

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-08-010-FUL	DATE MADE VALID:	09/01/2008
APPLICATION NUMBER:	PA/08/00001/LBTH	TARGET DATE:	

APPLICANT:	Chilton Transport (Bow) Ltd
AGENT:	Stock Woolstencroft
PROPOSAL:	Erection of 4/5 and 14 storey buildings to provide 1000sq.m of commercial space comprising one A1/A2 unit (275 sqm), 14 affordable B1 units and 66 residential units with 21 car parking spaces, landscaping and a riverside walkway.
LOCATION:	Devon Wharf, Leven Road, Tower Hamlets, London, E14 0LL

1. SUMMARY

- 1.1 The application seeks planning permission for 66 residential units, 1000m² of commercial floorspace and landscaping, including riverside public realm improvements, at Devon Wharf, located on Leven Road, Poplar. The scheme comprises a 14 storey cylindrical tower adjacent to the River Lea and a four storey element fronting Leven Road. This lower component is occupied at ground level by 275m² of A1/A2 space fronting Leven Road with 14 affordable workspace unit located behind this space internally. Above the commercial space are affordable residential units representing 35% of the residential units on site.
- 1.2 The site has an existing approval for a 37 unit scheme which was approved by the London Borough of Tower Hamlets in December of 2007.
- 1.3 Although the principle of a residential-led mixed use development at this location has previously been tested and considered to be sound, the way in which the scheme is brought forward is not considered to be in line with the adopted and emerging policy for the area. Specifically, the density of the scheme, at 927hrh, is considered to be excessive when considering the site's access to public transport services, distance from town centres and other community facilities. The design of the scheme is not considered to be appropriate for its riverside setting, does not enhance public realm and does not provide a legible layout for public access through to the river.

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- 1.4 The site is also near to the Leven Road gasholder site and straddles the inner and middle HSE consultation zones. Advice from the HSE is against the development of this site based on the PADHI method of risk assessment. No further site specific information has been provided by HSE. However the previous approval was against the advice of the HSE, although they decided not to request that the Secretary of State call in the application.
- 1.5 On the 13th of October, the Corporation received notification from the Planning Inspectorate that an appeal has been lodged against non-determination of the application. It is recommended that the Committee resolve that, had the appeal not been lodged, the application would have been refused, for the reasons set out in Section 11 of this report.

2. SITE AND PROPOSAL

Site Description

- 2.1 The site is located on the north eastern side of Leven Road, opposite the intersection with Aberfeldy Street. The site area is 0.22ha and is rectangular in shape, having a frontage width of 32 metres and a depth of 67 metres. The orientation of the site is southwest to northeast.
- 2.2 The current use of the site is industrial, being a haulage depot. There are no buildings of significant scale on site, however the site frontage features a pair of semi-detached former dwellings that are now used as site offices. Two single storey industrial sheds are positioned on the south eastern and north eastern boundaries of the site.
- 2.3 The site backs onto a tight outer bend in the River Lea and gains views along the water course to the north and north east. This section of the River Lea does not benefit from canalisation or locks and is therefore influenced by the tidal patterns of the River Thames. At present there have been no improvements to the edge of the river at this location.
- 2.4 The site is surrounded by a mix of industrial and residential land uses. The adjacent site to the north west is a large brick warehouse occupied by Iron Mountain for storage purposes. To the south east is an industrial haulage yard similar to the current use of the application site. Eighty metres beyond this adjacent site is the first of three major gas holders of 50, 58 and 68 metres in diameter which dominate the local skyline.
- 2.5 Directly opposite the site is a relatively new residential terrace of two to three storeys. Approximately 100 metres to the north east, construction of a new residential development of four to eight storeys incorporating 66 affordable units, 774m² of commercial space and 25 artists' studios is underway.
- 2.6 In terms of local amenities, the nearest local shopping parade is located 220 metres away on Aberfeldy Street, with a smaller local parade 400 metres away on Oban Street. The nearest Core District Centre is located 700 metres to the west on Chrisp Street.
- 2.7 Two local parks are located within 250 metres of the site. One is triangular between

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Abbott Road and Aberfeldy Street and is in good condition and the other rectangular park between Leven Road and Abbott Road contains two Basketball Courts. A third park is located 300 metre to the south east between Abbott Road and Blair Street.

- 2.8 The site is well connected to road networks. Access to the north of the site via Abbott Road leads to the A12, which eventually links as far as the M25 to the north east. The site is linked south of the Thames via the Blackwall Tunnel (A102), access to which is located 340 metres south of the site. East India Dock Road (A13) provides a link east through Newham towards the North Circular Road and eventually the M25, and west towards central London.
- 2.9 The site has medium accessibility to public transport and is rated having a PTAL of 3. The DLR is the most convenient rail connection, All Saints station being 700 metres to the south west and East India 750 metres to the south. It should be noted that Langdon Park DLR Station to the west is the closest DLR Station as the crow flies, however access from the site is badly constrained by limited pedestrian crossing opportunities across the A12, although programmed improvements to the Lochnager Street junction will improve this link. Other DLR and London Underground stations are more than 20 minutes walk from the site.
- 2.10 Three bus routes serve the site, being routes 108 and 309 within 5 minutes walk and route 115 within 10 minutes walk. The most accessible bus route from the site is the 309, which passes along Abbott Road connecting Canning Town and Bethnal Green. Along the A12, bus route 108 connects Stratford to Lewisham and along East India Dock Road the 115 connects Aldgate with East Ham.
- 2.11 Historically, the development of the site first occurred in the early 20th century. Since 1916 the site has had various industrial uses but primarily warehouse and storage purposes. A petrol pump was once adjacent to Devon Cottage which would suggest the possibility of below ground tanks. The residential uses along Leven Road first appeared in 1916 along with the gas works to the south east. Prior to 1916 there was no major development on the site.

Proposal

- 2.12 The application seeks planning permission for a residential led mixed use development consisting of 66 residential units, 1000m² of commercial floorspace, landscaping including riverside public realm improvements and basement parking for 21 private vehicles and 76 bicycles.
- 2.13 The scheme is arranged into two distinct elements. The first and most obvious is a 14 storey cylindrical tower rising to a height of 45 metre above the level of Leven Road. This building tapers back from the 12th to 14th storey giving the appearance of a shallow oblique roofline and is generally orientated towards the River Lea.
- 2.14 The second element is a four storey square block that fronts Leven Road. This block has been left much simpler than the tower and reads as a subsidiary element.
- 2.15 The makeup of residential units is proposed to be 34% affordable units of which 14 are socially rented and nine are intermediate shared ownership. All socially rented units are located within the four storey Leven Road block and shared

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ownership on the first and second storeys of the tower.

- 2.16 At ground floor level fronting Leven Road is a 275m² commercial unit intended for A1/A2/A3 use. Located at upper ground floor level and internally behind the social rented units are 14 affordable business units intended to be artist work studios.
- 2.17 Amenity space is divided between private balconies ranging from 5m² up to 60m², a roof top communal area above the four storey element, child's play space above the affordable artists workspaces and riverside landscape improvement works. An access driveway for both vehicles and pedestrians is situated on the southern boundary of the site which is also intended to allow public access to the river. Inclusive of private balconies and communal areas, the scheme provides 1574m² of amenity space, however if discounting the riverside landscaped area, which has been denoted as public/private, the total amenity space area is 881m². This more conservative estimate equates to an average provision of 13m² per unit.

3. RELEVANT SITE HISTORY

- 3.1 On 17th December 2007, the London Borough of Tower Hamlets granted full planning permission for the mixed use redevelopment of the site to provide 869 sq. metres of Class B1 (Business) floor space, 37 residential flats and associated car parking. That permission has not been implemented but is extant PA/04/774.
- 3.2 The grant of planning permission was accompanied by an agreement under section 106 of the Act and section 278 of the Highways Act addressing the following Heads of Terms:
1. The provision of 35% affordable housing based on floor area with a tenure split 70:30 in favour of social rented : intermediate housing.
 2. Securing public access through the site to River Lea.
 3. Securing the provision of a riverside walkway.
 4. Car free arrangements that prohibit residents of the development from obtaining on-street parking permits from the borough council.
 5. The funding of necessary highway works.

4. CONSULTATIONS/NOTIFICATIONS

London Borough of Tower Hamlets

- 4.1 At the time of writing this report, Tower Hamlets had not provided the Corporation with their formal recommendation. However, it is known that the Borough case officer is minded to recommend refusal of planning permission. More specific information will be provided to Members as an addendum to this report on the night of committee. The following is a summary of the information received to date.

Design Advisor

- 4.2 Concern was expressed with regard to excess bulk, inadequate useable amenity space and poor quality unit layout.

Highways Development

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4.3 No objections in principle. A section 278 agreement under the Highways Act will be necessary to fund necessary repairs to the public highway along Leven Road.

Environmental Health

4.4 Advises against a grant of planning permission as the application is not accompanied by a Sunlight and Daylight Study or a PPG24 Noise Assessment.

Housing Development

4.5 The development would produce 36% affordable housing by habitable room which is in line with the councils' minimum requirement of 35%.

4.6 The proposed tenure split is 66:34 in favour of socially rented. The council's policy requirement is 80:20 in favour of socially rented and The London Plan requires a 70:30 distribution again in favour of socially rented. The applicant should provide a mix more in line with policies, especially considering that the applicant is proposing to use grant in the scheme.

4.7 The unit mix for socially rented is broadly in line with policy targets with a 29% provision of 1, 2, and 3 bed units and a 14% provision of 4 bed units. There is a 44% provision of 1 and 2 bed units in the intermediate mix and an 11% provision of 3 bed units. The mix for private units is also broadly in line with policy targets with a 37% provision of 1 bed units, 42% provision of 2 bed units and a 9% provision of 3 bed units.

4.8 Aside from the 2 duplex units, all the properties are designed with open plan kitchen/living room areas. There should be some provision of separate kitchens, particularly in the larger units, as this is a type of housing the Council is in need of.

4.9 The scheme would deliver eight wheelchair accessible units (seven socially rented and one private sale) that equates to a 12% provision of wheelchair accessible units. This exceeds the minimum policy requirement of 10%. Two of these are duplex maisonettes, and for these to count as wheelchair accessible we would like to see the provision of a through floor lift, without this the units will not be counted as wheelchair accessible and the provision will fall below target to 9%. The introduction of larger wheelchair units is welcomed and would therefore like this adaptation included.

4.10 The properties on the upper floors will be served by one lift, which makes these units partially compliant with our accessibility criteria, to be fully compliant they would need to be served by 2 lifts.

4.11 It is noted that the scheme would deliver 4 disabled parking bays. The application does not mention Lifetime Homes. Every home across all tenures should be fully compliant with each Lifetime Homes criteria.

Energy Manager

4.12 Generally supports the proposed energy strategy. No further comments received on the further information supplied by the developer in May 2008.

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Parks Department

4.13 No comments received

Waste Management

4.14 No comments received on the Refuse and Recycling Strategy submitted in May 2008.

Education Development

4.15 The proposed dwelling mix is assessed as requiring a financial contribution towards the provision of nine additional primary school places @ £12,342 per place = £111,078.

Greater London Authority

4.16 The Stage 1 report from the GLA concluded that a mixed use development at this location is acceptable in principle and in the context of the Lower Lea Valley OAPF. Furthermore, the report notes that the principle has been established by a previous consent, albeit at a lower scale.

4.17 In terms of housing, the GLA is not satisfied that the 35% provision of affordable housing units has been adequately justified below the Mayor's 50% target. The residential density of the scheme was not deemed to be excessive.

4.18 In terms of design, the proposal is considered by the GLA to be of a reasonable quality, but it was noted that the Leven Road frontage could be improved. The amount of both private and communal amenity space is noted and it has been suggested that the private amenity space be increased.

4.19 The scheme is noted as being unsatisfactory in terms of flood risk as it does not demonstrate that the development would remain safe under flood conditions. It has also been suggested that the River Lea is used for the movement of bulk materials during construction.

4.20 The GLA are satisfied that the scheme meets Lifetime Homes standard subject to a condition being imposed to secure this standard.

4.21 In terms of climate change mitigation, the proposals are acceptable in principle, however there is insufficient detail and commitment to ensure full compliance with London Plan objectives. Specifically, the report cites insufficient detail in how renewable energy sources can be utilised in power and heating and states that water consumption, passive solar gain and waste, recycling and reduction are areas where additional information is also required.

4.22 Transport for London's comments have been provided through the Stage 1 report. The first comment is that the Transport Assessment uses inappropriate survey data for trip generation analysis. The level of car parking provision is deemed to be appropriate. Bicycle parking provision was also deemed to be sufficient and it was mentioned that the development should include shower and changing facilities for employees of the business units. It was also noted that a dedicated service delivery bay should be provided on site and that trip generation

during the construction phase should be minimised by utilising the River Lea.

Design for London

- 4.23 Although their comments were not fed into the GLA's Stage 1 report, Design for London felt that it was necessary to express their concerns on the scheme by a separate consultation memorandum. Five primary areas of concern are expressed.
- 4.24 It is considered that the proposal is at odds with the Lower Lea Valley OAPF in terms of its relationship with other adjacent industrial sites, particularly conflict and disturbance between these uses.
- 4.25 The scheme is also considered to run contrary to the emerging Poplar Riverside Implementation Plan in terms of public access to the River Lea, the potential use change of the adjacent historic tram sheds (Iron Mountain site) and the general layout of the scheme in relation to the surrounding area.
- 4.26 The massing and density is not considered to be appropriate for the location. In particular, the height of the tower in relation to the surrounding area and the riverside location is considered to be a significant problem.
- 4.27 The landscape proposals for the scheme are considered to be inadequate in relation to the public access to the river, the strategy along the river's edge, the play space above artist studios and the commercial unit fronting Leven Road
- 4.28 Architecturally, the development is considered to be lacking in terms of unit layout, the complicated balcony arrangements, the sloped roof implying the landmark status of the tower, the internal arrangement of the affordable artist studios and the unclear arrangement of residential entrances.

Environment Agency

- 4.29 The Environment Agency initial response objected to the scheme on the grounds of inadequate flood risk mitigation. However, upon the submission of a Flood Risk Assessment by the applicant, the Environment Agency removed their objection and recommended five conditions, being a report on the condition of flood defences, an investigation into the affects of shading on the River Lea, construction of foul and surface water drainage system being constructed as agreed, no solid material being stored within 10 metres of the river bank and that storage facilities for oils, fuels or chemicals be constructed as agreed.

Health and Safety Executive

- 4.30 Tower Hamlets requested that the HSE provide site specific advice on the proposal, given the HSE's objections to(?) the previous application. In response to this request, the HSE have advised that the PADHI methodology of risk assessment has generated an 'advise against' response to the proposal. The HSE has also advised that should the local authority be minded to approve the application, the HSE should be notified and 21 days be allowed for their formal response.

English Heritage

- 4.31 The site has been identified as being within an archaeological priority area

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where prehistoric remains may be preserved. English Heritage acknowledges the desktop assessment provided in support of the application and recommends that a condition be placed securing a programme of archaeological work on site.

- 4.32 English Heritage has also noted the presence of the two early 20th Century houses and considers them to be of local interest. A condition has been recommended to secure the recording and historic analysis of these buildings

Thames Water

- 4.33 The response from Thames Water provides general advice on the developer's responsibilities in terms of foul and surface water drainage. No objection is raised with regard to water infrastructure.

British Waterways

- 4.34 British Waterways refer to the previous application and their concerns relating to overshadowing of the River Lea. Given that this previous application was approved and that the current application represents no additional overshadowing issues, British Waterways raise no objections, subject to an assessment to justify that the site is no longer viable as a working wharf and that the feasibility of waterborne freight transport in conjunction with the construction of the site is investigated.

Further consultations

- 4.35 Responses were also received from the Olympic Delivery Authority, Inland Waterways Association, London City Airport and National Air Traffic Services Ltd. No objections or further comments were raised by these parties.
- 4.36 The London Borough of Newham, the local Primary Care Trust, London Fire and Emergency Planning Authority and National Grid were consulted but did not respond.

5. APPLICATION PUBLICITY

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| 5.1 Site Notice Expiry: | 31 January 2008 |
| 5.2 Press Notice Expiry: | 4 February 2008 |
| 5.3 Neighbour Notification: | 9 January 2008 |

6. REPRESENTATIONS

- 6.1 No representations were received from neighbouring residents or landowners.

7. RELEVANT PLANNING POLICY

7.1 Planning Policy Guidance

PPS1 Sustainable Development
PPS3 Housing
PPG4 Industrial, Commercial Development and Small Firms

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PPG13 Transport
PPS25 Flood Risk

7.2 The London Plan (2008)

- 2A.1 – Sustainability Criteria
- 2A.7 – Areas for Intensification
- 3A.3 – Maximising the Potential of Sites
- 3A.5 – Housing Choice
- 3A.6 – Quality of New Housing Provision
- 3A.8 – Definition of Affordable Housing
- 3A.9 – Affordable Housing Targets
- 3A.10 – Negotiating Affordable Housing
- 3C.2 – Matching Development to Transport Capacity
- 4A.1 – Tackling Climate Change
- 4A.2 – Mitigating Climate Change
- 4A.3 – Sustainable Design and Construction
- 4A.4 – Energy Assessment
- 4A.5 – Provision of Heating and Cooling Networks
- 4A.6 – Decentralised Energy
- 4A.7 – Renewable Energy
- 4A.9 – Adaption to Climate Change
- 4A.10 – Overheating
- 4A.11 – Living Roofs and Walls
- 4A.12 – Flooding
- 4A.13 – Flood Risk Management
- 4A.14 – Sustainable Drainage
- 4B.1 – Design Principles for a Compact City
- 4B.2 – Promoting World Class Architecture and Design
- 4B.3 – Enhancing the Quality of the Public Realm
- 4B.5 – Creating an Inclusive Environment
- 4B.9 – Tall Buildings – Location
- 4C.3 – The Natural Value of the Blue Ribbon Network
- 4C.4 – Natural Landscape
- 4C.6 – Sustainable Growth Priorities for the Blue Ribbon Network
- 4C.11 – Increasing Access Alongside and to the Blue Ribbon Network
- 4C.22 – Rivers, Brooks and Streams

7.3 LB Tower Hamlets Unitary Development Plan & Local Development Framework

In November 2006, Tower Hamlets submitted to the Secretary of State for approval Local Development Framework documents that included the Core Strategy and Development Control Development Plan Document and the Leaside Area Action Plan Development Document. However, the Tower Hamlet's Cabinet raised concerns regarding the style of the Core Strategy and in September 2007 the Cabinet resolved to withdraw and recast the plans. Whilst the renewed consultation on the Core Strategy is undertaken and reviewed, interim planning documents should be read in conjunction with the adopted UDP.

Tower Hamlets Unitary Development Plan (1998)

DEV1 – Design Requirements
DEV2 – Environmental Requirements

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DEV3 – Mixed Use Development
DEV12 – Provision of Landscaping in Developments
DEV13 – Design of Landscaping Schemes
DEV46 – Protection of Waterways
DEV47 – Development Adjacent to Rivers and Canals
DEV48 – Provision of Walkways on the River Lea
DEV51 – Land Contamination
DEV55 – Development and Waste Disposal
DEV56 – Recycling Provision
DEV63 – Green Chains
EMP1 – Promoting Employment Growth on Derelict Sites
EMP2 – Retaining Existing Employment
HSG1 – Provision of Housing Development
HSG2 – Location of New Housing Development
HSG3 – Affordable Housing
HSG7 – Dwelling Mix and Type
HSG16 – Residential Amenity Space
T11 – Controlled Parking Zones
T15 – Traffic Generation
T16 – Impact of Development on Transport Infrastructure
T17 – Parking Standards
T20 – Pedestrian Facilities Along Canals
U2 – Development in Flood Risk Areas
U3 – Flood Protection Measures

Tower Hamlets Interim Planning Guidance Core Strategy and Development Control Plan

CP1 – Creating Sustainable Communities
CP3 – Sustainable Environment
CP4 – Good Design
CP5 – Supporting Infrastructure
CP9 – Affordable Workspaces
CP14 – Combining Employment and Residential Use
CP19 – New Housing Provision
CP20 – Sustainable Residential Density
CP21 – Dwelling Type and Mix
CP22 – Affordable Housing
CP25 – Housing Amenity Space
CP34 – Green Chains
CP36 – The Water Environment and Waterside Walkways
CP37 – Flood Alleviation
CP46 – Accessible and Inclusive Environments
CP48 – Tall Buildings

7.4 Other Relevant Planning Policies & SPG's

Lower Lea Valley Opportunity Area Planning Framework (2007)
Tower Hamlets Interim Planning Guidance Leaside Area Action Plan (2007)
PAHDI – HSE's Land Use Planning Methodology (2008)

8. MAIN ISSUES

- Principle of the Development
- Density
- Design
- Nearby Gas Holders

9. ASSESSMENT OF MAIN ISSUES

Principle of Development

- 9.1 In strategic land use terms, PPS3 seeks to ensure that residential developments are located in areas that offer a range of community facilities with good access to jobs, key services and infrastructure. PPS3 places particular emphasis on previously developed or derelict sites for priority in development. This application site would clearly fall under this category of a priority development site.
- 9.2 Notwithstanding the advice of PPS3, paragraph 15 and 18 of PPG4 identify the issues surrounding the introduction of residential uses into areas of existing industry and states that planning permission should normally be granted unless there are unacceptable noise, smell, safety or health impacts associated with the adjacent industrial uses. PPG4 goes on to state that the fact that a proposed use differs from the predominant surrounding use is not sufficient reason in itself to refuse permission. Refusal would require specific and significant reasons such as those previously mentioned. The sites either side of the proposed development are unlikely to lead to such issues. However, the location of the Leven Road gasholder site beyond the adjacent sites may lead to safety issues. This is discussed in detail later in this report.
- 9.3 In more specific land use terms, the Lower Lea Valley Opportunity Area Planning Framework (OAPF), the adopted Tower Hamlets UDP and the Leaside Area Action Plan (AAP) all identify this area of riverside industrial use as being appropriate for mixed use development.
- 9.4 The Lower Lea Valley OAPF generally identifies the Poplar Riverside sub-area as having the potential to deliver between 1750 and 1850 new homes at density ranges of between 225 to 725 habitable rooms per hectare (hrh), depending on improvements to public transport accessibility. The introduction of residential-led mixed use schemes into industrial areas can also be achieved where there is no net loss of industrial capacity. However, the OAPF states clearly in paragraph 2.105 that the pre-requisite for such development is a detailed analysis and spatially specific masterplan process that identifies the potential impact of land use change to the area and to ensure that the future development of the surrounding area is not constrained. To this end, such a study is underway in cooperation between the London Borough of Tower Hamlets, the LTGDC, Design for London and the Greater London Authority in the form of the Poplar Riverside Implementation Plan. This plan seeks to guide a coordinated approach to the planning of the area and in particular the urban form and future uses. The detail emerging from this plan indicates that the development of this site independently of adjacent land holdings has the potential to interfere with future aspirations for the use of the former Tram Sheds (Iron Mountain Site) and the way in which the public enjoys the River Lea. Specifically, the land that fronts Leven Road between the application site and the Tram Sheds has the potential to be an important public square providing an inviting access through to the River Lea. Furthermore, the Tram Sheds themselves have the ability to serve an important community function and would be particularly well

suited if opening out onto an easily identifiable public square. While this plan is not adopted, the indications from the draft document suggest that the development of this site in the manner proposed would unreasonably prejudice the redevelopment of neighbouring and nearby sites and impede the delivery of community infrastructure, public linkages and open space.

- 9.5 The principle of the proposal with regard to employment space is in general conformity with the adopted Tower Hamlets UDP. Policy EMP2 only supports the redevelopment of employment sites with residential mixed use schemes such as this where a comparable or increased job density can be achieved. The proposal increases the amount of built floor area from the existing 948m² to 1000m². The increase in jobs on site is expected to rise from the existing 6 to 14.
- 9.6 Leaside AAP identifies the site as being within a future public open space, the surrounding designation indicates that development would be appropriate for residential-led mixed use development with a higher proportion of family housing. In terms of the makeup of this family housing, the AAP seeks that this will be delivered in low rise terraces and townhouses with back gardens and will be in the range of four to six bedrooms. In contrast to the AAP policies, the proposal seeks a high density tower development of predominantly one, two and three bedroom units.
- 9.7 While the underlying theme of the existing local and strategic policy context supports the clearance and remediation of the site through residential led mixed use redevelopment, this proposal does not represent an example of how redevelopment of the area is intended to be delivered.
- 9.8 The policy context has been previously tested by the London Borough of Tower Hamlets, by their approval of a 37 unit mixed use scheme at this location in January of 2007. The details of this scheme are discussed at various stages later in this report.

Residential Density

- 9.9 The London Plan, Leaside AAP and the Lower Lea Valley OAPF are specific in stating what would be considered reasonable residential densities for the area. The advice received from the GLA indicates a PTAL of 2, which would suggest a density range of between 200 to 450hrh based on the London Plan density matrix contained in Table 3A.2. The Leaside AAP identifies the area as 'urban' for the purposes of density calculations and suggests a range of between 200-700hrh, unless designated to provide higher proportions of family housing, in which case the range is reduced to 200-450hrh. The Lower Lea Valley OAPF reflects the Leaside AAP suggesting densities in the range of 225-725hrh. However, this document qualifies the higher density range in stating that this would be subject to public transport improvements. It should be noted that these ranges are by no means prescriptive and public transport accessibility is a key, but not solitary, method of measuring residential density. London Plan policy 3A.3 seeks to achieve the maximum potential of development sites but only in compatibility with the local context, good design and public transport accessibility.
- 9.10 The policy relating to density within Tower Hamlets adopted UDP, HSG9, has not been saved. Therefore, the London Plan is applied in its place. It should also be noted that Tower Hamlet's PTAL map, dated 2006, shows this area of Poplar to within Level 1b, which would imply a density in the region of 200hrh.

- 9.11 As stated earlier in this report, the principle of residential development at this location has been established with the approval of a mixed use scheme of 37 units. The density of this previously approved scheme was 450hrh and is in line with the recommended residential density of the London Plan for PTAL3 in urban areas. Members should note that the original density sought for this previous scheme was 822hrh for a total of 71 units, however this was not deemed to be appropriate for the location by officers of Tower Hamlets Council and the scheme was reduced to 450hrh. This decision was made prior to the formal adoption of the Lower Lea Valley OAPF and Leaside AAP, however the emerging principles of the draft version of these documents were considered.
- 9.12 At 927hrh, the proposed development clearly exceeds the density recommended within adopted policy documents for the area and is a higher density than what was previously deemed to be unacceptable by Tower Hamlets Council. In policy terms and without adequate justification, this density would normally be associated with central areas having higher PTAL of 4 to 6.
- 9.13 The London Plan places particular emphasis on public transport accessibility and identifies the density matrix within Table 3A.2 as being a key element of its housing policies. Public transport accessibility to the site is relatively low. The submitted Transport Assessment calculates that the site specific PTAL is 3. When considering this level of accessibility to public transport in line with the London Plan density matrix, the maximum residential density for this location would be 450hrh. This is further supported by the Lower Lea Valley OAPF in terms of higher density development on the proviso of public transport improvements.
- 9.14 In terms of access to local services, the site has small local shops and a school nearby, however the nearest centre of any size is the district centre of Crisp Street, which is located some 700 metres away, or 500 metres from its fringe. The A12 is a significant barrier between the site and this centre, and although pedestrian access is achieved via an underpass at Culloden Street beneath the A12 to the rear of the Balfron Tower, this route is neither convenient nor inviting. The site's location and access circumstances to a centre of any size cannot justify a residential density in the order of 927hrh.
- 9.15 Although a number of open spaces are located nearby, the East India and Lansbury Ward in which the site is located is identified as an area with an acute shortage of open space provision, being 0.4-0.8ha per 1000 population. The standard of the London Borough of Tower Hamlets is 1.2ha per 1000 population. It should be noted however that the long term future of the area will see a large park created at the Leven Road gasholder site and an additional school located on Blair Street. In seeking to ensure the most efficient use of sites for development, PPS3 makes specific reference to access to public open space and community facilities such as schools. With this in mind, the future context of the surrounding area can be said to support a higher residential density at the subject site, however this alone cannot justify the increase beyond the suggested ranges identified in adopted policy and particularly not to the density as sought by this application.
- 9.16 Therefore, when considering the location and access circumstances of the site, a density of 450hrh would be more appropriate for the site.
- 9.17 Notwithstanding the considerations for density in the area as described above, a

scheme at 84 Leven Road has been approved at 997hrh over 347 units. The scheme by Swan Housing was to be 100% affordable housing and meets a local need for this tenure of housing in the area. The site's narrow configuration was not considered to be appropriate for traditional family housing therefore would be predominantly one and two bedroom units. These two factors are consistent with the criteria contained within Tower Hamlet's UDP policy HSG9 that considers circumstances for the increase in residential density above what would normally be acceptable. These housing tenure and layout circumstances are different from those of the current scheme and as such should not be considered as a precedent for development in the area.

Design and Layout

- 9.18 The proposal for this site will alter the appearance of the surrounding area by creating a contemporary style slice of development marked by a high rise tower among a setting of terrace housing, industry and riverfront. Although this approach may not necessarily be seen as a negative, the context and impact need to be considered rather than simply the design in isolation. It is acknowledged that there is no defined character of design in the surrounding area. The residential form that surrounds is a combination of Victorian terraces, more recent 2 to 4 storey terrace housing and flatted development. This would give considerable scope for innovative design, however the form and design presented in this scheme does not demonstrate an outcome that is suitable for this riverside location or is consistent with the aspirations for the area.
- 9.19 PPS1 makes the point that high quality and inclusive design goes beyond the aesthetic considerations of the development. Specifically, good design should take into consideration the connections between people and places such as jobs and key services, be integrated into the existing natural and built form, ensure that the surrounding area is and remains successful, safe and inclusive. Development that is out of context or does not improve the character or quality of an area should not be accepted.
- 9.20 The London Plan also places emphasis on good quality design in development, in particular policy 4B.1 which seeks to maximise the potential of sites and gives weight to high quality inclusive design and enhancement of public realm. Policy 4B.3 also seeks to enhance the quality of public realm and goes on to identify waterside development as being especially important for high quality design, stating that such development should integrate successfully with the water space in terms of use, appearance and physical impact.
- 9.21 The principal design concern relating to this scheme is the 45 metre, 14 storey cylindrical tower, set back only eight metres from the River Lea. The justification of this approach is that this tower will provide a 'marker' building at this point on the outer bend of the River Lea. This approach to the site is at odds with the emerging presumption against locating high rise towers on the waterside, other than in exceptional circumstances. The basis of this presumption is to prevent a precedent occurring whereby multiple developments locate towers on river frontages creating a wall of development and significant overshadowing issues. This would not only be to the detriment of the public realm improvements but also presents concerns relating to river ecology. It should be noted that this issues was raised by Tower Hamlets Officers in the previous scheme and led to a reduction in height for the riverside built element.

- 9.22 The massing and proportions of the tower are not considered to deliver a high quality building on this key outer bend of the River Lea. As stated in London Plan policy 4B.3, waterside development should successfully integrate with the water environment in terms of use, appearance and physical impact. The proposal does not take the water to be at the heart of the design consideration and instead creates a structure that dominates over the natural environment. Furthermore, the tower does not take any reference to the surrounding built form and appears out of context with the surrounding area. This approach is at odds with Tower Hamlets policy CP48 of the Interim Planning Guidance for the Core Strategy and Development Control which states that tall buildings will only be considered outside the Isle of Dogs and Aldgate where adequate justification can be made for their development. Although the justification has been made of a 'marker' building at this location, it is not considered that this would be appropriate or necessary considering other key landmarks in the area that will be future focal points, such as the gas holder site and the adjacent former tram sheds.
- 9.23 The way in which the site is laid out does not take into consideration the context of adjacent buildings, nor does it create an inclusive or inviting environment for the public wishing to access the river.
- 9.24 The treatment to the northern boundary of the site and the relationship of the site to the former tram sheds presents a four storey blank façade with no relief. Although it may be argued that this façade of the development will seldom be viewed from the public realm, the future aspiration of the tram sheds as detailed in the emerging Poplar Riverside Implementation Plan indicate that this façade will be an important feature in the Leven Road streetscape as the tram sheds take on an alternate role as a community use with the existing parking space on Leven Road becoming an open square and important linkage through to the River Lea. For this aspiration to be delivered, the boundary between these two sites needs to be open, wide and legible particularly when viewed from Aberfeldy Street. The way in which this development has been presented will inhibit this potential as well as obstructing any visual link between Aberfeldy Street and the tram sheds. Essentially, the way in which the site has been laid out, particularly with pedestrian linkage to the Lea River being on the southern boundary of the site, is completely opposed to the aspiration for the area. It should also be noted that the proposed public link to the riverfront does not present an inviting or readily identifiable route to the river, as there is no physical division between the private driveway and the public access. This ultimately will give the appearance of a private residential driveway rather than an inviting access through to the riverside pathways beyond and as such is contrary the policy CP46 of the Tower Hamlets Interim Planning Guidance for the Core Strategy and Development Control.
- 9.25 Overall, the design and layout of the development is inappropriate for the site, being contrary to the London Plan, Tower Hamlets adopted and interim policy and generally opposes the intentions for the comprehensive planning and development of Leven Road and the Poplar Riverside area.

Proximity of Leven Road Gasholders

- 9.26 As stated previously in this report, PPG4 provides guidance on where residential development should be considered appropriate in the context of existing industrial uses. Among other considerations, PPG4 states that planning permission

should normally be granted unless there are issues of safety arising from nearby industrial uses. On this matter, the Leven Road gasholder site raises such safety concerns in the context of this development.

- 9.27 Circular 04/00 provides guidance on planning controls for hazardous substances and specifically outlines the role of the HSE in providing advice, inter alia, on proposed development in the vicinity of hazardous installations. The guidance states that where the HSE has recommended that a planning application near a hazardous installation be refused, a determination of the planning authority contrary to this advice should not be taken without careful consideration of the issues, after which the planning authority will advise the HSE of its intention and allow 21 days before making a determination. During this 21 day period, the HSE will decide whether there are sufficient grounds to request that the Secretary of State call in and determine the application.
- 9.28 As described earlier in this report, the principle of residential development has previously been tested with the granting of planning permission by Tower Hamlets Council for a 37 unit residential scheme. In approving the previous scheme, the Tower Hamlets Planning Committee took into consideration the location of the nearby gasholders and concluded that, on balance, the benefit to the area of redeveloping the site with the number of units proposed carried greater weight than the risk associated by the location of the gasholders. This decision took into consideration the history of gasholder failures in the country as well as the location of existing residential properties in relation to the site. It should be noted that the HSE advised against the granting of planning permission in this case, stating that there were sufficient reasons on safety ground to refuse the application. Whilst the HSE were given the 21 day period in which to request that the application be called in by the Secretary of State, it was concluded that there would not be the need on that occasion. The letter from the HSE advising of this decision also emphasised that this conclusion should not be interpreted as a withdrawal of the advice against the granting of planning permission and also expressed concern that the local planning authority did not act with a full understanding of the consequences that would follow an accident.
- 9.29 Advice received from HSE on the current application does not differ from the previous application, advising against the granting of planning permission. Using the 'PADHI' methodology of risk assessment, this conclusion is made by establishing the sensitivity of the development with the distance from the hazardous installation. The measure of sensitivity is based on the ability for the development to be evacuated, with Level 1 the least sensitive, for example workplaces where occupants are easily organised and have regular evacuation drills, and Level 4 the most sensitive such as hospitals. In this particular case, the proposal is considered to be Level 3 sensitivity being a larger housing development of more than 40 dwelling units per hectare. The distance from the installation is measured in inner, middle and outer zones, with the application site overlapping the boundary between the inner and middle zone. Combining the Level 3 sensitivity with the either the inner or middle zones results in a decision to advise against development.
- 9.30 On seeking clarity on their position, the HSE have only reiterated their previous comments; that they advise against development. What is not clear is whether the increased density of the development will result in a lengthier and more complicated evacuation procedure for the finished development and therefore would elevate the risk to a level whereby a request to the Secretary of State to call in the application

would be warranted.

9.31 It is known that the Leven Road gasholders are due to be decommissioned in time, however the timeframe of this decommissioning is by no means clear. What is known is that there is a programme for decommissioning all London gasholders by 2030, however this is dependant on continuing investment from National Grid in storage pipelines to replace gasholders, which at time of writing is uncertain. Further clarity on any earlier decommissioning of the Leven Road gasholder will not be available until December 2012.

9.32 Should the application be approved, there is a high probability that the development will be completed within the operational lifetime of the gasholders, thereby introducing a high density residential development into the proximity of a hazardous installation. The increase in residential units and B1 space, represents a material change in the planning circumstances between the previous approval and the current application. It is not known if these changes would lead the HSE to ask the Secretary of State to 'call in' the application.

Mix and Proportion of Affordable Housing

9.33 London Plan policies 3A.5, 3A.9 and 3A.10 identify the Mayor's strategic aims in delivering affordable housing. Overall, these policies seek to secure a range of housing sizes and types, set a strategic target of 50% for affordable housing within developments but also seek to achieve the maximum reasonable amount of affordable by negotiating factors such as build cost, public subsidy and other relevant site specific considerations.

9.34 In response to requests from the LTGDC and the advice provided within the GLA Stage 1 report, the applicant has provided a Three Dragons toolkit assessment of the affordable housing viability. Consultants appointed by the Corporation sought further information on the figures contained within this assessment before confirming that the level of affordable housing was indeed justified. However, the applicant was not willing to provide such information until the other issues explained in this report were resolved. Furthermore, there has been no confirmation from the GLA that this departure from the London Plan has been justified within this toolkit assessment. Therefore, the application fails to demonstrate that the maximum amount of affordable housing viable within this scheme is 35%.

9.35 In terms of local policy, the Tower Hamlets requirement for affordable housing is identified within their UDP as being 35%. Therefore, no objection has been raised in this respect by Tower Hamlets Housing Development officers. However, the mix of units has been raised as a concern.

10. CONCLUSION

10.1 While the principle of a residential-led mixed use development at this location has been established to be sound, it is considered that the proposed development does not represent the way in which such development should be brought forward. The proposal seeks to maximise the potential of the site but fails to make sufficient justification for the density, scale, design and layout, particularly in existing policy context. As such, the proposal represents a significant overdevelopment of a site located in an area with poor access to public transport, limited connections to community facilities and a low proportion of open space per head of population.

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Furthermore, the layout and design of the development does not take into account the significance of the riverside setting, particularly in relation to the building's height and potential public realm and access improvements to the river.

10.2 Members should note that although an appeal has been lodged by the applicant, negotiations are ongoing for the resubmission of a revised scheme. At the time of writing this report, two sets of revised drawings have been submitted, which indicate constructive progress is being made towards a resolution of the issues raised in this report. These revisions have also had a positive response from Tower Hamlets and Design for London. A provisional resubmission date of mid-December was set at our last discussion.

11. RECOMMENDATION

11.1 It is recommended that Member resolve that, had an appeal against non-determination not been lodged with the Planning Inspectorate, the application would have been refused for the reasons listed below:

1. The proposal, by reason of its high residential density in an area of limited access to public transport, services and open space, is considered to be an overdevelopment of the site contrary to the Tower Hamlets Interim Planning Guidance Core Strategy and Development Control Plan policies CP5 and CP20, London Plan policies 3A.3, 3C.2 and 4B.1, the Lower Lea Valley Opportunity Area Planning Framework and the Tower Hamlets Interim Planning Guidance Leaside Area Action Plan.
2. The proposal, by reason of its design, height, massing and layout, and in the context of its riverside setting, is inappropriate in this location, out of keeping with the surrounding area and does not provide a legible means of public access to the River Lea, contrary to the Tower Hamlets Unitary Development Plan policies DEV1, DEV3, DEV46 and DEV47, the Tower Hamlets Interim Planning Guidance Core Strategy and Development Control Plan policies CP4, CP20, CP46 and CP48, London Plan policies 3A.3, 3C.2, 4B.1, 4B.2, 4B.3, 4B.5, 4B.9 and 4C.11, the Lower Lea Valley Opportunity Area Planning Framework and the Tower Hamlets Interim Planning Guidance Leaside Area Action Plan.
3. The application fails to demonstrate sufficient justification for the proportion and mix of affordable housing proposed which is contrary to London Plan policies 3A.5, 3A.9 and 3A.10 and the Lower Lea Valley Opportunity Area Planning Framework.
4. The application fails to demonstrate sufficient detail of or commitment to energy efficient measures to be incorporated into the development and has not demonstrated sustainable design and construction methods. The proposal is therefore contrary to London Plan policies 4A.1, 4A.2, 4A.4, 4A.5, 4A.9, 4A.10, 4A.16, and 4A.19.

CASE OFFICER: Stephen Allen

Appendix 1: Site Location Plan

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Appendix 2: Proposed Site Layout Plan

Appendix 3: Proposed Elevation