

PLANNING COMMITTEE MEETING: 9 February 2012

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

UDC CASE NUMBER:	LTGDC-11-047-FUL	DATE MADE VALID:	06/06/2011
APPLICATION NUMBER:	PA/11/01426/LBTH	TARGET DATE:	04/11/2011

APPLICANT:	Cube Developments
AGENT:	DP9
PROPOSAL:	Construction of twelve storey residential building to provide 26 flats including basement storage/plant area, associated works including access, landscaping, car parking and other works incidental to the proposals.
LOCATION:	Virginia Quay, Meridian Site, London, E14

1. SUMMARY

- 1.1 The application is located in the south western corner of Virginia Quay, a residential development originally permitted in 1997 and subsequently developed out in full. The site fronts the River Thames and is accessed via Newport Road, a private road within Virginia Quay. The site is currently part used for car parking and part for landscaping. Adjacent to the site is an area of paved open space that links Newport Avenue with the Thameside walkways along the Greenwich Meridian.
- 1.2 The application has been submitted on behalf of Cube Developments and seeks full planning permission for a 12 storey, 26 unit residential development. The scheme offer 35% affordable housing on a habitable room basis which is split between social and intermediate on a ratio of 73/27. The scheme provides private balconies for all units, communal open space, cycle storage and one disabled car space.
- 1.3 The principle of residential development on this site is considered to be appropriate. Virginia Quay is an establish residential development and is adjacent to a much larger site that benefits from planning permission for a much larger scale of development than currently exists or is proposed in the immediate area.
- 1.4 The design of the building provides a slender south facing profile with full width balconies to every floor. The tenth and eleventh storeys are set back to allow terraces for the top duplex unit. The east and west elevations are defined by the vertical rows of windows and balconies. The building is limited to four storeys on the

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northern half of the development and this is accentuated by coloured glass banding around its north eastern corner.

- 1.5 The predominant material used is a dark wire cut brick which provides sharp edges to the angular built form. Windows are inset with deep reveals and all windows and balcony doors are full height glazed. At ground floor level, the material is a combination of brick and timber.
- 1.6 Although the scheme is proposed partly on an area of vegetation, the development will result in a net gain in ecological value. This is by way of sedum roofs, grassed areas, tree replacement and low shrub planting.
- 1.7 The site boundary includes an area of car parking currently allocated to Virginia Quay residents. The proposal intends to re-provide five of these bays for the existing residents and provide one disabled bay for a future occupier of the scheme. The scheme is submitted as car free (with the exception of the one disabled bay).
- 1.8 The daylight and sunlight implications of the proposal on adjacent residential units have been assessed and, on balance, are deemed to be acceptable. Similarly, the wind microclimate has been assessed and found to be acceptable with the building in place.
- 1.9 A Code for Sustainable Homes pre-assessment has been submitted with the application and has found that the scheme can deliver Code Level 4.
- 1.10 The application is before Members with a recommendation for approval, subject to the following:
 - Referral to the Mayor of London for his Stage 2 determination
 - The satisfactory completion of a Section 106 legal agreement to secure the following:
 - A financial contribution based on LTGDC's Section 106 Planning Obligations Community Benefit Strategy to mitigate the impact of the development on infrastructure and community facilities.
 - 35% affordable housing calculated by habitable rooms with a minimum ratio in favour of social rental housing to intermediate housing as 70:30 OR seven affordable rent units including a cap on rent to local affordable levels.
 - Initiatives to use reasonable endeavours to employ local people during the construction of the development
 - Electricity Energy Strategy
 - The conditions listed in section 11 of this report.

2. SITE AND PROPOSAL

Site

2.1 The site is a 0.08ha parcel of land located within the Virginia Quay development.

Specifically, the application site is located in the south western corner of the development and comprises a hard standing area of car park and an area of vegetation off Newport Avenue. The car park has 15 marked bays and was originally intended for use with a riverside restaurant. However this A3 use was changed in 2007 to create six residential units and six of the bays were allocated one to each residential unit. The remaining nine bay have not been removed and are used as unallocated bays.

- 2.2 The Virginia Quay development is characterised by flatted residential development arranged in buildings of six storeys, nine storeys, 11 storeys and 12 storeys. Also within the development are three storey terraced houses along the river front and East India Dock basin further to the east.
- 2.3 Some 18 metres north of the site is Wingfield Court, an eleven storey residential building of brick construction with a pitched roof. Each storey above ground level has triangular shaped balconies facing towards the site (south) as well as two windows on each level. Wingfield Court also has offset balconies facing south east.
- 2.4 Approximately 20 metres to the east is Studley Court, a nine storey residential building also of the same architectural style and construction as Wingfield Court. The western elevation of Studley Court has five vertical rows of balconies over each storey above ground floor and vertical rows on windows arranged in pairs between each of the balconies. At its southern end, this building rises to 12 storeys and is known as Wotton Court. The taller element is some 30 metres to the south east of the site boundary.
- 2.5 Between the site and Studley/Wotton Court is an area of tree lined hard open space aligned with the Greenwich Meridian. The alignment of the trees and the paving highlights the alignment. Approximately 50 metres to the north east of the site is an area of grassed parkland which includes a multi use games area and children's playground. The River Thames is 40 metres to the south.
- 2.6 To the west of the site is Blackwall Yard, an area of vegetation, grass, car parking and a former dry dock. Historically, the site was used for ship building but is now masterplanned for residential development although no scheme has yet been implemented.
- 2.7 Beyond Blackwall Yard is the Reuters Technical Centre, a 10 storey structure of glass and steel construction located 110 metres to the west.
- 2.8 The site is well connected to the local highway network. Newport Avenue provides access to the Aspen Way/Lower Lea Crossing/Leamouth Road roundabout which provides A-road routes west towards central London, east towards the Royal Docks and north to the A13 respectively.
- 2.9 Public transport connections to the site are also good. East India DLR station which provides connection west to Canary Wharf and the City or east to Canning Town with its connections to the Jubilee Line and bus station is 600 metre to the north. Bus services are less convenient to the location, with three routes available to the north of the DLR and Aspen Way via a footbridge crossing to the Tower Hamlets civic centre.

Proposal

2.10 The application has been submitted on behalf of Cube Developments and seeks full planning permission for a twelve storey residential development comprising 26 units. The development is arranged on a north-south axis to the west of the Meridian Line hard landscaping and occupies part of the existing car parking area that was originally intended for the restaurant uses that have since been changed to residential. The application proposes to replace the six parking bays allocated for the existing residential units.

2.11 Seven of the 26 units are proposed to be affordable, equating to a 35% proportion on a habitable room basis. Of these seven units, five are to be social rented and two intermediate which is broadly a 73/27 split in favour of social rented accommodation on a per unit basis. The specific breakdown of tenure to unit sizes are as follows:

	Private	Social	Intermediate	Total
1 bed	9			9
2 bed	8	2	2	12
3 bed	2	2		4
4 bed		1		1
Total	19 (73.08%)	5 (19.23%)	2 (7.69%)	26
Hab Rooms	51 (64.56%)	22 (27.85%)	6 (7.59%)	79

2.12 The building footprint is 33.5 metres in length (north-south) and 13.7 metres in width (east-west) and is consistent for four storeys (12.6 metres). Above four storeys the structure steps south 12.1 metres from the northern edge and rises a further eight storeys to a height of 36.6 metres. The tower element also becomes relatively long and narrow having a maximum width (east-west) of 12.5 metres and length (north-south) of 21.5 metres. The building also steps in from the south above ten storeys, 2.8 metres at the eleventh storey and 6.4 metres from the southern building line.

2.13 The predominant material is a dark brick which is broken up by full height glazing of cores, coloured glass rain screens and a combination of in-set and projecting balconies. All roof areas are provided with sedum planting.

2.14 All units have access to a private balcony which faces east, west or south. An 80sqm timber decked roof terrace is provided at the fourth storey and is bordered by an area of sedum. At ground floor level and on the western side of the development is an area of communal space that provides play space, planting and outdoor furniture.

2.15 Five of the six existing allocated parking bays are to be retained and a disabled bay provided. 31 cycle spaces are also to be provided in a secure ground floor storage area as well as an additional three external cycle spaces for visitors.

2.16 The application includes a Code for Sustainable Home pre-assessment which supports the development's aim of achieving Level 4.

3. MAIN ISSUES

- Principle of the Development
- Design
- Housing
- Open space and amenity
- Transport
- Daylight and Sunlight
- Wind Microclimate
- Sustainability and Energy

4. RELEVANT SITE HISTORY

4.1 The wider Virginia Quay development was granted consent under reference PA/97/91058 (T97/167 LDDC) on the 4th of December 1997. The permission secured up to 700 residential units; D1 education; A1/2/3 for retail, financial and restaurant uses up to a maximum of 750sqm of floor space; riverside walkway, landscaping, car parking including vehicular access from Leamouth Road.

4.2 On the 27 of April 2007, planning permission was granted for the conversion of an existing vacant A3 unit into six residential units with private terraces including replacement of temporary hoarding with permanent external walls.

5. CONSULTATIONS/NOTIFICATIONS

London Borough of Tower Hamlets

5.1 Tower Hamlets have provided two responses to the application. The first was dated 3rd October 2011 as an officer recommendation, stating no objection in principle to the proposals subject to appropriately addressing the following matters of concerns that officers identify:

- Inclusivity and the lack of access for affordable unit occupiers to the roof terrace amenity area
- Confirmation of adequate daylight and sunlight received within the proposed units.
- Confirmation of agreement with Virginia Quay owners for residents of the proposed development to use the play area within the Virginia Quay development.

5.2 Tower Hamlets has advised that the following matters fail to meet policy and where possible should be addressed:

- The mix of housing fails to provide sufficient family housing within the private tenure
- The unit sizes of some of the one bedroom units fail to meeting minimum requirements and therefore provide poor internal amenity

5.3 The Borough also seeks the following conditions to be imposed on any approval of planning permission

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- Three year time limit
- Development to be built in accordance with the approved plans
- Plant noise levels to be 10dB below background levels at residential properties
- Submission and approval of a Construction Management Plan
- Cycle storage to be installed prior to occupation and retained for the lifetime of the development
- Submission and approval of landscaping details and management plan
- Development build and retain in accordance with lifetime homes standards
- Submission and approval of Secured by Design details
- Waste storage to be installed prior to occupation and retained for the lifetime of the development
- Submission and approval of Black Redstart survey and incorporation of appropriate habitat measures
- Submission and approval of rainwater harvesting tank and system, requiring installation prior to occupation and retention for the lifetime of the development
- Low flow water devices to be installed and retained for the lifetime of the development
- Oil/petrol filters to be installed in drainage off vehicle parking areas
- Submission and approval of CHP air pollution abatement technology, requiring insulation prior to operation and retention for the lifetime of the development
- Submission and approval of a site waste management plan
- Submission and approval of details of land contamination, including if relevant details for remediation and verification.

5.4 The position taken by Tower Hamlets caused significant concern and further objections from local residents. In response, Tower Hamlets hosted a public meeting where representatives of both the Borough and the Corporation answered questions regarding the scheme. One outcome of the public meeting was that Tower Hamlets agreed that its recommendation would be endorsed by the Council's Development Committee, rather than being a recommendation agreed by senior officers.

5.5 The application was put to the Development Committee on 14th December 2011 with an officer recommendation consistent with the original 3rd October recommendation as set out above. However, the committee overturned this recommendation voting to withdraw the previous recommendation and to formally object to the application on the grounds of the following:

- Overdevelopment in the form of loss of light/sunlight
- Increased overshadowing
- The proposed density of the scheme given the low Public Transport Accessibility Level rating
- Concerns over the provision of affordable housing given that the proposals fell short of policy requirements
- That a number of the proposed units fell below the space standards required in policy
- Inadequate details regarding: sunlight, overshadowing, landscaping, energy, water use, air quality, waste, noise and vibration.
- Inadequate consultation

5.6 On these grounds, the Borough's formal objection is as follows:

1. *The proposal constitutes over-development of the site by virtue of impacts associated with excessive density, these being loss of daylight and sunlight as well as increased overshadowing for existing residents, poor levels of public transport accessibility and insufficient internal floor areas of some of the residential units. The proposal is therefore contrary to policies 3.4 and 3.5 of the London Plan (2011), SP10 of the Core Strategy Development Plan Document (2010), saved policy DEV2 of the Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance (2007).*
2. *The proposal provides an unacceptable amount of affordable housing and mix of units. As such, the proposal does not accord with policies 3.8 and 3.12 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2010) which seek to ensure that new developments offer a range of housing choices.*

5.7 Each of the above bulleted grounds for objection that have led to the two reasons for objection are address as follows:

Overdevelopment due to loss of daylight/sunlight

5.8 Section 9 of this report deals specifically with daylight and sunlight. In this section, the applicant's submitted daylight and sunlight assessment is reviewed and found to demonstrate compliance with BRE standards.

Increased Overshadowing

5.9 The scheme will result in increased overshadowing, but this in itself does not necessarily mean the scheme is unacceptable. As mentioned previously, the applicant's daylight and sunlight assessment is reported in section 9.

Residential density against PTAL

5.10 Section 9 of this report deals specifically with density. It reports that, while the residential density is beyond the range set in the London Plan's density matrix, the matrix is not intended to be applied rigidly and other material factors also need to be considered. The density is considered to be appropriate and in line with the existing built and permitted schemes in the area.

Provision of affordable housing

5.11 Section 9 of this report deals with affordable housing. The level of affordable housing proposed by he scheme is 35% on a habitable room basis.

Some units fall below space standards.

5.12 Section 9 of this report deals with space standards. Six one bed private sale units are 10sqm below the Mayor's space standards. Given that these are for private sale and are not family accommodation, these are considered acceptable.

Inadequate details

- 5.13 The submitted details are sufficient to validate the application and for officers to come to a recommendation.

Inadequate consultation

- 5.14 Tower Hamlets undertake consultation on behalf of the Development Corporation. The Borough has consulted widely, has hosted a public meeting and has allowed ample time for interested parties to comment on the application. Additionally, the Borough has taken the unorthodox step of withdrawing comments to the Corporation approved by senior officers in favour of a committee endorsement. Furthermore, Tower Hamlets committee allowed third party representations to be presented in this public forum.

Greater London Authority

- 5.15 The Mayor has highlighted the site's location within the Lower Lea Valley Opportunity Area and the potential for this area to deliver between 1750 and 1850 new homes. Tower Hamlet's Core Strategy has also been referenced where it refers to the Poplar Riverside and Leamouth 'placemaking' areas which seek a mix of uses, including housing. London Plan policy 3.3 is also referred to, which sets out the London-wide target of 32,210 additional homes per year up to 2021.
- 5.16 In terms of affordable housing, the Mayor seeks evidence that the maximum reasonable amount is being delivered. To this end, the Mayor is unable to confirm whether this maximum amount has been offered as the responsibility of interrogating the viability assessment has been left to LTGDC officers. The details of any agreed affordable housing proportion by way of legal agreement has been requested.
- 5.17 The tenure split has been analysed on a habitable room basis which equates to a split of 73% social rented to 27% intermediate provision. On this basis, the Mayor does not consider that the split conforms to London Plan policy 3.12 which seeks a split of 70/30 in favour of social rented accommodation.
- 5.18 The mix of units does not reflect the London wide need as identified within the GLA's Housing SPG. Specifically, the proposal doesn't offer a sufficient proportion of four plus bed units, having only 4% of the total units as four beds. The Housing SPG identifies the need as being 30% of new units within developments. As such, the Mayor has asked for a fuller explanation of how the proposed unit mix was arrived at, taking into account local demand. The applicant has stated that market advice was taken to inform the mix. While the proportion of four bed units is only 4%, units with three or more units are around 20% and most of these are affordable units.
- 5.19 The density of the scheme has been identified as being well in excess of the density range set in the London Plan. Be this as it may, the scheme is considered to represent a high quality development and may be appropriate in this instance, recognising the unique circumstances of this smaller site as part of a larger residential context.
- 5.20 In terms of residential quality, several aspects are welcomed including the provision of private amenity space for all units and dual aspect with no units north facing. However, further information has been requested to ensure that the residential units comply with the London Housing Design Guide, including unit sizes,

room sizes and storage space. In response, the applicant has provided a table of unit sizes which shows that all but six one bed units meet the standards. These one bed units are not part of the affordable offer. All units meet the housing standard on a room by room basis.

- 5.21 The location of the development, while not parallel to the Meridian line hard landscaping or aligned to the building in the north, is considered to be acceptable. The building is considered to help animate the space and articulate the access to the riverfront.
- 5.22 The internal layout of the ground floor uses has been questioned as not providing sufficient overlooking and animation, although the direct entrance to the ground floor unit is 'strongly supported'. The internal access to the circulation cores and cycle storage is said to be an issue and it has been suggested that these should have direct access from the public realm. The applicant has explained that the pre-application discussion with Tower Hamlets and Corporation officers concluded that a communal entrance lobby with internal affordable/private separation would be the best option. The applicant has also confirmed that the cycle store can be accessed from both the communal lobby and the public realm from the east.
- 5.23 The Mayor also suggests that the car park breaks the potential to provide a continuous building line to the building in the north and that a wall and gate should be provided to the car park linking the two buildings. While the creation of defined building lines may have merit in certain circumstances, in this situation officers do not agree. Placing a wall and gate to the car park would in the opinion of officers have a detrimental impact on the public realm, rather than helping to articulate the space (which is articulated by the part 4, part 12 storey proposed building in any case).
- 5.24 The height of the building is considered to be acceptable and in keeping with the surrounding buildings. The proposal is also considered to fit comfortably with the approved buildings to the west of the site. The arrangement of the massing over four and 12 storeys is also 'strongly' supported.
- 5.25 The elevations are considered by the Mayor to be designed well and relate well to the internal layouts and building mass. An appropriately worded condition to secure details of materials has been requested. This can be found as condition 3 in section 11 of this report.
- 5.26 Concern has been raised that the area allocated for children's play space is less than the 45sqm required for a development of this size and it has been suggested that some of the car park be converted into play space. Confirmation that the play space is dedicated to under 5 year olds has also been requested, as has the ability for existing nearby space to accommodate older children. The applicant has confirmed that the child yield for the development is calculated to be 6.06 children aged 0-4 years of age and states that the onsite provision as shown can accommodate this yield. The Multi Use Games Area 100 metres to the north have also been highlighted as providing play equipment for children above this age bracket. Access to these facilities has been agreed between the applicant and the managing agents of the wider development.
- 5.27 The Mayor welcomes the applicant's commitment to more than 10% of units being wheelchair accessible (11.5%) and has requested that this commitment be secured by condition. This is condition 12 in section 11 of this report.

- 5.28 The Mayor supports the applicant's commitment to Code for Sustainable Home level 4 and has requested that the commitment be secured by condition. This is condition 11 in section 11 of this report.
- 5.29 The car free nature of the development is welcomed and is confirmed to be consistent with the London Plan. The cycle storage allocation of 26 racks (i.e. one per residential unit) was considered to be less than the London Plan ratio and should be increased to 31 racks. The applicant has agreed this increase which has been secured by condition 8.
- 5.30 A full travel plan is not deemed necessary for a development of this scale however a travel plan statement has been suggested to encourage sustainable travel. Given the car free nature of the development, restrictions preventing new residents gaining parking permits, the proportion of cycle parking per unit and the availability of public transport services in the area, a travel plan statement is not deemed to be necessary in this instance.
- 5.31 A delivery and servicing plan has also been recommended, however the low number of deliveries generated by a 26 unit scheme makes it difficult to insist on such a plan.
- 5.32 A construction logistics plan has been requested and agreed by the applicant to form part of the construction management plan. This is secured by condition 13.

Transport for London

- 5.33 Overall, TfL has no objections in principle to the proposal but has outlined a number of areas that require further work.
- 5.34 TfL accepts the car free nature of the scheme but expects that future residents will be excluded from applying for residential parking permits. This is discussed in greater detail in section 9 of this report.
- 5.35 The 26 cycle racks has been identified as being below the London Plan standard, however this has been rectified as previously discussed.
- 5.36 TfL are satisfied that the development is unlikely to impede vehicle movements on the Transport for London Road Network and also considers that the local bus and DLR services have sufficient capacity to accommodate the additional trips generated by the development.
- 5.37 A Travel Plan is not considered necessary but a Travel Plan Statement has been suggested. Officers consider that sufficient non-car based incentives for travel are provided without the need for a Travel Plan Statement.
- 5.38 A Delivery and Servicing Plan detailing highway delivery and collection times, reduced numbers of vehicles and off peak use has also been requested. Officers do not deem this to be necessary for the reason explained under the GLA's response, namely that a residential development of 26 units is unlikely to generate a high number of delivery and servicing movements.
- 5.39 A Construction and Logistics Plan has also been requested. This shall form part of the construction management plan.

Environment Agency

5.40 The EA have no objection in principle to the application and have requested four conditions to secure the following:

- A four stage contamination investigate and assessment
- A verification report demonstrating completion of the works set out in the remediation strategy
- A strategy to deal with previously unidentified contamination
- No infiltration of surface water drainage without prior written permission

5.41 These conditions are considered to be reasonable and are listed in section 11 of this report.

London City Airport

5.42 London City Airport has examined the proposal from an aerodrome safeguarding point of view and confirms that there is no conflict with safeguarding criteria. Two conditions have been suggested relating to the notification of City Airport should any craneage or scaffolding be required that is higher than the completed structure and the crane operator's should be aware of the British Standard Code of Practice for the safe use of cranes. The craneage matter is proposed be secured by condition as suggested, however the British Standard will be brought to the developer's attention by way of an informative.

Thames Water

5.43 Thames Water has advised that they have no objection in terms of sewerage infrastructure. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. An informative has been requested advising of minimum water pressure and flow rate for the site. This informative can be found at section 12 of this report.

London Borough of Greenwich

5.44 Greenwich has confirmed that they have no observations to make.

6. APPLICATION PUBLICITY

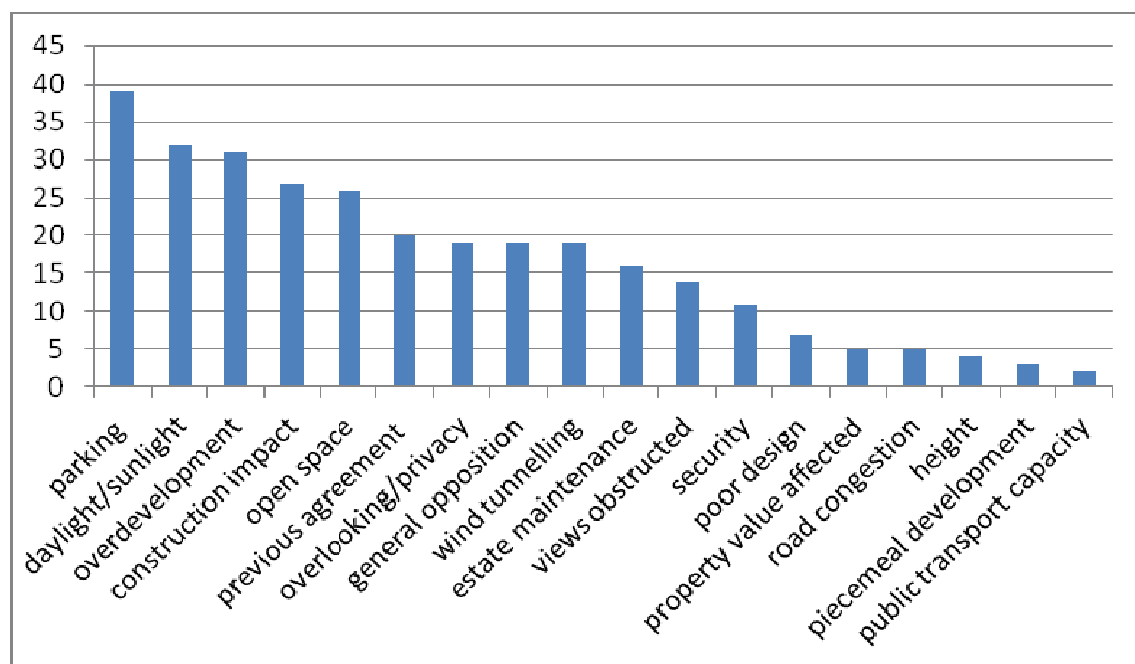
6.1 Site Notice: 11 July 2011

6.2 Neighbour Notification: 11 July 2011

7. REPRESENTATIONS

7.1 Consultation with neighbouring residents has led to 47 individual objections and a 316 signature petition opposing the scheme. Included with this petition is a detailed submission that examines the information provided with the scheme, the history of the site and a view on whether the application is acceptable in planning terms. Many of the objectors refer to this text so for completeness this document has been appended to the report at Appendix 8. The objection is presented under three headings; 1. the paucity of information, 2. the planning history of Virginia Quay and 3. the acceptability or otherwise of the development in planning terms.

- 7.2 Under the “paucity of information” heading questions are raised as to whether the site can be defined as ‘brownfield’ land and claims that the development is inseparable from the original planning application for the wider Virginia Quay development but information has been difficult to find. In response, the land is considered as brownfield land and this is discussed in section 9 of this report under ‘Principle of the Development’. In terms of the background information, this is a matter for Tower Hamlets and their archives.
- 7.3 The objection submission goes on to discuss the planning history of the site, including the original masterplan approval and conditions, the approval for the Budgen-Toynbee mixed use block and an approval for a change of use of commercial/restaurant use to residential in Wotton Court. It has been argued that the original masterplan approval for 700 units has already been exceeded, with the subsequent approvals taking the unit numbers up to 763. The stated relevance of the Budgen-Toynbee approval is that this scheme sought to emphasise the alignment of buildings so as to maximise glimpses through to the river. The planning conditions under the original masterplan approval relating to car parking are also cited as reasons why the development cannot proceed as the present scheme is proposed to be constructed in part on car parking spaces the loss of which, it is alleged, would lead to a breach of these parking conditions.
- 7.4 Whilst it is relevant to consider the planning history of the site and surrounding area, it should be understood that the application site, while falling within the Virginia Quay estate, is not a component or phase of the original masterplan. The application has been submitted independently of the masterplan and therefore is assessed solely on its own planning merits. The previous masterplan conditions do not necessarily make the application unacceptable in principle, but the developer and Tower Hamlets’ enforcement officers need to satisfy themselves that the development can be implemented without any modifications to the original permission. It may be that the construction of the present scheme, and the consequent loss of parking spaces would put the existing development in breach of parking conditions. However the question for the Corporation in considering this aspect of the scheme is not whether there would be a breach, but rather whether the loss of parking causes a problem in planning terms. The officer view, shared by Tower Hamlets’ transportation officers, is that it would not. The spaces which would be lost were originally allocated to a restaurant use, which no longer exists. Although the spaces are now, as a fact, used by residential occupiers, there is no need in planning terms for them to be so provided. Tower Hamlets, as the enforcing authority, before taking any enforcement action, would have to be satisfied that it was expedient to do so - i.e. that there is a planning objection to the loss of the spaces. It is significant that, in a fairly long list of reasons for objecting provided by Tower Hamlets, loss of parking does not feature.
- 7.5 The objection goes on in its third section to argue that the application is not acceptable in planning terms. This is discussed in full at section 9 of this report.
- 7.6 A summary of the nature of the objections is set out below, including those found within the appended document.



Individual Comment

Response to Comment

The development will result in a loss of parking resulting in increased pressure on existing parking facilities.

The proposal re-provides five of the six bays allocated to residential units. The loss of the remaining ten bays is consistent with adopted car parking standards in terms of the land use of the area. The development itself is car free.

The scheme constitutes an overdevelopment of the site.

The proposal has been assessed against all material planning consideration and has been found to be of an acceptable scale and density considering the surrounding built environment and local services.

The construction of the development will be a disruption.

This is true of any development. A construction management plan aimed at minimising disruption will be a condition of planning permission.

Daylight and sunlight will be reduced due to overshadowing caused by the development.

A detailed daylight and sunlight analysis has been undertaken that reveals that the conditions post development will be acceptable. This has taken into account the revised 2011 BRE guidance

The developer of the wider Virginia Quay development made an agreement that there would be no more development upon the site.

The details of any private agreement between the developers, managing agents and residents prohibiting further development on site is not a material planning consideration.

The scheme will build upon open space.

The scheme results in new landscaped

	open space, replacement tree planting and children's play space.
The security of the wider development will be compromised.	The security of the wider development is unlikely to experience any better or worse security standard as a result of the development. The scheme is required to apply for Secured by Design certification by planning condition.
The proposed residential units will overlook existing units and result in a loss of privacy.	The separation distances between habitable room windows range from 24 metres up to 29.5 metres. The northern flank wall is the closest to existing units but this has no windows. The separation distances are wider than most urban developments and are considered to be acceptable.
The maintenance of the estate will suffer as a result of the scheme, particularly during construction.	The construction management plan, secured by condition, will carefully control any maintenance required as a result of the development. Post construction, the development is unlikely to have any impact upon the maintenance of the estate.
The scheme is generally not wanted.	The scheme is located in an area deemed appropriate for further residential development and will deliver wider benefits to the area.
Existing views will be obstructed.	There are no legal rights to a view unless it is in the public interest for that view to be retained. In planning terms, the loss of parts of views from some dwellings does not constitute a material planning consideration in this instance.
The value of existing properties will be detrimentally affected due to the development.	The proposed development has been assessed to be acceptable in land use terms. The impact on the value of other properties is not a material planning consideration.
The development will result in the congestion of the Virginia Quay estate and the local road network.	The scheme re-provides five of the existing six allocated parking bay on site and is car free.
The design of the development is considered to be poor.	The design has been objectively assessed and found to be acceptable.
The scheme constitutes piecemeal development as it was not part of the wider masterplan for Virginia Quay.	The scheme was not originally envisaged under the original masterplan for the area, however this does not automatically make

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the scheme unacceptable in planning terms, nor does this mean the scheme is piecemeal development.

The height of the development is excessive.

The height of the development is comparable with surrounding residential buildings and is considered to be appropriate for the site.

The scheme will result in an unacceptable pressure on public transport capacity.

TfL have confirmed that the DLR and local bus services have adequate capacity to accommodate the increase in the local population resulting from the development.

The development will create a wind tunnel effect that will spoil the enjoyment of existing open space and private balconies.

The wind microclimate has been assessed and found to be acceptable.

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

PPS1 Sustainable Development

PPS3 Housing

PPG13 Transport

PPS25 Flood Risk

8.2 The London Plan (2011)

Policy 3.3 Increasing Housing Supply

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.6 Children and Young People's Play and Informal Recreation Facilities

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 3.10 Definition of Affordable Housing

Policy 3.10 Affordable Housing Targets

Policy 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes

Policy 3.13 Affordable Housing Thresholds

Policy 5.1 Climate Change Mitigation

Policy 5.2 Minimising Carbon Dioxide Emission

Policy 5.3 Sustainable Design and Construction

Policy 5.6 Decentralised Energy in Development Proposals

Policy 5.7 Renewable Energy

Policy 5.9 Overheating and Cooling

Policy 5.10 Urban Greening

Policy 5.11 Green Roofs and Development site Environs

Policy 5.12 Flood Risk Management

Policy 5.13 Sustainable Drainage

Policy 5.14 Water Quality and Wastewater Infrastructure

Policy 5.15 Water Use and Supplies

Policy 5.17 Waste Capacity

Policy 5.21 Contaminated Land

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Policy 6.1 Integrating Transport and Development Strategic Approach
Policy 6.3 Assessing Effects of Development on Transport Capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Building London's Neighbourhoods and Communities
Policy 7.2 An Inclusive Environment
Policy 7.3 Designing Out Crime
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture
Policy 7.7 Location and Design of Tall and Large Buildings
Policy 7.13 Safety, Security and resilience to Emergency
Policy 7.14 Improving Air Quality
Policy 7.29 The River Thames

8.3 London Borough of Tower Hamlets Unitary Development Plan 1998

DEV1 Design Requirements
DEV2 Environment Requirements
DEV3 Mixed Use Developments
DEV4 Planning Obligations
DEV12 Provision of Landscaping in Development
DEV13 Design of Landscaping Schemes
DEV46 Protection of Waterway Corridors
DEV48 Strategic Riverside Walkways and New Development
DEV55 Development and waste disposal
DEV56 Waste Recycling
DEV57 Development Affecting Nature Conservation Areas
DEV63 Designation of Green Chains
DEV64 Strategic Riverside Walkway Designation
DEV66 Creation of New Walkways
DEV69 Water resources
HSG1 Provision of Housing Development
HSG2 Location of New Housing Development
HSG3 Affordable Housing
HSG7 Dwelling mix and type
HSG8 Mobility Housing
HSG10 Density in New Development
HSG13 Standards for residential development
HSG16 Housing Amenity Space
T15 & 16 Transport and development
T24 Cyclists Needs in New Developments
U2 Consultation Within Areas at Risk of Flooding
U3 Flood Defences

8.4 London Borough of Tower Hamlets Core Strategy 2011

SP02 Healthy Neighbourhoods
SP03 Quality Urban Design within Places
SP04 Tall Buildings
SP08 Making Connected Places
SP09 Creating Attractive and Safe Streets and Places
SP10 Creating Distinct and Durable Places

SP12 Delivering Placemaking

8.5 Other Relevant Planning Policies & SPG's

Lower Lea Valley Opportunity Planning Framework
London Housing Design Guide

9. ASSESSMENT OF MAIN ISSUES

Principle of the Development

- 9.1 The site lies within an area of previously developed land and falls under the PPS3 definition of 'brownfield' land. This definition refers to "...land which is or was occupied by a permanent structure, including the curtilage of the developed land and any fixed surface infrastructure." PPS3 specifically identifies the re-use of such land as being the priority for housing development, taking into consideration material planning considerations to establish the appropriateness of the proposed development.
- 9.2 The site is within sub-area 14 Lower Lea Valley Opportunity Area Planning Framework which focuses on the strategic potential for change in the Blackwall and Leamouth areas. The sub-area has been identified for an increase in residential intensity of between 2380 and 2580 units. Of this capacity, it is stated that 500 units could be expected through the intensification of existing residential areas.
- 9.3 The site is located in an area of established residential development and is adjacent to an area with permission for high density residential led development. Essentially, the site borders the frontier between the phases of residential development that are occurring in this former maritime based industrial area. The principle of further residential development in this area is wholly acceptable.

Density

- 9.4 When considering whether the density of the development is appropriate for the site, Table 3.2 of the London Plan provides residential density ranges extrapolated from the Public Transport Accessibility Level (PTAL) of the site against the site's setting: is it suburban, urban or central in character? The application site is considered to fall within a central setting (as confirmed by the GLA) and has a PTAL of 2 (where 6 is excellent and 1 is very poor). Therefore, taking the density matrix found in Table 3.2 in isolation, the site would only achieve a residential density of between 300-650 habitable rooms per hectare. The proposal seeks a density of 988 habitable rooms per hectare. However, the London Plan explains how Table 3.2 should be applied at paragraph 3.28, stating that:

"It is not appropriate to apply Table 3.2 mechanistically. Its density ranges for particular types of location are broad, enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play."

- 9.5 This report expands upon the factors for consideration in determining whether the density ranges can be exceeded. It is the view of officers that the scheme is consistent with the local context, being a residential building of similar scale and density to that of the surrounding area. The design is considered to be appropriate

for the location and is discussed later in this report. The transport capacity of the site has been examined by both the Borough's Transportation officers and TfL who are both content that the scheme does not have a detrimental impact in transport terms. Other considerations such as social infrastructure, open space and play have been provided for and are discussed in this report.

9.6 As mentioned in the consultation section of this report, the GLA are satisfied that the proposal can be accommodated on this site.

Design

9.7 Policy 3.5 of the London Plan generally states that housing developments should be of the highest quality internally, externally and in relation to their context and wider environment. Policy 7.6 of the London Plan deals specifically with architecture and seeks that buildings should (1) be of the highest architectural quality, (2) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, (3) comprise details and materials that complement but do not necessarily replicate the local architectural character, (4) not cause harm to the amenity of surrounding land and buildings and (5) optimise the potential of sites, among other considerations.

9.8 The London Plan's position on tall buildings is expressed in policy 7.7 where it states that tall buildings should not have an unacceptably harmful impact on their surroundings. The policy also sets out the criteria against which tall buildings should be considered. These include considerations such as that tall buildings should only be considered in areas whose character would not be adversely affected by the scale, mass or bulk of a tall building; relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm; improve the legibility of an area by emphasising a point of visual significance; incorporate high quality materials; and have ground floor activities that provide a positive relationship to the street.

9.9 The Local Plan policy on design can be found in DEV1 which states that new development needs to be sensitive to the character of the surrounding area in terms of design, bulk, scale and use of materials; be sensitive to the development capabilities of the site, not resulting in over-development; take account on building lines, roof lines and street patterns; provide adequate access for disabled persons; be designed to maximise the feeling of safety and security; and to include proposals for external treatments and landscaping. Officers consider that the proposal responds to the policy requirements on design adequate and this is elaborated upon as follows.

9.10 The design of the building has evolved from a consideration of the surrounding context. Consideration of the neighbouring residential buildings has ensured that sufficient building separation distances have been established. To the east, Studley Court is between 24 to 29 metres away. To the north, Wingfield Court is between 18 to 22 metres away and has no windows facing the existing development (although it should be said that a separation distance of 18 metres between habitable room windows would be considered acceptable).

9.11 The surrounding building environment has also influenced the scale and bulk of the development. At 12 storeys, the height of the building is comparable to the highest elements of the surrounding developments. Additionally, the site boundary constraints have led to a slender building facing the River Thames. The combination

of the height and profile results in a building that blends into the surrounding built environment, rather than standing out as a marker building which would not necessarily be appropriate at this location. This is best illustrated in the verified view images contained at Appendix 5.

- 9.12 Taken collectively, the separation distances coupled with the scale and bulk create an environment that successfully encloses the Meridian open space. The structure creates a defined edge to the space which is successfully overlooked by the rhythm of balconies and large windows. This complements the existing Wingfield Court development by creating a more defined and open route from East India DLR station to the River Thames.
- 9.13 The design of the building itself does not attempt to replicate the surrounding residential buildings that are typical of the Virginia Quay development. Virginia Quay has a defined architectural style which marks the era of development. But this does not require the continuation of the existing theme nor is it necessary or relevant to re-apply the same architectural response to a new development. A more recent development located next to East India DLR station has already departed from the architectural style of the development, therefore the proposal is not the first development to offer a different design approach.
- 9.14 The building form is elongated and angular in both the overall shape and the punctuations of windows and balconies. This is demonstrated in the elevation details provided at Appendix 3. The predominant material used is a dark wire cut brick which emphasises the angular approach and provides clean lines to the building edges and openings. All building features are set on 90 degree angles that structure the repetition and rhythm of the design, particular features such as windows and balconies. In this respect, each of the windows and balcony doors have deep reveals creating a sill or ledge at each opening. This results in the angular design being broken up by each of the openings rather than presenting a flat and bland expanse of brick and glass.
- 9.15 The tower is defined by its southern façade and capitalises on the views overlooking the Thames by providing full width balconies and floor to ceiling height windows. Both the east and west facades of the tower benefit from full height windows to habitable rooms which are stacked vertically. The balconies are stacked mid way along the east and west facades and are only interrupted at floors four to six to accommodate and alternate internal layout. The north eastern corner of the tower is completely glazed between the fifth and tenth storeys where the stair core is located. This gives an added dimension to the trailing edge of the tower which will be seen when viewed on the approach from the DLR station. The tower is topped with two terraces stepped back from the southern elevation 6.4 metres at the 10th floor and 10 metres at the 11th floor. At its peak, a coloured glass parapet marks the maximum height of the development.
- 9.16 The lower levels to the north of the tower are more uniform in their appearance. The east and west façades have floor to ceiling height windows stacked vertically from first to third storeys. These storeys also introduce coloured glass rainscreen panels wrapping around the corner of the building from the northern to the eastern façade.
- 9.17 The ground floor is set in from the Meridian open space and is defined by the use of timber faced panels. This is also the location of the main entrance to the units, which is defined by large glazed double doors providing access to the ground floor

lobby. A secondary entrance is also provided on this façade and provides access to the cycle storage and refuse store. The southern portion of the ground floor is given over to a four bed unit which has its own private entrance from the Meridian open space as well as private space around its western and southern elevation. The refuse store has its main entrance to the car park adjacent to the north. The design and layout of the ground floor element provides animation to the public realm through entrances and openings while placing secondary access for such uses as refuse collection on the northern façade where the environment is more vehicle dominated.

9.18 The design of the building has taken into account the context of the surrounding area and as a result has not attempted to dominate or compete with adjacent developments. Although different in design and materials than the existing Virginia Quay buildings, the proposal is considered to provide a high quality standard of design that is consistent with the design criteria listed in policy 7.7 of the London Plan.

Housing

9.19 London Plan policy 3.3 sets out the Mayor's strategic housing targets for each Borough and seeks to enable development capacity particularly by realising brownfield housing capacity through intensification and renewal of existing residential area, among other considerations. Table 3.3 of the London Plan sets out the minimum space standards for new development.

9.20 Policy 3.8 of the London Plan seeks that new developments deliver a range of housing choices, including a mix of sizes and types, affordable family housing, Lifetime Homes standards and 10% of units designed to be wheelchair accessible.

9.21 The proposal initially offered the following housing:

	Private	Social	Intermediate	Total
1 bed	9			9
2 bed	8	2	2	12
3 bed	2	2		4
4 bed		1		1
Total	19 (73.08%)	5 (19.23%)	2 (7.69%)	26
Hab Rooms	51 (64.56%)	22 (27.85%)	6 (7.59%)	79

9.22 The scheme offers 35% affordable housing on a habitable room basis and is made up of seven units located on the ground, first and second floors. Of these units, five units are social rented and two intermediate accommodation. The social rented units are provided between a four bed unit at ground floor level, a three bed and two 2-bed units at first floor and a three bed unit at second floor level. The two intermediate units are located on the second floor and are two bed units.

9.23 The residential mix is broken down against London Plan targets as follows:

	1 bed	2 bed	3 bed	4 bed
Number	9	12	4	1
Percentage	34.61%	46.15%	15.38%	3.84%
GLA policy	32%	38%		30%

9.24 As discussed in the consultation section of this report, the applicant has

established the mix of unit types based on market analysis. On this basis, the residential mix is considered to be acceptable.

- 9.25 After running a viability appraisal, the applicant has now indicated that the scheme can only be delivered if all seven affordable units are based on an affordable rent model. This is also based on no grant availability and the low probability of an affordable housing provider taking on five social rented and two intermediate units.
- 9.26 The affordable rent model was introduced by way of an amendment to the Tenant Services Authority's Tenancy Standard to enable Private Registered providers of social housing to set affordable rents at up to 80% of the gross market rent including service charge. Research commissioned by Tower Hamlets indicates that the 80% of market rent model for the E14 postcode would equate to £239 per week for one bed units, £319 for two beds, £447 for three beds and £387 for four bed units. The research goes on to state that rent levels would only be considered affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three or more bed units. Therefore, the actual affordable rent levels would equate to £194 for one beds, £219 for two beds, £279 for three beds and £242 for four beds. Unusually, the rates for four bed units are lower than those for three bed units. This has been checked with Tower Hamlet officers and is correct.
- 9.27 The applicant has proposed affordable rent levels at a 50% across all unit sizes. By their calculation, the rent levels would be £220 for two bed units, £225 for three bed units and £230 for four bed units. These figures have been independently verified by Notting Hill Housing Association and the Corporation's own internal assessor as being satisfactory.
- 9.28 Tower Hamlets' position on affordable rent is that it should be a material planning consideration despite the Council not yet having the opportunity to reconsider or vary their policy in light of the recent changes. The indication from Borough Housing Officers is that they generally favour retaining the social/intermediate offer as new affordable rent levels have been shown to be unaffordable to local applicants when taken to 80% of their market level. It is therefore proposed that should the affordable rent model be adopted, the rent levels will be capped to affordable levels as demonstrated in the viability statement. This will be achieved by way of a Section 106 agreement.
- 9.29 All two bed or larger units meet the Mayor's Housing Design Guidance in terms of unit and room sizes. However, as stated in the consultation section of this report, six 1-bed units do not meet the standards of 50sqm, each being only 40sqm. Considering that all these units are private sale, are oriented either east or west, have private balconies and represent a small proportion of the total number of residential units, it is considered by officers that this shortfall in size is acceptable in this instance.
- 9.30 The four bed unit at ground floor level and the two 2-bed units at first floor level are designed to be wheelchair accessible. In accordance with Lifetime Homes standards, each of these units is designed with 750mm clearance either side and from the foot of beds in master bedrooms. All other bedrooms have a 750mm clearance from one side and the foot of beds. Each bathroom within the wheelchair accessible units meeting Lifetime Homes standards by providing a clear zone of 1100mm by 700mm alongside the bath and providing level access and 1500mm wheelchair turning circles.

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- 9.31 Of the 26 units proposed for the development, 14 are dual aspect and six are triple aspect. The triple aspect units include three of the social rented units being the four bed and two 3-beds.
- 9.32 All units have access to at least one private balcony. Each of the two bed units has access to two private balconies and the three bed duplex located on the 10th and 11th floor has two private roof terraces. The ground floor four bed unit has two areas of private space and a separate private access.
- 9.33 Overall, the housing offer provided by this development is considered to be acceptable.

Open Space and Amenity Areas

- 9.34 The Mayor's Housing Design Guide seeks a private outdoor space allocation of 5sqm per one or two person dwelling and 1sqm further space for each additional person per unit. In this respect, only the two bed units (having two balconies of 4.5sqm each) and the duplex unit exceed these standards. However, this shortfall is considered to be offset by the amount of communal open space, which is explained below.
- 9.35 Policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy HSG16 of the UDP all seek that developments provide amenity space within their curtilage.
- 9.36 The scheme provides two areas of communal open space. On the western side of the building at ground floor level is a 127sqm area of landscaping that includes tree planting, shrubs, paving, outdoor furniture and a play area. In addition to this, the fourth floor has a decked terrace area measuring 80sqm in area for those units located on the third floor and above. The separation of the access is based on the split in lift cores between private and affordable units, as both tenures have private lobbies within the ground floor. The preference cited by the applicant is that the affordable units on the lower floor do not have access to the roof terrace and the management and caretaking of this space would not be feasible given the small size of the scheme. This view is supported in a letter from One Housing Group who state that they would potentially be interested in acquiring the seven affordable units, however the management and control of the fourth floor terrace use is their main concern. Therefore, the separation of the terrace space is not considered to be unreasonable given the large area of open space provided at ground for level.
- 9.37 Collectively, this 207sqm is considered to provide sufficient open space for residents to enjoy outdoor space within the curtilage of the development. Additionally, the surrounding open space should also be taken into account, particularly the pocket park to the north within the Virginia Quay development and the expanse of riverside walkway that provides a unique space for all residents to enjoy. The pocket park is managed by Toynbee Housing Association and its use is unrestricted subject to the opening times of 7am to 8pm April to September and 7am to 7pm October to March.
- 9.38 Policy 3.6 of the London Plan requires housing proposals to make provision for play and informal recreation based on expected child population. The GLA's Supplementary Planning Guidance *Providing for Children and Young People's Play and Informal Recreation* clearly sets out that play space should be provided for under five year olds within 100 metres from residential units, 400 metres for five to 11 year

olds and 800 metres for 12 years or over. The proposal provides play space for under five year olds in the ground floor communal space. In the Stage 1 response, the playspace was highlighted as being less than the 45sqm required for the child yield calculated for the development and therefore the quality of the playspace is essential. The details of the playspace will therefore be secured by a separate condition.

9.39 Although the site does not provide any playspace for children over five years old, the surrounding area contains existing facilities that the development intends to utilise, namely the Multi Use Games Area and play facilities 100 metres to the north west. Tower Hamlets has indicated in their consultation response that they have no objection to the scheme in principle subject to an agreement being reached between the developer and the applicant allowing residents of the proposal to use these areas of open space with its facilities. In this respect, the applicant has indicated in a letter dated 19 September that such an agreement has been reached and written confirmation of this agreement will be provided at a later date.

9.40 The London Plan seeks through Policy 5.11, that development proposals include roof, wall and site planting, especially green roofs where feasible. Although the proposed development occupies an area of planting within the site, it is considered that the proposal provides a net gain in ecological value. This is delivered through the planting of replacement trees along the western boundary, new planting and lawn areas in the communal area on the western side of the development, new low planting and 'grasscrete' in the car parking area and sedum roofs to be provided on all roof areas including the fourth storey communal terrace (total area 115sqm). The applicant has committed to appointing an ecologist in order to recommend species mix in all planting. In response to comments from Tower Hamlets, a Black Redstart survey will be undertaken prior to the construction with suitable mitigation measures implemented where necessary. These two points are to be secured by condition.

9.41 Concerns have been expressed by local residents that an area of open space within the development site is to be built upon. However, this open space is not usable in practical terms due to its location between the car park, wall and wider Meridian open space. In ecological terms, its loss is more than offset by the landscaping proposals put forward by this scheme which will provide better practical use and aesthetic than the site in its current condition.

Transport

9.42 Policy 6.1 of the London Plan seeks to encourage a closer integration of transport and development by encouraging patterns and nodes of development that reduce the need to travel, seeking to improve accessibility of public transport, walking and cycling, supporting development that generates high levels of trips at locations with high public transport accessibility and supporting measures that encourage shifts to more sustainable modes, among other considerations. These policy objectives are supported at a local level through policies T16 of the UDP and policy SP09 of the Core Strategy.

9.43 The site achieves a PTAL of 2 which is considered to be low. Despite this low rating, the location of East India DLR station is significant given the linkages this route provides between central London, Canary Wharf, Canning Town, Stratford and other locations on the DLR network. The submitted Transport Assessment has shown that the DLR has sufficient capacity to accommodate the increase in local population generated by the scheme and this has been confirmed by TfL. With this

point in mind, officers consider that the low PTAL rating would not necessarily translate into a low desirability for public transport over the private vehicle, particularly when the public transport options offer convenient connections to locations such as Canary Wharf, Stratford and the City. In this respect, a scheme of this density is considered to be appropriate for the location in transport terms.

- 9.44 In terms of parking, Policy 6.13 of the London Plan, policy SP09 of Tower Hamlets Core Strategy and policy DEV19 all are consistent in setting out the maximum parking standards. However, there are no policies that protect the loss of parking apart from those that require the allocation of disabled parking bays. A revised car parking layout has been submitted which allows access to the gated parking area of Wingfield Court, provides one disabled parking bay and five standard bays. It is understood that the applicant is required by private agreement to provide six spaces allocated to residents of the wider Virginia Quay estate. The applicant has therefore suggested that all six bays be provided as re-provided allocated bays and that the disabled bay can be used should one of the proposed units require it. The justification for such an approach is that the scheme should be considered as a car-free development and that this approach is supported by Tower Hamlets policies SP03 and SP09 which both promote car free development. Tower Hamlets have been clear in this respect, stating in a letter dated 7 October 2011 that *"It would not be considered acceptable to have a vehicle parking space that is owned separately from the development and provided as an adaptable disabled parking space."* The letter goes on to suggest a condition that will retain the disabled bay for blue badge holder use at all times.
- 9.45 In balancing these two positions on car parking, it is considered appropriate to provide for the disabled parking bay and condition its demarcation along with access to the Wingfield Court car park. Planning Standard No.3 of Tower Hamlets UDP states *"A number of spaces in closest proximity to ...[the]... main entrance of any building development should be reserved for people with disabilities."* The applicant's argument that a demand based disabled parking bay reflects a desire for car-free development does not reflect the principles behind such policies. The disabled parking allocation is provided for those who require special bays for ease of access, particularly when other forms of transport may impede their options for travel. The proposal would give priority to able bodied persons using the bays for no other reason than a separate requirement to re-provide such bays to third parties. Had such an agreement not been in place, it is highly unlikely that this matter would be at issue. The proposal also gives no assurance that an allocated bay will be given up in the event that it be required as a disabled bay.
- 9.46 None of the unallocated bays on site are intended to be re-provided. This approach to the development of the car park area is considered to be acceptable and in line with adopted maximum parking standards. This has been confirmed to be acceptable by the Borough's highway officers and TfL.
- 9.47 Access to the gated car parking area for Wingfield Court is gained through the northern part of the site. The revised parking layout has shown that this access is to be maintained. The applicant has also confirmed that the access falls under the applicant's ownership and with this control over this land. As mentioned previously, a condition will be imposed to secure details of the parking arrangements including access to the adjacent Wingfield Court car park. This is condition 7 in section 11 of this report.
- 9.48 It has been suggested by TfL that residents of the proposed development be

prohibited from gaining street on-parking permits. Although this is a common requirement for car-free development, the surrounding roads are not adopted and are privately maintained. Therefore, it would not be possible for the local highway authority to enforce any such controls over the street network in Virginia Quay. However, the Council's highway officers have confirmed that the Borough-wide overnight parking stress survey returned a figure of 32%. On this basis they consider that even if the road network were adopted highway, it would be unlikely that a permit free agreement could be secured on the grounds of existing parking stress.

- 9.49 Policy 6.9 of the London Plan seeks that developments should provide secure, integrated and accessible cycle parking facilities in line with the standards contained within Table 6.3. This states that residential dwellings shall provide one cycle space per one or two bed unit and two spaces per three or more bed units. The proposal delivers 31 cycle bays within a secure store located on the ground floor. This storage and proportion is considered to be acceptable.
- 9.50 Delivery and servicing for the scheme is provided from Newport Avenue through the parking area. The swept path analysis of various vehicles accessing the site is found at Appendix 7 and shows that vehicles are required to reverse into the site in order to leave in forward gear. While this is not an ideal situation, it is not considered to be sufficiently poor in highways terms to warrant investigation of further servicing options. The current arrangement is the only point of access for vehicles to the scheme and therefore it is unlikely that servicing could be achieved without having to reverse into the development in any case. The short reversing distance along with the uncomplicated alignment that vehicles will be required to negotiate should also be considered. On this basis, the on site servicing arrangements are considered to be appropriate.

Daylight/Sunlight

- 9.51 Policy 7.7 with regard to tall buildings states that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, glare and should not affect local or strategically important views.
- 9.52 The applicant has provided a daylight and sunlight report that assesses the amount of daylight and sunlight received in Wingfield Court, Studley Court and Wotton Court. The consented, but as yet unbuilt, scheme on the adjacent site to the west has also been assessed. The assessment has been undertaken against the *Site Layout planning for Daylight and Sunlight: A Good Guide to Practice (2011)* which provides the results of the effect on daylight in terms of the tests used in the BRE guidelines.
- 9.53 Wingfield Court is analysed to have 88 windows having an outlook over the site. Of these units, 89% are considered to satisfy and exceed the BRE guideline for Vertical Sky Component and this percentage increases to 99% when taking BRE Daylight Distribution tests into account. The 11% of units that experience a loss in Vertical Sky Component are made up of six windows at ground floor level and four windows at first floor level. However, the context is also considered in the analysis, specifically that Wingfield Court presently enjoys a relatively unobstructed outlook over the site and therefore any meaningful building or structure will have a disproportionate effect on sunlight and daylight tests. It should also be noted that all but two units are dual aspect and the alternate window is not affected by the development. Therefore, it is only these two single aspect units that experience a true loss beyond BRE recommendations. The balconies of Wingfield Court are deep

and triangular in shape. Therefore, the canopy effect of the projecting balconies significantly reduces the angle from which light is available, which disproportionately affect the results of the analysis.

- 9.54 South facing windows in Wingfield Court fall within the BRE sunlight criteria as they face within 90 degrees of due south. The results of the sunlight analysis indicate that all windows satisfy the BRE Guidelines on Annual Probable Sunlight Hours, although three windows will experience a loss in winter sunlight beyond BRE Guidelines. Of these three windows, two serve one room and one serves a separate room. It should be noted that these two rooms each have four windows in total.
- 9.55 All units within Studley Court satisfy Vertical Sky Component BRE Guidelines.
- 9.56 The west elevation of Studley Court faces south west so has been tested against BRE sunlight criteria. It should be noted that the westerly orientation of this elevation is only capable of receiving just over half of the available amount of sunlight. However, the results of the sunlight analysis demonstrate that even when taking the western orientation into account, almost all of the windows satisfy BRE sunlight standards. Some loss of sunlight has been found in those units that are already overshadowed by the wing of Wotton Court.
- 9.57 The daylight test conducted on the approved scheme to the west found that all rooms comfortably exceed the BRE Guidelines. The east facing units within this scheme do not face within 90 degrees of due south and were therefore not tested.
- 9.58 The report concludes that there is a loss of daylight and sunlight to some of the neighbouring residential buildings however on the whole, the design of the development is such that daylight and sunlight is able to pass around the building due to its slender southern profile.
- 9.59 An objection to the application has noted that the assessment of daylight and sunlight needs to take into account the second edition 2011 BRE guidelines rather than the 1991 addition. At the time of the application submission the 1991 guidance was relevant however since the second edition is now in place, the applicant has reviewed the assessment in this regard. The findings are that under the 2011 edition of the BRE guide, the results would not materially alter. The update explains that the 2011 edition has added consideration of "*areas with modern high rise buildings*" to address concerns regarding the rigid application of the standard numerical target values like the subject application site. The 2011 edition also acknowledges that for windows beneath balconies "*even a modest obstruction opposite may result in a large relative impact*". The updates guidance suggests that an additional calculation without the balcony in place would demonstrate if the presence of the balcony, rather than the size of the obstruction, is the main factor in the relative light loss. This approach has been carried out in the original daylight and sunlight report.
- 9.60 The assessment methodology and criteria for impact on daylight has not changed in the second edition. Therefore, the results of the original assessment still stand.
- 9.61 There is a slight change in assessment methodology for sunlight which now says that the calculation point may be taken on the outside face of the wall rather than on the inside face. Therefore, if sunlight calculations are recalculated to in line with 2011 guidance, the change would result in an increase in both existing and proposed conditions.

Wind Microclimate

9.62 The applicant has provided a wind microclimate assessment that concludes that the conditions around the proposed development are likely to be similar to the existing conditions, in the 'standing' or 'strolling' range, as defined under the Lawson Comfort Criteria. The assessment states that even when taking the adjacent consented scheme to the west into account, the proposal is likely to result in a positive impact on the east side of the development and non-significant elsewhere.

Sustainability and Energy

9.63 Policies 5.2, 5.3, 5.4 and 5.7 of the London Plan, policy SP11 of the Core Strategy and policies DEV5 and DEV6 of Tower Hamlets UDP all require developments to incorporate energy efficient design and utilise low carbon and renewable energy technology in order to minimise the carbon emissions associated with the development.

9.64 The applicant has employed an energy strategy approach in accordance with the GLA energy hierarchy. The total provision leads to a 25.9% reduction in carbon emission which meets London Plan policy 5.2. However, this has been achieved without the provision of any onsite renewable technology. The applicant has confirmed that a CHP plant will be located at basement level which has made many renewable energy technologies inappropriate as the heat requirement has already been provided. The applicant has stated that they have excluded the provision of any renewable technologies as this would produce excess electrical demand with no benefit to occupiers and a significant cost. This excess electrical demand is not eligible to claim Government tariffs on providing electricity to the National Grid as the CHP is too small.

9.65 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the development. Both air permeability and heat loss parameters will be improved beyond minimum building regulation requirements. Other measures include mechanical ventilation with heat recovery and efficient lighting.

9.66 A Code for Sustainable Homes pre-assessment has been submitted and indicates that all homes will be designed to meet Code Level 4. This will be secured by condition.

10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The scheme before Members delivers 26 residential units in a corner of Virginia Quay facing the River Thames. The scheme has been designed in such a way as to take into consideration the existing and future site constraints and from this established an acceptable scale and bulk in terms of its appearance, overshadowing and microclimate.

10.2 The design also offers an alternative to the continuous theme within the Virginia Quay development. The slender tower, angular nature, dark brick, inset windows and rows of balconies create an acceptable building that does not attempt to compete with the surrounding development.

10.3 The scheme offers a range of units in terms of their mix, size and tenure. Most

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units benefit from dual aspect orientation, all units have private balcony space and access is provided to a generous amount of communal space including play space for under five year olds.

10.4 Members will be aware that in coming to planning decisions, the decision should be made in accordance with the provisions of the development plan unless other material planning considerations indicate otherwise. This is enshrined in Section 70(1) of the Town and Country Planning Act 1990 where it states:

“In dealing with ... an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

And s.38(6) of the Planning and Compulsory Purchase Act 2004, which provides that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Where there are no relevant policies it is for the decision maker to balance the various material considerations. The objections from local residents both by letter and petition are detailed in this report and fully responded to. In this case, degree to which the development conforms to relevant policy taken together with its benefits are considered to clearly outweigh any perceived harm. This has been supported by the statutory consultation responses which raise no significant objections.

RECOMMENDATION

Committee is recommended to **GRANT PLANNING PERMISSION** subject to:

- Referral to the Mayor of London for his Stage 2 determination
- The satisfactory completion of a Section 106 legal agreement to secure the following:
 - A financial contribution based on LTGDC's Section 106 Planning Obligations Community Benefit Strategy to mitigate the impact of the development on infrastructure and community facilities.
 - 35% affordable affordable housing calculated by habitable rooms with a minimum ratio in favour of social rental housing to intermediate housing as 70:30, OR seven affordable rent units including a cap on rent to local affordable levels.
 - Initiatives to use reasonable endeavours to employ local people during the construction of the development
 - Electricity Energy Strategy
- The conditions listed in section 11 of this report.

In coming to their recommendation to committee, Officers were satisfied that the community benefits under the proposed section 106 agreement meet the statutory tests

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prescribed in regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

11. CONDITIONS AND REASONS

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

Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990

2. The details to be implemented in accordance with the following details unless otherwise approved in writing by the Local Planning Authority.

675_PL_GA_099 Proposed Site Plan
675_PL_GA_100 Proposed Basement Plan
675_PL_GA_101 rev A Proposed Ground Floor Plan
675_PL_GA_102 rev C Proposed First Floor Plan
675_PL_GA_103 rev A Proposed Second + Third Floor Plan
675_PL_GA_104 rev A Proposed Fourth + Fifth Floor Plan
675_PL_GA_105 rev A Proposed Sixth – Ninth Floor Plan
675_PL_GA_106 rev A Proposed Tenth + Eleventh Floor Plan
675_PL_GE_120 Proposed East Elevation
675_PL_GE_121 Proposed South Elevation
675_PL_GE_122 Proposed West Elevation
675_PL_GE_123 Proposed North Elevation
675_PL_GS_130 Proposed Section AA

Reason: To ensure that the development is implemented in accordance with the approved drawings.

3. Prior to the commencement of the development hereby permitted, full details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i) samples and specifications of all proposed external materials;
- ii) samples and specifications of all proposed windows and balcony door treatment, including methods of opening; and
- iii) details of fixings and material junctions

The approved details shall be implemented in full thereafter.

Reason: To ensure that the development is constructed to a high architectural quality and in accordance with DEV1 of the London Borough of Tower Hamlets Unitary Development plan and policies 7.6 and 7.7 of the London Plan.

4. Prior to the commencement of the development hereby permitted, details of all landscaping and a landscaping management plan shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include reference to plant species types, surface treatments, fences and walls, screening arrangements for the fourth storey terrace, planting arrangements to address any localised microclimate matters, any signage and information boards together with the means of on-going maintenance for a five year period. The approved landscaping scheme shall be implemented by the first planting season after the development commences and shall be carried out in accordance with the approved details of the scheme.

Reason: To ensure that a high standard of landscaping is implemented and maintained and in accordance with policies DEV12, DEV13 and HSG16 of the London Borough of Tower Hamlets Unitary Development Plan and policies 7.5 and 7.21 of the London Plan.

5. Prior to the commencement of the development hereby permitted, a Black Redstart survey shall be undertaken and the results reported to the Local Planning Authority. If Black Redstarts are found to be present on site, suitable mitigation shall be agreed in writing with the Local Planning Authority prior to the commencement of any works on site and no demolition or clearance shall take place during nesting season from April to August.

Reason: In the interest of maintaining the ecological value of the site by securing a potential existing bird population, in accordance with 7.19 of the London Plan.

6. Prior to the commencement of the development hereby permitted, full details of the children's play area shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that the child play space is delivered and maintained to an acceptable standard in accordance with policy HSG16 of the London Borough of Tower Hamlets Unitary Development Plan and policy 3.6 of the London Plan.

7. The proposed car parking layout, as shown on plan number 675_PL_GA_101 rev C shall include one disabled parking space marked out and retained for blue badge holders residing in the proposal at all times. Access to Wingfield Court car park shall be maintained at all times.

Reason: To ensure sufficient parking and access is maintained and in accordance with policies T15, T16 and T17 of the London Borough of Tower Hamlets Unitary Development Plan.

8. Prior to the first occupation of the development hereby permitted, the approved cycle storage area containing 31 bays shall be implemented in full and permanently maintained for cycle storage for the lifetime of the development.

Reason: To ensure that the adequate cycle storage is available to future residents upon the occupation of the development and permanently thereafter, in accordance with policy T24 of the London Borough of Tower Hamlets Unitary Development Plan and policy 6.9 of the London Plan.

9. Prior to the first occupation of the development hereby permitted, the approved refuse storage area shall be implemented in full and permanently maintained for the

purposes of waste disposal for the lifetime of the development.

Reason: To ensure that the adequate refuse storage facilities are available to residents upon occupation and permanently thereafter, in accordance with policies DEV55 and DEV56 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.7 of the London Plan.

10. Prior to the first occupation of the development hereby permitted, a site waste management plan shall be submitted to and approved in writing. The approved details of the plan shall be implemented in full thereafter.

Reason: To provide adequate measures for the disposal of waste, in accordance with policies DEV55 and DEV56 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.7 of the London Plan.

11. Prior to the first occupation of the development hereby permitted, the applicant shall submit the final Code for Sustainable Homes Assessment, verified by the awarding body (Building Research Establishment) under the Code for Sustainable Homes certification scheme, showing that the development phase will achieve a minimum of Code Level 4. The development shall be implemented in accordance with the approved details thereafter.

Reason: To ensure that sustainability measures have been implemented into the development, in accordance with policy 5.3 of the London Plan.

12. All residential units development hereby approved shall comply with Lifetime Homes standards and 10% of such accommodation shall be accessible by wheelchair users or easily adaptable to such use.

Reason: To ensure that the appropriate level of accessibility is achieved within the development, in accordance with policy HSG8 of the London Borough of Tower Hamlets Unitary Development Plan and policy 7.2 of the London Plan.

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (a) Building, engineering and other operations to be carried out only between the hours of 0800 and 1800 Monday to Friday, 0800 to 1300 Saturdays and shall not be carried out at any time on Sundays or Public Holidays
- (b) Noise and vibration controls
- (c) An air quality and dust management plan
- (d) Surface/foul water drainage plans and associated control measures
- (e) Recycling plan for waste and material reuse
- (f) Details of wheel washing facilities to prevent the carriage of mud and material onto the public highway
- (g) A construction traffic logistics plan, including details of on-site construction parking, delivery arrangements and routing.

The construction of the development shall thereafter be implemented in accordance with the approved Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

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Reason: In the interests of the local residential amenity and in accordance with policies DEV2 and DEV50 of the London Borough of Tower Hamlets Unitary Development Plan.

14. No crane or other structures used in the construction of the tower shall exceed the highest point of the tower unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of aviation safety

15. Prior to the commencement of the development hereby permitted, a full and detailed application for the Secured by Design award scheme shall be submitted for the written approval of the Local Planning Authority, indicating how the principles and practices of the aforementioned scheme are to be incorporated where practical. The development shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that Secured by Design principles are implemented into the development as far as reasonable and in accordance with policies DEV1 and DEV4 of the London Borough of Tower Hamlets Unitary Development Plan and policy 7.3 of the London Plan.

16. Prior to the commencement of any works on site, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- (a) A preliminary risk assessment which has identified:
 - i) All previous uses
 - ii) Potential contaminants associated with those uses
 - iii) A conceptual model of the site indicating sources, pathways and receptors
 - iv) Potentially unacceptable risks arising from contamination at the site
- (b) A site investigation scheme, based on (a) to provide information for a details assessment of the risk to all receptors that may be affected, including those off site.
- (c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works setout in the remediation strategy (c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in full thereafter.

Reason: To protect the quality of controlled waterways and in accordance with policies DEV22 and DEV51 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.21 of the London Plan.

- 12 Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To protect the quality of controlled waterways and in accordance with policies DEV22 and DEV51 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.21 of the London Plan

- 13 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved thereafter.

Reason: To protect the quality of controlled waterways and in accordance with policies DEV22 and DEV51 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.21 of the London Plan

- 14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details thereafter.

Reason: To protect the quality of controlled waterways and in accordance with policies DEV22 and DEV51 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.21 of the London Plan

- 15 Prior to the commencement of the development hereby permitted, detail of oil and petrol filters to be installed in drainage off vehicle parking areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full thereafter.

Reason: To protect the quality of controlled waterways and in accordance with policies DEV22 and DEV51 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.21 of the London Plan

- 16 Prior to the commencement of the development hereby permitted, details of rainwater harvesting tank and system shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full thereafter.

Reason: In order to mitigate water usage and in accordance with policy DEV69 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.15 of the London Plan.

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- 17 Prior to the commencement of the development hereby permitted, details of low flow water devices in all residential units shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full thereafter.

Reason: In order to mitigate water usage and in accordance with policy DEV69 of the London Borough of Tower Hamlets Unitary Development Plan and policy 5.15 of the London Plan.

- 18 Prior to the commencement of the development hereby approved, full details of CHP air pollution abatement technology shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: In the interests of air quality, in accordance with policy 7.14 of the London Plan

- 19 Plant noise generated shall not exceed 10dB below background levels at any residential property in or around the development.

Reason: In the interests of residential amenity, in accordance with policy DEV50 of the London Borough of Tower Hamlets Unitary Development Plan.

12. INFORMATIVES

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 The development is advised that crane operators should be aware of British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).

CASE OFFICER: Stephen Allen

Appendix 1: Site Location Plan

Appendix 2: Proposed Site Layout Plan

Appendix 3: Proposed Elevations

Appendix 4: Materials

Appendix 5: Verified Views

Appendix 6: Tenure Allocation

Appendix 7: Swept Path Analysis

Appendix 8: Objector Submission