

160 – 166 Crisp Street, Poplar, Tower Hamlets**in the London Borough of Tower Hamlets****planning application no. PA/15/00039****Strategic planning application stage II 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 and redevelopment to provide new buildings ranging from three to twelve storeys comprising 254 residential units, including affordable housing, together with associated car parking, landscaping and infrastructure works.

The applicant

The applicant is **Bellway Homes Ltd (Thames Gateway)**, and the agent is **Savills**.

Strategic issues

The principle of this proposal is welcomed as it brings about the redevelopment of a declining industrial site and will help to contribute towards the much needed uplift of housing provision in Tower Hamlets.

Furthermore, the issues raised at consultation stage with respect to **affordable housing, inclusive access, energy, sustainable drainage** and **transport** have been resolved, and the application now complies with the London Plan.

The Council's decision

In this instance Tower Hamlets Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 27 February 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. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

- **Category 1C:** *“Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London”.*

2 On 8 April 2015 the Deputy Mayor considered planning report D&P/2060c/01, and subsequently advised Tower Hamlets Council that while the application is generally acceptable in strategic planning terms, the application did not comply with the London Plan, for the reasons set out in paragraph 67 of the above-mentioned report; but that the possible remedies also set out in that paragraph of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Deputy Mayor’s concerns (see below). On 8 October 2015, Tower Hamlets Council decided that it was minded to grant planning permission, subject to conditions, and on 27 October 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Tower Hamlets Council under Article 6 to refuse the application or issue a direction to Tower Hamlets Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 9 November 2015 to notify the Council of his decision and to issue any direction.

4 The decision on this case and the reasons will be made available on the GLA’s website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

5 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Update

6 At the consultation stage Tower Hamlets Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 67 of the above-mentioned report; but that the possible remedies set out in paragraph 67 of that report could address these deficiencies:

- **Housing/affordable housing:** The results of the independent assessment of affordable housing provision should be shared with GLA officers demonstrating the maximum reasonable amount of affordable housing is being secured on the site.
- **Design:** The noise mitigation proposed through appropriate architectural materials should be secured by condition and the playspace equipment proposed should also be secured and be useable given the implementation of PV on the roof top. Therefore the screening panels proposed should also be secured by condition. The overall approach to the layout, height and massing and the residential quality is supported.
- **Inclusive access:** In order for the scheme to comply with London Plan Policies 3.8 and 7.2, the applicant is requested to provide further information relating to inclusive design. In addition the applicant will need to provide further information as set out in paragraphs 38

to 45 of the above-mentioned report. The way-finding measures required by TfL will assist in alleviating some of the inclusive access concerns raised.

- Climate change/energy: The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further information is required before the final proposals can be understood. The current carbon dioxide savings exceed policy requirements and are welcomed.
- Sustainable drainage: The drainage measures proposed for the site by the applicant should be secured by the Council by way of Condition.
- Transport: The proposal is considered to be potentially acceptable from a strategic transport perspective. However to ensure the application complies fully with London Plan transport policies, the various matters raised should be addressed and the various s106 agreements and/or conditions be secured by the Council.

7 Since consultation stage the applicant team has engaged in joint discussions with Tower Hamlets Council, GLA and TfL officers with a view to addressing the above matters. Accordingly, the responses to the various issues raised within the Mayor's representations on this application are considered under the corresponding sections below.

Housing/affordable housing

8 The applicant submitted a viability assessment which was reviewed by an independent viability consultant appointed by Tower Hamlets Council. The proposal was amended and now makes a provision for 35% affordable housing by habitable rooms which is welcomed by the GLA. The affordable housing provision is supported by Tower Hamlets housing team and proposed rents are in accordance with the borough rent framework levels for the E14 area.

Design

9 As discussed at the consultation stage, noise mitigation measures were required to be secured through planning conditions. Tower Hamlets have specified noise insulation and ventilation measures in their draft decision notice. This is supported by the GLA.

10 The applicant is proposing an integrated approach to the provision of communal and child playspace onsite. The application provides playspace for under 5s on the roof level terraces of various blocks. All children within the various tenure types will have access to playspaces. The playspace for older children will be provided at the podium level. Whilst the proposed development does not fully comply with Policy 3.6 of the London Plan, the developments site proximity to Langdon Park should also be taken into consideration. The proposal is considered to provide adequate playspace for children. The playspace equipment should be secured by condition by Tower Hamlets Council.

Inclusive access

11 The landscape Masterplan has been designed to ensure that the shared surfaces are safe and useable for disabled people.

12 GLA officers asked the applicant to ensure that the access to the community amenity at podium level is secure and controlled and to have a strategy in place should the external lifts not be in working order. The applicant has stated that there is more than one lift accessing the podium level amenity space. As such it is considered that the strategy is acceptable as if one lift is taken out of service at any one time, all other lifts will be available to use. This would include

the other internal lifts if the single external lift is out of service. This is explained in further detail in the submitted Access Statement.

13 It was recommended at the consultation stage that the applicant consider providing secure storage space and charging points for mobility scooters due to the limited amount of parking and the low PTAL. The proposal now includes eight mobility spaces within the car park. These are located adjacent to Block D cycle store and pedestrian entrance to the car park from the internal road. Each space will be provided with a charging point.

14 At the consultation stage GLA officers required that the applicant provide further detail in the design and access statement on how the design would meet the 16 Lifetime Standards and that the wheelchair accessible homes meet the standards. Layout drawings of each type and tenure have been submitted which demonstrates the applicant's compliance with this request.

15 The applicant was advised at the consultation stage that detailed layouts were required to determine the compliance of the inverted units. The applicant has stated that these units can comply with the Lifetime Home Standards as there are alternative routes available via the lift cores to access points at podium level. The units contain accessible toilets for visitors at the entry level and can be rearranged internally if required.

Climate change/energy

16 The applicant has contacted the local borough energy officer to discuss the possibility of connecting to the potential Tower Hamlets network, however no response has been received at this stage. The applicant is encouraged to continue to investigate the potential for connection with the Tower Hamlets network as the design progresses.

17 The applicant has also investigated whether the scheme could connect into neighbouring development sites, however based on information available the applicant has concluded that the timescales will not align with the development and is therefore proposing a standalone solution with the ability to connect to a network in the future should one become available. No further information is required.

18 The energy statement at stage 1 includes a distribution network drawing which shows that all buildings are connected to the energy centre. No further information is required.

Sustainable drainage

19 The drainage measures proposed for the site have been secured by Council by way of conditions.

Transport for London's comments

20 At stage 1, TfL requested Electric Vehicle Charging Points (EVCPs) as part of the car parking provision, cycle parking in line with London Plan (FALP) standards, and contributions towards legibility and wayfinding, station loading improvements and a local bus stop upgrade.

21 The infrastructure requirements will be secured through the Council's CIL and all other matters have been resolved through conditions and heads of terms as necessary, including a Construction Logistics Plan (CLP) and Travel Plan.

Response to consultation

22 Tower Hamlets publicised the application by sending notifications to 523 addresses in the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted. The representations received in response to the local consultation process are considered in detail within the Council's committee report of 21 July 2015, with further information provided in the deferred committee report of 8 October 2015. Furthermore, copies of all responses to public consultation, and any other representations made on the case, have been made available to the Mayor in their original form.

Response to neighbourhood consultation

23 The council received 1 petition with 30 signatures in support of the proposal and 9 letters of objection.

24 In summary the points of support relate to: the current industrial site being unsightly, unused and creates a barrier between Langdon Park and Limehouse canal; and, the design is solid with formidable massing withdrawn from the main road and a colour scheme in keeping with the two more adjacent modern buildings.

25 In summary the points of objection relate to: the scale of development is unacceptable onsite; the proposal would result in loss of daylight and sunlight to surrounding properties; there will be unacceptable levels of noise and dirt which will come from this building and invasion of privacy; the proposal puts pressure on existing local services such as shops, schools and health services and does not make provision for any of these services; and the proposed height of Block D is unacceptable and would result in undue loss of amenity to properties on Rifle Street.

Responses from statutory bodies

Docklands Light Railway

26 DLR raised no objections to the proposal but sought the inclusion of the following conditions:

- Demolition and construction management plan
- Adequate safety measures into the construction of the development
- Full details of the design and construction methodology for the foundations#
- Scaffolding details – proximity to railway. This would include a Risk Assessment and Method Statement
- Radio Impact survey
- No vibro-compaction machinery unless details of the use of such machinery and method statement have been submitted and approved
- Maintenance or alterations to the façade of the development fronting the railway line shall be submitted.

English Heritage (archaeology)

27 English Heritage (archaeology) raises no objections to the proposal subject to a condition which requires a programme of archaeological work to be submitted and approved in writing by the Local Planning Authority prior to the commencement of works onsite.

Environment agency

28 The Environment agency raised no objections to the proposed development.

Metropolitan Police, Crime Prevention Officer

29 The Metropolitan Police raised no objections to the proposal but sought the inclusion of the following condition: Prior to the occupation of the development, a Secure by Design Accreditation (to include details of CCTV) on site, shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the particulars so approved.

Transport for London

30 TfL are satisfied with the proposed car park, cycle parking, access and servicing arrangements development subject to the following conditions: a Construction Management Plan; and, Travel Plan.

Response to the public consultation – conclusion

31 The statutory and non-statutory responses to Tower Hamlets Council's consultation process, do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report.

Legal considerations

32 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

33 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

34 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

35 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

36 The proposed residential development is strongly supported in strategic planning terms. Furthermore, the issues raised at the consultation stage with respect to affordable housing, inclusive access, energy, sustainable drainage and transport have been resolved, and the application now complies with the London Plan.

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

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