9.18 Development Control Policy HSG1 of the draft LDF requires reference to Planning Standard 4: Tower Hamlets density matrix in a consideration of density. This matrix identifies density ranges based on setting and PTAL. It suggests sites located within an urban setting and within a PTAL 1-3 are developed at a density range of between 200-450 habitable rooms per hectare. In recognition that the matrix provides only a guide, and to demonstrate general conformity with the London Plan, paragraph 12.4 concludes that residential density ranges are only one tool to assist in determining the intensity of residential uses on a site. It is recognised that there needs to be consideration of the local context of the site, as well as the type of housing being provided and the inclusion of non residential uses.

9.19 The draft LAAP states that housing densities should be assessed against the criteria in Development Control Policy HSG1 and be within a range from 200-700 habitable rooms per hectare. Areas identified as providing a higher proportion of family housing should be within the range from 200-450 habitable rooms per hectare. While it is acknowledged that the site is located within an area identified for a higher proportion of family housing, it is considered that the site's size and configuration is not suited to the provision of a traditional family housing typology. Nevertheless the application makes provision for 27% 3 bedroom units.

9.20 The applicant states that the site has the potential to achieve a PTAL 4 based on implementation of the proposed Langdon Park DLR station, local bus service improvements and pedestrian access improvements between the site and existing public transport nodes. While it is accepted that the site's PTAL will improve in the future, it is important to note that, with the exception of Langdon Park DLR station (2007), these improvements are not committed. The planned and proposed improvements to public transport lend support to a high density redevelopment of the site.

9.21 In response to the need to meet the increasing demand for housing, planning policy is designed to maximise redevelopment potential by encouraging high density development in appropriate locations. The proposal would contribute towards meeting the demand for affordable housing within the borough and secure the regeneration of an inefficiently used brownfield site. The proposed density is considered acceptable given the development potential of the site, the proposed design solution, the planned improvements to public transport and relative proximity of existing and proposed services and open space. Given the additional pressures placed on local services, it is considered that developing the site at the intensity proposed requires section 106 contributions towards (1) environmental improvements between the site and transport nodes (2) education provision and (3) health provision.

9.22 To guide growth in the Leven Road area the LAAP identifies the future preparation of a masterplan to include consideration of the provision and phasing of new social and community infrastructure to support existing and future communities in the area.

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Residential Amenity

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9.23 The application site is configured such that its western boundary is located within relative proximity of existing housing in Nairn Street. The distance between the existing housing to the west and the proposed development varies from between 15.0 and 24.0 metres. On information made available to the Corporation, the main living areas of 1-25 and 27-63 Nairn Street are oriented to the west whilst the east facing elevation includes windows to kitchens and bedrooms. The proposed scheme is designed to rise in height from 4 to 8 storeys with the tallest element located at the junction of Leven Road and

9.24 London Plan policy 4B.9 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. Policies CP4 and DEV2 of the UDP requires development to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions and that the amenity of adjacent occupiers is maintained. Development Policy DEV1 of the draft LDF requires development to not create a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms, nor create an inappropriate sense of enclosure to surrounding buildings and open space.

9.25 Given the proposed separation distance between the buildings and the varying heights of the new development, the proposed building is not considered to result in a sense of enclosure, loss of outlook or loss of privacy to neighbouring residents in Nairn Street.

9.26 The applicant has submitted a revised Sunlight and Daylight report based on amendments made to the previous application. While it is acknowledged that advice received from LBTH Environmental Health concludes that the development will result in a reduction in the amount of winter sunlight to windows of existing dwellings in Nairn Street, consideration must be given to the degree and nature of this impact before establishing whether the application should be refused planning permission on such grounds.

9.27 The Buildings Research Establishment (BRE) guidelines recommend windows experience 5% of winter sunlight. While the proposed development will cause three windows to fall below this recommendation, the remaining windows all experience comparable existing conditions given their eastern orientation and the siting of existing buildings. Nevertheless, this is considered to represent a liveable condition for existing residents and requires consideration in determining the severity of the impact of the development.

9.28 It is considered that any perceptible reduction in winter sunlight to dwellings in Nairn Street is limited to four windows. Based on an examination of floorplans these windows provide daylight and sunlight to two kitchens and two bedrooms as larger living rooms overlook communal amenity space to the west. The impact of the development is therefore considered reasonable given that (1) it is limited to four windows, (2) the reduction only applies to winter sunlight, (3) the affected rooms are kitchens and bedrooms, (4) the impact will be comparable to that experienced by other existing windows in Nairn Street which represent liveable conditions and (5) the site is located within an existing urban setting.

Design

9.29 The application proposes demolition of the existing industrial warehouse and factory buildings and redevelopment of the site with a building occupying the site footprint and varying in height from 4 to 8 storeys. Given these buildings are not located within a Conservation Area or Statutorily Listed these demolition works can be undertaken as part of permitted development rights.

9.30 Council policies DEV 1 of the UDP and DEV2 of the emerging LDF require new development to respect and take account of the local character in terms of scale, massing, bulk and form.

9.31 The development is comprised of 4, 5 and 8 storey elements that step up towards

the site's northern boundary. The 8 storey element is located opposite the turn in Leven Road. The majority of the building form is made up of the four storey element with a stepped rise at the northern end of the site.

9.32 The building line is set back at ground level to create a buffer zone between the building and the existing back edge of pavement. The proposed studios will partially activate the streetscene by providing a ground floor frontage along Leven Road. The applicant has advised the proposed obscure glazing will be broken up by clear sections to create a more interactive frontage to Leven Road. It is recommended that a planning condition requires the submission of these details to ensure the final appearance is acceptable.

9.33 The elevations introduce a degree of horizontal and vertical articulation through a variation in building height and form and finishing materials. The upper floor units have recessed private balcony space that help animate the elevations (see appendix 3).

9.34 Given the importance of the finishes and detailing to the design of the building, it is considered that the submission of details regarding external materials is required by planning condition.

9.35 It is considered that the building design responds appropriately to the linearity of the site and the corresponding building height, scale and bulk establish an acceptable relationship with existing housing on Nairn Street.

9.36 The applicant has advised that the proposal has been designed to lifetime homes standards and obtains an eco homes rating of 'very good'.

Amenity Space

9.37 UDP Policy HSG16 requires all new housing developments to provide an adequate provision of amenity space. Policy CP25 of the draft LDF requires all new housing to provide high quality, useable amenity space, including private and communal amenity space, for all residents.

9.38 The application provides private amenity space through recessed balconies to all units and roof terraces to some units. The scheme also releases land adjacent to Nairn Street that has the potential to be added to an existing ball court. It is recommended that the applicant is required to submit further details of the design and implementation of this space to ensure its efficient use and positive integration with the existing public realm.

9.39 The site is located within relative proximity of existing green open space, including communal spaces on Leven Road and Braithwaite Park. The LAAP identifies Leven Road Gas Works as the site of a new significant area of open space in the future.

9.40 It is considered that the shape of the site limits opportunities for achieving a high level of communal amenity space but that shortfall does not justify refusal.

Car and Cycle Parking

9.41 The application proposes a car free development and the use of a section 106 Agreement to prevent future residents from applying for parking permits to relieve pressure for on-street parking. The scheme makes indicative provision for a car club and on-street disabled parking on Leven Road subject to approval from LBTH Parking.

9.42 The restraint based approach to car parking provision is considered to be in

accordance with planning policy designed to reduce dependence on the private car and is complemented by planned improvements to public transport and the commitment towards the provision of a car club on site. It is recommended that details of implementation and management of the car club are required by planning condition.

9.43 The application makes provision for cycle parking located within a covered and secure location at ground floor. As the provision of cycle facilities is less than 1 space per unit it is recommended that a planning condition requires the submission of details demonstrating how increased cycle parking provision will be achieved within the development.

Safety

9.44 Under "Hazardous Substances" legislation, sites are registered in a borough where because of the potential risk from the industrial activities on a particular site, zones are established within which new residential accommodation needs particular assessment. The activities are commonly Gas Works plus sites where particular chemicals are used above a certain quantity (which varies with the chemical involved). The zones relate to the level of danger created should there be a leak of the "hazardous" material and/or potential for an explosion. Obviously in London there is existing housing close to Gas Works and in this case, where new housing is proposed, an assessment has to be made as to whether the potential hazard is such as to justify refusal. It should also be noted that the extent of the zones in London within which the HSE consider residential units should not be built have been increased. It is understood that this increase occurred without much consultation and is an issue being taken up by boroughs and the GLA across London. In this instance, the distance is such- 190.3 metres to the nearest gasometer - that it is considered that refusal is not justified.

10. CONCLUSIONS AND REASONS FOR APPROVAL

10.1 The principle of redeveloping the site with a residential-led mixed use development is considered to be in accordance with relevant adopted and emerging planning policies. The application will facilitate the reprovision of employment uses on the site and deliver a significant amount of affordable housing within a development that responds appropriately to local context and limits its impact on surrounding uses. Although the development will result in a reduction in sunlight to some windows to rooms in Nairn Street, the impact is considered reasonable given that is limited to four windows, the reduction only applies to winter sunlight, the affected rooms are kitchens and bedrooms with living areas to the affected flats oriented to the west and the site is located within an urban setting.

10.2 While it is accepted that the proposed housing density represents an intensive use of the site, the development layout and design is considered to be an appropriate response to the site and its setting and in accordance with policies designed to maximise the redevelopment potential of brownfield sites.

10.3 The proposed material and finishes are considered acceptable in principle. The details of the elevational treatment are proposed to be managed through the imposition of a planning condition.

10.4 Given the intensity of development it is considered that section 106 contributions should be secured towards environmental improvements between the site and surrounding transport nodes and the provision of health and education services within

11. RECOMMENDATION

11.1 The application is recommended for approval subject to a legal agreement that secures:

- a financial contribution to be agreed towards environmental improvements
- a financial contribution to be agreed towards education provision
- a financial contribution to be agreed towards health provision
- affordable housing
- affordable business space
- a 'Car Free' development

11.2 The Committee is recommended to:

- a) agree the reasons for approval as set out in Section 10 above;
- b) resolve to grant planning permission subject to a legal agreement, as set out in paragraph 11.1, and conditions detailed below.
- c) agree to give the Health and Safety Executive advance notice of its decision to grant planning permission and allow 21 days from the date of the notice to give further consideration of this matter and allow them consider whether they wish to request that the Secretary of State call-in this application for her determination.

Conditions and Reasons:

- (1) The development allowed by this permission must begin within three years from the date of this decision.

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 91 of the Town and Country Planning Act 1990.

- (2) The building works required to carry out the use/development allowed by this permission must only be carried out within the following times:

- 08.00am to 18.00pm Mondays to Fridays
- 08.00am to 13.00pm on Saturdays

You must not carry out the required building works on Sundays or Bank Holidays.

Noisy operations shall not take place outside these hours unless the Council has agreed that there are exceptional circumstances, for example to meet police traffic restrictions, in an emergency or in the interests of public safety

Reason: To safeguard the amenity of adjacent residents and the area generally in compliance with the following policies DEV50 (Noise) and HSG15 (Preservation of Residential Character) of the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), and policy DEV1 of the London Borough of Tower Hamlets Development Plan Document (Core Strategy and Development Control) November 2006.

- (3) Full particulars and details of the following shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in

accordance with the particulars so approved. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority.

- i. Sample board of all external material including photomontages, colour elevations and typical grid patterns;
- ii. Design and external appearance of the lower ground level elevations and ground level frontages to the building, including entrance canopies;
- iii. 1:20 part elevation details of cladding to the northern elevation;
- iv. 1:20 details of balconies, screening details and typical windows including samples of the type, texture and colour of balustrades, handrail finishes and landscaping to roof terraces;
- v. Glazing to artists studios;;
- vi. A scheme with full details of external lighting for the development, including design, location, numbers and levels of illumination;
- vii. Ground floor signage to eastern elevation adjacent Leven Road;
- viii. Provision of communal television reception facilities;
- ix. Design, materials, access and management arrangements of the bicycle storage of the approved development;

Reason: The particulars reserved are considered to be material to the acceptability of the development hereby approved and the local planning authority wishes to ensure that the details of the development are satisfactory in accordance with the requirements of policies DEV2 and DEV9 of the adopted Unitary Development Plan 1998 and policies CP3, CP4, DEV1, DEV2, DEV15, and DEV19 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (4) Development of the site shall not begin until a landscape management scheme for the treatment of the open spaces within the site (including roof terraces), including both hard and soft landscaping has been submitted to the local planning authority for written approval. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority. Details of the scheme should include:

- i. long term design objectives for the site;
- ii. design and layout of the new open space, including access points and public realm areas;
- iii. planting scheme, including written specifications (including cultivation and other operations associated with plants and grass) and schedules of plants, noting species, plant sizes and proposed numbers where appropriate;
- iv. boundary treatment including walls, fences and railings and gates;
- v. safety and security measures for the development,
- vi. disabled access throughout the spaces;
- vii. management responsibilities; and
- viii. maintenance schedules for all landscape areas, including that of the communal roof terrace.

The landscape management scheme to be submitted to and approved in writing by the local planning authority shall be carried out in accordance with the

programme agreed and all soft landscaping works must be carried out within the first planting and seeding seasons following the occupation of any part of the development. The communal open spaces shall be made available for all affordable units (social rented and intermediate) in perpetuity. Trees or plants that die, or are removed or become seriously damaged or diseased within five years of the development being finished must be replaced in the next planting season with plants of similar species and size. Any changes of species proposed will need the written permission of the local planning authority prior to planting.

Reason: To make sure open spaces and amenity spaces are of a high quality and to make sure the development meets the requirements of policies DEV1, DEV2, DEV12 and DEV13 of the Unitary Development Plan 1998 and policies CP31, CP46, DEV4, DEV13 and DEV16 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (5) The bicycle parking accommodation is to be provided and retained permanently for:

- i. A minimum of 66 cycle spaces.

Reason: To ensure the permanent retention of bicycle spaces for the occupiers and users of this development in accordance with policy T17 of the London Borough of Tower Hamlets Unitary Development Plan (adopted 1998).

- (6) Provision shall be made for the storage of refuse and recycling facilities in accordance with details to be submitted to and approved by the Council as local planning authority prior to the commencement of the development. Such provision shall be made prior to the occupation of the building and shall thereafter be made permanently available for the occupiers of the building.

Reason: To protect amenity and ensure adequate provision for the storage of refuse in compliance with policies DEV55 and DEV1 of the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), and policies DEV15 and DEV1 of the London Borough of Tower Hamlets Local Development Framework Development Plan Submission Document November 2006.

- (7) A scheme for the attenuation and mitigation of noise and vibration from the transmission of traffic, adjoining uses and also between each of the proposed units of the proposed development shall be submitted to and approved by the Local Planning Authority before the development hereby approved commences and the approved details shall be installed before occupation of any of the units.

Reason: To safeguard the amenities and living conditions of future occupiers in accordance with Council policy DEV2 of the adopted UDP 1998 and policies DEV1, DEV5 and DEV10 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (8) Details of a scheme showing how the development shall derive 10% of predicted energy requirements from renewable sources shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of works on site.

Reason: To ensure that the development complies with policy DEV6 of the London Borough of Tower Hamlets Development Plan Document (Core Strategy and Development Control) November 2006.

- (9) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

- (10) Development shall not begin until drainage details, incorporating sustainable drainage principle and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of surface water flooding and to improve water quality.

- (11) During Construction no solid matter shall be stored within ten metres of the banks of the River Lea and thereafter no storage of materials shall be permitted in this area.

Reason: To prevent solid materials from entering the River Lea and causing pollution.

- (12) Development of the site shall not begin until a management scheme and details of the operation and location of the car club have been submitted to the local planning authority for written approval. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority. Details of the scheme should include:

- i. operation details;
- ii. safety and security measures for the space;
- iii. management responsibilities; and
- iv. maintenance schedules of the allocated parking space.

The car club shall be made available for all units (socially rented and intermediate) in perpetuity. Any changes to the use of this car club space must be approved in writing by the Local Planning Authority.

Reason: To ensure that the occupiers have access to the car club in perpetuity and that the scheme accords with the sustainable transport objectives of policy CP40, CP41, DEV17 and DEV18 of the London Borough of Tower Hamlets Local Development Framework Development Plan Submission Document November 2006.

- (13) Development of the site shall not begin until a decontamination scheme has been submitted to the local planning authority for written approval. The scheme will identify the extent of the existing contamination and the measures to be

taken to avoid risk to the public, buildings and environment when the site is developed. Details of the scheme should include:

- i. A 'desk study report' documenting the history of the site.
- ii. A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
- iii. A 'site investigation report' to investigate and identify potential contamination.
- iv. A risk assessment of the site.
- v. Proposals for any necessary remedial works to contain, treat or remove any contamination.

Where remediation is required, it shall be carried out before the site is occupied and a certificate or validation report stating that remediation has been completed as agreed with the local planning authority must also be prepared by a suitably qualified person and submitted to the local planning authority for written approval. Occupation of the site must not occur until the certificate or validation report has been approved by the local planning authority.

Reason: To make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998). DEV51 Contaminated Land.

- (14) Full particulars of the Demolition and Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved. In particular:

- a. public safety, amenity and site security;
- b. operating hours;
- c. noise and vibration controls;
- d. air quality and dust management plan,
- e. surface/foul water drainage plans/works and associated control measures;
- f. recycling plan for waste and materials reuse;
- g. details of wheel cleaning equipment to prevent the carriage of mud and other materials onto the adjoining highways; and
- h. traffic management, including details of on-site construction parking and delivery arrangements;

Reason: The particulars reserved are considered to be material to the acceptability of the development hereby approved and the Local Planning Authority seeks to safeguard the amenities of adjoining occupiers and ensure the safe flow of traffic along adjoining highways, in accordance with the requirements of policies DEV2, DEV50 and T16 of the adopted UDP 1998 and policies DEV2, DEV9, DEV10, DEV11 and DEV12 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (15) The applicant shall enter into a Section 278 agreement of the Highways Acts 1980 (as amended) to secure the repaving and improvement of the footways and kerbs surrounding the site and the highway adjacent to the site.

Reason: To ensure public realm and pedestrian improvement works are completed prior to occupation of the completed development.

- (16) No external plant equipment, vents, flues or telecommunication equipment shall be placed on the elevations or roof of the any building or structure without prior written approval of the Local Planning Authority.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with the requirements of policies DEV1, DEV2 and DEV9 of the adopted UDP 1998 and policies DEV2 and DEV4 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

Informatives

- (1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following:
- A.H. at 100% at a tenure ratio of 60:40 social rent: intermediate;
 - Education contribution;
 - Health contribution;
 - Affordable Business at 100%;
 - Car free development; and
 - Environmental improvements to pedestrian linkages.
- (2) A section 278 agreement will be required for the proposed highway works in line with the proposed development as set out above.
- (3) You are advised to contact the Council's Head of Building Control at Mulberry Place, 5 Clove Crescent, London, E14 1BY on 020 7364 5009 to ensure all building works are in compliance with the Building Regulations.
- (4) The applicant should contact the Head of Environmental Health Department at Mulberry Place (AH), Anchorage House, P.O. Box 55739, 5 Clove Crescent, London, E14 1BY or on 020 7364 6800 with regard to conditions 3 to 8. The applicant/developer is advised to take into consideration the 'Code of Construction Practice' and current Best Practice guidance.
- (5) Pursuant to Conditions 10 and 11, you should consult the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX (Environment Agency Correspondence Reference No. NE/2006/014004-4/1).
- (6) Prior consent may be required under the Town & Country Planning (Control of Advertisements) Regulations 1992 for the erection of any advertising signs and/or hoardings on the site.
- (7) The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
- (8) Facilities should be provided within the site drainage systems for the interception and storage of contaminated water used in fire fighting. For more information please contact Andrew Grant from the Environment Management Team, Environment Agency on 01707 632 450.
- (9) If domestic appliances are to be provided in the new property, the permission

holder is advised to consider installing water and energy efficient models.

CASE OFFICER: Will Steadman

Appendix 1: Site Location Plan

Appendix 2: Proposed Site Layout Plan

Appendix 3: Proposed Elevations