

**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION****PLANNING COMMITTEE MEETING: Thursday 8<sup>th</sup> March 2007****Planning Application that would have been for LTGDC's Determination****Report of the Director of Planning****CASE NUMBER:** LTGDC-06-008-PP      **DATE MADE VALID:** 03/02/2006**APPLICATION NO:** PA/06/00178/LBTH      **TARGET DATE:** 05/05/06**APPLICANT:** Aitch Construction Limited**AGENT:** KKM Architects**PROPOSAL:** Demolition of existing buildings and redevelopment to provide blocks ranging from 5 to 19 storeys to provide a mixed use development comprising 544 residential units, 1,335 sq.m. of commercial space within Use Classes A1, A2, A3 and B1 and associated car parking.**LOCATION:** Pelican Wharf (Trad Site), Imperial Street, London E3**1. SUMMARY**

1.1 On 25 January 2007 the applicant submitted an appeal to the Secretary of State against the Corporation's failure to determine the application within thirteen weeks. The submission of an appeal prevents the Corporation from being able to determine the application. The purpose of this report is to resolve how the Committee would have determined the application in the event that an appeal had not been lodged.

1.2 The Planning Inspectorate has set out an appeal timetable that requires the Corporation to submit a Statement of Case by 27 March 2007. The Committee resolution will inform the Corporation's position before submitting a Statement of Case and preparing evidence to be presented at the forthcoming public inquiry.

1.3 The application proposes redevelopment of the site to provide development ranging from 5 to 19 storeys comprising 544 residential units and 1335m<sup>2</sup> commercial floorspace and associated amenity space, car parking and servicing.

1.4 The application site is located within an area that has been the subject of significant planning policy review. It is on the western edge of the Lower Lea Valley within a poorly integrated area of Bromley by Bow bounded by the A12 Blackwall Tunnel North

Approach, the London Underground and National Rail corridor, the River Lea and commercial uses, including a large Tesco foodstore.

1.5 The principle of redeveloping the site with a high density mixed use development is supported by the recently published Mayor of London Lower Lea Valley Opportunity Area Planning Framework (OAPF) and emerging Local Development Framework Core Strategy and Development Control Document and Leaside Area Action Plan (LAAP) Submission Documents. While assuming less weight than the adopted Unitary Development Plan (UDP), these documents establish a policy context that supports considerable land use change for the area and the application site. The Bromley by Bow masterplan, which is proposed to become a Supplementary Planning Document (SPD) to the LAAP, and was issued for statutory consultation by LBTH on 19 February 2007, is the most recently prepared policy document and sets out a proposed land use form and composition for the area and the application site.

1.6 The proposal to redevelop the site with a residential-led mixed use development has to be considered against strategic land use objectives seeking mixed use development comprising residential, retail, education and community, open space and the creation of a new neighbourhood centre. The LAAP and Bromley by Bow masterplan establish as a preferred development solution, the relocation of the Tesco food store onto the application site to establish improved connections to Bromley by Station and the existing community to the west, and the release of land for its more efficient and integrated use including the creation of a new neighbourhood centre, a new school, provision of open space along River Lea and improved north-south connections over the rail corridor. A key issue for consideration, therefore, is the extent to which policies advocating the preferred development scenario are significantly prejudiced by the application proposals and whether this justifies the application being refused planning permission. Officers' views on this subject are set out below in the section on Land Use at 9.9 to 9.15 and the conclusion is that such prejudice would arise.

1.7 The proposed siting and layout of development blocks attempts to maximise development quantum on an irregular shaped and linear site. The urban design approach results in an inward looking development that produces a very linear public realm that terminates in a weakly defined space and relationship with the River Lea. The linear blocks present significant bulk when viewed from distance and the elevational treatment appears cluttered and lacking design quality. The height, scale, massing and appearance of the tower elements are considered to harm the setting of the Three Mills Conservation Area and Listed Buildings.

1.8 Given the development constraints imposed by the site's configuration and its proximity to surrounding road and rail infrastructure, the development layout and design will determine the extent to which issues relating to sunlight and daylight, overshadowing and noise impact have been adequately addressed. A combination of the siting and internal layout of the residential blocks is considered to create a poor living environment for prospective occupiers. The predominance of single aspect units contributes to, and compounds, the problems associated with achieving acceptable standards of sunlight and daylight and overshadowing, noise mitigation and residential outlook. The amount and quality of private amenity space is considered unacceptable. The proportion of family sized units within the market housing allocation is considered deficient.

1.9 The Corporation's involvement in the application site originated with representations submitted to the London Borough of Tower Hamlets and Mayor of London on a previous scheme submitted prior to the acquisition of its planning powers. The Corporation recommended refusal of the application in light of the emerging planning

policy context and the need to secure a comprehensive redevelopment of the area in order to achieve regeneration objectives.

1.10 It is recommended that, subject to receiving any further advice from LBTH and instruction from Counsel, the Corporation's Statement of Case to be submitted to the Planning Inspectorate by the 27 March 2007 shall be based on the following principles:

- The proposed development is premature and would prejudice the comprehensive regeneration of the area, contrary to paragraphs 4.135, 4.136, 4.139 and 4.146 of the Mayor of London OAPF, Policies L1, L5, L7, L21 and L24 of the Leaside Area Action Plan Submission Document and the draft Bromley by Bow masterplan;
- The proposed layout, siting, height, scale and appearance of the development will prejudice its successful future integration with the adjacent sites, will result in an inadequately designed development, will constitute overdevelopment and will harm the setting of the Three Mills Conservation Area and Listed Buildings contrary to Policies 4B.1, 4B.3, 4B.8, 4B.9, 4B.11 and 4C.20 of the London Plan, Policies DEV1, DEV3, DEV6, DEV8, DEV29, DEV39, HSG9 of the Unitary Development Plan, Policies CP4, CP20, CP48, CP47, DEV2, DEV3, DEV27, HSG1, CON1 and CON3 of the LDF Core Strategy and Development Control Submission Document and Policy L23 of the Leaside Area Action Plan Submission Document;
- The proposed development will result in a poor living environment for future residents given the predominance of single aspect units, sunlight and daylight conditions and inadequate private amenity space contrary to Policy 4B.9 of the London Plan, Policy DEV1 and HSG 16 of the Unitary Development Plan and policies CP25, DEV1, DEV2 and HSG7 of the Core Strategy and Development Control Submission Document;
- The proposed dwelling mix would result in an excessive percentage of one and two bedroom units within the market housing allocation contrary to Policy 3A.4 of the London Plan, Policy HSG 7 of the Unitary Development Plan and Policy CP21 of the Core Strategy and Development Control Submission Document.

## **2. SITE AND PROPOSAL**

### 2.1 Site and Surroundings

2.1.1 The application site is an irregular shape and measures 1.3 hectares. The site is currently occupied by Trad Scaffolding Ltd. and accommodates a two storey office building and storage yard. The site is located on the western edge of the Lower Lea Valley and within an area of land bounded by the A12 to the west, the River Lea to the east, the London Underground and National Rail corridor to the south and the A11 and River Lea to the north (see appendix 1).

2.1.2 The area is poorly accessed due to severance caused by strategic road and rail infrastructure and vehicular access and egress is reliant on A12 slip roads. A bridge across the River Lea enables private road access into the London Development Agency (LDA) owned and listed Three Mills studios. Public pedestrian and cycle access is permitted across this bridge to provide access to Three Mills Park and beyond. Pedestrian and cycle access from the west is reliant on the use of subways under the A12. Bromley by Bow London Underground station is located west of, and adjacent to, the A12, and access to it from the east is via a pavement along the A12 and a subway link adjacent to the station.

2.1.3 Beyond the A12 to the west are the Coventry Cross, Bow Bridge and Devons

Road post war housing estates and the LDA owned former St. Andrews Hospital development site. The area lacks identity and is characterised by large areas of single land uses that are severed by strategic transport infrastructure and set within a poor human scale environment.

2.1.4 The Corporation has commissioned a Connections Study to consider options for improving accessibility and integration throughout the Lower Lea Valley, including improving east west connections across the River Lea and north south links over the rail corridor. It is anticipated that this study will be concluded by June this year.

2.1.5 The application site is located within an area characterised by low grade commercial uses and a large Tesco retail store. The site is bounded by the River Lea to the east, the London Underground and National Rail corridor to the south, the Crowley site (offices and yard) to the west and Imperial Street and the Tesco retail store to the north. The northern boundary overlooks the Tesco food store, petrol station, service yard and car parking.

## 2.2 Description of Proposal

2.2.1 As originally submitted the application proposed redevelopment of the site to provide 4 development blocks comprising a total of 549 residential units and 1415m<sup>2</sup> of commercial floorspace. On the information made available to the Corporation, the applicant submitted revisions to the scheme in October 2006 to redevelop the site to provide 544 residential units and 1335m<sup>2</sup> floorspace. It is understood that these amendments were submitted in response to the Mayor of London Stage I report's requirement for the scheme to provide additional family housing. Following submission the applicant has submitted various technical assessments in support of the application.

2.2.2 The development comprises 149x1 bed units, 275x2 bed units, 91x3 bed units, 25x4 and 4x5 bed units. The commercial floorspace is located at ground floor within blocks A, B and C and occupies a frontage with Imperial Street, the proposed access road and the River Lea (see appendix 2).

2.2.3 The development blocks vary in height from 5 (15.0 m) to 19 (58.0m) storeys with development height concentrated in two 15 and 19 storey tower blocks located at the site's river frontage. The block layout creates a shared vehicular and pedestrian linear public space that incorporates two 90° kinks between Imperial Street and the river frontage. The development incorporates communal roof gardens within each block and 64 basement and undercroft level car parking spaces split between blocks A and D.

2.2.4 Given the irregular and linear shape of the site the development blocks are arranged along an east-west axis and oriented north-south overlooking the rail corridor to the south and the Tesco store to the north.

## **3. MAIN ISSUES**

- Land Use
- Design
- Residential Amenity
- Amenity Space
- Housing Tenure and Mix
- Housing Density
- Transport/Parking/Access
- Flood Risk

#### 4. RELEVANT SITE HISTORY

##### 4.1 Relevant history

4.1.1 On 15 July 2004 (ref: PA/04/01055) a planning application was submitted to LBTH to redevelop the site with a 5 to 18 storey mixed use development comprising 549 residential units, 1,170m<sup>2</sup> of B1 floorspace and associated car parking and landscaping. This application has not been determined by LBTH.

#### 5. CONSULTATIONS/NOTIFICATIONS

##### Greater London Authority

5.1 The Mayor of London issued a Stage 1 response dated 15 December 2005 in response to the application submitted 15 July 2004 (ref: PA/04/01055) and concluded:

*“The principle of a high density, residential led mixed use development in this location is consistent with the development plan for this area and emerging planning strategies. The applicant should, however, first explore the feasibility of working together with neighbouring landowners and public authorities to bring about the comprehensive redevelopment of the Bromley by Bow area. In the event that neighbouring landowners, particularly Tesco, are unwilling to consider the redevelopment of their store the current development proposals will need to be considered on their own merits and the scheme will need to:*

- *increase the amount of family housing delivered;*
- *ensure that residential units within Block C, adjacent the busy LU line, are able to locate habitable rooms on the side of the quiet side of the building away from the LU line;*
- *carry out an assessment of the impact of overshadowing caused by scale, mass and bulk of development;*
- *undertake and demonstrate a feasibility assessment for site-wide CHP;*
- *carry out further noise assessments to assess potential impacts including from the very busy A12 Blackwall Tunnel Approach Road, the adjacent LU Line and nearby commercial uses;*
- *provide evidence which demonstrates that all the proposed new housing is built to ‘Lifetime Homes’ standards and that a minimum of 10% is designed to be wheelchair accessible;*
- *provide a comprehensive access statement, showing how the proposals will promote an inclusive environment;*
- *agree to make a significant financial contribution to bring forward improvements to Bromley by Bow station and pedestrian access to public transport facilities including the station and northbound bus stops;*
- *carry out a further transport assessment with new survey data taking into account changes to A12 junctions and the increased number of trips as a result of revised development proposals and identifying mitigating measures to address impacts on bus movements and general traffic;*
- *provide further details on the extent and location of cycle parking;*
- *submit a green travel plan as part of the application identifying measures to enforce low car use and improve access for pedestrians, cyclists and public transport users. “*

5.2 The Corporation awaits the Mayor of London’s Stage 1 report on the application under consideration.

##### London Borough of Tower Hamlets

5.3 The following provides a concise summary of the comments provided by LBTH officers:

#### *Policy*

5.4 Recommend refusal of the application on grounds that the development will (1) undermine the ability to deliver the required social and community facilities and infrastructure, including a primary school, as part of a viable, comprehensive and sustainable regeneration process (2) be contrary to adopted policies seeking the retention and expansion of employment generating uses and emerging policies seeking the establishment of a neighbourhood centre, and (3) adopt an excessive density and a scale and design that is inappropriate along the river frontage and constitutes overdevelopment.

#### *Housing*

5.5 It is considered that the application meets the policy requirement for 35% affordable housing when calculated on a habitable rooms basis. The proposed tenure split delivers the policy requirement for 80% social rented housing. Confirmation is sought on the affordability of the 4 and 5 bedroom intermediate units. The proposals are considered to deliver the required unit mix within the social rented allocation. The provision of 58% family sized units within the social rented allocation exceeds the LDF requirement for 45%.

5.6 It is considered that there is an under-provision of family sized units within the market housing allocation. The applicant should be encouraged to review the unit mix to improve the number of 3+ bedroom units within the private sector. The poor integration of this site with surrounding areas increases the importance of providing adequate provision of amenity and child space on site.

5.7 The application makes inadequate provision for wheelchair accessible units (0.4%) which is below the Council's target of 10%. The submitted Accessibility and Lifetime Homes Statement is unclear as to whether the scheme meets 100% lifetime homes standards.

#### *Design and Conservation*

5.8 Recommend refusal of the application on grounds that the application would (1) prejudice implementation of the emerging Bromley by Bow masterplan, (2) undermine attempts to deliver an urban form based on place making (3) contribute to increased fragmentation of the area.

5.9 The site configuration results in a very deep and narrow plot that incorporates two 90° turns. This constrains site access and the area of developable land. The site has been designed in two halves with a linking central block. The site layout results in a cul-de-sac type development of linear blocks that fail to establish a hierarchy of space and draw people to the open space and river. The block layout and creation of a linear, canyonised open space is considered poor urban design. The development does not contribute to, or make provision for, a comprehensive approach to providing open space and access infrastructure. This will increase the burden on surrounding sites. The development fails to take into account the wider regeneration objectives and would result in piecemeal development that would fail to integrate with its existing and future surroundings. The plot configuration prevents the proposals from providing consolidated communal amenity space. The layout and distribution of open space is uneven and provides a poor setting for Block A.

5.10 The majority of units are single aspect and a cramped layout. It is considered that double aspect flats would offer relief from noise, provide views of the communal amenity space, improve views/outlook and provide a southern aspect. The location and positioning of commercial floorspace within Block D is questioned.

5.11 The proposed external render finish will weather poorly. The material palette is constrained and lacks richness. The building appears heavy and bulky. The ground floor/ base proportions are compressed and lack vertical gradation. The building does not take on a special character and responds poorly to its context. There is a lack of design quality and disappointing architectural expression to taller blocks.

#### *LBTH Environmental Health*

5.12 The Corporation awaits Environmental Health's views on the 2006 technical assessments.

#### *Sunlight and Daylight*

5.13 Based on an assessment of the 2005 Sunlight and Daylight Report, Environmental Health acknowledge that the design and siting of individual blocks will impact on the sunlight and daylight experienced by prospective residents. The report acknowledges that a number of windows will not receive adequate sunlight and daylight due to room size and light availability.

#### *Road Traffic Noise*

5.14 Based on an assessment of the 2005 Noise Assessment, Environmental Health raises no objection to the impact of noise generated by traffic using the A12 Blackwall Tunnel North Approach.

#### *Rail Noise and Vibration Assessment*

5.15 Based on an assessment of the 2005 Rail Noise and Vibration Assessment Environmental Health raises no objection to the noise impact of train movements on the proposed development assuming the mitigation measures recommended are implemented. These include a 5.0m high acoustic wall along the southern boundary and fixed window openings along the southern elevation. In relation to mitigate the vibration impact of train movements further work is required.

#### English Heritage

5.16 Recommends refusal of the application on grounds that (1) the development will have a detrimental impact on the setting of the Grade I listed Tide Mill (Mill House), the adjacent Grade II listed offices and the Grade II listed Clock Mill and setting of the Three Mills Conservation Area of which these buildings form the historic core (2) the development would set an undesirable precedent for building scale and height that would further harm the setting Conservation Area and listed buildings and (3) the application does not include a views assessment of the Conservation Area and listed buildings.

5.17 The site is located in an archaeological priority area as specified in the UDP. The imposition of a planning condition requiring the submission of a programme of archaeological works is requested in the event that planning permission is granted.

#### Environment Agency

5.18 The Environment Agency originally objected to the proposed development on grounds that (1) there is an inadequate buffer zone between the proposed development and adjacent watercourse which will adversely affect the character and value of the watercourse and (2) the application is not accompanied by a Flood Risk Assessment as required by PPS25.

5.19 A Flood Risk Assessment dated September 2006 was submitted by the applicant but has not yet been considered by the Environment Agency.

#### British Waterways

5.20 Raise no objection to the application subject to the imposition of planning conditions requiring (1) a survey of the canal/waterway wall and schedule of repairs to be carried out in accordance with a method statement (2) dredging of the water frontage (3) submission of details of the proposed landscaping scheme.

### **6. APPLICATION PUBLICITY**

**6.1 Site Notice Expiry:** 14/03/2006

**6.2 Press Notice Expiry:** 14/03/2006

#### **6.3 Neighbour Notification:**

6.3.1 Site notices were placed around the site and consultation letters were sent to surrounding occupiers. The formal consultation period ended on the 14 March 2006.

### **7. REPRESENTATIONS**

7.1 One letter and email received, including representations submitted by Tesco, objecting to the application on the following grounds:

<b>Comment</b>	<b>Response to Comment</b>
1. The application is premature given that the future of the area remains undecided at this stage, and various options are being considered for the future of the Tesco site, the future location of the proposed Bromley by Bow Neighbourhood Centre and the future of the whole area. The application would limit the Tesco site's ability to contribute to the wider proposals for the redevelopment of the area, in circumstances where the future of the site remains unclear pending future negotiations.	See paragraphs 9.1-9.15
2. The approval of the application would limit the potential use of the Tesco site due to the close proximity of the buildings proposed in the application.	
3. The scale of the building created by	See paragraphs 9.16-9.29

4. The traffic impact on what is already a congested area. See paragraphs 9.54-9.55

## **8. RELEVANT PLANNING POLICY**

### **8.1 Planning Policy Guidance**

PPG1	Delivering Sustainable Development
PPS3	Housing
PPS12	Development Plans
PPG13	Transport
PPS12	Renewable Energy
PPS25	Flood Risk

### **8.2 The London Plan (Feb 2004)**

2A.3	Areas for Intensification
2A.4	Areas for Regeneration
3A.1	Increasing London's supply of housing
3A.2	Borough housing targets
3A.4	Housing Choice
3A.5	Large housing developments
3A.7	Affordable housing targets and
3A.8	Negotiating affordable housing in individual private residential and mixed use schemes
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.20	Improving conditions for pedestrians
3C.21	Improving conditions for cycling
3C.22	Parking strategy
3D.1	Supporting town centres
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Maximising the potential of sites
4B.8	Tall Buildings - location
4B.9	Large-scale buildings – design and impact
4C.8	Sustainable drainage
4C.20	Design – starting from the water
4C.28	Development adjacent to canals

### **8.3 LB Tower Hamlets UDP**

ST1-3	Core Objective
ST4-9	The Environment
ST15-19	The Economy and Employment
ST20-26	Housing
S27-33	Transport
ST54	Flood Defences
DEV1	General Design and Environment Requirements
DEV2	General Design and Environment Requirements
DEV3	General Design and Environment Requirements
DEV6	High Buildings and Views
DEV8	High Buildings and Views
DEV29	Conservation Areas
DEV39	Historic Buildings and Structures

DEV46	Riverside, Canalside, Docks and other Water Areas
DEV47	Riverside, Canalside, Docks and other Water Areas
DEV48	Riverside, Canalside, Docks and other Water Areas
EMP1	Promoting Employment Growth
EMP2	Promoting Employment Growth
EMP6	Access to Employment
EMP10	Business Use
EMP11	Industrial Employment Areas
EMP13	Industrial Employment Areas
HSG3	Affordable Housing
HSG7	Dwelling Mix and Type
HSG9	Density
HSG13	Internal Standards for Residential Developments
HSG16	Amenity Space
OS9	Children's Playspace
OS14	Lea Valley Regional Park
T15	Transport and Development
T16	Transport and Development
T17	Transport and Development
DEV57-59	Nature Conservation and Ecology
DEV63-64	Green Chains and Walkways
U2-6	Tidal and Flood Defences

#### **8.4 LB Tower Hamlets draft Local Development Framework**

##### Core Strategy Submission Document (November 2006)

CP1	Creating Sustainable Communities
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP16	Vitality and Viability in Town Centres
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP25	Housing Amenity Space
CP30	Improving the Quality and Quantity of Open Spaces
CP34	Green Chains
CP35	Lee Valley Regional Park
CP37	Flood Alleviation
CP38	Energy Efficiency and Production of Renewable Energy
CP40	A Sustainable Transport Network
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments
CP48	Tall Buildings
CP49	Historic Environment

##### Development Control Policies

DEV1	Amenity
DEV2	Character and Design
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV16	Walking and Cycling Routes and Facilities

DEV18	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV27	Tall Buildings Assessment
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Private Residential and Mixed Use Schemes
HSG4	Varying the Ration of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG10	Calculating Provision of Affordable Homes
OSN3	Blue Ribbon Network and the Thames Policy Area
CON1	Listed Buildings
CON2	Conservation Areas

#### Leaside Area Action Plan Submission Document (November 2006) (LAAP)

L20	Residential uses in Bromley by Bow North sub area
L21	Retail and leisure uses in Bromley by Bow North sub area
L23	Design and built form in Bromley by Bow North sub area
L24	Site Allocations in Bromley by Bow North sub area

8.4.1 The application is located within the Bromley by Bow North sub area and forms part of site reference LS7 within the LAAP. The area is identified for considerable land use change based on its accessibility, urban character and riverside location. Paragraph 4.23 recognises the need for redevelopment of the area to be managed in a comprehensive way. Paragraph 4.24 identifies Bromley by Bow as comprising a strong, mixed-use neighbourhood centre with a cluster of social, health and community facilities that addresses its waterside setting and includes new housing, employment, a primary school and open space. This is reflected in Policy L24 which identifies site LS7 as suitable for providing a range of land uses including residential (C3), primary school (D1), retail and leisure (A1-A4), employment (B1), social and community (D1-2) and public open space.

8.4.2 Paragraph 4.27 promotes an increase in residential uses as part of mixed use schemes. Policy L21 makes explicit reference to supporting the creation of a new neighbourhood centre and the relocation of Tesco to Imperial Street. Paragraph 4.32 states that a new neighbourhood centre is proposed to the north east of Bromley by Bow underground station that will include a relocated Tesco store which can be accessed directly from public transport and residents to the west of the A12.

### 8.5 Other Relevant Planning Policies

#### **Draft Bromley by Bow Masterplan (proposed Supplementary Planning Document to the draft LAAP)(December 2006)**

8.5.1 The Bromley by Bow Masterplan is proposed to be SPD to the LAAP. The masterplan can only be adopted following adoption of the LAAP. The masterplan was issued for statutory consultation on 19 February 2007. The Corporation has not yet submitted representations.

8.5.2 The masterplan has significant implications for the application site. In accordance with the emerging LAAP, the masterplan proposes the relocation of the Tesco food store to the south east to release land to create a more integrated and efficient use of land, improved direct access to Bromley by Bow underground station and the formation of open space along the river edge.

#### **Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF)(January**

8.5.3 The application site is located within the Bromley by Bow sub area and, with reference to site plan figure 4.8, on land identified as (1) suitable for potential new housing area (2) partially within an area identified for mixed use, retail and commercial (neighbourhood centre) uses (3) partially within an area of social infrastructure search and (4) forming part of a green route and (5) providing a new north south access over the existing rail corridor.

8.5.4 Paragraphs 4.135 and 4.136 identify the potential to relocate Tesco close to Bromley by Bow station as part of a mixed use retail development on land that would include the application site. Paragraph 4.146 acknowledges the Bromley by Bow masterplan and recommends its potential to further define the precise scope and scale of potential land use change, including the ability to reconfigure existing land uses and introduce new types of activity. Paragraph 4.139 identifies the need for a large scale infrastructure cluster, preferably near the Bromley by Bow station including a primary school, a secondary school, a health centre and associated community space.

### **London Plan Housing Supplementary Planning Guidance (November 2005)**

8.5.5 In support of London Plan Policy 3A.4, the SPG includes at paragraph 11.3 a table which sets out a preferred housing tenure and unit size mix.

## **9. ASSESSMENT OF MAIN ISSUES**

### Background

9.1 The application site is located within an area that has been the subject of considerable policy review since the adoption of the Unitary Development Plan in 1998. This policy review has provided the context for pre and post application submission discussions with the applicant given the need to ensure development proposals contribute to, and are compatible with, the preferred land use distribution and composition in the area.

9.2 The Corporation's interest in the application site originated when representations were submitted on the previous application on 28 October 2005, recommending that LBTH should refuse planning permission to allow a meaningful dialogue to take place with the applicant and adjacent landowners about realising the potential for a more comprehensive redevelopment solution in recognition of the LAAP and proposed Bromley by Bow masterplan. The Corporation also wrote to the GLA on 28 October 2005 to request that the Mayor of London object to the principle of the application in favour of a more comprehensive redevelopment solution for the site and the wider area.

9.3 Prior to submission of the previous application, LBTH undertook a policy review that culminated in the preparation of the first deposit draft UDP (2004). This document, which was withdrawn and superseded by the LDF process, gave policy support to the principle of releasing low grade industrial uses for high density mixed use development based on improved accessibility to Bromley by Bow station and the area's riverside setting. Policy LS2 established the preparation of masterplans and development briefs for identified development nodes in order to comprehensively manage change in these areas. Hancock Street, Tesco site and Imperial Street were identified as key development sites. The Imperial Street site was identified for high density mixed use development with improved accessibility to Bromley by Bow station; light industrial workshops/studios and offices, with food and drink uses facing onto the canal; development set back and overlooking access to the river.

9.4 Application ref: PA/04/01055 was submitted on 15 July 2004. Following discussions with the GLA about how the scheme should contribute towards a more comprehensive development solution in the area, an indicative masterplan was submitted. The Mayor of London issued Stage 1 comments on 15 December 2005. These comments are set out a paragraph 5.1 of this report and provided support for the principle of high density mixed use development on the proviso that the applicant explored opportunities for securing a more comprehensive development solution with Tesco and other key landowners. These comments also included the need for an increase in family housing, the provision of 100% Lifetime Homes and a minimum of 10% wheelchair accessible units, and further consideration of the noise impact of traffic and train movements on prospective occupiers, the impact of the development layout and orientation on overshadowing within the site and the impact of the development on the operation of the A12.

9.5 Following issue of the Mayor of London's Stage 1 report, a revised application was submitted for determination by the Corporation. The applicant has verbally advised the Corporation that a comprehensive redevelopment solution could not be pursued with adjacent landowners due to difficulties in establishing collaborative working. The Corporation has not received any written evidence to support this claim. The submitted application seeks to address the Mayor of London's detailed concerns set out in the Mayor's Stage 1 report. The applicant has submitted technical reports relating to these matters during the course of 2006 and these issues are considered in section 9.0 of this report. The Corporation awaits the Mayor of London's updated Stage 1 report on the extent to which these issues have been addressed. It is noted that, while the application now makes passive provision for improved access to Bromley by Bow station, it does not deliver the preferred type and form of development sought in the emerging LLV OAPF and LDF Submission Documents, including the LAAP and Bromley by Bow masterplan.

9.6 The LLV OAPF, which alongside the London Plan provides the strategic policy context for the Lower Lea Valley, has consolidated the policy of land use change by advocating a mix of industrial land release and retention that includes the promotion of high density mixed use development on land including and surrounding the application site. Paragraph 2.9 states that a maximum of 173 hectares of existing industrial land could be acceptably released for other uses between 2005 and 2016. Paragraph 4.135 describes the implications for the Bromley by Bow sub area and the application site.

9.7 This policy approach is strengthened in the LDF submission documents, including the LAAP, which promotes comprehensive redevelopment of the area, including the creation of a new neighbourhood centre to be anchored by a relocated Tesco food store and comprising a new primary school, open space and improved access to Bromley by Bow station. The LAAP identifies Imperial Street and the application site as the preferred site for a relocated Tesco food store that can provide a gateway to a new neighbourhood centre. This land use scenario has been developed in more detail through the draft Bromley by Bow masterplan.

9.8 In assessing the proposed development, however, consideration needs to be given to the weight that can be attached to the various policy documents. While the principle of redeveloping the site, and the wider area, with high density mixed use development is accepted, the LLV OAPF, draft LDF submission documents and draft Bromley by Bow masterplan all promote a form of development that identify the application site as key to facilitating the relocation of Tesco, the provision of riverside open space, accessibility improvements and the release of land to provide a more efficient and integrated use of land. A key consideration, therefore, is the extent to which the proposed development prejudices the implementation of these land use objectives. If these objectives cannot be achieved the substance and timing of the draft

LDF submission documents are considered sufficient to support an argument that the proposed development is premature and would prejudice attempts to deliver a more comprehensive redevelopment of the area. Notwithstanding the recent publication of some of these documents, Officers consider that they should be afforded considerable weight because their genesis can be traced back beyond 2004 when the first deposit draft replacement UDP was published.

### Land Use

9.9 The adopted planning policy is provided by the existing UDP which identifies the site within a designated Industrial Employment Area. UDP Policy EMP11 supports the retention, expansion and growth in employment provided by general industrial and warehouse uses. UDP Policy EMP13 states that residential development will be permitted only where the loss of industrial land is justified. The London Plan identifies the Lower Lea Valley as a Strategic Employment Location (SEL) with Policy 3B.5 requiring Boroughs to promote and manage its industrial offer. In identifying SEL's in their policy documents, Boroughs are, however, required to consider the release of surplus land for other uses in order to achieve efficient use of land in light of strategic and local assessment of industrial demand.

9.10 In accordance with London Plan Policy 3B.5 a policy review has been undertaken to establish the quantum and location of industrial land release in the Lower Lea Valley and this has informed an emerging planning policy context as reflected in the OAPF. The East London Sub Regional Development Framework, adopted by the Mayor of London in 2006, has ratified the SEL boundaries proposed in the draft LLV OAPF, which does not include land within the application site. While it is clear that the adopted UDP policy would not support redevelopment of the site with a residential-led mixed use development, the emerging policy position supports the principle of comprehensive redevelopment to comprise high density mixed use development, including the creation of a new neighbourhood centre complemented by new housing, a primary school, open space and employment uses within an better integrated environment.

9.11 The OAPF promotes land use objectives that identify the site as appropriate for (1) potential new housing, (2) potential mixed use, retail and commercial (neighbourhood centre) uses and (3) within an area of social infrastructure search and (4) forming part of a strategic green route. In addition the transport and local movement analysis undertaken for the LLV OAPF identified the potential for a new north-south vehicular, pedestrian and cycle link to be delivered east of the A12 and bridging over the existing rail corridor. This route would provide a dedicated public transport (bus) route which would deliver several strategic objectives, including relieving the significant lack of capacity at Bromley by Bow station, improving the severely compromised public transport and local movement provision in the area east of the A12. The LLV Connections Study, commissioned by the Corporation, will highlight the strategic benefits of delivering this new link. It could only be deliverable as part of a comprehensive redevelopment of this area, and as currently proposed, the proposed development would be likely to compromise the deliverability of this project as well as some of the other wider aspirations for the area, as referred to elsewhere in this report.

9.12 The LAAP submission document locates the site within the Bromley by Bow North sub-area and within site reference LS7. The area is identified for considerable land use change based on its accessibility, urban character and riverside location. Paragraph 4.23 emphasises the need to manage the redevelopment of the area in a comprehensive way if new development is going to deliver a new neighbourhood centre, housing, employment, primary school and open space that relates to the River Lea and Three Mills as part of an integrated and permeable built form. Paragraph 4.24 identifies Bromley by Bow as comprising a strong, mixed-use neighbourhood centre with

a cluster of social, health and community facilities that addresses its waterside setting and includes new housing, employment, a primary school and open space. Policy L24 identifies site LS7 as suitable for a range of land uses including residential (C3), primary school (D1), retail and leisure (A1-A4), employment (B1), social and community (D1-2) and public open space. Paragraph 4.32 states that a new neighbourhood centre is proposed to the north east of Bromley by Bow underground station that will include a relocated Tesco store which can be accessed directly from public transport and residents to the west of the A12. Policy L21 makes explicit reference to supporting the creation of a new neighbourhood centre and the relocation of Tesco to Imperial Street.

9.13 The flexibility afforded by this designation reflects both the desire to create a new neighbourhood centre within this area and the need to consider a land use arrangement and form of development through the preparation of a masterplan to be adopted as SPD to the LAAP. To inform this work, paragraph 4.32 makes explicit reference to relocating the Tesco food store to Imperial Street to forge improved access to Bromley by Bow station and provide a gateway to the neighbourhood centre. In exploring this preferred development scenario the draft Bromley by Bow masterplan demonstrates how the relocated Tesco foodstore and riverside open space rely on land within the application site. This would not be available if the development was allowed to proceed and hence the comprehensive redevelopment would be thwarted.

9.14 The Bromley by Bow masterplan develops the objectives stated in both the OAPF and the LAAP to propose a form and distribution of land uses within the area that secure the delivery of a new neighbourhood centre, relocated Tesco store, open space, a new primary school and accessibility improvements under the A12 to Bromley by Bow station and over the rail corridor to improve area integration.

9.15 The principle of redeveloping the site with a high density mixed use scheme is established by the LLV OAPF and LDF submission documents which promote the relocation of the Tesco food store to Imperial Street, the provision of riverside open space and the need to facilitate comprehensive redevelopment to meet the land use and design objectives of the area. It is considered that the proposed development does not facilitate the delivery of these objectives – indeed it hinders them – nor does it demonstrate how they can be delivered with the scheme. The application therefore prejudices the regeneration objectives of the area. Accordingly, given that the emerging policy would help to deliver important policy objectives, as well as securing regeneration, and would promote a more beneficial use of the site, the application is premature.

#### Design (see appendices 3 and 4)

9.16 LDF Core Strategy Policy CP4 promotes good design and seeks to ensure development (1) respects its local context, including character, bulk, and scale of the surrounding area, (2) contributes to the enhancement or creation of local distinctiveness, (3) incorporate sustainable and inclusive design principles, (4) protect amenity, including privacy and access to daylight and sunlight, (5) use high quality architecture and design and (6) assist in creating a well-connected public realm and environments that are easy to navigate. LDF Development Control Policy DEV2 provides a comprehensive list of criteria to be applied to scheme design. Core Strategy Policy CP48 and Development Control Policy DEV27 identify locations appropriate for tall building clusters and the criteria to be applied in their design. Bromley by Bow is not identified as a tall building cluster location.

9.17 LAAP Policy L23 requires development within the Bromley by Bow North sub area to (1) protect existing, and provide for new, pedestrian and cycle routes along the waterways, (2) be of a scale and form that enable physical and visual access to the river

(3) deliver major improvements to the public realm (4) create active frontages to the River Lea and (5) be sensitively designed to respect the historic character and waterside setting at Three Mills.

9.18 London Plan Policy 4B.1 seeks to ensure that new developments (1) respect local context, character and communities, (2) are practical and legible, (3) are attractive to look at and, where appropriate, inspire, delight and excite.

9.19 London Plan Policy 4B.8 lends support to tall buildings where they (1) create attractive landmarks enhancing London's character, (2) act as a catalyst for regeneration and (3) acceptable in terms of design and impact on their surroundings.

9.20 London Plan policy 4B.9 requires tall buildings to be of the highest quality and design and in particular (1) be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements, (2) be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views, (3) illustrate exemplary standards of sustainable construction and resource management and potential for renewable energy generating and recycling, (4) be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing and (5) pay particular attention, in residential environments, to privacy, amenity and overshadowing.

9.21 The LDF Core Strategy CP38 does not identify the area as appropriate for a tall building cluster. The principle of redeveloping the site with a tall building(s) requires adequate justification and Development Control Policy DEV27 requires the design (1) to be sensitive to site context, (2) achieve high architectural quality, adopt appropriate scale, form, massing, footprint, proportion and silhouette, facing materials and (3) not impact on Conservation Areas and Listed Buildings.

9.22 The blocks vary in height from 5 to 19 storeys with development height concentrated in two tower elements comprising 15 and 19 storeys sited adjacent to the river and overlooking the Three Mills Conservation Area and Grade I and II Listed Buildings. While these tower elements maximise development quantum in a part of the site least affected by the visual and noise impacts of the A12, equal consideration needs to be given to their impact in terms of height, scale, bulk and appearance on views, and the setting, of the Conservation Area Listed Buildings. It is considered that limited regard has been given to ensuring the scale, height and elevation design respect the setting of the Conservation Area and Listed Buildings. A development of this scale, height and design quality would set an undesirable precedent for the area that could further erode the setting of the Conservation Area and Listed Buildings.

9.23 The development comprises a series of blocks arranged in response to the irregular shape of the site and the need to maintain access through the development. Further development constraints are provided by the A12 to the west, the rail corridor to the south and the rear elevation and the Tesco foodstore, service yard, car parking and petrol filling station to the north. The development adopts an unclear and inward looking urban structure that exhibits a campus-like character. While it is accepted that the surrounding land uses do not lend themselves to integration, the proposed layout limits future integration of the site with a comprehensive urban strategy for the area. Fundamentally, the development is very inward-looking, with long blocks sited along the edges of the site that would be difficult to successfully integrate into the wider urban fabric.

9.24 The development layout and character is unlikely to create an environment that is

perceived as truly public by both existing and future communities of Bromley by Bow. In most views the buildings exhibit considerable bulk. The proposed block siting prevents the site from contributing to the delivery of new public open space which is identified as a strategic requirement to serve the wider area. The public realm is poorly defined. The linear blocks do not relate well to each other and create an unconvincing and poorly defined open space.. This is unacceptable given potential to create direct pedestrian link from Bromley by Bow station to the river. The proximity and height of block C to the south also raises microclimate issues.

9.25 The shared aspiration to deliver a new local centre around Bromley by Bow station requires the appropriate siting of town centre uses and corresponding densities. By locating the highest densities at the furthest point of the site from the station, the scheme undermines the delivery of this aspiration, and does not follow planning policy seeking to encourage highest densities at locations with highest public transport accessibility. Furthermore, the 5 ground floor riverside commercial units should contribute towards the provision of a cluster of new commercial activities closer to the station or on other strategic new links.

9.26 The height and scale of the tower elements are considered to establish a weak relationship to the river. This unconvincing relationship is further demonstrated in the nature and configuration of the space created at ground floor. The vehicle turn around, café terrace and riverside walk contribute to a poorly defined and functional space that is unlikely to focus public occupation.

9.27 The façade design treatment is considered to be of unacceptably poor quality. The elevations appear very cluttered, with numerous elements of an intermediate scale applied to the façade, and multiple changes in colour, material, window and balcony, layout and setbacks, which do not combine to create a coherent or elegant aesthetic. The elevations of the views to the site from Bromley by Bow (drawing number 133A) presents a blank 'back' façade, which does not provide an appropriate interface with this key area. This compounds the problems created by the bulk and massing proportions of the building especially when it is viewed from the north and south. As these buildings will be highly visible, and will also infringe on the long views to and from the Three Mills area, the quality of their appearance is considered to be a highly significant issue.

9.28 The ground floor plan includes the provision of private gardens. There is concern about the quality of private amenity space created between Block C and the rail corridor embankment. Although the 5.0m high noise attenuation barrier helps mitigate noise impact, it provides a poor outlook and they are likely to be overshadowed by the rail embankment for much of the day. In addition, the small balconies provided as private amenity space to the majority of units, including larger (3 bed +) units, are not considered adequate for family accommodation.

9.29 The application is considered to promote a form of development that is constrained by the site shape and setting; creates a poor quality living environment for prospective occupiers; adopts a height, scale, massing and appearance that harm the setting of the Three Mills Conservation Area and Listed Buildings and exhibits poor architectural quality; and restricts opportunities for securing intergration with future development and the comprehensive regeneration of the area.

#### Residential Amenity

9.30 The application site is surrounded by road and rail infrastructure, a Tesco food store, petrol filling station, service yard and car parking, an adjoining commercial site and the River Lea. In accordance with LDF Development Control Policies DEV1, DEV2

and DEV 10 development is to ensure that it does not result in a material deterioration of the sunlight and daylight conditions of habitable rooms, buildings and open space and is designed to mitigate against the noise, vibration and visual impacts generated by surrounding infrastructure and land uses.

9.31 The applicant has submitted 'Rail Noise and Vibration' and 'Road Traffic Noise' Assessment reports dated September 2006. LBTH Environmental Health previously advised that the development has been designed to adequately mitigate the noise and vibration impacts created by the surrounding road and rail infrastructure. This mitigation includes the erection of a 5.0m acoustic wall along the site's southern boundary and the use of double glazed and sealed windows to protect prospective residents from the noise generating by frequent train and traffic movements. This advice requires updating following the submission of assessments dated September 2006.

9.32 It is considered that the Corporation requires further advice to be satisfied that the noise generated by Tesco's operations will not impact adversely on the amenity of prospective occupiers. Furthermore, the Tesco petrol filling station, car parking and service yard will provide a poor outlook for prospective occupiers of blocks A and D.

9.33 The applicant has submitted a Sunlight and Daylight report dated June 2006. The Corporation has received advice from LBTH Environmental Health that although the sunlight and daylight report concludes that some units will experience poor level of sunlight and daylight conditions this can be mitigated by the creation of larger window openings.

9.34 Given the height and proximity of block C and D, there is concern that lower floor units will experience poor daylight and sunlight conditions. To mitigate the noise impact generated by the train movements a 5.0m acoustic wall is proposed along the site's southern boundary. This will have negative impact on the outlook of lower ground units and detract from the quality and usability of the associated garden space. The submitted noise report states that a sealed window system is required to ensure noise levels are reduced to an acceptable level. This issue is compounded by the predominance of single aspect residential accommodation.

9.35 Notwithstanding the need for LBTH Environmental Health to review the more recently submitted technical assessments, there is a fundamental concern about the development's response to addressing the constraints provided by the irregular site shape and adjacency to road and rail infrastructure in terms of the quality of living environment created for prospective occupiers.

9.36 The combination of the siting of development blocks and creation of a poorly defined public realm gives rise to overdevelopment of the site. There is a predominance of single aspect units that will experience poor sunlight and daylight conditions, noise conditions and outlook.

#### Amenity Space

9.37 LDF Development Control Policy HSG7 requires a satisfactory level of private amenity space as integral to development and sets out minimum communal and private amenity space requirements for new development. For large residential developments, the policy requires communal amenity space to be provided at a ratio of 50m<sup>2</sup> for the first 10 units plus a further 5 for every 5 additional units is required. Private amenity space is required to be provided on the basis of 50m<sup>2</sup> for 3+ bed ground floor units, 25m<sup>2</sup> for ground floor units with less than 3 beds, 6m<sup>2</sup> for 1 bed flats to provide 10m<sup>2</sup> for 2+ bed flats.

9.38 Communal amenity space is provided by roof top gardens and a shared vehicular and pedestrian route through the site that includes a linear green landscape buffer. The roof top gardens provide a total of approximately 600m<sup>2</sup>. A childrens play area is also located between blocks B and C. The site is also located within proximity of Three Mills Park.

9.39 The shared pedestrian and vehicular route through the site creates a potentially dynamic space that terminates in public realm that overlooks the River Lea and a vehicle turnaround. The space is flanked by the 9-15 storey block C and 9-19 storey block D which, given its orientation will provide a space of marginal amenity value and poor microclimatic quality. An opportunity is lost to create a more substantial and usable area of open space adjacent to the river. The children's play area occupies land expected to form part of a more direct route from Bromley by Bow station to the river Lea in the event that the adjacent site to the west is redeveloped to facilitate improved access. No alternative location is identified to ensure the possible need to reprovide this facility.

9.40 Private amenity space is provided by private gardens to the ground floors units in all blocks and balcony space to all flats. The private gardens are all below the minimum space required by LDF Development Control Policy HSG7 The private gardens serving units in block C will be located adjacent to the rail corridor and secured in part by a 5.0m high acoustic wall to the rear.

9.41 Private balcony space is provided by clip on balconies that measure 3m<sup>2</sup>. This provision is considered deficient in quantum and useability and is below that sought by Policy HSG7.

9.42 Notwithstanding the substandard provision of private amenity space and poor quality public realm provided by the internal access route, which can be finessed through design improvements, the overall provision of amenity space is considered acceptable given the provision of roof gardens and the site's proximity to Three Mills Park. However the private amenity space is considered deficient given the intensity of residential development proposed. Further design development is required for these spaces to be convincing in terms of the real amenity value they can provide for prospective residents.

#### Housing Mix and Tenure

9.43 The application proposes redevelopment of the site to provide 544 residential units comprising 149x1 bedroom units (27%), 275x2 bedroom units (50%), 91x3 bedroom units (17%), 25x4 bedroom units (5%) and 4x5 bedroom units. The application seeks to provide 160 (29%) affordable housing units on the basis that 124 (78%) will be social rented housing and 36 (22%) will be intermediate units. When calculated on a habitable rooms basis the application delivers 35% affordable housing.

9.44 The Mayor of London's target for affordable housing is 50% with a 70:30 split between social and intermediate sectors and 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 to the London Plan which seeks an overall housing mix of 32% 1 bed units, 38% 2/3 bed units and 30% 4+ bed units in new housing developments. The provision of 35% affordable housing departs from the London Plan requirement of 50% and is not justified by a detailed financial appraisal.

9.45 UDP Policy HSG3 requires affordable housing to be provided in accordance with the Borough wide target of 25%. In greater conformity with the more recently adopted London Plan, Policy CP22 of the LDF Core Strategy submission document seeks to

achieve a minimum of 35% affordable housing from new housing development. LDF Development Control Policy HSG7 requires affordable housing to be calculated on a habitable room basis. The provision of 35% affordable housing therefore meets the minimum LDF policy requirement.

9.46 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 LDF Core Strategy 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. While the LDF does not prescribe a preferred housing mix the Housing SPG to the London Plan recommends a more balanced mix between 1, 2/3 and 4+ bedroom units. The proposed housing mix makes inadequate provision of family sized units and departs from this policy objective.

9.47 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 proposals offers 3% 1 bed, 49% 2 bed, 47% 3 bed and 25% 4 bed units for social rent. The proposed mix is considered to meet planning policy designed to promote a balanced housing tenure mix and meet the demand for family sized units within the social rented sector.

9.48 Notwithstanding the provision of 35% affordable housing based on a habitable rooms calculation and the high level of family sized units within the social rented allocation, the application is considered to result in an over-concentration of one and two bedroom units within the market housing allocation.

### Housing Density

9.49 The application proposes redeveloping the site with a residential led mixed use scheme comprising 544 residential units and 1636 habitable rooms. The site measures 1.3 hectares resulting in a housing density of 418 units or 1258 habitable rooms per hectare.

9.50 London Plan Policy 4B.3 seeks to maximise the potential of sites through a consideration of location, public transport accessibility and local context. Policy 4B.3 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 an assessment of its location, setting and public transport accessibility. When assessed against this policy, the proposed density exceeds the highest density range which assumes the site is located within a central setting, within 10 minutes walking distance of a town centre and benefiting from a PTAL of 4-6. The site is not located within 10 minutes walking distance of an existing town centre, is located within an urban setting and benefits from a PTAL of 4.

9.51 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 in local circumstances and supports higher densities where they can be justified by local circumstances.

9.52 The draft LAAP classifies the area as urban in character and requires the application of Core Strategy Policy HSG1 in the determination of an appropriate housing density. Policy HSG1 supports densities of between 450-700 habitable rooms per hectare on sites located within an urban setting and benefiting from a PTAL of between 4-6. While, the proposed density exceeds that supported by Policy HSG1, consideration must be given to Policy CP20 which seeks to maximise residential density

when taking into account local context, 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

9.53 While the proposed housing density exceeds the upper limit of the density range recommended in the London Plan when calculated on a habitable rooms basis, consideration must be given to the advice contained at paragraph 6.7 of the Housing corresponding Housing SPG on their proposed application. However, given the concerns relating to the siting of development blocks, the quality of the living environment created and the impact of the scale, bulk and height of the building within its setting the development can be considered to constitute overdevelopment of the site.

#### Transport/Highways/Access

9.54 The application proposes a total of 64 on-site car parking spaces provided at a ratio of approximately 1 space per 8.5 residential units and accessed via Imperial Street and the A12. These car parking spaces are provided within blocks A and D. The application makes no provision for cycle or motorcycle parking for either the residential or commercial uses.

9.55 The A12 forms part of the Transport for London Road Network (TLRN). TfL Street Management is responsible for the safe and efficient operation of the TLRN. The Mayor Stage 1 report stated TfL's expressed concern about the impact of the development on the A12 traffic flows and junctions and local bus movements and requested an updated assessment based on changes to A12 junctions and the increase in trips generated by the development. In addition, further consideration was required to demonstrate that parking and enforcement measures would be in place to prevent off-site parking. The extent to which this issue has been addressed will be considered by TfL in the Mayor of London's Stage 1 update report.

#### Flood Risk

9.56 The site is located within Flood Zone 3 which represents a high risk zone. The Environment Agency advises that (1) the previously submitted Flood Risk Assessment does not provide a sufficiently robust assessment of the risk of flooding to the site from fluvial or tidal sources and surface water run off and (2) the development includes an inadequate buffer zone to conserve and enhance the ecology of the river corridor. While the Environment Agency accepts that an 8.0m buffer zone has been achieved along the majority of the river frontage, the treatment of the buffer zone requires further consideration.

## **10. CONCLUSION**

10.1 While the principle of redeveloping the site with a high density residential-led mixed use development is contrary to UDP and London Plan policy designed to safeguard industrial land and employment generating uses, it is accepted that the emerging policy context set out in the OAPF and LDF submission documents lends support to the principal land use change albeit in the context of a larger area. The OAPF and LDF submission documents seek comprehensive regeneration of the area with a mix of uses including housing, retail, community, education, open space and the creation of a new neighbourhood centre. The LAAP and Bromley by Bow masterplan make explicit reference to a preferred development scenario that includes relocating the Tesco food store on the Imperial Street site(s), the creation of riverside open space

and bridging the rail corridor. These elements would require land within the application site.

10.2 A key issue for consideration is the extent to which policies advocating the preferred development scenario can be used in support of the argument that the development would prejudice attempts to deliver that scenario.

10.3 The proposed siting and layout of development blocks is an attempt to maximise development quantum given the irregular shape and linearity of the site. This has the effect of limiting opportunities for future integration and the delivery of key accessibility and open space infrastructure. This approach creates an inward looking development and the formation of a very linear public realm which terminates in a weakly defined space and relationship with the River Lea. The linear blocks present are bulky when viewed from distance and the elevational treatment appears cluttered and lacking design quality. The height, scale, massing and appearance of the tower elements are considered to harm the setting of the Three Mills Conservation Area and Listed Buildings.

10.4 Given the development constraints imposed by the site configuration and its proximity to surrounding road and rail infrastructure, the development layout and design will determine the extent to which issues relating to sunlight and daylight, overshadowing and noise impact have been adequately addressed. However there is a predominance of single aspect units that will experience poor sunlight, daylight and noise conditions and outlook.

10.5 A combination of the siting and internal layout of the residential blocks is considered to create a poor living environment for prospective occupiers. The predominance of single aspect units contributes to, and compounds, the problems associated with achieving acceptable standards of sunlight and daylight and overshadowing, noise mitigation and residential outlook. The amount and quality of private amenity space is considered unacceptable. The proportion of family sized units within the market housing allocation is considered deficient.

## **11. Recommendation**

11.1 Members are requested to delegate to the Director of Planning the preparation and submission of the Rule 6 Statement of Case to the Planning Inspectorate by the 27 March 2007 on the basis of this report and following the review of any additional information received and advice from Counsel.

**CASE OFFICER:** Will Steadman

**Appendix 1: Site Location Plan**

**Appendix 2: Proposed Site Layout Plan**

**Appendix 3: Proposed Elevations**

**Appendix 4: Photographs**