

LBTH Ref: PF/19/00093

Charles Carter
Housing Regeneration
Town Hall
Mulberry Place
London
E14 2BG

Place Directorate
Planning and Building Control

Development Management
Town Hall
Mulberry Place
Clove Crescent
London E14 2BG

Case Officer: Rikki Weir
Tel: (020) 7364 1954
Email: rikki.weir@towerhamlets.gov.uk

9 September 2019

Dear Charles Carter,

Pre-application planning advice

Site: Site Adjacent To Grand Union Canal, Lark Row, London

Proposal: Provision of Planning Statements for 8 sites identified for potential self-build housing (circa 31 units)

I am writing to provide the Council's pre-application planning advice regarding the above proposal which has been prepared at officer level based on plans received:

- Initial Development Appraisal.
- Aerial Site Photograph.

1. Site and Surrounding Area

The pre-application site is approximately 346sqm plot and abuts Regents Canal to the north, and is on the north side of Lark Row, with Vyner Street to the west. To the south sits 3 storey terraced residential housing on Lark Row and to the west sits a 2 storey industrial building. The pre-application site is within the Regents Canal Conservation Area but it is not in close proximity to any listed buildings. The site is just within the City Fringe Opportunity Area (Mayor of London). It is understood that the land was leftover following the redevelopment of the Wellington Estate to the south. The site currently contains planters and shrubbery landscaping whereas in recent years it was vacant and used for informal car parking. The site falls within a designated Site of Metropolitan Importance for Nature Conservation (London's canals).

2. Relevant Planning History

PA/06/01644: Construction of a three-storey block containing 3no. one-bedroom flats, together with the construction of 3no. one-bedroom flats for elderly residents. Refused – 22/11/2006. Appeal dismissed – 15/01/2008 for the following reason:

The proposal does not provide the Environment Agency's 5 metre wide 'buffer zone' which is required along the water course and between all development proposals and the canal bank.

This particular length of river is in a poor state with a very fragmented / narrow buffer zone. Widening the buffer zone alongside the development would enhance the ecological value of the river corridor. Additionally, buffer zones along the watercourse enhance its ecological character and provide undisturbed refuges for wildlife using the river corridor. They are important for the following reasons:

1. To provide for the terrestrial life stages of aquatic insects, for nesting of water-related bird species, and for bank dwelling small mammals;
2. To provide a 'wildlife corridor', which links a number of habitats and affords species a wider and therefore more robust and sustainable range of linked habitats;
3. To maintain a zone of natural character with vegetation that gives rise to a range of conditions of light and shade in the watercourse. This mix of conditions encourages proliferation of a wide range of aquatic species, including fish;
4. To prevent overshadowing of watercourses by buildings;
5. To reduce the risk of accidental pollution from run-off and
6. To provide access for the maintenance and repair of the river bank.

As such, the failure of this proposal to provide a 5 metre wide 'buffer zone' is contrary to Policies DEV46, DEV57 and DEV58 of the London Borough of Tower Hamlets Unitary Development Plan 1998 and Policy CP3 of the Emerging Local Development Framework 2006, which seek to conserve and enhance the natural elements of the waterway environment, prevent harm to Sites of Nature Importance and encourage and enhance the nature conservation value of sites.

PA/06/00982: Re-development of a vacant site by erection of 3 x 1 bed low energy bungalows and a three-storey building to create 3 x 1 bedroom low energy flats for elderly residents. Withdrawn – 07/09/2006.

PA/99/01572: Erection of three, one bedroom bungalows and three, one bedroom flats in a one and three storey development. Permitted – 01/09/2000.

67 Vyner Street

PA/18/00651: Demolition of existing two storey building and redevelopment to create a mixed use building ranging from three to six storeys and basement. B1 use class workspace to be provided at basement and ground floor level with associated bicycle and refuse storage and 8 flats on upper floors additional to the existing flat (3 x 1 bed, 4 x 2 bed, 1 x 3 bed, 1 x 4 bed). Refused – 07/06/2018. Appeal dismissed – 31/01/2019.

PA/17/01358: Reconfiguration and extension of existing two storey building to create a mixed use building ranging from three to five storeys with 196sqm ground and first floor (use class B1) and 6 additional flats (3 x 1 bed, 1 x 2 bed, 2 x 3 bed). Permitted – 03/11/2017.

3. Relevant Planning Policy

Government Planning Policy

National Planning Policy Framework 2019

London Plan MALP 2016

- 2.13 – Opportunity areas and intensification areas
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people's play and informal recreation facilities
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.6 - Decentralised energy in development proposals
- 5.9 - Overheating and cooling
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.17 – Waste capacity
- 6.3 - Assessing effects of development on transport capacity

- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage assets and archaeology
- 7.14 - Improving air quality
- 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 – Biodiversity and access to nature
- 7.27 – Blue ribbon network: supporting infrastructure and recreational use
- 7.28 – Restoration of the blue ribbon network
- 7.30 – London’s canals and other rivers and waterspaces
- 8.2 - Planning obligations

Core Strategy 2010

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 – Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Globe Town)
- SP13 - Planning Obligations

Managing Development Document 2013

- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM12 – Water spaces
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM20 - Supporting a sustainable transport network
- DM22 - Parking
- DM24 - Place sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change

Supplementary Planning Guidance/Documents and Other Documents

Tower Hamlets

- Regents Canal Conservation Area Character Appraisal and Management Guidelines (2009)

Mayor of London

- Shaping Neighbourhoods: Character and Context (2013)
- Housing (2016)
- City Fringe Opportunity Area Planning Framework (2015)

Emerging Policy

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and closed on the 2nd of March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016.

The current 2016 consolidation London Plan is still the adopted policy. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker.

The draft local plan titled 'The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' has finished the Examination in Public and minor modifications are being undertaken. The weighting of draft policies is guided by paragraph 48 of the National Planning Policy Framework (2019).

5. Main planning considerations

Land Use

Existing use

The site was left as a vacant, undeveloped plot of land following the construction of the Wellington Estate to the south. Subsequently the site was prone to being used for informal dumping and car parking, and was generally detrimental to the visual amenity of the locality. The Council is the landowner of the site and created a temporary park, as a regeneration project, by introducing planters and shrubbery. This site is not formally designated or protected as parks or open space land, and the Parks and Open Spaces team have no objections to the pre-application. Therefore the land could potentially be developed, subject to agreement with the landowner and compliance with all other policy considerations.

Self-build

Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.

As self-build is not currently a mainstream housing product, the planning policy background is limited. Draft Local Plan Policy S.H1 mentions a duty of the Council to support local demand for self-build, and to support a variety of housing products. The policy further describes how group self-build has the potential to deliver significant additional housing and is encouraged as a more viable self-build model in the borough. Draft London Plan Policy H12 states that decision-makers should have regard to the potential for custom-build housing schemes. The Council maintains a list of self-build sites and is currently establishing appropriate development parameters.

Co-housing

In regards to the proposed residential units, the London Plan seeks to alleviate the current and projected housing shortage in the capital through provision of an annual average of 32,210 of new homes over a ten year period. The need to address the pressing demand for new residential accommodation is embraced by the Policy SP02 which states that 43,275 new homes are required from 2010 to 2025. In light of the pressing need and high demand for new housing, it is considered that the proposed new residential uses could be supported in principle.

As co-housing is not currently a mainstream housing product, the planning policy background is limited. Draft Local Plan Policy H2 supports new housing on small sites and those wishing to bring forward custom build, self-build and community led housing. Draft Local Plan Policy S.H.1 describes how development will be expected to contribute towards the creation of mixed and balanced communities that respond to local and strategic need, supporting a variety of housing products in the market and affordable tenures which meet local need. Draft Local Plan Policy D.H7 supports housing with shared facilities as long as it can be secured as a long-term addition to the supply of low cost housing. Co-housing units should also comply with relevant housing space standards.

The Council's affordable housing service will use evidence from the latest strategic housing market assessment to assess proposed rent levels to determine whether development would provide housing with shared facilities for people with low incomes. Draft London Plan Policy H12 states that decision-makers should have regard to the potential for community-led housing schemes. In summary, subject to ensuring the legitimacy of the co-housing model, this model of housing could be supported, as long as all other policy considerations are complied with.

Impact on canal

PA/06/01644 was refused and then dismissed at appeal in relation to the necessity of an Environment Agency 5m buffer zone which was not provided or mitigated against. After consulting with the Environment Agency for the current pre-application, they have stated that as the Grand Union Canal is not a "main" river, it falls outside of their remit and therefore they will no longer ask for a buffer zone around this water body.

In accordance with Policy DM12, development will need to provide suitable setbacks, where appropriate, from water space edges. It will also need to contribute to the restoration of the water space edge and provide increased opportunities for access, public use and interaction. The proposed building provides some setbacks from the canal edge, however some corners of the building do not appear to be setback. There is a thrust in the direction of development providing setbacks at this section of the canal, with regards to the consented development (PA/17/01358) at 67 Vyner Street and also the application refused (PA/18/00651) for its impact on the canal, partly in not providing setbacks. A current application (PA/18/03162) 65 Vyner Street also includes a publicly accessible footpath. The existing site allows public access to the canal, which has been established historically. The development should provide public access to the canal; even if there would be residential uses at ground floor, adequate defensible space and planting would need to be provided to any ground floor windows.

It is expected that the proposed development provides a setback in line with the neighbouring consented scheme (PA/17/01358). PA/16/01674 (at 213-217 Old Ford Road) should also be referenced, as a smaller scale residential development adjacent to the canal, which provides suitable setbacks in line with neighbouring development, and also a complementary and contemporary design for its location.

The developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained: <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-andour-code-of-practice>. The developer should be advised that any oversail, encroachment or access on land owned by the Canal & River Trust requires written consent, and they should contact the Canal & River Trust's Estates Surveyor, Jonathan Young (Jonathan.Young@canalrivertrust.org.uk) regarding this. Any surface water discharge to the waterway will require prior consent from the Canal & River Trust and the developer should contact Nick Pogson from the Canal River Trust Utilities Team (Nick.Pogson@canalrivertrust.org.uk).

Heritage and design

Development should step down from the consented building height (4 storeys) at 67 Vyner Street transitioning down to relate to the 3 storey building height of houses across Lark Row. The proposed building should be setback from the canal, in line with the consented neighbouring development at 67 Vyner Street. It is also considered that the development should be setback from the front building line of the single storey electricity substation, and should take its cues from the front building line of 67 Vyner Street, and provide a more gradual or staggered front building line, such as that found within the previous application on-site (PA/06/01644).

The site is highly visible along Vyner Street and the proposal should take care not to create a discordant junction with the adjacent building. The eastern corner of the development should be architecturally celebrated with an interesting design solution, possibly with an angled building, as this marks a juncture with the canal. The Canal & River Trust requests that the origin and significance of the historic brick wall between the site and the Regent's Canal be included in a heritage statement

and survey, with an assessment of the impact on the conservation area and of any heritage value of the wall.

Visualisations of the proposed scheme in the context of the waterway are also welcomed. Due to the prominent location of the site on the canal and in the conservation area, CGIs should be provided for the design and materials to be fully justified. The proposals should reference local industrial heritage and contemporary developments, whilst integrating with the canal edge ecologically.

Housing

Internal space

Potential units must meet minimum internal space standards referenced by Policy DM4. Units should benefit from dual aspect outlook. Units should benefit from adequate defensible space to ground floor windows through gardens or planters or railings with separation. If the housing were to operate as co-housing, the shared communal spaces would need to be provided in addition to units which meet minimum internal space standards individually.

Amenity space

Each individual unit must be provided with its own private open space in accordance with standards referenced by Policy DM4 and Standards 26 and 27 of the London Housing SPG. This could be provided in the form of front, rear or roof gardens, balconies, or terraces.

Tenure mix/affordability

Further clarification would need to be provided on the tenure model proposed. Co-housing is a relatively new product to mainstream housing and so the policy background is still limited. It is understood that the housing would operate as 'affordable,' however this would not appear to fall under the Council's affordable housing products, and would not strictly fall under the usual definitions of market or intermediate housing.

Draft Local Plan Policy S.H1 requires the provision of affordable housing contributions on sites providing 2 to 10 new residential units against a sliding-scale target (subject to viability). Draft Local Plan Policy D.H7 states that housing with shared facilities should be secured as a long term addition to the supply of low cost housing or otherwise provide an appropriate amount of affordable housing.

It is understood that the Council's target is to secure the self-build housing as affordable in perpetuity. It is also understood that a restrictive covenant could be added to the deeds of the land to ensure that housing on the site would be affordable in perpetuity. If there were less than 10 units on-site, there would not necessarily be a planning policy hook for the affordable housing to be secured via S106 agreement, in accordance with the Planning Obligations SPD (2016), and so the practicalities of this aim need to be carefully considered.

Density

In regards to London Plan Policy 3.4, the site area is approximately 0.0346 hectares, benefits from good public transport accessibility (PTAL score 4) and is located in an 'Urban' setting and so should provide 200-700 habitable rooms per hectare. Internal floor plans showing habitable rooms should be provided to fully assess whether the development optimises density on the site. The development would provide 145 units per hectare, which would appear to fall within the specified density ranges, subject to confirmation on habitable room numbers. In line with London Plan Policy 2.13, development within opportunity areas should seek to optimise residential and non-residential output and densities. Taking into account the sustainable residential quality density matrix within London Plan Policy 3.4, it is considered that development should provide densities towards the upper end of the scales, taking into account the good public transport accessibility and desirability of the site.

Amenity

In order to justify the height, scale, massing and footprint of the proposed buildings, it is imperative that a daylight and sunlight assessment (in accordance with BRE guidelines) is produced to show that residential units on Lark Row to the south, and properties across the canal would not be unduly adversely impacted. The consented development at 67 Vyner Street also contains east-facing residential windows at fourth floor level, which should be noted. The proposed development would be

located approximately 13m from front windows of Lark Row properties to the south, which would result in loss of outlook towards the canal, and potential reduction in privacy. Care must be taken to ensure that mutual overlooking does not occur and so proposed floor plans showing the locations of windows across Lark Row should also be provided.

Parking and servicing

The site benefits from good public transport accessibility (PTAL 4), therefore future development would need to be car-free, secured by legal agreement, in accordance from Policy DM22. Secure and sheltered cycle parking stands (ideally Sheffield type) should be provided at ground floor level within the building envelope, in accordance with London Plan Policy 6.9. The London Cycle Design Standards should be consulted before submission. You may wish to contact LBTH Highways (matt.kent@towerhamlets.gov.uk) for further details.

In accordance with Policy DM14, refuse stores for future development must be provided within the following brief. Doors should not open out to the footway for reasons of highways safety. Details of waste streams and bin capacities should be included. The following is the latest residential waste capacity guidelines:

- Studio / 1 Bedroom: Refuse: 70 litres, Recycling: 50 litres, Compostable: 23 litres
- 2 Bedroom: Refuse: 120 litres, Recycling: 80 litres, Compostable: 23 litres
- 3 Bedroom: Refuse: 165 litres, Recycling: 110 litres, Compostable: 23 litres
- 4 Bedroom: Refuse: 215 litres, Recycling: 140 litres, Compostable: 23 litres.

The applicant is required to ensure all residential units are provided with internal waste storage preferably within the kitchen units with the following capacity: Refuse – 40 litres Recycling – 40 litres, Food waste – 23 litres.

The bin store must be large enough to store all containers with at least 150mm distance between each container and the width of the door must be large enough with catches or stays. The bin store must also be step free. The waste carrying distance for all residents must be a maximum of 30 meters. The applicant should ensure that the bin storage areas must be within 10 metres wheeling distance of the waste collections vehicle. The paths between bin stores and the collection point must be a minimum width of 1.5 metres, be free from kerbs or steps, have a solid foundation and be suitably paved with a smooth continuous finish. The ground should preferably be level and, in any case, must not have a gradient greater than 1 in 20 towards the vehicle. The applicant is required to ensure that all surfaces have suitable foundations and surfaces to withstand the maximum payload of vehicles. You may wish to contact LBTH Waste (Zahir.dehgamia@towerhamlets.gov.uk) in regards to confirmation of detailed technical specifications.

Environmental considerations

Biodiversity

The existing site is a temporary park containing small planters, amenity grass, trees and bushes. Proposed development would need to deliver net gains for biodiversity in accordance with Policy DM11. The loss of the existing trees (if they are to be removed) and other vegetation would adversely impact on biodiversity, as well as the visual amenity of the locality within this sensitive conservation area site. An arboricultural impact assessment would need to be provided to justify the loss of any existing trees. Any trees removed would need to be replaced with an uplift in tree provision. Net gains in biodiversity should be delivered through features on the site such as biodiverse green roofs on new buildings; tree planting; wetland vegetation on floating rafts or gabion baskets along the canal edge; a good diversity of nectar-rich flowers in landscaping/planters; bat boxes and sparrow terrace nest boxes built into or attached to the new buildings; and vertical planting. A section 106 financial contribution could be required in order to mitigate against the loss of the existing landscaping, to improve the immediate locality.

The application site is adjacent to the canal, which is a Site of Importance for Nature Conservation. Potential impacts on the canal include shading (which is not likely to be significant) and increased lighting, which could have an adverse impact on bats. The design should minimise light spill onto the canal. The application site itself is not of particularly high biodiversity value, but does include some existing vegetation. This includes a mature tree at the eastern end, low vegetation below this tree,

and a number of raised planters. These planters contained a good range of nectar-rich flowers when the community garden was being managed, providing useful forage for bees and other pollinators. One of the photographs shows what looks like Japanese knotweed growing at the canal edge. This should be checked and, if confirmed, a plan for its eradication will be required.

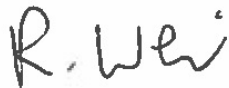
SUDS

Sustainable drainage systems (SUDS) are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to; reduce the causes and impacts of flooding, remove pollutants from urban run-off at source, combine water management with green space with benefits for amenity, recreation and wildlife. A SUDS report should be submitted at application stage. Mitigation measures such as rain gardens, green roofs, blue roofs, permeable paving, rainwater harvesting, swales, rills, channels, bioretention systems, ponds and wetlands, detention basins, geocellular systems, filter drains and strips should be incorporated on-site. Development should aim to achieve greenfield run-off rates.

6. Summary

This letter has set out the Local Planning Authority's general planning parameters for the site. I trust you find the content of this letter useful to developing the scheme further and please do not hesitate to contact me if you require any clarification on the content of the letter. Please note that this letter provides officer level advice based on the information available and does not prejudice the outcome of any future planning applications.

Yours sincerely,

A handwritten signature in black ink that reads "R. Weir". The letters are cursive and slightly slanted to the right.

Rikki Weir BA (Hons) MSc MRPTI
Planning Officer, West Area Team