

LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

PLANNING COMMITTEE MEETING: 10 May 2007

Planning Application for LTGDC's Determination

Report of the Director of Planning

CASE NUMBER: LTGDC-06-086-PP

DATE MADE VALID: 11/07/2006

APPLICATION NO: 06/01172/LTGDC

TARGET DATE: 10/10/2006

APPLICANT: Samsen Ltd

AGENT: KKM Architects

PROPOSAL: Demolition of existing building and construction of a new 5-8 storey residential led mixed use building comprising of 68 flats, 585m² of commercial space (B1 use) at part ground and first floor levels, 18 car parking spaces, and 67 bicycle parking spaces.

LOCATION: Concorde House, Caxton Street North, Canning Town, London E16

1. SUMMARY

The application site is situated in an area of industrial / employment uses on the north eastern side of Caxton Street North. Fen Street bounds the site to the north and Huntingdon Street bounds the site to the east. The elevated Silvertown Way flyover runs adjacent to Caxton Street North.

The application proposes to demolish the existing two-storey warehouse and redevelop the site with a 5-8 storey residential led mixed use building which will provide 68 flats and 585m² of commercial space (B1 use).

The site is located within a Principal Employment Area (PEA)(emp5 – Tidal Basin Area, E16) as designated in the London Borough of Newham's Unitary Development Plan (UDP) and is indicated as being suitable for business, general industrial, and warehousing uses.

The proposed development represents a departure from the London Borough of Newham's UDP given the proposal for residential development on the site.

The Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) further identifies the site as a Locally Significant Industrial Site (LSIS) and accordingly this site should be retained for industrial / employment use.

The main issues to consider are the principle and land use; density; dwelling mix / affordable housing; design, height and massing; impact on adjoining occupiers; transport and parking; amenity space and children's play space; and access.

It is considered that allowing a residential led mixed use development within this area of Locally Significant Industrial Sites could result in a conflict between the existing industrial / employment uses surrounding the site and the proposed residential use. Such a conflict between uses could have a detrimental impact on the future of the area of Locally Significant Industrial Sites. Accordingly, the site is not considered appropriate for residential development.

While it has been indicated in the London Borough of Newham's emerging LDF documents that 40-59% of industrial / employment land within the overall emp5 designated area could be released for mixed use development, the area identified on the LLV OAPF Canning Town Sub-area Site Plan as being Locally Significant Industrial Sites should remain in industrial / employment use. These sites are seen to meet a local need and furthermore it is considered to be an ideal location for such uses as they are sufficiently distanced from existing residential development.

The proposed development is also considered to be inadequate in relation to affordable housing provision, internal space provision, and amenity space / children's play space provision. Furthermore, the proposed development is not considered to be of sufficient design quality, or in a suitable location, to justify the proposed high density.

The height, scale, bulk and massing of the proposed development is also considered to be out of character in relation to the existing low lying buildings in the surrounding area.

The proposal for a residential led mixed use scheme does not relate well to the character of the surrounding area which comprises industrial / employment uses. The site is not considered to be an attractive or suitable environment for a residential led development and accordingly is contrary to Policy H17 (Housing Design and Layout) of the London Borough of Newham's UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

The applicant has failed to provide appropriate measures / financial contributions to meet the cumulative impacts and demands upon infrastructure and community facilities in the area, including matters such as highway improvements, education, healthcare, and skills training; the provision of affordable housing; a commitment towards the use of local labour and local goods and services; a green travel plan; and the provision of open space and play space.

The proposed development is recommended for refusal.

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

The application site is situated on the north eastern side of Caxton Street North. Fen Street bounds the site to the north and Huntingdon Street bounds the site to the east.

The elevated Silvertown Way flyover runs adjacent to Caxton Street North and therefore the proposed development will overlook the flyover.

The site is oblong in nature and has an overall site area of 1,697m². The existing building is two storeys in height and appears as a typical warehouse development with little fenestration. The building is currently vacant, but was previously used as a warehouse for food stuffs. A total of 1060m² of commercial floorspace is provided in the existing building.

To the immediate south of the site is a gym known as 'The Peacock Gym'. This is a two-storey brick warehouse structure, typical of many of the buildings surrounding the application site. Other surrounding uses include an office furniture business and a roller shutters / doors business.

Under the adjacent Silvertown Way flyover are several arches which have been converted for industrial / employment uses. Of note is a large scrap metal business which is located within the arches in close proximity to the site.

The wider surrounding area is of a diverse nature. To the north of the site sits warehouses and industrial buildings. To the east and south-east, the area is predominantly residential.

Further to the north of the site is a new 8 / 9 storey largely residential development (The Sphere) which is significantly occupied, and a short distance beyond that is Canning Town bus, tube and DLR station. It should be noted that The Sphere development is located within an area that is designated in the London Borough of Newham UDP as being suitable for mixed use development.

The Royal Victoria DLR station is also located within reasonable walking distance of the site along Victoria Dock Road.

2.2 Description of Proposal

The proposal is to demolish the existing two-storey warehouse building and erect a 5-8 storey residential led mixed use development. The footprint will take up most of the site, save for a south-facing garden podium. The building will be 5 storeys high on the Huntingdon Street elevation, and will increase to 6 storeys in the middle, and 7 / 8 storeys on the Caxton Street North elevation.

The ground floor level will comprise 3 No. self-contained flats at the northern end of the site, whilst the middle part of the ground floor level will consist of undercroft parking with a capacity for a total of 18 car parking spaces (including 1 disabled car parking space). A total of 67 No. enclosed cycle parking spaces will also be provided at this level in two separate areas, along with bin stores and a plant room. The ground floor level will comprise 265m² of commercial space (B1 use) fronting Caxton Street North.

The first floor level will consist of residential in the main, together with a podium garden, which will provide 224m² of communal amenity space. The first floor level will comprise 320m² of commercial space (B1 use) fronting Caxton Street North.

The floors from second floor to seventh floor are all entirely residential in nature. The development as a whole will provide a total of 68 flats (namely 24 x 1 bed, 34 x 2 bed and 10 x 3 bed). All units are to be built to Lifetime Homes standards.

The building will have a flat roof design with a top storey set back. The elevations will include balconies for the majority of the proposed flats. The external materials have not been identified at this stage, but the proposed elevations suggest a palate of different

finishes for all the elevations.

The applicants have offered 20 units as affordable housing and this equates to 29% of the total number of units. However, if the calculation is based on affordable habitable rooms, the affordable housing offer would be 35.7%.

3. MAIN ISSUES

3.1 List of Main Issues:

1. The principle and land use.
2. Density.
3. Dwelling mix / affordable housing.
4. Design, height and massing.
5. Impact on adjoining occupiers.
6. Transport and parking.
7. Amenity space and children's play space.
8. Access.
9. S106.

4. RELEVANT SITE HISTORY

4.1 The site was used for manufacturing and warehousing before the 1950's when planning records began for this site. These uses continued until two years ago, and since then the site appears to have been vacant.

5. CONSULTATIONS / NOTIFICATIONS

London City Airport – No safeguarding objections.

Environment Agency – Initially an objection was raised because there were concerns over surface water run off, flood water levels and because habitable rooms were located at ground floor level. The applicants then amended the scheme by increasing the height of the ground floor at the northern end of the site by 350mm and including a ramp. Verbal comments were then received from the Environment Agency that this alteration was acceptable to overcome their objection.

LBN (Forward Planning (Policy)) – Supportive of the proposal. As the site has a high PTAL rating of 6, it is considered that intensification makes the best use of the land. [The PTAL rating has now been confirmed by the London Borough of Newham Transportation Team as being level 5]. Therefore mixed use development is appropriate and provides an opportunity to integrate land uses, transport and sustainable development. The site has been identified as a Priority Development Node, and Newham's Industrial Land Survey indicates that there has been very low levels of change in this area in the last 5 years. [Could be seen as an argument against planning permission]. In terms of the Principal Employment Area designation, it is considered that if the premises have been vacant for 2 years, the policy accepts that there is no demand for employment use, then redevelopment for other uses will be considered. The proposed B1 employment space (585m²) is less in area than the existing capacity, however the stated 8 full time jobs that will be created will provide a reasonable employment density. The premises will provide modern premises, more suitable for a range of employment uses, unlike the existing situation. [However the new uses would be very different in character from the existing].

In terms of the residential element, the mix of unit sizes is generally considered acceptable, as is the affordable housing offer. The density should reflect the high PTAL

rating for the site.

LBN (Post Committee comments) – Very supportive of the scheme. Consider that the principle of mixed use is acceptable, given the context and history. Very keen on the regeneration benefits, but consider that additional S106 contributions should include a Green Travel Plan and a contribution to improve the pavement around the site.

LBN (Environmental Health) – No objections in principle, however recommend several conditions on any approval relating to hours of operation during construction, noise emanating from vehicle access gates, sound insulation between the flats, impact piling and contamination.

LBN (Regeneration) – Very supportive of the proposal, and suggestion that a local labour clause and local goods and services clause are included within any S106 agreement, along with a contribution of £38,000 towards skills training.

Canning Town Regeneration – Not supportive of the proposal because they consider that residential usage in an industrial / commercial area is inappropriate.

English Heritage - No objection, but recommendation to include a standard condition relating to a programme of archaeological works and a scheme of investigation prior to construction.

Thames Water – No objection, but recommend an informative relating to minimum water pressure.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 03/08/2006

6.2 Press Notice Expiry: 09/08/2006 (Advertised as a departure application)

6.3 Neighbour Notification:

A total of 137 adjoining occupiers were consulted about the proposal.

7. REPRESENTATIONS

Summary of Representations Received:

The Peacock Gym – Objection received on the basis that the proposal will affect natural lighting to the gym.

22 Tarling Road – Concerned that the development would affect natural lighting, that on-street car parking demand will be affected, and that there will be noise and loss of privacy problems from future residents.

69 Tarling Road – Concerned about loss of privacy, loss of daylight, noise and disturbance from the construction process, and the detrimental effect on traffic.

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance (PPG) / Planning Policy Statements (PPS)

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG4: Industrial, Commercial Development and Small Firms
PPS6: Planning for Town Centres
PPG13: Transport

8.2 The London Plan (adopted February 2004)

3A.1: Increasing London's Supply of Housing
3A.2: Borough Housing Targets
3A.3: Efficient Use of Stock
3A.4: Housing Choice
3A.7: Affordable Housing Targets
3B.1: Developing London's Economy
3B.2: Office Demand and Supply
3B.3: Office Provision
3B.4: Mixed Use Development
3C.2: Matching Development to Transport Capacity
3C.22: Parking Strategy
3D.2: Town Centre Development
4B.1: Design Principles for a Compact City
4B.2: Promoting World-Class Architecture and Design
4B.3 Maximising the Potential of Sites
4B.4: Enhancing the Quality of the Public Realm
4B.5: Creating an Inclusive Environment
4B.6: Sustainable Design and Construction
4B.7: Respect Local Context and Communities
4B.8: Tall Buildings - Location

8.3 London Borough of Newham

Unitary Development Plan (adopted June 2001)

S2: Community Benefit/Planning Obligations
S4: Sustainable Development
S6: Mixed Use Development
S9: Environmental Quality: Design Issues
S20: Housing: Inclusion of Affordable Housing in New Housing Schemes
S27: Employment: Restrictions on Change of Use of Land and Premises
S35: Transport: Encouragement of Alternatives to the Motor Car
H5: Conversion/Redevelopment from Other Commercial Uses
H6: Affordable Housing
H7: Affordable Housing in New Residential Development
H13: Promoting Quality in Housing
H14: Promoting Choice in Housing
H16: Density
H17: Housing Design and Layout
EMP1: Employment Growth
EMP2: Small Businesses
EMP3: Quality of Employment Development
EMP4: Principal Employment Areas: Preferred Uses
EMP5: Principal Employment Areas: Design Specifications
EMP6: Diversification and Strengthening of Economy
EQ18: Promoting Urban Quality
EQ19: Urban Design Considerations
EQ20: Design Considerations: Residential Areas
EQ21: New Development: Landscaping
EQ25: Access
EQ27: High Buildings: Control
EQ28: High Buildings: Design Considerations
T15: Off-street Parking Standards for New Development

Emerging Core Strategy (February 2006)

6.20: Housing Density

6.21: Affordable Housing

6.26: Internal Space Standards for New Homes

8.4 Other Relevant Planning Policies & SPGs

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the London Borough of Newham Unitary Development Plan (UDP) adopted in June 2001, and the London Plan adopted in February 2004. The site is designated in the adopted UDP as a Principal Employment Area and the proposal is a departure from current UDP policy.

The site is also located within an Archaeology Priority Zone as identified in the UDP.

The application site is just outside the Canning Town and Customs House Masterplan area (refer SPG: Canning Town and Customs House - Masterplan), adopted by the London Borough of Newham in October 2004, and which envisages for the area:

- A broader range of housing types and tenures in order to create a more balanced community.
- Landmark buildings in key locations.
- Improvements to the design of future development.
- Ensuring Lifetime Homes standards and wheelchair accessibility.
- Increased densities.

Mayor of London SPGs:

Housing (November 2005).

Accessible London: Achieving an Inclusive Environment (April 2004).

Sustainable Design and Construction (May 2006).

Draft SPG: Providing for Children and Young People's Play and Informal Recreation (October 2006).

Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF):

Also of relevance to the consideration of the scheme is the Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF), which was adopted by the Mayor in January 2007 and proposes that this site be retained in industrial / employment use.

The site falls within an area identified as being Locally Significant Industrial Sites (LSIS). It is noted that this is the only area of Locally Significant Industrial Sites within the Principal Employment Area (emp5).

Now that the LLV OAPF has been adopted by the Mayor, the four Lower Lea Valley boroughs, the LTGDC, and the Olympics Delivery Authority have been invited to formally endorse it as a valid and relevant material planning consideration for use within their statutory and non-statutory planning processes, in particular when taking development control decisions and preparing policy documents. Hence, whilst the LLV OAPF has not yet gained its full planning weight, it represents the Mayor's current planning views for this area, and its objectives and proposals should be taken into account when planning applications are considered by Planning Authorities.

London Borough of Newham SPGs:

Residential Planning Guidelines.

Affordable Housing.

Environmental Sustainability Checklist.

Flat Conversions.
Canning Town and Customs House - Masterplan.

9. ASSESSMENT OF MAIN ISSUES

Principle and Land Use

The site is located within a Principal Employment Area (PEA)(emp5 – Tidal Basin Area, E16) as designated by London Borough of Newham's Unitary Development Plan (UDP) and is indicated as being suitable for business, general industrial, and warehousing uses.

The proposed development represents a departure from the London Borough of Newham's UDP given the proposal for a residential led mixed use development on the site.

The Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) further identifies the site as a Locally Significant Industrial Site (LSIS) and proposes that it be retained for industrial / employment use.

The application proposes a residential led mixed use development comprising 68 flats, and 585m² of B1 use commercial space split over ground and first floor levels.

The proposal to provide 585m² of commercial floor space to replace the existing 1060m² will result in a 45% reduction in commercial floor space capacity at the site.

It is envisaged that the commercial space could generate up to 10 jobs.

Policy EMP4 (Principal Employment Areas) of the UDP states that proposals for residential and retail uses within PEAs will be strongly opposed.

Policy EMP6 (Diversification and Strengthening of Economy) of the UDP identifies that within PEAs the Council will encourage proposals for new employment uses that will contribute positively to the diversification and strengthening of the local economy.

The emerging London Borough of Newham Local Development Framework (LDF), which went as far as First Deposit Draft, indicated that 40%-59% of this PEA (emp5) could be released for mixed use development.

It is noted that the London Borough of Newham have apparently taken the LDF process back a stage, and are currently reviewing their policies, however, what, if any, impact this may have on the subject site is unknown.

It is considered that a residential development within this area of Locally Significant Industrial Sites is inappropriate as it could result in a situation of conflict between existing neighbouring uses and the proposed residential use. For example, the noise and working hours that may be acceptable in the surrounding industrial / employment area at present may be unacceptable to residents of a residential development. Such a conflict between uses could then potentially lead to the loss of further industrial / employment sites in the immediate area over time as they effectively get "forced out" by this conflict of uses, and this is not considered to be an acceptable situation given the local significance of the industrial / employment area.

In order to support their case for residential development, the applicants have advised that the existing commercial premises on the site have been vacant for two years. The applicant has not submitted any evidence to show that the premises have been

marketed regularly without success during this two year period. It is considered that the proposal for a residential led mixed use development could have a detrimental impact on the future of the area of Locally Significant Industrial Sites by reason of a conflict of uses. Accordingly, it is considered that despite the fact that the premises have been vacant for two years, this is not sufficient in this case to outweigh the potential detrimental impact the proposal could have on the future of the surrounding industrial / employment area.

While it has been indicated that 40-59% of industrial / employment land within the emp5 designated PEA, which is a large area (see Appendix 1), could be released for mixed use development, the area identified on the LLV OAPF Canning Town Sub-area Site Plan as being Locally Significant Industrial Sites (see Appendix 2) should remain in industrial / employment use, including the application site. This view is supported by the GLA.

The applicant has argued that the proposed mixed use development will be consistent with a 2006 decision by the LTGDC to allow a substantial mixed use scheme at St Lukes Square (Ref: 06/00054/LTGDC), which is located within the same PEA. Permission for the St Lukes Square application was granted on the 13th December 2006.

The St Lukes Square decision is not considered to set a precedent for residential development within the PEA, as each site needs to be assessed on an individual basis.

The St Lukes Square development and the proposed development are located at opposite ends of the PEA. The St Lukes Square development is situated back from Silvertown Way and adjacent to an area designated in the UDP as being suitable for mixed use development. Furthermore, the St Lukes Square development falls within the designation 'Other Industrial Areas' in the LLV OAPF. The St Lukes Square development site is surrounded by existing uses that include a large former church (now workspace, meeting rooms and a café), a hotel, residential properties, and a park.

In comparison, the proposed development site is located on Caxton Street North, which is a through road that connects Silvertown Way and Victoria Dock Road. The site is also adjacent to, and overlooks, the elevated Silvertown Way flyover. The site is surrounded by existing industrial / employment uses, including a gym, scrap metal business, roller shutters / doors business, and an office furniture business, and is sufficiently separated from existing residential uses. Accordingly, the site and surrounding area appears to be an ideal location to retain industrial / employment uses. The site falls within an area of Locally Significant Industrial Sites as designated by the LLV OAPF and this is further reason to retain the industrial / employment uses.

Industrial / employment uses are often difficult to accommodate because of a shortage of suitable sites. Accordingly, existing areas of industrial / employment uses should not be compromised where the area is largely working well and meets a local need for such land uses. In this case, many of the sites in the Caxton Street North industrial / employment area are currently occupied by businesses and therefore the area meets a local need for such land uses. The two-year vacancy of one site is not considered to be sufficient justification to warrant permission being granted for a residential led mixed use development, which is likely to have a spin-off effect and result in the loss of the area of Locally Significant Industrial Sites.

A 2003 decision for a nearby development at 118 Victoria Dock Road (Application No. P/03/0772) has also been considered in the assessment of this application, although again that decision is not considered to set a precedent.

Planning permission was granted on the 3rd September 2003 for the redevelopment of

118 Victoria Dock Road to provide 11 flats. This site is located to the south of the subject application site and falls within the same PEA. It is noted, however, that 118 Victoria Dock Road falls on the edge of the PEA, to the point where part of the development falls within the PEA and part falls outside of the PEA. 118 Victoria Dock Road is located at the corner of Caxton Street North and Victoria Dock Road, and adjacent to a residential development, Wimborne House. The development at 118 Victoria Dock Road faces Victoria Dock Road and accordingly the site can be viewed as separate from the existing Caxton Street North industrial / employment uses.

By comparison, however, the proposed development is located fully within the PEA and is surrounded by existing industrial / employment uses. Accordingly, it is considered inappropriate to introduce a residential mixed use development into the middle of this industrial / employment area.

To summarise, the proposal is considered to be contrary to Policy EMP4 (Principal Employment Areas) of the UDP and the guidance set out in the LLV OAPF with regards to Sub-Area 13: Canning Town.

Density

The application proposes 68 flats with a total of 190 habitable rooms. The density of the proposed scheme is 919 habitable rooms per hectare (hrph) calculated in accordance with the London Borough of Newham's 'Residential Planning Guidelines' SPG, which includes the area of the site plus half the width of the Fen Street frontage.

The London Borough of Newham's UDP requires new residential development to be in the region of 175-250 hrph. The London Borough of Newham's emerging Core Strategy identifies that densities of between 450-700 hrph may be acceptable on sites with a PTAL score of 4 or more. In all cases, development proposals must be of the highest design quality, must not affect the amenity of existing residents, must provide sufficient private amenity space and must have regard to all other provisions in the Core Strategy and any relevant Area Action Plan. This density guidance also accords with the London Plan's guidance on density.

The site is well served by public transport and has a public transport accessibility level (PTAL) of 5.

The site is located to the south east of Area 7 of the Canning Town and Custom House Masterplan area which advises that densities of 450-750hrph will be acceptable and that 'Central' area type densities (up to 1,100hrph) may be possible on sites nearest to the bus and rail station.

The site is also located to the east of Area 8 (west of Silvertown Way) of the Canning Town and Custom House Masterplan area which is considered appropriate for buildings of 6-7 storeys fronting Silvertown Way, up to 15 storeys at the southern tip, and up to 20 storeys adjoining the transport interchange.

The application site is outside of the Canning Town district centre and is located within an area of lower rise buildings. Higher rise developments including The Sphere and the Holiday Inn Express Hotel are located to the north of the site on Silvertown Way.

It is noted that the LTGDC accepted a density of 835hrph for the St Lukes Square proposal, which has a PTAL rating of 4. Such a high density was considered acceptable for the St Lukes Square development due to the overall high quality of the design of the development, its location adjacent to an area designated in the UDP as being suitable for mixed use development, and the surrounding land uses which are considered to be compatible with residential use. In comparison, the proposed

development is not considered to be of a sufficiently high quality of design as discussed within this report, and is located within an area designated as “Locally Significant Industrial Sites” where the surrounding land uses are not considered to be compatible with residential use.

Given the location of this proposed development within an area of Locally Significant Industrial Sites and the inadequacies of the development having regard to internal space provision and amenity space provision, it is not considered appropriate to accept such a high density development in this case. The proposal is considered to be contrary to Policy H16 (Density) of the UDP and Policy 6.20 (Housing Density) of the London Borough of Newham’s emerging Core Strategy, and Policy 4B.3 (Maximising the Potential of Sites) of the London Plan.

Dwelling Mix / Affordable Housing

The following dwelling mix and tenure split is proposed:

Market = 48 units (22 x 1-bed and 26 x 2-bed) (71%)
Social Rented = 11 units (1 x 1-bed, 1 x 2-bed, and 9 x 3-bed) (16%)
Shared Ownership = 9 units (1 x 1-bed, 7 x 2-bed, and 1 x 3-bed) (13%)

The development therefore proposes 24 x 1-bed units, 34 x 2-bed units, and 10 x 3-bed units.

The applicants have offered 20 of the units as affordable housing and this equates to 29% of the total number of units.

Based on 29% affordable housing provision, this would provide an affordable housing tenure split of 55% social rented / 45% intermediate.

If the affordable housing calculation was based on affordable habitable rooms, rather than the number of affordable units, it would equate to 35.7% affordable housing provision.

The calculation of affordable housing provision on the basis of the number of affordable habitable rooms, as opposed to the number of affordable units, would only be appropriate where a higher percentage of larger units were provided which is not the case in this instance.

The London Plan normally requires that 50% of new dwellings are affordable, with an affordable housing tenure split of 70% social rented / 30% intermediate.

The London Borough of Newham UDP policies (2001) do not provide guidance as to the percentage of units within a development that should be affordable housing. However, the commentary to Policy H7 (Affordable Housing in New Residential Development) in the UDP indicates that as a guide for negotiations, 25% of units should be affordable. In recent years 35% has been used as a minimum in negotiations.

The London Borough of Newham’s emerging Core Strategy at Policy 6.21 requires at least 35% of units to be affordable. For housing sites, the strategy suggests an affordable housing tenure split of 60% social rented / 40% intermediate.

All of the affordable housing will be provided at the northern extreme of the building (Core C) within the 5-storey block.

The proposed affordable housing provision is considered to be inadequate and contrary

to Policy 6.21 (Affordable Housing) of the London Borough of Newham emerging Core Strategy and Policy 3A.7 (Affordable Housing Targets) of the London Plan.

Design, Height and Massing

The design of the building is very modern in appearance. It has tried to adopt some of the design principles established by The Sphere. Whilst the height at 5-8 storeys would be in keeping with the mass and scale of that scheme, it will be at variance with the more traditional two-storey warehousing / industrial buildings surrounding the site, and the overall setting is very different. Accordingly, the proposal is considered to be contrary to Policy EQ19 (Urban Design Considerations) of the UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

Policy 4B.8 of the London Plan concerns tall buildings and should be applied in cases such as this where the proposed building is significantly higher than the surrounding buildings. The policy states that the Mayor will promote the development of tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and / or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. In this case, the proposal is not considered to be acceptable in terms of design and the impact on the surrounding area.

The building will have a flat roof design with a top storey set back, and the elevations include balconies for the majority of the proposed residential units.

The external materials have not been identified at this stage, but the proposed elevations suggest a palate of different finishes for all the elevations.

All of the units have been designed to Lifetime Homes standards.

It is noted that a number of the 2-bed / 4-people units do not meet the minimum unit size set out in the London Borough of Newham's Flat Conversions SPG which is the relevant guidance used by the Borough when assessing minimum unit and room sizes for both flat conversions and new dwellings. Furthermore, a number of the units do not meet the minimum room sizes for the first bedroom or kitchen.

For example, the Flat Conversions SPG indicates that a 4-person unit should have a minimum floor area of 70m², however, 7 of the proposed 2-bed / 4-people units fall below 70m² in floor area. The Flat Conversions SPG also indicates that first bedrooms for all units should be a minimum of 12m², however, 30 of the units have first bedrooms that fall below 12m² in size.

Policy 6.26 of the London Borough of Newham's emerging Core Strategy sets out internal space standards for new homes. Based on these standards, many of the proposed 1-bed and 2-bed units would fall short in terms of internal space.

The stacking between the units is considered to be acceptable. The London Borough of Newham – Environmental Health have recommended a condition requiring sound insulation to be installed between the residential units and the commercial units.

It is noted that the Road Traffic Noise Assessment Report submitted with the application categorised the development site as falling into Noise Exposure Category C (where Category A represents the circumstances in which noise is unlikely to be a determining factor, and Category D relates to the situation in which development would normally be refused). The noise report concludes that the site is suitable for residential development provided that suitable mitigation measures are adopted to mitigate road traffic noise.

The location of the building adjacent to industrial / employment uses, and adjacent to the elevated Silvertown Way flyover, is not considered to be an ideal location for residential development. It is considered that the amenities of the occupiers of the residential units could be adversely affected by reason of noise and outlook associated with the existing neighbouring uses and the flyover.

The proposed development is not considered to achieve a sufficiently high level of design by reason that the mass and scale of the proposed building is not compatible with the surrounding built form and there are inadequacies in unit sizes / room sizes which may affect the amenities of proposed residents of the development. Furthermore, the location of the development amongst existing industrial / employment uses and adjacent to the elevated Silvertown Way Flyover is not considered to be an appropriate location for residential development by reason of incompatible land uses. The proposal is considered to be contrary to Policy H13 (Promoting Quality in Housing) of the UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

Impact on Adjoining Occupiers

Residential properties are located to the north-east of the site on Tarling Road and to the south / south-east on Victoria Dock Road.

A previous housing development known at 15-53 Tarling Road, that lies immediately to the rear of the proposed development, has been acquired for what is understood to be a new residential development, although this still appears to be at pre-application stage. This development would front onto Tarling Road which is a residential environment. The buildings that were at 15-53 Tarling Road have been demolished and the site is currently boarded up.

It is noted that two residential occupiers in the Tarling Road area objected on the grounds of loss of daylight. The sunlight and daylight report by McBains Cooper, that was submitted with the application, concluded that the development passed the steps set out by BRE Guide, and that no residential occupier will suffer any noticeable loss of either sunlight or daylight.

The neighbouring gym has also objected on the basis that the proposal will affect natural lighting to the gym. At present the existing building on the application site is set back from the side and front of the gym building, and both buildings are of a similar height. The proposed development will, however, be a taller building with a larger footprint and could potentially affect natural lighting to the side windows and front elevation of the gym building.

In terms of loss of privacy, the nearest residential properties are situated on Tarling Road and their rear gardens back onto Huntingdon Street. The existing rear gardens and houses are considered to be a sufficient distance away from the proposed development and therefore the proposal is unlikely to result in a loss of privacy for Tarling Road residents.

It is noted that all of the windows that face onto the boundary with the gym are obscure glazed. A condition could also be added requiring these windows to permanently remain obscure glazed and fixed shut.

Transport and Parking

The site lies within reasonable walking distance of Canning Town bus, tube, and DLR station and Royal Victoria DLR station. Buses also serve both Silvertown Way and Victoria Dock Road in the vicinity of the site.

The PTAL rating for this site is high at level 5. In accordance with the general thrust of PPG13 (Transport), PPS1 (Delivering Sustainable Development), and the London Plan, the applicants have sought to reduce the reliance on cars.

A total of only 18 off-street car parking spaces (including 1 disabled car parking space) and 67 enclosed cycle parking spaces will be provided. It is noted that the proposal makes no provision for motor cycle parking.

A Parking Appraisal Report by Atkins was submitted with the application and concluded that the development would not have a significant impact on the road network, and any overflow parking demand can be accommodated satisfactorily on the carriageway in the vicinity of the site.

It is considered, however, that overflow parking generated by the proposed development could vary from a few cars to a significant number of cars. Any significant overflow parking in the vicinity during business hours has the potential to adversely effect the operation of existing businesses in the area that currently use on-street parking.

On balance, given the very good accessibility to public transport provision, the level of car parking proposed is considered acceptable, and will encourage sustainable travel in accordance with the London Plan.

Amenity Space and Children's Play Space

Policy H17 (Housing Design and Layout) of the UDP requires an appropriate provision of private amenity space for dwellings. The SPG 'Residential Planning Guidelines' advises that the following private amenity standards should be aimed for:

1 bedroom dwellings – 100 sqm of communal garden for up to 4 dwellings and 15 sqm for each additional dwelling.

2 bedroom and 3 bedroom dwellings – 25 sqm per dwelling.

On the basis of the guidance set out in the SPG 'Residential Planning Guidelines', 1500m² of amenity space should be provided within the development.

Since the application was submitted, the Mayor of London has produced a draft SPG "Providing for Children and Young People's Play and Informal Recreation" which provides guidance on providing for the play and recreation needs of children and young people under the age of 18 and the use of benchmark standards. This SPG highlights the need to provide adequate children's play space in new residential developments.

The proposed development provides a total of 224m² of communal amenity space for the 68 residential units in the form of a garden podium at first floor level. While it is noted that the majority of the flats also have access to private balconies or private patios, the development would appear to fall short of suitable on-site amenity space and children's play space and is therefore contrary to Policy H17 (Housing Design and Layout) of the UDP, the SPG Residential Planning Guidelines, and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

There is a public park / recreation ground located on Tarling Road, which is within easy walking distance of the site, however, it is still considered that the development should provide additional on-site amenity space than what is proposed, especially to cater for the needs of children.

Access

An access statement was submitted with the application.

Policy 3A.4 of the London Plan states that 10% of all new housing should be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

One unit in the proposed development is noted as being a disabled unit and this is provided at ground floor level.

The applicant has advised that all units will be built to Lifetime Homes standards and accordingly in meeting those standards units should be wheelchair accessible.

S106

The applicants have proposed 29% affordable housing provision based on affordable units (which equates to 35.7% affordable housing provision based on affordable habitable rooms).

The London Borough of Newham Regeneration Department has recommended that the applicant enter into a Local Labour Clause and a Local Goods and Services Clause. They have also recommended that a contribution of £38,000 be provided for skills training, although the applicant has indicated that they would only be prepared to provide £30,000 for skills training.

The London Borough of Newham Planning Committee has also recommended that S106 contributions include a green travel plan and a contribution to improve the pavement around the site.

10. CONCLUSION AND RECOMMENDATION

There is in this instance a difference of opinion between London Borough of Newham's Planning / Regeneration teams and the Corporation / GLA as to the appropriateness of a residential led scheme on this site. Having assessed the various policies for the area and the varying material weight that they have, refusal is justified.

It is considered that allowing a residential led mixed use development within this area of Locally Significant Industrial Sites could result in a conflict between the existing industrial / employment uses surrounding the site and the proposed residential use. Such a conflict between uses could have a detrimental impact on the future of the area of Locally Significant Industrial Sites. Accordingly, the site is not considered appropriate for residential development.

While it has been indicated that 40-59% of industrial / employment land within the emp5 designated area could be released for mixed use development, the area identified on the LLV OAPF Canning Town Sub-area Site Plan as being Locally Significant Industrial Sites should remain in industrial / employment use. These sites are seen to meet a local need and furthermore it is considered to be an ideal location for such uses as they are sufficiently distanced from existing residential development.

The principle of a residential led mixed use scheme on the subject application site is not considered to be acceptable. The proposal is considered to be contrary to Policy EMP4 (Principal Employment Areas) of the London Borough of Newham's UDP and the Canning Town proposals set out in the LLV OAPF.

The proposed affordable housing provision is considered to be inadequate and contrary to Policy 6.21 (Affordable Housing) of the London Borough of Newham's emerging Core Strategy and Policy 3A.7 (Affordable Housing Targets) of the London Plan.

The proposed development is also considered to be inadequate in relation to internal space provision, and amenity space / children's play space provision. The proposal is considered to be contrary to Policy H13 (Promoting Quality in Housing) and Policy H17 (Housing Design and Layout) of the London Borough of Newham's UDP, Policy 6.26 (Internal Space Standards for New Homes) of the London Borough of Newham's emerging Core Strategy, and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

Furthermore, the proposed development is not considered to be of sufficient design quality, or in a suitable location, to justify the proposed high density. The proposal is considered to be contrary to Policy H16 (Density) of the London Borough of Newham's UDP, Policy 6.20 (Housing Density) of the London Borough of Newham's emerging Core Strategy, and Policy 4B.3 (Maximising the Potential of Sites) of the London Plan.

The height, scale, bulk and massing of the proposed development is also considered to be out of character in relation to the existing low lying buildings in the surrounding area and accordingly is contrary to Policy EQ19 (Urban Design Considerations) of the London Borough of Newham's UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

It is considered that the proposal for a residential led mixed use scheme does not relate well to the character of the surrounding area which comprises industrial / employment uses. The site is not considered to be an attractive or suitable environment for a residential led development and accordingly is contrary to Policy H17 (Housing Design and Layout) of the London Borough of Newham's UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

The applicant has failed to provide appropriate measures / financial contributions to meet the cumulative impacts and demands upon infrastructure and community facilities in the area, including matters such as highway improvements, education, healthcare, and skills training; the provision of affordable housing; a commitment towards the use of local labour and local goods and services; a green travel plan; and the provision of open space and play space.

The application is recommended for refusal.

REASONS FOR REFUSAL:

1. The principle of a residential led mixed use scheme on the application site is not considered to be acceptable. The proposal is considered to be contrary to Policy EMP4 (Principal Employment Areas) of the London Borough of Newham's UDP and the Canning Town proposals set out in the Lower Lea Valley Opportunity Area Planning Framework.
2. The proposed affordable housing provision is considered to be inadequate and contrary to Policy 6.21 (Affordable Housing) of the London Borough of Newham's emerging Core Strategy and Policy 3A.7 (Affordable Housing Targets) of the London Plan.
3. The proposed development is considered to be inadequate in relation to internal space provision. The proposal is considered to be contrary to Policy H13 (Promoting Quality in Housing) of the London Borough of Newham's UDP, Policy 6.26 (Internal

Space Standards for New Homes) of the London Borough of Newham's emerging Core Strategy, and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

4. The proposed type and amount of amenity space would result in a deficiency for the development contrary to Policy H17 (Housing Design and Layout) of the London Borough of Newham's UDP and the SPG Residential Planning Guidelines, and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

5. The proposed height, scale, bulk and massing of the development is considered to be contrary to Policy EQ19 (Urban Design Considerations) of the London Borough of Newham's Unitary Development Plan and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

6. The proposal for a residential led mixed use scheme does not relate well to the character of the surrounding area which comprises industrial / employment uses. The site is not considered to be an attractive or suitable environment for a residential led development and accordingly is contrary to Policy H17 (Housing Design and Layout) of the London Borough of Newham's UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

7. The proposed development is not considered to be of sufficient design quality, or in a suitable location, to justify the proposed high density. The proposal is considered to be contrary to Policy H16 (Density) of the London Borough of Newham's UDP, Policy 6.20 (Housing Density) of the London Borough of Newham's emerging Core Strategy, and Policy 4B.3 (Maximising the Potential of Sites) of the London Plan.

8. The proposed development is considered to be inadequate in relation to children's play space provision. The proposal is considered to be contrary to Policy H17 (Housing Design and Layout) of the London Borough of Newham's UDP and Policy 4B.1 (Design Principles for a Compact City) of the London Plan.

9. The applicant has failed to provide appropriate measures / financial contributions to meet the cumulative impacts and demands upon infrastructure and community facilities in the area, including matters such as highway improvements, education, healthcare, and skills training; the provision of affordable housing; a commitment towards the use of local labour and local goods and services; a green travel plan; and the provision of open space and play space.

CASE OFFICER: Adele Williamson

Appendix 1: Principal Employment Area (PEA) emp5

Appendix 2: Locally Significant Industrial Sites (LSIS)

Appendix 3: Site Location Plan

Appendix 4: Existing Site Plans

Appendix 5: Existing Elevations

Appendix 6: Proposed Site Plans

Appendix 7: Proposed Elevations

