

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC

REPORT OF THE DIRECTOR OF PLANNING

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|----------------------------|------------------|-------------------------|---------|
| UDC CASE NUMBER: | LTGDC-08-120-FUL | DATE MADE VALID: | 8.8.08 |
| APPLICATION NUMBER: | PA/08/01669/LBTH | TARGET DATE: | 7.11.08 |

| | |
|-------------------|---|
| APPLICANT: | Telford Homes |
| AGENT: | CMA Planning |
| PROPOSAL: | Clearance of site and erection of 2-8 storey mixed use buildings to provide new commercial floorspace falling within use classes A1, A2, B1, B8 and/or D1 together with 64 new homes including affordable provision and bicycle parking, refuse/recycling facilities and access together with refurbishment of 60 Portree street. |
| LOCATION: | 60 Portree Street and Lanrick House, Lanrick Road, E14 |

1.0 SUMMARY

1.1 On 13 November 2008 the Planning Committee resolved to grant planning permission, subject to conditions and a S106 Agreement, for redevelopment of the site with a 2-8 storey development to provide 72 residential units and 174m² of commercial floorspace. The application proposed 35% affordable housing and a 70:30 split between social rented and intermediate tenures. The Committee Report is attached at Appendix 1.

1.2 On 19 May 2009, during negotiations on the S106 Agreement, the application was amended to reduce the number of flats from 72 to 64 and alter the tenure mix to provide 100% affordable housing and a 78:22 split between social rented and intermediate tenures. These amendments have been achieved by internal alterations and do not result in any changes to the building envelope and only minor changes to the external appearance.

1.3 The applicant has advised that the proposed development will be acquired by one of the London Borough of Tower Hamlets' (LBTH) preferred Registered Social Landlords, Poplar Harca. The scheme amendments have been made to secure Homes

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and Communities Agency (HCA) housing grant necessary to enable the development to proceed. The original scheme would have been unviable in the current market and is only made viable with housing grant. Poplar Harca has required modifications to the internal layout to increase the number of larger units and reduce the number of single aspect units. Additional scheme amendments have been made to improve the allocation and size of private amenity space to individual units. The scheme amendments demonstrate compliance with the design standards set by the HCA's Housing Quality Indicators system.

1.4 The following provides a comparison of the housing mix applied for in the approved 2008 scheme and that proposed in the 2009 amendment under consideration:

| Unit Size | 2008 Scheme | | | 2009 Scheme | | +/- |
|--------------|----------------------|---------------------|---------------|----------------------|---------------------|-----|
| | <i>Social Rented</i> | <i>Intermediate</i> | <i>Market</i> | <i>Social Rented</i> | <i>Intermediate</i> | |
| Studio | - | - | 2 | - | - | -2 |
| 1 bed | 4 | - | 29 | 18 (36%) | 3 (21%) | -9 |
| 2 bed | 2 | 5 | 14 | 12 (24%) | 8 (57%) | -1 |
| 3 bed | 7 | 1 | 7 | 17 (34%) | 3 (21%) | +5 |
| 4 bed | 1 | - | - | 2 (4%) | - | +2 |
| 5 bed | - | - | - | 1 (2%) | - | +1 |
| Total | 72 | | | 64 | | |

1.5 In determining the amended application, the new planning issues for consideration are the extent to which (1) the revised tenure mix complies with planning policies designed to promote mixed and sustainable communities, (2) the revised design meets HCA design standards (3) redevelopment of the site with a 64 unit residential scheme within the Health and Safety Executive (HSE) consultation zones for Poplar Gasholder Station poses an unacceptable risk to human health and safety in light of the PADHI methodology recommendation against granting planning permission and (4) the development mitigates its impact in accordance with the Corporation's Planning Obligations Community Benefit Strategy (POCBS). The previous development appraisal, on which a contribution of £5,000 per unit was verified, is considered to be void. A new development appraisal has been submitted and verified by the Corporation.

1.6 The issues relating to land use; building height, scale, massing and appearance; sunlight and daylight, privacy and sense of enclosure; noise and air quality; housing density; amenity space; transport, access and parking; flood risk; and energy issues remain unchanged and are considered to be in accordance with relevant planning policies. Please refer to the 13 November 2008 Committee Report and meeting minutes for further details.

1.7 The amended scheme results in a shift from providing a mix of market and affordable housing to entirely affordable housing within an area that already accommodates a significant proportion of affordable housing. While this approach departs with planning policies that encourage the creation of mixed and balanced communities, the development will meet an identified housing need and provide decant accommodation for Poplar Harca tenants living within accommodation identified for future redevelopment to improve the amount and quality of their housing stock.

1.8 The 78:22 split between social and immediate rented housing is in broad compliance with planning policies seeking either 80:20 or 70:30 ratios. The proposed

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unit size mix is in broad compliance with LBTH policy that seeks 20% one bed, 35% two bed, 30% three bed, 10% four bed and 5% 5 bed units within the social rented sector. While the scheme provides more 1 bed units and less 4 and 5 bedroom this is considered acceptable given site constraints and development viability.

1.9 The flat sizes generally exceed the Housing Quality Index standards adopted by the HCA standards and the internal amendments have increased the number of dual aspect units. Each unit benefits from access to a south west and west facing internal courtyard and, with the exception of 2 one bed flats, a private balcony or roof terrace.

1.9 The Health and Safety Executive (HSE) were notified of the 13 November 2008 Planning Committee resolution, and, despite expressing concern that inadequate regard was given to the PADHI methodology recommendation against granting planning permission, decided not to request the Secretary of State to call in the application. The Corporation has since commissioned a Quantitative Risk Assessment into the risk to human health posed by the proximity of the site to the Poplar Gasholder Station and written to the HSE enclosing a copy. The QRA concludes that the individual or societal risk posed by the Poplar Gasholder Station is low (0.3 counts per million or 1 in at least 3,333,333) and within tolerable levels. The HSE has been issued with a copy of the QRA to demonstrate that the issue has been given careful consideration.

1.8 Despite the reduction in number of units the applicant has maintained its financial offer of £360,000 towards the Corporation's Planning Obligations Community Benefit Strategy. This represents a contribution of £5,625 per unit against the POCBS requirement to contribute a discounted standard charge of £10,000 per unit. The applicant has submitted a revised development appraisal which has been verified by the Corporation. As the development comprises less than 100 units, the S106 Agreement is not required to include the mechanism for recapturing any discount.

1.13 The amended application is recommended for approval subject to the planning conditions set out at section 12.0 of this report and a Section 106 Agreement securing the Heads of Terms set out in section 11.1 of this report.

2.0 SITE AND PROPOSAL

2.1 Description of Site & Surroundings (see Appendix 2)

2.1.1 The application site is located within Poplar Riverside (see Appendix 1). The site measures 0.4 hectares and comprises an irregular parcel of land. The area is characterised by a mix of residential and industrial land uses. The site is currently accessed via Lanrick Road.

2.1.2 The site is bounded by Lanrick Road to the north east and south east and 2 storey terraced houses fronting Portree Street to the north west. Lanrick Road wraps around two site frontages. The elevated A13 flanks Lanrick Road before crossing the River Lea. The land to the north east of Lanrick Road is occupied by industrial and commercial activity also the subject of development interest.

2.1.3 Portree Street is characterised by a combination of 2 storey terraced housing and medium rise post-war housing. The 5 storey Oban House is located opposite the corner of Lanrick Road and Portree Street. The Portree Street terraced housing is approximately a storey height lower than the site. A small area of open space, owned by Transport for London, is located adjacent to the south west corner of the site.

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2.1.4 The site currently accommodates a 2 storey warehouse located at the corner of Lanrick Road and Portree Street (Docklands Foods) (422m²), a 2 storey warehouse and ancillary office building (Worldwide House) (596m²) and 4 storey office building (Lanrick House) (594m²) located to the rear of properties in Portree Street providing 1,612m² of floorspace. The applicant advises that the site was last used for a combination of catering food and drink distribution (Docklands Foods), training (Mainport Training) and education (London School of Professional Studies). The site has been vacant since 2006.

2.1.5 The Docklands Foods warehouse, which forms an extension to the Portree Street terraced housing, shares a boundary with 60 Portree Street. Worldwide House is located 2.5m from the rear boundaries of nos. 54-60 Portree Street; Lanrick House is a derelict building located 10.5m from the rear boundaries of nos 40-48 Portree Street.

2.1.6 The site has a Public Transport Accessibility Level (PTAL) of 5 given its proximity to Canning Town London Underground, Dockland Light Railway and Bus interchange. The station is accessed using the footpaths along, and a pedestrian crossing of, the A13.

2.2 Description of Proposal (See appendices 3, 4 and 5)

2.2.1 The application proposes redevelopment of the site to provide a 2-8 storey mixed use development to provide 64 residential units and 174m² of commercial floorspace within use classes A1, A2, B1, B8 and/or D1.

2.2.2 The application proposes 21 x 1 bedroom units, 20 x 2 bedroom units, 20 x 3 bedroom units 2 x 4 bedroom units and 1x 5 bedroom unit

2.2.3 The application does not provide car parking but includes facilities for cycle parking.

3.0 MAIN ISSUES

3.1 The main planning issues for consideration in relation to this application are:

- Housing Tenure
- Internal Space Standards
- Amenity Space
- Health and Safety
- Planning Obligations Community Benefit Strategy

4.0 RELEVANT SITE HISTORY

4.1 On 14.1.08 an application for the erection of a part 3, 4, 5, 6 and 7 storey building to provide commercial floorspace falling within classes A1, A2, B1, D1 and/or D2 together with 96 dwellings, bicycle parking, refuse/re-cycling facilities and access arrangements and refurbishment of 60 Portree Street (ref: PA/07/1034) was withdrawn.

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5.0 CONSULTATIONS/NOTIFICATIONS

London Borough of Tower Hamlets (LBTH)

Housing Development and Renewal

The ratio of social rented to intermediate housing is considered acceptable. The housing mix could be improved by increasing the number of two bedroom units

The unit size standards meet LBTH standards. It is noted that two 2 bedroom units do not have access to private amenity space.

6.0 APPLICATION PUBLICITY

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|-----------------------------|------------|
| 6.1 Site Notice Expiry: | 06/07/2009 |
| 6.2 Press Notice Expiry: | 06/07/2009 |
| 6.3 Neighbour Notification: | 27/06/2009 |

7.0 REPRESENTATIONS

7.1 Two neighbouring properties were notified and invited to comment. No objections were received.

8.0 RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPS22 Renewable Energy
PPG24 Planning and Noise

8.2 The London Plan (Feb 2008)

2A.1 Sustainability Criteria
3A.1 Increasing London's Supply of housing
3A.3 Maximising the potential of sites
3A.5 Housing choice
3A.7 Large Residential Developments
3A.8 Definition of affordable housing
3A.9 Affordable Housing targets
3A.10 Negotiating affordable housing in individual private residential and mixed use schemes
3A.11 Affordable housing thresholds
3B.1 Developing London's economy
4B.1 Design principles for a compact City

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4B.3 Enhancing the quality of the public realm
4B.5 Creating an inclusive environment
4B.6 Safety, security and fire prevention and protection
4B.8 Respect and local character and communities
4B.10 Large scale buildings-design and impact
4A.4 Energy Assessment
4A.5 Provision of heating and cooling
4A.7 Renewable energy

8.3 Unitary Development Plan (1998)

DEV1 Design Requirements
DEV2 Environmental Requirements
DEV3 Mixed Use development
DEV4 Planning Obligations
DEV12 Provision of Landscaping in Development
DEV50 Noise
DEV51 Contaminated Land
EMP1 Encouraging New Employment Uses
HSG7 Dwelling Mix
HSG15 Preservation of residential character
HSG16 Amenity Space
T16 Impact of Traffic
T18 Pedestrian Safety and Convenience
T21 Existing Pedestrians Routes
OS9 Child Play Space
U2 Consultation Within Areas at Risk of Flooding
U3 Flood Defences

8.4 Interim Planning Guidance

Core Strategy and Development Control Submission Document (2006)

MP1 Planning Obligations
CP1 Creating Sustainable Communities
CP2 Equal Opportunity
CP3 Sustainable Environment
CP4 Good Design
CP5 Supporting Infrastructure
CP7 Job Creation and Growth
CP11 Sites in Employment Use
CP15 Range of Shops
CP19 New Housing Provision
CP20 Sustainable Residential Density
CP22 Affordable Housing
CP25 Housing Amenity Space
CP27 Community Facilities
CP28 Healthy Living
CP29 Improving Education and Skills
CP30 Improving the Quality and Quantity of Open Space
CP31 Biodiversity
CP37 Flood Alleviation
CP38 Energy Efficiency and Production of Renewable Energy

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CP39 Sustainable Waste Management
CP40 A sustainable transport network
CP41 Integrating Development with Transport
CP42 Streets for People
CP43 Better Public Transport
CP46 Accessible and Inclusive Environments
CP47 Community Safety

DEV1 Amenity
DEV2 Character & Design
DEV3 Accessibility & Inclusive Design
DEV4 Safety & Security
DEV5 Sustainable Design
DEV6 Energy Efficiency & Renewable Energy
DEV7 Sustainable Drainage
DEV10 Disturbance from Noise Pollution
DEV11 Air Pollution and Air Quality
DEV12 Management of Demolition and Construction
DEV13 Landscaping
DEV14 Public Art
DEV15 Waste and Recyclables Storage
DEV16 Walking and Cycling Routes and Facilities
DEV17 Transport Assessments
DEV18 Travel Plans
DEV19 Parking for Motor Vehicles
DEV20 Capacity of Utility Infrastructure
DEV21 Flood Risk Management
DEV22 Contaminated Land
DEV24 Accessible Amenities and Services
DEV25 Social Impact Assessment
DEV27 Tall Buildings
EE2 Redevelopment /Change of Use of Employment Sites
RT4 Retail Development and Sequential Approach
HSG1 Determining Residential Density
HSG2 Housing Mix
HSG3 Affordable Housing
HSG4 Social and Intermediate Housing ratio
HSG7 Housing Amenity Space
HSG9 Accessible and Adaptable Homes
HSG10 Calculating Provision of Affordable Housing
SCF1 Social and Community Facilities

Leaside Area Action Plan

L1 Leaside Spatial Strategy
L29 Employment uses in Poplar Riverside sub area
L30 Residential and retail uses in Poplar Riverside sub area
L32 Design and built form in Poplar Riverside sub area
L33 Site allocations in Poplar Riverside sub area

8.5 Other Relevant Planning Policies & SPG's

- Lower Lea Valley Opportunity Area Planning Framework

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9.0 ASSESSMENT OF MAIN ISSUES

Housing Tenure and Mix

London Plan Policy 3A.9 seeks 50% affordable housing with a target London-wide split of 70:30 between social rented and intermediate housing. LBTH's IPG Policy CP22 seeks 50% affordable housing in new developments and identifies a minimum requirement of 35% affordable housing based 80:20 split between social rented and intermediate housing.

The application has been amended to provide 100% affordable housing split 78:22 between social rented and intermediate housing which is considered to be in accordance with Policy CP22 of the Interim Planning Guidance (IPG). In respect of Policy 3A.9 of the London Plan, the 70:30 split advocated is a London-wide target and it is not therefore a requirement of that policy that every development provides exactly that split. Given the 100% affordable provision within this application it is considered that the 78:22 split is acceptable in this instance.

IPG CP22 requires all new housing to contribute to the creation of mixed communities by offering a range of housing choices including a mix of dwelling sizes, family housing and accessible homes.

While a 100% affordable housing scheme approach departs from planning policies that encourage the creation of mixed and balanced communities, the development will meet an identified housing need and provide decant accommodation for Poplar Harca tenants living within accommodation identified for future redevelopment to improve the amount and quality of their housing stock.

London Plan Policy 3A.5 requires new development to offer a range of housing sizes and types and the corresponding Housing SPG consolidates this policy objective by seeking a preferred housing mix within new developments. UDP Policy HSG7 requires new housing developments to provide a mix of unit sizes including a substantial proportion of family dwellings.

IPG Policy HSG2 requires sites to provide social rented housing in accordance with a housing mix that seeks 20% 1 bed, 35% 2 bed, 30% 3 bed, 10% 4 bed and 5% five and six bedroom units. The application proposes 36% 1 bed, 24% 2 bed, 34% 3 bedroom units 4% 4 bedroom units and 2% 5 bedroom units. While the number of 1 bedroom units exceeds that required by IPG Policy HSG2, the overall number of family sized units is in broad compliance with the policy objective. It is noted that the LBTH Housing department raises no objection to the range of units provided for social rent.

London Plan Policy 3A.4 and IPG Policy HSG9 require all new housing to include at least 10% wheelchair access units or easily adaptable for wheelchair users. The application includes 7 wheelchair accessible units in accordance with this policy requirement.

The application is considered to be in accordance with Policies 3A.5 of the London Plan, Policy HSG7 of the Unitary Development Plan and Policy CP22 of the Interim Planning Guidance.

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Internal Space Standards

Policy CP20 of the Interim Planning Guidance requires new development to achieve high quality, well designed homes.

The provision of affordable housing is expected to achieve the minimum space standards adopted by Homes and Communities Agency's Housing Quality Indicators system. The system refers to HQI space standards and those promoted in the English Partnerships' (EP) Quality Standards publication. The proposed flat sizes all exceed the HQI space standards of 1 bed (45-50m²), 2 bed (67-75m²), 3 bed (75-85m²), 4 bed (95-100m²) and 5 bed (128m²) and the majority of units achieve the more onerous EP Quality Standards.

Amenity Space

London Plan Policy 4B.1 requires new development to promote high quality inclusive design. UDP Policy HSG16 requires all new housing developments to provide adequate amenity space. IPG Policy CP25 requires all new housing to provide high quality, useable amenity space, including private and communal amenity space, for all residents. Policy HSG7 adopts space standards for private and communal amenity space for different dwelling types. The proposed housing mix requires a minimum of 826m² private amenity space and 104m² communal amenity space.

The application provides amenity space in the form of private balconies and terraces and a communal courtyard. The application provides a total of 1,636m² of private and communal amenity space and results in a slight reduction in total amenity space compared to the previous scheme (1,678m²). This is the result of reallocating some, but not all, of the communal roof terraces to individual units given the difficulties associated with managing communal spaces. Despite the slight reduction in overall amenity space provision, this represents an overall improvement in design terms as some individual units will benefit from generous private amenity spaces. With the exception of 2 units located on the ground floor, every residential unit has access to a private balcony or roof terrace.

An area of 240m² children's play space is included at the southern end of the communal courtyard to meet the demand created by the 58 children estimated to live in the development. While this falls short of the London Plan Providing for Children and Young People's Play and Informal Recreation SPG requirement for 10m² per child of all ages in circumstances where no existing facilities exist, play space exists at Leven Road and Braithwaite Park.

It is recommended that a planning condition be imposed requiring the landscaping details of the communal courtyard to be submitted for approval.

The application is considered to be in accordance with Policy 4B.1 of the London Plan, HSG17 of the Unitary Development Plan and Policy HSG7 of the Interim Planning Guidance.

Health and Safety

On 13 November 2008 the Planning Committee resolved to grant planning permission for redevelopment of the site to provide 72 units and 174m² of commercial floorspace despite Health and Safety Executive advice against granting planning permission due

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to the proximity of the proposed development to the Poplar Gasholder Station. This decision took into account the HSE's decision not to request the Secretary of State to call in a similarly sized residential development at Leven Road.

The Planning Committee's decision to grant planning permission was subject to the Health and Safety Executive being given 21 days to decide whether they wish to request that the Secretary of State call-in the application for her determination. On 8 December 2008, the HSE wrote to the Corporation to confirm that would not request the Secretary of State to call-in the application but expressed concern that the decision was made without careful consideration of the risk to health and safety of the Poplar Gasholder Station on future residents and visitors of the development.

In its consideration of the amended scheme, the Corporation has commissioned a Quantitative Risk Assessment (QRA) into the risk of a particular event occurring at the Gasholder Station and the probability of it leading to fatalities or serious injury above acceptable levels. The QRA concludes that redevelopment of the site with the type and density of development proposed will result in an insignificant increase in the risk to the health and safety of prospective residents affected by a particular event. The QRA concludes:

- There has been no fatality or serious injury resulting from the Poplar Gasholder Station since records began;
- The individual risk is lower than many other risks most people are exposed to every day;
- The highest individual risk of fatality is 0.3 counts per million (1 in at least 3,333,333), which occurs at the nearest point of site relative to the centre of the nearest gas holder, is below the level the HSE would consider to be "Broadly Acceptable" when assessing risk from Major Hazards;
- The risk of a larger number of people being affected by a particular event is considered to fall within the "Tolerable if ALARP" level set by the HSE;

The QRA has been forwarded to the HSE with notification of the amendment to the application and as a response to their letter dated 8 December 2008 to demonstrate that, in considering the amended application, the Corporation has given careful consideration of the risk to health and safety of redeveloping the application site. The Corporation's legal advice is that this notification is considered sufficient to discharge its obligation under Article 10 of the TCP (General Development Procedure) Order 1995 to consult the HSE.

S106 Agreement

The S106 Planning Obligations Community Benefit Strategy (POCBS) requires residential development in the Lower Lea Valley to contribute a discounted standard charge of £10,000 per unit within mechanisms to recapture the discount from £22,600 on schemes of more than 100 units (Deferred Charge). As the application proposes 64 units the payment of a deferred charge does not apply.

The applicant previously offered £5,000 per unit; a total of £360,000 towards the POCBS, on the basis of a development appraisal verified by an independent advisor appointed by the Corporation. The applicant remains committed to offering a discounted standard charge of £360,000 which, given the reduction in units, now represents £5,625 per unit. The applicant has submitted further information to demonstrate that with a sale price agreed the development can still only support the

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payment of a discounted standard charge of £5,625 per unit.

The applicant has advised that the development will be sold to Poplar Harca. Poplar Harca are a Registered Social Landlord that will acquire the site with housing grant assistance awarded by the HCA. The applicant states that the sale will only cover the cost of acquiring the site at a time when the private housing market was strong and following advice from LBTH that the site could accommodate high density residential scheme. The Planning Committee's decision to grant planning permission for a 72 unit scheme on 13 November 2008 lends supports to this argument.

While it is considered that the basis of an assessment of scheme viability is existing use value, the development appraisal submitted by the applicant details a minimal profit level, which would in normal circumstances sit below standard parameters. The effect of this is that whilst the applicant is recovering their initial land purchase cost, which is higher than existing use value, they are making no greater overall return from the project than if they included a low land value and standard profit margins.

The application is considered to be in accordance with the POCBS.

10.0 CONCLUSION AND REASONS FOR APPROVAL

10.1 The application is an amendment to a scheme granted planning permission by the Planning Committee on 13 November 2008. The amendment is limited to altering the scheme tenure to 100% affordable housing with minor amendments to external appearance. The issues relating to land use; building height, scale and massing; sunlight and daylight, privacy and sense of enclosure; noise and air quality; housing density; amenity space; transport, access and parking; flood risk; and energy issues remain unchanged and are considered to be in accordance with relevant planning policies.

10.2 The amended scheme results in a shift from providing a mix of market and affordable housing to affordable housing within an area that already accommodates a significant proportion of affordable housing. While this approach departs with planning policies that encourage the creation of mixed and balanced communities, the development will meet an identified housing need and provide decant accommodation for Poplar Harca tenants living within accommodation identified for future redevelopment to improve the amount and quality of their housing stock.

10.3 The 78:22 split between social and immediate rented housing complies with Policies CP22 and HSG4 of the Interim Planning Guidance (IPG) which seek an 80:20 ratio but will support a variation where the proposed housing mix involves on-site provision of greater than 50% affordable housing. The proposed unit size mix is in broad compliance with Policy HSG 2 of the IPG which seeks 20% one bed, 35% two bed, 30% three bed, 10% four bed and 5% 5 bed units within the social rented sector. While the scheme provides more 1 bed units and less 4 and 5 bedroom this is considered acceptable given site constraints and development viability.

10.4 The flat sizes generally exceed the Housing Quality Index standards adopted by the HCA standards and the internal amendments have increased the number of dual aspect units. Each unit benefits from access to a south west and west facing internal courtyard and, with the exception of 2 one bed flats, a private balcony or roof terrace.

10.5 The Health and Safety Executive were notified of the Planning Committee's

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resolution to grant planning permission for the previous scheme on 13 November 2008 and, despite expressing concern that inadequate regard was given to the PADHI methodology recommendation against granting planning permission, decided not to request the Secretary of State to call in the application. The Corporation has since instructed a Quantitative Risk Assessment into the risk to human health posed by the proximity of the site to the Poplar Gasholder Station and written to the HSE enclosing a copy. The QRA concludes that the individual or societal risk posed by the Poplar Gasholder Station is low (0.3 counts per million or 1 in at least 3,333,333) and within tolerable levels.

10.6 Despite the reduction in number of units the applicant has maintained its financial offer of £360,000 towards the Corporation's Planning Obligations Community Benefit Strategy. This equates to a contribution of £5,625 per unit against the POCBS requirement to contribute a discounted standard charge of £10,000 per unit. The application has submitted a revised development appraisal which has been verified by the Corporation. As the development comprises less than 100 units, the S106 Agreement is not required to include the mechanism for recapturing any discount.

10.7 The amended application is recommended for approval subject to the planning conditions set out at section 12.0 of this report and a Section 106 Agreement securing the Heads of Terms set out in section 11.1 of this report.

11.0 RECOMMENDATION

11.1 It is recommended that Members give delegated authority to the Director of Planning to GRANT PLANNING PERMISSION subject to:

- A. the planning conditions set out at section 12.0 of the report;
- B. the completion of a S106 Agreement securing the following Heads of Terms:
 - 1. A financial contribution in accordance with the Corporation's Planning Obligations Community Benefit Strategy;
 - 2. The provision of affordable housing on 78:22 split between social rented and intermediate housing;
 - 3. A scheme for mitigating sunlight and daylight impact to nos. 48, 58 and 60 Portree Street.
 - 4. A commitment to a local labour, goods and training scheme;
 - 5. A commitment to prevent future residents from applying for parking permits;
 - 6. A commitment to prepare, implement and monitor a Green Travel Plan;
 - 7. A commitment to enter into a S278 agreement and fund highway works adjacent to the boundary of the site.

12.0 CONDITIONS AND REASONS

1. The development to which this permission relates must be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Save as these conditions provide otherwise or any matter is reserved for the later approval of the Local Planning Authority, all works are to be completed in accordance

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with drawing numbers 813_0206 (Rev B), 813_0208 (Rev A), 813_0209 (Rev C), 813_0210 (Rev D), 813_0211 (Rev D), 813_0213 (Rev D), 813_0215 (Rev B), 813_0217 (Rev B), 813_0230 (Rev R), 813_0231 (Rev L), 813_0232 (Rev B) prepared by RMA Architects unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of design and external appearance in accordance with Policy 4B.1 of the London Plan (2008), Policies ST5 and DEV1 of the Unitary Development Plan (1998) and Policies DEV1 and DEV2 of the Interim Planning Guidance (2006).

3. No part of the development hereby approved shall commence until a site investigation and remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme must provide for the extent of existing contamination and identify the measures to be taken to prevent risk to the public, buildings and environment when the site is developed. The scheme shall include:

- (i) a desk top report documenting the site history;
- (ii) if the desk top report indicates that a site investigation is required, a proposal to undertake an intrusive investigation based on the findings of the desk top study;
- (iii) a site investigation report to investigate and identify potential contamination;
- (iv) a health and safety risk assessment of the contamination identified;
- (v) proposals for any necessary remedial works to contain, treat or remove any contamination;
- (vi) the identities of the persons certifying any matter and performing any task.

No construction authorised by the planning permission shall commence until a certificate or validation report stating that remediation has been completed in accordance with the approved scheme that has been submitted to and approved in writing by the Local Planning Authority. The certificate must be prepared by a suitably qualified person and submitted to the Local Planning Authority for written approval.

Reason: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment in accordance with Policy DEV51 of the Unitary Development Plan (1998) and Policy DEV22 of the Interim Planning Guidance (2006).

4. Notwithstanding the requirements of condition 3 above or as a result thereof, the developer shall consult with the Local Planning Authority in the event that any contamination or suspected contamination or unusual or odorous ground conditions are encountered during any ground works on the site prior to continuing with the development. Any contaminated soil arising from the ground works must be classified for the purposes of citing an appropriately licensed landfill facility for disposal of the said material. A copy of the classification certificates and waste transport and disposal documentation shall be provided to the Local Planning Authority for their records.

Reason: To ensure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of Policy DEV51 of the Unitary Development Plan (1998) and Policy DEV22 of the Interim Planning Guidance (2006).

5. No part of the development hereby approved shall commence until an Environmental Management Plan has been submitted to and approved by the Local Planning Authority

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to cover all methods of site preparation and construction of the development, including traffic management (incorporating a Construction Logistics Plan given access to the site is via the Transport for London Road Network), demolition, clearance, site remediation, ground works,, waste management, sourcing of materials, crane and scaffolding height, dust, smoke and odour control, avoidance of fires, wheel washing, noise and vibration and hours of operation etc. The approved Environmental Management Plan shall include details of its implementation and monitoring and shall be in place for the whole period of the works at the site and the development shall only take place in accordance with the approved code.

Reason: To ensure that the development does not harm the amenity of neighbouring occupiers in accordance with Policies DEV50, DEV51, DEV55, DEV56 and T10 of the Unitary Development Plan (1998) and Policies DEV10, DEV12, DEV11 and DEV15 of the Interim Planning Guidance (2006).

6. The development hereby approved shall not be occupied until a detailed Site Management Plan has been submitted to and approved by the Local Planning Authority to cover all aspects of the day to day management of the site. The Site Management Plan shall include details of refuse and recycling storage and collection, servicing and deliveries and management of the public realm, communal amenity space and children's play areas. The development hereby approved shall only be operated in accordance with the approved Site Management Plan.

Reason: In order to protect the amenity of the future occupiers of and visitors to the site and to ensure that the site is managed in such a way as to ensure the safety and security of users of the site and residents of the locality in accordance with Policies DEV1 of the Unitary Development Plan (1998) and Policies DEV2, DEV15 and HSG7 of the Interim Planning Guidance (2006).

7. No demolition/construction/building works shall take place outside the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays unless with the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of surrounding occupiers in accordance with Policy 4A.14 of the London Plan (2004), Policy DEV50 of the Unitary Development Plan (1998) and Policy DEV10 of the Interim Planning Guidance (2006).

8. Impact piling shall only take place during construction with the prior agreement of the Local Planning Authority. Details of proposed impact piling shall be provided in writing to the Local Planning Authority at least seven days before such works are scheduled to take place.

Reason: In the interest of residential amenity, in accordance with Policy 4A.14 of the London Plan (2004), Policy DEV50 of the Unitary Development Plan (1998) and Policy DEV10 of the Interim Planning Guidance (2006).

9. The development hereby approved shall not commence until a scheme to attenuate noise generated by the A13 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a glazing specification for all windows to ensure a good standard of internal noise can be achieved during the day time and night time in accordance with the guideline levels of BS8233 1999: "Sound insulation and noise reduction for buildings - code of practice" or an equivalent standard. The development shall not be occupied until the approved glazing specification is implemented in accordance with the approved scheme and thereafter retained.

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Reason: To protect the amenity of future occupants and/or neighbours in accordance with Policy 4A.14 of the London Plan (2004), Policy DEV50 of the Unitary Development Plan (1998) and Policy DEV10 of the Interim Planning Guidance (2006).

10. The development hereby approved shall not commence until details of all materials to be used on all elevations, including commercial frontages and balconies, have been submitted to and approved in writing by the Local Planning Authority. Details should include colour, texture and type of materials and be provided to 1:20 scale. The approved materials shall be implemented in accordance with the approved details and thereafter permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of design and external appearance in accordance with Policy 4B.1 and 4B.10 of the London Plan, Policies ST5 and DEV1 of the Unitary Development Plan (1998) and Policy DEV2 of the Interim Planning Guidance (2006).

11. The development hereby approved shall not commence until details of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) trees and plants;
- (ii) surface treatment;
- (iii) children's play equipment;
- (iii) internal and site boundary treatment;
- (iv) external lighting;
- (v) a schedule for management and maintenance.

The hard and soft landscaping shall be implemented in accordance and thereafter retained.

The approved soft landscaping scheme shall be implemented in the first planting season following occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for a variation.

Reason: To ensure landscaped areas in open spaces are of a high quality design and appearance that will enhance the amenity value of the development and its surroundings in accordance with Policies DEV1, DEV 12 and DEV13 of the Unitary Development Plan (1998) and Policy DEV2 and HSG7 of the Interim Planning Guidance (2006).

12. The development hereby approved shall not be occupied until details of cycle parking facilities, including their means of secure storage, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details and shall be retained thereafter and used for no other purpose without the prior approval of the Local Planning Authority.

Reason: In order to promote the use of cycling in accordance with Policies T22-24 of

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the Unitary Development Plan (1998).and Policy DEV16 of the Interim Planning Guidance (2006).

13. Those uses identified for commercial operation (within the A1, A2, A3, B1 and/or D1 use classes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) hereby approved shall be restricted to the following hours of opening, unless otherwise agreed in writing by the Local Planning Authority:

8am to 10pm, Monday to Saturday
10am to 9pm on Sundays or Bank Holidays.

Any outdoor seating areas must be vacated and any tables and chairs must be removed by 9pm Monday – Saturday and by 8pm on Sundays and Bank Holidays.

Reason: To safeguard the amenity of adjacent residents and the area generally in accordance with Policy DEV50 of the Unitary Development Plan (1998) and DEV10 of the Interim Planning Guidance (2006).

14. The development hereby approved shall not commence until details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes, from the non residential uses, including details of the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvres) together with details of its method of construction, appearance and finish have been submitted to and approved by the Local Planning Authority. The development shall not be occupied other than in accordance with the approved details.

Reason: To safeguard the amenity of the occupiers of adjoining properties by preventing noise disturbance and to ensure a satisfactory appearance in accordance with the requirements of Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV2 of the Interim Planning Guidance (2006).

15. All residential units hereby approved shall comply with Lifetime Homes standards in accordance with 'Meeting Part M and Designing Lifetime Homes' (1999) by the Joseph Rowntree Foundation.

Reason: To ensure that accessible housing is provided in accordance with Policy 3A.5 of the London Plan (2008) and Policy HSG9 of the Interim Planning Guidance (2006)

16. No fewer than 10% of the total number of residential units within the development hereby approved shall be constructed to be easily adapted for residents who are wheelchair users.

Reason: To ensure that accessible housing is provided in accordance with Policy 3A.4 of the London Plan and Policy HSG9 of the Interim Planning Guidance.

17. The development hereby approved shall not commence until details of refuse and recycling storage facilities have been submitted and approved by the Local Planning Authority. The refuse and recycling facilities shall be implemented in accordance with the approved details and thereafter permanently retained.

Reason: To protect amenity and ensure adequate provision for the waste and recycling storage in accordance with Policy DEV15 of the Interim Planning Guidance (2006).

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18. The development hereby approved shall not commence until details of a Traffic Management Plan has been submitted to and approved by the Local Planning Authority. The Traffic Management Plan shall include details of highway improvements and disabled car parking facilities. The highways improvements and disabled car parking shall be implemented in accordance with the approved details and thereafter permanently retained.

Reason: To ensure an appropriate highway design in accordance with Policy DEV2 and DEV19 of the Interim Planning Guidance (2006)

19. The development hereby approved shall not commence until a telecommunications study has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that TV reception to existing residents will not be affected and/or mitigated.

20. The development hereby approved shall be implemented in accordance with the energy efficient and renewable energy technologies proposed in the Sustainability Statement prepared by ESD (June 2008). The energy efficient and renewable energy technologies specified in this document will provide a 20% reduction in carbon dioxide emissions and be implemented prior to the occupation of the development and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote the use of energy efficient and renewable energy technologies in accordance with Policies 4A.7, 4A.8 and 4A.9 of the London Plan (2004), Policy DEV2 of the Unitary Development Plan (1998) and Policies DEV5 and DEV6 of the Interim Planning Guidance (2006).

INFORMATIVES

1. This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990
2. Attention is drawn to the provisions of section 151 of the Highways Act 1980 which requires that all construction vehicles leaving the site must be cleansed as necessary to avoid depositing mud and other material on neighbouring roads.
3. Your attention is drawn to the need to comply with the Control of Pollution Act 1974 and in this respect you are requested to contact the Council's Environmental Health Department, Mulberry Place (AH), PO Box 55739, London E14 1BY.
4. You should consult the Council's Highways Development Service, Mulberry Place (AH), PO Box 55739, London E14 1BY regarding any works affecting the public highway.
5. You are requested to consult the Council's Environmental Health Department, Mulberry Place (AH), PO Box 55739, London E14 and the Environment Agency with regard to Conditions 3 and 4 above (contamination).

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CASE OFFICER: Will Steadman

Appendix 1: Planning Committee Report dated 13 November 2008
Appendix 2: Site Location
Appendix 3: Proposed Site Layout
Appendix 4: Scheme Floor Plans
Appendix 3: Scheme Computer Generated Images