

24 November 2015

**34-40 White Church Lane & 29-31 Commercial Road****in the London Borough of Tower Hamlets****planning application no. PA/15/02527****Strategic planning application stage 1 referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road. Redevelopment of the site consisting of erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with the basement, new public realm, cycle parking and all associated works.

**The applicant**

The applicant is **David Abraham Partnership** and the agent is **Nathanial Lichfield & Partners**.

**Strategic issues**

The principle of high density mixed-use development is supported in strategic planning policy. However, further information and discussion is required on **housing, children's playspace, affordable housing, urban design, inclusive access, transport and sustainable development** to ensure compliance with London Plan policies.

**Recommendation**

That Tower Hamlets Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 78 of this report; but that the possible remedies set out in that paragraph could address these deficiencies.

**Context**

1 On 15 October 2015 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 25 November 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1C of the Schedule to the Order 2008:

- 1C – “Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London.”

3 Once Tower Hamlets Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

5 The proposal relates to a site at 34-40 White Church Lane and 29-31 Commercial Road. The site is approximately 0.4 hectares and currently comprises 3-4 storey buildings including retail units, a café and residential accommodation above.

6 The site is bounded by Assam Street to the north, White Church Lane to the west and the A13 Commercial Street to the south, with developed buildings to the east. Commercial Street and A11 Whitechapel Road, 115m to the north are both part of the Transport for London Road Network (TLRN) with Aldgate High Street the closest part of Strategic Road Network (SRN), approximately 450m to the west.

7 The site is served by 12 bus routes within a reasonable walking distance along the main road corridors. The nearest bus stop is located on Commercial Road. The site therefore records a public transport accessibility level (PTAL) rating of 6b, where 1 is the highest and 6b the lowest. This means that the site is exceptionally well connected.

8 The site sits within the boundary of the City Fringe Opportunity Area Planning Framework (OAPF), in the Aldgate sub-area and is adjacent to a Grade 2 listed building, the old brewery.

## Details of the proposal

9 The proposed development comprises the demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and redevelopment with a mixed-use scheme composed of commercial floorspace (B1/A1/A2/A3) and a range of residential units (C3), as well as a new public realm, cycle parking and all associated works. The proposal will provide 155sq.m. of commercial floorspace at ground floor level and 42 residential units located between the first and eighteenth floors.

## Case history

10 A pre application meeting to discuss the redevelopment of 34-40 White Church Land and 29-31 Commercial Road was held with GLA officers on 17 February 2015. The advice issued by GLA officers stated that the principle to include residential and commercial uses as part of a high density mixed-use development proposal is supported in line with in the London Plan and draft emerging City Fringe OAPF. Notwithstanding this, the applicant was advised to address a number of issues relating to housing, children’s playspace, urban design, inclusive design, sustainable development and transport.

11 A follow up meeting was held on 1 July 2015 to further discuss issues raised at the previous meeting. Further discussions were held regarding the public space and affordable housing.

## **Strategic planning issues and relevant policies and guidance**

12 The relevant issues and corresponding policies are as follows:

- Employment *London Plan*
- Housing *London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG; Shaping Neighbourhoods: Character and Context SPG*
- Affordable housing *London Plan; Housing SPG; draft interim Housing SPG; Housing Strategy;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG; Housing SPG; Shaping Neighbourhoods: Play and Informal Recreation SPG*
- Strategic views *London Plan; London View Management SPG*
- Inclusive access *London Plan; Shaping neighbourhoods Accessible London: achieving an inclusive environment SPG;*
- Transport *London Plan; the Mayor's Transport Strategy; Mayoral Community Infrastructure Levy; Crossrail SPG*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

13 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Tower Hamlets Core Strategy (2010), the Tower Hamlets Managing Development Document (2013) and the London Plan (2011).

14 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance
- The City Fringe Opportunity Area Planning Framework (November 2015)
- Tower Hamlets Core Strategy (September 2010)
- Tower Hamlets Managing Development Document (April 2013).

## **Principle of development**

15 The site is within the City Fringe Opportunity Area and as per London Plan Policy 2.13 should seek to maximise residential and non-residential output and densities and contain a mix of uses. In particular, development proposals are expected to integrate with the surrounding area to support wider regeneration and improvements to environmental quality. Annex 1 of the London Plan states that new developments in the City Fringe Opportunity Area have the scope to deliver an indicative capacity of 70,000 new jobs and a minimum of 8,700 new homes.

16 The proposal to include residential and commercial uses as part of a high density mixed-use development proposal is supported in line with the London Plan and the City Fringe OAPF. The ongoing supply and type of employment floorspace within the City Fringe Opportunity Area is a strategic issue and is specifically addressed in the next section.

## Employment

17 The proposals are within the area identified by the City Fringe OAPF as the “outer core” area of the City Fringe. The City Fringe OAPF recognises that demand from small and medium sized enterprises (SMEs) is expected to continue in this area and demand from the expanding digital-creative cluster expected to increase over the medium-long term. Furthermore, it is recognised that the ongoing provision of leisure uses throughout the City Fringe are key to supporting this growth.

18 As the application involves demolition of existing employment floorspace, it is expected that a similar quantum be reprovided in any scheme. The proposals include the reprovion of 155sq.m. net internal area of flexible floorspace, and it is anticipated it will be accommodated by a restaurant/cafe. The site currently provides 518sq.m. of gross internal area of employment floorspace. Whilst the figures provided do not enable calculation of the overall loss/gain of employment floorspace, GLA officers have assumed that there will be an overall loss of employment floorspace. However, the applicant contends that the new development will be capable of supporting eight full time jobs based on the assumed job density of 18sq.m. per full time employees, and this represents an uplift on the current building which only has three full time and one part time employees.

19 The use of the ground floor for commercial purposes is welcome. Given the constraints of the site and the provision of the new public open space the level of commercial reprovion is reasonable. A cafe/restaurant use would relate well to the proposed open space and could also improve active frontages onto White Church Lane and partly to Assam Street.

## Housing

20 London Plan Policy 3.3 seeks to increase London’s supply of housing and in doing so sets a London-wide housing delivery target of at least 42,000 additional homes per year up to 2025. Table 3.1 of the London Plan sets borough annual average housing supply monitoring targets, of which Tower Hamlet’s is 3,931 additional homes per year between 2015 and 2025. The provision of 42 units on this site would represent an uplift of residential units and as such would be a welcome contribution towards meeting London’s housing need and is supported in line with London Plan Policy 3.3.

21 London Plan Policy 3.8, together with the Mayor’s Housing SPG, and the Housing Strategy, seek to promote housing choice and a balanced mix of unit sizes in new developments. The indicative mix submitted by the applicant is detailed below.

Type	Number	Percentage
Studio	8	19%
1-bed	16	38%
2-bed	14	33%
3-bed	4	10%
<b>Total</b>	<b>42</b>	<b>100%</b>

22 The proposal is dominated by smaller units, with only 10% having three bedrooms. Given the site’s location and the advice in the draft Housing SPG this mix is considered to be acceptable.

## Density

23 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in the London Plan Chapter 7 and the public transport capacity. Table 3.2 provides density guidelines in support of this. The site has a public transport accessibility level (PTAL) of 6(a) and has characteristics of a central setting, as defined by the London Plan and therefore has a density range of 140-405 units/ha or 650-1100 habitable rooms/ha.

24 The proposal has 42 units/98 habitable rooms on a site of 0.04 hectare. This equates to 1050 units/ha and 2450 habitable room/ha, although it is acknowledged that a tower development on such a relatively small site is always going to produce relatively high density figures. Notwithstanding this, and despite the densities indicated by Table 3.2 being intended as a guide and not to be applied mechanistically, the current proposals are well in excess of these guidelines. Mindful of the urban design and residential quality assessments below, GLA officers are of the view that the proposed residential density is acceptable in strategic planning terms.

## Residential quality

25 London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. As of 1 October 2015 the Government's technical housing standards came into effect. The Mayor intends to adopt the new technical guidance through a minor alteration to the London Plan. In advance of this the Mayor has released a policy statement setting out that from 1 October 2015 the relevant London Plan policy and associated guidance in the Housing SPG should be interpreted by reference to the nearest equivalent new national technical standard.

26 The planning statement indicates that all units are dual aspect, all units apart from studio units will be provided with private amenity space, there are an acceptable number of units per core, and all units meet the minimum space standards set out at Table 3.3. These proposed residential elements are welcomed by GLA officers. Tower Hamlets Council should include a condition to secure the proposal is designed to meet the governments technical standards.

## Children's play space

27 Policy 3.6 of the London Plan sets out that "development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Shaping Neighbourhoods: Play and Informal Recreation' it is anticipated that there will be approximately 8 children within the development. The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child playspace provided on-site. However the Shaping Neighbourhoods SPG also states that only developments that will house 10 or more children should make provision for play and informal recreation.

28 As stated above it is anticipated that this proposal will generate approximately 8 children. Given this it is welcome that the applicant is providing playspace on site. It is understood that the playspace will be for children 5 and under with any older children to access facilities off-site. The off-site facilities located within the vicinity of the site are Altab Ali Park; Chaucer Gardens (Goodman's Field); and, 52-58 Commercial Road, 4 Aldgate Place and 5 Braham Street. These available parks and open space meet the distance criteria set out in Table 4.2 of the SPG.

29 Further information should be provided regarding the type of playspace and equipment to be provided on site prior to referral back to the Mayor. This should be agreed with Council and secured by way of planning condition.

## **Affordable housing**

30 London Plan Policy 3.12 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so each council should have regard to its own overall target for the amount of affordable housing provision. This target should take account of the requirements of London Plan Policy 3.11, which includes the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale.

31 While the Mayor has set a strategic investment benchmark that across the affordable rent programme as a whole rents should average 65% of market rents, this is an average investment output benchmark for this spending round and not a planning policy target to be applied to negotiations on individual schemes.

32 Policy 3.12 is supported by paragraph 3.71, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit or other recognised appraisal methodology is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified. Paragraph 3.75 highlights the potential need for re-appraising the viability of schemes prior to implementation in order to take account of economic uncertainties and ensure the maximum public benefit is secured over the period of the development.

33 Tower Hamlets Council has set an overall target as required by London Plan Policy 3.11, and expects 35-50% of all new units will be on-site affordable housing, with a tenure mix of 70:30 social rent to intermediate.

34 The applicant is proposing that the site could provide 7 (17%) affordable housing units of which the tenure split will be 57:43 social rented to intermediate. The applicant has provided an indicative accommodation schedule showing a tenure split as follows:

<b>Tenure</b>	<b>Studio/1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>
Private	22 units	11 units	2 units
Intermediate	2 units	2 units	0 units
Affordable Rent	0 units	1 unit	2 units
<b>Total</b>	<b>24</b>	<b>14</b>	<b>4</b>

35 The applicant has completed an affordable housing viability assessment that demonstrates that the proposed 17% of affordable units is the maximum amount of affordable housing that can be provided on the site. Tower Hamlets Council is in the process of procuring an independent assessment of the applicant's viability assessment to establish whether the proposal is capable of providing additional affordable housing, the findings of which should be shared with GLA officers prior to the application being referred back to the Mayor.

## Urban design

36 Good design is central to all objectives of the London Plan (2011) and is specifically promoted by the policies contained within chapter seven which address both general design principles and specific design issues. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage and World Heritage Sites, views, the public realm and the Blue Ribbon Network. New development is also required to have regard to its context, and make a positive contribution to local character within its neighbourhood (Policy 7.4).

37 GLA officers note that the applicant has reworked the ground floor plan in response to comments made during the pre-application meeting and this is welcomed. Officers particularly welcome the provision of the small south facing public open space revealing the flank edge of the listed Brewery building adjacent and providing a useful point of respite along Commercial Road.

38 The provision of a commercial unit on the ground floor will add good levels of activity to the public realm which is welcomed. The applicant has provided further details of how the commercial space will be set out to ensure that the edges onto the public realm are not inactive. GLA officers would suggest the applicant investigate reducing the bin store entrances along Assam Street and extending the frontage of the cafe/restaurant and providing an additional entrance to the commercial floorspace from Assam Street to increase activity along this edge.

39 The applicant has addressed some of the concerns raised at the pre-application stage regarding the residential quality regarding the relationship between the proposed single aspect unit and the adjacent site. The design now proposes all units will be dual aspect with a maximum of three units per floor. This proposal is welcomed by GLA officers. However, it is disappointing that the applicant has removed a lift from the affordable housing core. The applicant should provide details of a space, within or adjacent to the circulation core, where the future installation of a wheelchair accessible lift could be provided.

40 The proposal is for a tower with a ground floor commercial unit and 18 residential storeys above. A scheme of 19 storeys in total is acceptable given its proximity to the City, the emerging tall buildings cluster at Aldgate and the relationship to the consented hotel scheme of the opposite corner of White Church Lane. A scheme of this height will also help enclose Commercial Road and mark its junction with White Church Lane, which is welcomed. Whilst a scheme of this height will affect the setting of the listed Brewery building, the location of the open space will increase the presence of the Brewery on Commercial Road and significantly increase its townscape prominence which is strongly supported.

41 Notwithstanding this, for a building of this height in this proximity to a listed building to be of an acceptable quality, its appearance will need to be of outstanding quality. Critical to this will be the final choice of material and quality of detailing, and as such the local authority will need to scrutinize this carefully. The applicant should also include a clause in the S106 agreement that will ensure the same calibre of architects are retained to produce all construction drawings, or a budget is allocated to allow them to review these when they get produced.

42 The proposed new piazza is located on a natural desire line between the existing and emerging residential developments to the south and Brick Lane to the north. Given its location and also its importance to the acceptability of a tall building on this site, the quality of landscaping the new piazza will have to be exceptional. The landscaping strategy has provided some guidance on how it will mitigate the impacts of noise through the provision of two water

features. However, further information will need to be provided on how the landscaping strategy will mitigate the potential impacts of air quality.

## **Strategic views**

43 The proposed development lies within Townscape View 25: The Queen's Walk to Tower of London, as identified in the Mayor's London View Management Framework (LVMF) SPG (July 2012). Three assessment points (25A.1, 25A.2 and 25A.3) are located in this location. They provide good views of the Tower of London, and the relatively clear background setting of the White Tower. A Protected Vista is included from Assessment Point 25A.1 and a Protected Silhouette is applied to the White Tower between Assessment Points 25A.2 and 25A.3.

44 The site is located within the Wider Setting Consultation Area in the background Protected Vista. As per the LVMF the applicant has undertaken an analysis of the threshold height to ensure the proposed development does not project above the height threshold defined in the LVMF. The applicant has indicated that the proposal will be over 3 metres below the maximum height threshold. Provided that the maximum height outlined in the applicant's Heritage, Townscape and Visual Impact Assessment document is maintained the proposed development is considered to comply with the LVMF and considered acceptable in strategic planning terms.

## **Inclusive access**

45 The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum). Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity.

46 The design of the landscaping and the public realm is crucial to how inclusive the development is for many people. The planning statement indicates that the communal spaces and new areas of public realm will have level access to ensure the proposal provides inclusive access. However, the design and access statement should show how disabled people access each of the entrances safely, including details of levels, gradients, provision of accessible seating, and widths of the paths.

47 The design and access statement should also identify the accessibility of the surrounding streets that would be used to access the site and cover issues such as quality of pavement, provision of dropped kerbs and tactile paving.

48 London Plan Policy 3.8 requires that all residential units will meet the Lifetime Homes standards, and 10% will be wheelchair accessible or easily adaptable. The applicant has confirmed that the proposal will comply with London Plan Policy 3.8 and provide four units that are wheelchair accessible or easily adaptable, and the balance will meet the Lifetime Homes standards. However, the applicant has not indicated where these will be located or the proposed or how the lifts are sized to ensure that they can be easily used by wheelchair users. The applicant should provide information on where these units will be located prior to referral back to the Mayor.



49 Whilst the applicant is complying with London Plan Policy 3.8 in terms of provision of wheelchair accessible or easily adaptable units, these units should also be distributed across a variety of sizes and tenures of units to give disabled people and older people similar choices to non-disabled people. In the proposal there is no lift or proposed space for a wheelchair accessible lift in the affordable rent core. The applicant will need to provide justification to the GLA as to why they are not providing wheelchair accessible units within the proposed affordable rent component of this proposal.

50 The future marketing of the private wheelchair accessible homes ensure that prospective purchasers are aware of the accessibility and adaptability of these units. The applicant is encouraged to consider how the units will be marketed and demonstrate this within the design and access statement.

## **Transport**

51 The scheme is proposed to be 'car free' which is welcomed. However, TfL would query why the applicant has not proposed to provide four on-street disabled bays as would be required by the London Housing SPG. Moreover, this would normally be expected to be covered for a five year period.

52 Parking for cycles is proposed in compliance with London Plan standards which TfL finds agreeable. The applicant should nonetheless ensure that cycle storage rooms are within London Cycle Design Standards. Access to cycle storage for the affordable units is via a ramp off Assam Street. TfL suggest that the applicant should explore other access options first including cycle lifts. It is assumed that this access would also be designated for employees of the proposed commercial units. Staff and resident parking should be kept separate to ensure prime security for storage.

53 The nearest cycle docking station to this site is located in Commercial Road and TfL notes that it is already close to capacity. As the proposed development will increase cycle hire demand in this area, TfL welcomes further discussion with Tower Hamlets Council as to how their CIL funds may be used to provide an extension to that docking station. The applicant should also provide cycle-hire membership for one year per residential unit at a cost of £90 per unit. This would support sustainable measures in the Travel Plan.

54 TfL is satisfied that given the scale of the proposals and their location, there are no site specific impacts on the public transport network that require mitigation.

55 The applicant has provided a framework Delivery and Servicing Plan. TfL are content with the proposed servicing mechanism and TfL therefore expect a Delivery and Servicing Plan, Construction Logistics Plan and a Travel Plan Statement to be secured by condition prior to any construction works commencing.

56 The proposal will require both Tower Hamlets Council CIL and Mayoral CIL charging rates to apply. The site is located with the Crossrail, Central London Charging area; however, the proposed commercial floorspace is below the required threshold for securing contribution in line with the Crossrail SPG.

## **Sustainable development**

### Energy

57 The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole.

58 Further revisions and information are required before the proposals can be considered acceptable and the carbon dioxide savings verified.

#### Energy efficiency standards

59 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and mechanical ventilation with heat recovery.

60 The demand for cooling will be minimised through shading from balconies, internal/external blinds and solar control glazing. The applicant should provide quantified evidence of how policy 5.9 has been addressed to avoid overheating and minimise cooling demand in both the dwellings and the commercial unit. The applicant has stated that dynamic modelling to assess the risk of overheating will be undertaken during detailed design, it is recommended that this is undertaken now as it is important that the principles of effective ventilation and heat gain optimisation are addressed at this stage as they could impact on the visual appearance and layout of the building.

61 The development is estimated to achieve a reduction of 1 tonnes per annum (1%) in regulated CO<sub>2</sub> emissions compared to a 2013 Building Regulations compliant development.

#### District heating

62 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant should, however, provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

63 The applicant is proposing to install a communal heat network. The applicant should confirm that all building uses will be connected to the communal heat network.

64 The site heat network will be supplied from a single energy centre. Further information on the floor area and location of the energy centre should be provided.

#### Combined heat and power

65 The applicant is proposing to install a 10 kW<sub>e</sub>/kW<sub>th</sub> gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO<sub>2</sub> emissions of 13 tonnes per annum (18%) will be achieved through this second part of the energy hierarchy.

#### Renewable energy technologies

66 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install Air Source Heat Pumps to provide space heating to the commercial unit.

67 The applicant has also investigated Photovoltaic (PV) panels. However, they are not currently proposed as the applicant states they will not make a significant impact. As the development is not meeting the carbon emission target the applicant should commit to installing the 55sq.m. of PV in order to maximise the on-site carbon emission savings. The carbon emission figures should be updated to include PV and a roof layout drawing detailing the location of the PV provided.

68 A reduction in the regulated CO<sub>2</sub> emissions of 3 tonnes per annum (4%) will be achieved through this third element of the energy hierarchy.

#### Overall carbon savings

69 Based on the energy assessment submitted at stage 1, the table below shows the residual CO<sub>2</sub> emissions after each stage of the energy hierarchy and the CO<sub>2</sub> emission reduction at each stage of the energy hierarchy.

	Total residual regulated CO <sub>2</sub> emissions	Regulated CO <sub>2</sub> emissions reductions	
	(tonnes per annum)	(tonnes per annum)	(per cent)
Baseline i.e. 2013 Building Regulations	72		
Energy Efficiency	71	1	1%
CHP	58	13	18%
Renewable Energy	55	3	4%
<b>Total</b>		17	24%

70 A reduction of 17 tonnes of CO<sub>2</sub> per year is regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 24%.

71 The carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan. The applicant should consider the scope of additional measures aimed at achieving further carbon reductions.

#### Climate change adaptation

72 Tower Hamlets Council should secure through condition that the proposal responds to strategic policies regarding climate change adaptation, including use of lower energy lighting and energy efficient appliances, metering, high levels of insulation, low water use sanitary-ware and fittings, in addition to biodiverse roofs.

### **Community Infrastructure Levy**

73 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

74 The Mayor has arranged boroughs into three charging bands. The rate for Tower Hamlets Council is £35/sq.m. The required CIL should be confirmed by the applicant and Council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations: <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents> as amended by the 2011 regulations: <http://www.legislation.gov.uk/ukdsi/2011/987/made>

## Local planning authority's position

75 Tower Hamlets Council is likely to report this application to its planning committee in February 2015.

## Legal considerations

76 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

77 There are no financial considerations at this stage.

## Conclusion

78 London Plan policies on housing, children's playspace, affordable housing, urban design, inclusive access, transport and sustainable development are relevant to this application. Whilst the principle of redevelopment to provide commercial and residential uses is supported, a number of strategic concerns are raised. Further discussion and information, as stated below, is required to ensure the proposal complies with the London Plan.

- **Housing:** The housing choice, density and residential quality are generally supported in strategic planning terms. Tower Hamlets Council should include a condition to secure the proposal is designed to meet the governments technical standards.
- **Children's play space:** Additional information regarding the type of playspace and equipment to be provided on site should also be supplied and secured by way of planning condition by Tower Hamlets Council
- **Affordable housing:** The findings of the independent assessment of the applicant's viability assessment for the provision of affordable housing should be shared with GLA officers prior to the scheme being referred back to the Mayor.
- **Urban design:** The application is in broad compliance with London Plan Policy 7.1, however further information (detailed in the body of this report) is required and should be submitted to GLA officers prior to the application being referred back to the Mayor.
- **Inclusive access:** Whilst the application is in broad compliance with London Plan policies 7.2 and 3.8 further information is required to ensure the proposal is achieving the highest standards of accessibility and inclusion. Further information (detailed in the body of this report) is required by GLA officers to assess the proposal.

- **Transport:** Further information and discussion (detailed in the body of this report) regarding transport matters are required for assessment prior to the application being referred back to the Mayor.
- **Sustainable development:** Further information and discussion (detailed in the body of this report) are required before the proposals can be considered acceptable and the carbon dioxide savings verified. This should be submitted for assessment before the application is referred back to the Mayor. Conditions securing a commitment for climate change adaptation measures should be included within the application when it is referred back to the Mayor.

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for further information, contact GLA Planning Unit (Development & Projects Team):

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Jessica Lintern, Case Officer**

020 7983 4653 email [jessica.lintern@london.gov.uk](mailto:jessica.lintern@london.gov.uk)

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