Strategic planning application stage II referral (new powers)

The proposal
Hybrid application has been submitted for 741 residential units and 10,527 sq.m. commercial floorspace including office, car dealership, bar/public house and other flexible restaurant, cafe and bar uses. The proposals also includes works to the highway, existing River Lea towpath, vehicle and cycle parking and associated landscaping.

The applicant
The applicant is East Thames Group and Southern Housing Group, and the architect is John Thompson & Partners.

Strategic issues
The strategic matters including the principle of development, employment land; comprehensive development and phasing of housing delivery, affordable housing, design, access, transport, energy, noise, air quality, biodiversity and climate change have been broadly addressed.

The Development Corporation’s decision
In this instance the London Thames Gateway Development Corporation has resolved to grant permission subject to conditions and section 106 agreement.

Recommendation
That the Corporation 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.

Context
1 On 11 October 2011 the Mayor of London received documents from Tower Hamlets Council, on behalf of the London Thames Gateway Development Corporation (LTGDC) 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 1A.1 and 1b.1 (c) of the Schedule to the Order 2008

Category 1A

1. Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

Category 1B

1. Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (c) outside Central London and with a total floorspace of more than 15,000 square metres.

2 On 16 November 2011, the Mayor considered planning report PDU/2861/01, and subsequently advised the Corporation that the application did not comply with the London Plan, for the reasons set out in paragraph 134 of the above-mentioned report; but that the possible remedies set out in paragraph 136 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 Mayor’s concerns (see below). On 12 July 2012 the LTGDC decided that it was minded to grant planning permission and on 23 August 2012 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 or direct the LTGDC under Article 6 to refuse the application. The Mayor has until 6 September 2012 to notify the LTGDC of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

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

Update

6 At the consultation stage the Corporation was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 134 of the above-mentioned report; but that the possible remedies set out in paragraph 136 of that report could address these deficiencies:

- **Principle of development**: Further discussion may be required regarding the Market Report. The applicant needs to set out a phasing strategy which does not result in the delivery of piecemeal plots in isolation. Development of phase 1 on its own merits needs to be acceptable in planning terms.

- **Affordable housing, tenure split, bedroom size mix and density**: The housing offer needs clarification in terms of the bedroom size mix by tenure. The quantum may require independent review. The approach to deliverability of social rented affordable housing without grant funding may also need reconsideration along with the mix of family units. The density exceeds the guidance within the London Plan and needs to be justified.

- **Urban design and access**: The applicant should consider the matters identified in this report including reconsideration of the block arrangement, layouts, access and residential quality having regard to the Mayor’s space standards set out in the London Plan and the
guidance within the Mayor’s draft Housing Design Guide. Further material should also be provided regarding the appearance of the proposals (townscape and heritage impacts) and a set of floor plans should also be provided to allow further scrutiny in particular regarding accessibility and interaction with the street and noise impacts. The provision of a single larger open space should be considered as part of the block arrangement testing. This links into the playspace strategy which should also be confirmed based on the housing mix.

- **Noise and vibration**: Further detail regarding flat layouts should be provided in the outline elements of the proposals to test against the noise impacts arising from the A12.
- **Air quality**: GLA officers will continue to scrutinise this policy area in discussion with the Council and may provide further comment.
- **Biodiversity**: GLA officers note that there is limited commentary or analysis regarding area status and presence of protected species. Further work is therefore required.
- **Climate change mitigation**: The applicant should consider the matters identified in this report in particular the priority to link to existing heat networks. The applicant should also verify the overall carbon dioxide savings to inform the requirement for further saving contributions in the form of renewable energy technologies.
- **Climate change adaptation**: The advice from the Environment Agency and Tower Hamlets Council is required in order to allow further consideration regarding flooding. Appropriate conditions should be secured regarding living roofs and water management.
- **Transport**: A number of issues need to be resolved including trip generation, highway impacts, pedestrian and cycle contributions other public transport and capacity contributions and the need for various mitigation strategies including travel plan, construction, delivery and servicing plans.

7 On 19 April 2012 the GLA received further amendments to the application in the form of amended planning documentation. On 4 July 2012 the Mayor received a presentation on the changes to the scheme and GLA officers subsequently issued an officer update letter setting out officer views on the amended documentation.

8 As set out in that letter below is a summary of amendments presented to the Mayor on 4 July 2012:

The key design changes include the following:

- Removal of the home zone.
- Block R8 has been removed and blocks R2 and R7 have been relocated eastwards to face the towpath to create a hard edge, with front doors. Within the site this creates new courtyard space and amended access arrangements.
- Reduction in height to all blocks now ranging from 3-9 storey (plus penthouse set back) (previously 3-10 storey).
- Amendments to the bus bridge road to improve pedestrian desire lines.
- Relocation of service/ loading bay directly adjacent to Hancock Road.
- Reduction in parking levels from 209 to 171 residential spaces (57 spaces in the detailed phase) and 27 to 14 car dealership spaces.
- Amended energy strategy.
- Revised unit numbers as set out below:

<table>
<thead>
<tr>
<th></th>
<th>Submitted scheme</th>
<th>Amended scheme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td>225</td>
<td>219</td>
</tr>
<tr>
<td></td>
<td>Southern phase</td>
<td>Northern phase A</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>257</td>
<td>140</td>
<td>168</td>
</tr>
<tr>
<td>288</td>
<td>101</td>
<td>133</td>
</tr>
</tbody>
</table>

**Strategic issues**

9 The officer comments issued in April 2012 deal substantively with the comments raised by the Mayor at the consultation stage. For completeness below are the strategic matters raised by the Mayor and the extent to which these have been addressed following the submission of amendments by the applicant.

**Principle of development**

10 At the consultation stage a number of matters regarding the principle of development were raised. In particular the circumstances arising from the failed Compulsory Purchase of the District Centre lands related to the Tesco store redevelopment scheme, and the strategic concern that arises regarding the creation of an isolated development site with poor connections, social and physical infrastructure.

11 Bromley by Bow North is currently an isolated site, islanded on each side by the Lea River, the A12 and the A11 to the North. In addition, neither the site itself nor its immediate surrounding currently accommodate any residential dwellings and at present are predominantly light-industrial employment uses. The concern raised previously related to the circumstances that phase 1 of this proposal will be the first development within the Bromley by Bow masterplan and therefore exist potentially in isolation without adequate resources or connections to the local centre or transport hubs. The delay to the delivery of the Tesco site to the south serves to further amplify the isolated nature of the proposed development.

12 The application remains a hybrid submission with detailed design of phase 1 and outline for the northern and southern phases. The applicant confirms that there is no fixed sequencing or timeframe for the northern and southern phases.

13 Since the Mayor’s consultation stage response, the applicant has agreed to provide the infrastructure which will support the delivery of a new pedestrian, cycle and bus bridge within Phase 1 (Bridge 1) and a new pedestrian and cycle bridge within Northern Phase B (Bridge 2) being delivered by LandProp at Sugar House Lane. The bridges will link phase 1 and Northern Phase B at Bromley by Bow North to the proposals at Sugar House Lane (currently also the subject of a hybrid planning application – PDU/2728/01).

14 The relevance of the bus bridge is important. As set out in the stage 1 consultation response, notwithstanding the northern and southern phases which will strengthen the masterplan as a community, development of phase 1 on its own merits needs to be acceptable in planning terms. The bus bridge forms part of the second phase of development at Sugar House Lane which includes a mix of uses including residential, convenience and community use. Access to this and the wider critical mass of residential use will ensure that the Phase 1 does not become a piecemeal, isolated development site.

15 The Corporation reports on the matter in some detail, extract below:
“Phase 1 is located within the centre of the site and on land owned by the applicant. The subsequent phases are on land north and south of Phase 1. As this land is currently outside the applicant’s control, there is no firm indication of when, and in what sequence, subsequent phases will be delivered. The Northern Phase is split into Phases A (Big Yellow) and B (Ideal Furniture and Calor Gas). As the applicant is expected to exercise an option to acquire the Big Yellow land Northern Phase A is expected to follow Phase 1. Phase B is dependent on the relocation of the Bow Calor Gas Centre given the development constraints imposed by the HSE. The Southern Phase includes land owned by LLDC (Leycol Printers), Colas Ltd (Petit Forestier), Tesco (overflow car park) and land in receivership (Dance Club). Blocks S1-S4, including the road link between Three Mill Lane and the Sugar House Lane bridge, are designed to enable delivery (subject to acquiring a small part of the Tesco overflow car park) independently of Blocks S5-S8.

The acceptability of allowing Phase 1 to proceed with sufficient certainty that the subsequent phases will follow needs to take into account the quality of the residential environment created, the integration and connectivity to the surrounding area and the contribution made to the wider planning and regeneration objectives of the area. In the interim, Phase 1 will be flanked by low grade commercial buildings used for short lease vehicle parking and offices to the north (Big Yellow) and a modern commercial building to the south (Leycol Printers). Block R1 is set back between 4-8m from the northern boundary. Block R3 is set back between 11-15m from the southern boundary given the presence of the new access road. While the temporary outlook for prospective residents will be of commercial yards and buildings, there are no single aspect north facing units and the low rise commercial buildings will not result in significant harm to privacy and daylight and sunlight. The residential courtyard, use of the temporary approach space within the bridge approach road and direct access to the canal towpath improve the residential environment. Future residents would use Hancock Road or the canal towpath/Three Mill Lane to walk the short distance to the Tesco foodstore and Bromley by Bow station.

Furthermore, Phase 1 provides the bridge approach road required to connect Bromley by Bow and Sugar House Lane. The bridge will enable future residents to access the community and retail facilities located within the Sugar House Lane scheme and establish more direct links between Sugar House Lane and the Tesco foodstore and Bromley by Bow station. To ensure early delivery of the bridge and the integration of developments, it is recommended that the S106 Agreement attached to the Sugar House Lane application requires the developer to construct the bridge within 18 months of the practical completion of the bridge approach road, subject to full planning approval.

When the internal road network is provided within the Southern Phase, in conjunction with the bridge and a new Sugar House Lane/High Street all-movement junction provided as part of the Sugar House Lane application, a bus route can serve both sites. The establishment of a meaningful east-west connection over the canal enables Phase 1, and the wider Bromley by Bow scheme, to form part of a new neighbourhood including Sugar House Lane. This is particularly relevant given the Secretary of State’s decision not to confirm the CPO required to implement the Bromley by Bow South scheme.

The local and strategic pedestrian, cycle and bus improvements facilitated by Phase 1, and its integration with the Sugar House Lane scheme, are considered to outweigh concerns about this phase proceeding independently of subsequent phases. This concern is also allayed by the applicant’s strong intention to acquire the Big Yellow land required to deliver Northern Phase A. The applicant also advises that it is in discussions with LLDC, Colas and the Dance Club to achieve the land assembly required to deliver a significant part of the Southern Phase. If successful, the applicant would be in control of a significant part of the site. The LLDC will have CPO powers in the event that land assembly through negotiation is not successful.”
In addition, the applicant advises that acquisition of land north and south of phase 1 is being progressed, with the option to purchase being exercised in the short term. Exercising these options will help to mobilise the remaining land assembly by the applicant or others including Tesco. Whilst these are not fixed elements, the delivery of the bus bridge to Sugar House Lane can be controlled, as described above. GLA officers are satisfied that the approach set out in the section 106 will help ensure that phase 1 is acceptable in planning terms.

In terms of employment the OLSPG locates the site within the Southern Olympic Fringe. It specifically requires new development to provide new family housing and employment opportunities and contribute to the creation of a new District centre at Bromley by Bow and the restoration of the area’s heritage and water assets. Before demolition, land within the applicant’s ownership generated 260 jobs. The applicant estimates that up to 369 jobs will be generated by the business accommodation, car dealership and cafe, restaurant and/or drinking establishment. As with the approach taken at Sugar House Lane in terms of carefully managing the release of industrial land the capacity for employment remains at the level originally expected on site. This approach is consistent with the London Plan and the Olympic Legacy SPG.

### Housing

The housing mix has been amended since the consultation stage in November 2011. The offer is set out below as reported by the Corporation:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Private</th>
<th>Affordable Rent</th>
<th>Intermediate</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Detailed</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 bed 2 person</td>
<td>48</td>
<td>12 (24%)</td>
<td>13 (52%)</td>
<td>73 (33%)</td>
</tr>
<tr>
<td>2 bed 3 person</td>
<td>16</td>
<td>10 (21%)</td>
<td>0 (0%)</td>
<td>26 (12%)</td>
</tr>
<tr>
<td>2 bed 4 person</td>
<td>41</td>
<td>5 (10%)</td>
<td>6 (24%)</td>
<td>52 (24%)</td>
</tr>
<tr>
<td>3 bed 4 person</td>
<td>3</td>
<td>2 (4%)</td>
<td>1 (4%)</td>
<td>6 (3%)</td>
</tr>
<tr>
<td>3 bed 5 person</td>
<td>20</td>
<td>14 (29%)</td>
<td>4 (16%)</td>
<td>38 (17%)</td>
</tr>
<tr>
<td>3 bed 6 person</td>
<td>13</td>
<td>0 (0%)</td>
<td>1 (4%)</td>
<td>14 (6%)</td>
</tr>
<tr>
<td>4 bed 6 person</td>
<td>4</td>
<td>6 (12%)</td>
<td>0 (0%)</td>
<td>10 (5%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>145</td>
<td>49</td>
<td>25</td>
<td>219</td>
</tr>
</tbody>
</table>

| **Outline** |         |                 |              |       |
| 1 bed       | 128     | 26 (22%)        | 31 (49%)     | 185 (35%) |
| 2 bed       | 112     | 35 (31%)        | 32 (51%)     | 179 (34%) |
| 3 bed       | 88      | 39 (34%)        | 0            | 125 (24%) |
| 4 bed       | 12      | 13 (11%)        | 0            | 25 (5%)  |
| 5 bed       | 5       | 3 (2%)          | 0            | 8 (2%)   |
| **Total**   | 343     | 116             | 63           | 522     |

| **Total Scheme** |         |                 |              |       |
| 1 bed         | 176     | 38 (23%)        | 44 (50%)     | 261 (35%) |
| 2 bed         | 169     | 50 (30%)        | 38 (43%)     | 254 (34%) |
| 3 bed         | 122     | 55 (33%)        | 6 (7%)       | 183 (25%) |
| 4 bed         | 16      | 19 (12%)        | 0            | 35 (5%)  |
| 5 bed         | 5       | 3 (2%)          | 0            | 8 (1%)   |
| **Total**     | 488     | 165             | 88           | 741     |

In summary, the overall provision is set at 35% affordable housing split 67/33 affordable rent/intermediate, however the section 106 heads seeks a 50/50 split. The rent levels for the affordable rent units is yet to be agreed and will be subject to further consideration in discussion with the GLA’s Housing team, the registered provider and Tower Hamlets Council. The Corporation commissioned an independent review of the applicant’s viability in discussion with the GLA. The conclusions of the review accepted that the approach represented the maximum reasonable amount of affordable housing. Officers are broadly satisfied that the approach is consistent with the London Plan.
Urban design and access

20 At the consultation stage the Mayor raised a number of strategic concerns regarding the masterplan, in particular the block layouts, access arrangements and residential quality. The Mayor specifically requested consideration of a single larger open space as part of the block arrangement testing. The Mayor also raised concern at the heritage analysis.

21 The applicant has responded through the rearrangement of blocks R2 and R7 and by removing R8. This creates built form along the towpath and courtyard space in the centre of the site. The massing has been reduced but the scale is still fairly significant. On 14 February 2012, the design team presented the emerging amendments to the London Access Forum in order to address the range of access concerns raised by the Mayor. The level change between the towpath and the courtyard has been dealt with internally, albeit there remain the options of stepped access either side of the towpath elevations. Whilst this is the case, the approach is generally well considered in creating inclusive environment.

Architectural design

22 The architectural design has improved following amendments by the applicant. The simplification of building details and reduced material use has resulted in an architectural quality that is more fitting to its working river location. Overall, the design of the blocks facing the towpath are more successful in part due to their scale but also the blocks are more simple without unnecessary set-backs and adjustments to the building line.

Residential quality

23 There is limited commentary regarding the Mayor’s Design Quality Standards, including space standards. It was suggested in the stage 1 that these should be set out in the design code. This has not been included. Suitable conditions have however been secured by the Corporation.

Heritage

24 In terms of the heritage testing, the applicant has submitted a series of new wireline views including in the setting of the Three Mills and its Conservation Area. The impacts are broadly acceptable and would not harm the setting of the Mill buildings or the character and appearance of the Conservation Area.

Climate change

25 At the consultation stage and following on from the officer letter in April 2012 the applicant has responded to verify the approach to carbon saving calculations. The applicant confirms a 4% carbon saving through energy efficiency alone, beyond building regulations 2010 and a further carbon reduction of 18% through CHP. Photovoltaic panels supplement the remaining carbon savings up to 31% beyond building regulations 2010.

26 Whilst the individual approach to the site is broadly consistent with the objectives of the London Plan, the wider strategy for the masterplan is not. Whilst the applicant has designed to connect to a future heat network, the applicant has rejected a single energy centre approach for the masterplan as future phases come forward. This approach is not justified. As phases North A and B and the south phase come forward the applicant will be able to identify both space and the suitable load for a single energy centre to serve the site as a whole, rather than individual systems for each phase as currently proposed. As such the GLA has suggested wording in the draft section 106 to capture a policy compliant approach which priorities connection to an existing heat network (such as the Olympic park heat network) and which priorities a single energy centre approach.
across the masterplan, with minimum 25% carbon reduction. Such an approach ensures the application is consistent with the London Plan energy polices.

**Climate change adaptation, biodiversity, noise and air quality**

27 The draft decision notice includes suitable conditions regarding the management of surface water, air quality, noise and biodiversity. The layouts regarding noise and air quality allow a number of double aspect apartments. There are no single aspect units overlooking the A12. In terms of water management and flood risk the Environment Agency is broadly satisfied subject to suitable conditions.

28 Green and brown roofs need to be encouraged in this area and have not been conditioned specifically; however there is suitable opportunity for future provision through reserved matters design stages. The application raises no strategic concern regarding these policy areas. The approach is broadly consistent with the objectives of the London Plan.

**Transport for London’s comments**

29 Since the consultation stage, TfL has worked closely with the developer, the LTGDC and Tower Hamlets Council to agree solutions that will mitigate the impact of this development on the transport network and overcome the isolated nature of the site, particularly in regard to the first phase of development. In addition, the transport assessment has been updated to reflect the uncertainty with regards to the provision of an all movements junction on the A12, revisions to access to the proposed pedestrian/bus bridge and an updated Pedestrian audit assessment.

30 In order to minimise vehicular trips in the vicinity of the A12, TfL welcomes the reduction in overall residential parking from 209 to 171 spaces and car showroom parking from 27 to 14 spaces. For the detailed element of the proposals, TfL notes that 57 parking spaces will be provided for the residential use (0.20 spaces per unit). The commercial element remains car free, save for two disabled bays located in the layby adjacent to Hancock Road. Although TfL requested that there should be a section 106 obligation to restrict occupier access to parking permits, this has not been included in the draft agreement. 1 in 5 of the residential spaces (both active and passive) will provide an electrical charging point and this will be secured by planning condition. In addition, cycle parking will be provided in accordance with London Plan standards, details of their number and location will also be secured by condition. TfL welcomes changes to the layout of the detailed phase of the scheme so that delivery access from Hancock Road is provided off-road from delivery bays, in order to minimise any conflict with vehicular movements on the northern section of the Hancock Road slip (part of the TLRN).

31 In response to TfL’s request and to reflect the reduced parking levels and other changes to the scheme, the applicant undertook a revised trip assessment. This indicated that the vehicle trip generation from the car dealership would be about 50% of that originally predicted. With regard to the overall impact of additional vehicular trips on the A12, TfL raised no objection to the development proceeding without the proposed all-movements junction at Three Mills Lane. The A12 junctions with Bow Roundabout and Twelvetrees Crescent are already operating at capacity and the relative impact of the development is predicted to be minor.

32 Although the creation of an all movements junction was not considered a necessary prerequisite for the development of this site, improved connections are essential in order to overcome the extreme isolation of this site, particularly during the first phase. TfL therefore welcomes the package of section 106 obligations that will flow from this and the adjacent Sugar House Lane development to provide improved connections between the two neighbourhoods. Amongst other things, the Sugar House Lane development will be required to construct two
bridges to connect with this site; a bus/pedestrian/cycle bridge (Bridge 1) and a pedestrian/cycle bridge (Bridge 2). Correspondingly, the detailed phase of this development will provide the bridge infrastructure required to build Bridge 1 before occupation of the development and safeguard and make available the road connection to Hancock Road for adoption as public highway at no charge. Similarly, the occupation of the outline phase of the development is linked to the provision of the infrastructure and connections for Bridge 2. Both bridges are required to be completed by the Sugar House Lane developer within 18 months of the practical completion of the first phase 1 of this development. Failing to do so, the developer is required to pay an equivalent cash sum to the local planning authority to enable their delivery. The timing reflects the requirement for this scheme to be constructed in order to provide the necessary connections to the bridges. TfL considers this to be acceptable and in line with the agreements secured as part of the Sugar House Lane scheme. Furthermore, details of the layout of the adjacent highway to adoptable standards will be secured by condition. Approval of the highway layout will be taken consultation with TfL to ensure that it is suitable for bus access.

33 In order to improve connections across the A12 to the west and to Bromley-by-Bow Underground station, the developer has agreed to undertake improvements to the subway adjacent to Three Mills Lane off-setting the costs in part as works in kind. As such the section 106 agreement includes an obligation that the developer shall fund and implement those improvements. Whilst details of the actual improvements have not been identified at this stage, they are expected to be based on the scheme of environmental works to the Empson Street subway that were secured with the recent permission for a school at Bow Locks to the south. TfL therefore considers this to be reasonable solution in terms of improving connections across the A12 in advance of any significant pedestrian improvements. Improvements are also required to pedestrian connections towards Bow Church DLR station via Bow Roundabout. As such a sum of £100,000 has been ring fenced within the section 106 agreement towards public realm improvements at Bow Roundabout which is welcomed.

34 In order to mitigate the cumulative impact of new development on Bromley by Bow station, £700,000 will be ring fenced within the section 106 agreement towards improved interchange facilities and the creation of additional capacity. This is welcomed as it will provide much needed public transport upgrades in this area and will complement the additional bus capacity and bridge connections that have been secured at Sugar House Lane.

35 Other matters that have been secured through section 106 agreement or condition include workplace and residential travel plans and a construction management plan.

36 In summary, TfL considers that the package of section 106 measures and works in kind are reasonable and will assist with mitigating the impact of this development on the transport network.

Section 106 agreement

37 The Corporation uses the Planning Obligations Community Benefit Strategy (POCBS) to determine section 106 contributions. The POCBS seeks payment of a Discounted Standard Charge of £10,000 per residential unit and payment of a Deferred Charge capped at £22,400 per unit in the event that realised average residential sales values achieve agreed levels

38 The applicant has offered £7,500 per residential units for Phase 1 towards the POCBS Discounted Standard Charge. The Corporation reports as follows:

“Discussions are on going between the advisors appointed by the applicant and the Corporation on the appraisal assumptions. In any event, given the lack of information around the delivery of the Southern and Northern Phases, it is recommended that the S106 Agreement require a reappraisal of the scheme at the submission of Reserved Matters stage to establish the level of financial contributions each phase can support. The LBTH has applied its Planning Obligations SPD and requested contributions totalling £5,572,389, including contributions towards education
(£2,793,344), community facilities (£213,148), public open space (£1,202,383), Smarter Travel (£241,700) and public realm improvements (£431,730). In addition to the provision of affordable housing (The application, including Phase 1, provides a level of affordable housing and associated tenure and unit size mix that is supported by LBTH), the SPD seeks to prioritise S106 contributions towards education, employment/skills training and education.

Request for financial contributions have also bee received from LBN towards bus network improvements in association with Sugar House Lane and pedestrian crossing facilities at Bow Interchange and from British Waterways towards the management of the waterways. Given the level of financial contributions sought, it is recommended that a process of prioritisation will be required to allocate financial contributions towards projects based on the need for funding and the timing of their delivery. In terms of a financial contribution to be secured from Phase 1, it is recommended that payments are ring fenced towards public transport, education and community. Any public transport contribution should be ring fenced towards improvements at Bromley by Bow Station and Bow Interchange.”

39 As described above, transport contributions have been agreed at £700,000 for Bromley-by-Bow Station and £100,000 towards Bow Roundabout. The heads of terms are set out below:

- The payment of a minimum contribution of £7,500 per unit towards the Discounted Standard Charge and the deferred charge (up to £22,400 per residential unit) for Phase 1 in accordance with the Planning Obligations Community Benefits Strategy;

- The payment of a discounted standard charge per residential unit and the deferred charge per residential for Northern Phases A and B and the Southern Phase and appropriate contributions from the commercial floorspace in accordance with the Planning Obligations Community Benefit Strategy (or its successor) subject to the reappraisal of the viability of each phase at the Reserve Matters stage;

- The following financial contributions to be ring fenced from the Phase Discounted Standard Charge and Deferred Charge:
  - Public Transport (Bromley-by-Bow station)
  - Education
  - Community
  - Public Realm (Bow interchange)

- To fund and implement improvements to the A12 subway adjacent to Three Mill Lane before first occupation of Phase 1 and subject to the necessary approvals from TfL.

- To provide the bridge infrastructure required within Phase 1 to build a bus, pedestrian and cycle bridge to/from Sugar House Lane before occupation of the development and safeguard and make available the road connection to Hancock Road for adoption as public highway at no charge and at the request of the Local Planning Authority.

- To provide the bridge infrastructure required within Northern Phase B to build a pedestrian and cycle bridge to/from Sugar House Lane before occupation of the Northern Phase B and make available for adoption as public highway at no charge and at the request of the Local Planning Authority.

- To complete the residential courtyard and temporary public open space within Phase 1 before first occupation of any residential unit within Phase 1.

- To complete the residential courtyard within Northern Phase A before first occupation of any residential unit within that Phase.
- To complete the public open space and bridge infrastructure required to build a pedestrian and cycle bridge to/from Sugar House Lane within Northern Phase B before first occupation of any residential units within that Phase.

- The residential courtyards and temporary open space within the Southern Phase to be provided before first occupation of any residential unit within that courtyard block.

- The public open space within the Southern Phase to be provided before the first occupation of block S5-S8.

- To complete the towpath improvements relating to each Phase before first occupation of that Phase.

- To deliver 35% affordable housing (on a habitable room basis) and a 50:50 split between affordable rent and intermediate for Phase 1. Affordable housing on the Northern and Southern Phases to be subject to reappraisal of the viability of each phase at the Reserved Matters stage.

- Deliver an agreed percentage of affordable housing before occupation of an agreed percentage of open market housing.

- To prepare and implement a site-wide Energy Strategy that demonstrates how the scheme design and energy efficiency and renewable energy technologies contribute to a reduction in carbon dioxide emissions and safeguard the opportunity to connect to a district or site wide heat network in accordance with the London Plan and Target Emission Rate adopted in the 2010 Building Regulations.

- All Phase 1 commercial units to be constructed to shell and core and marketed for a minimum of 6 months prior to shell and core finish.

- Provide 24 hour public access to all publicly accessible areas within the site 18. Skills and Training Initiatives.


- S278, and if needed S38, Agreement (the applicant to fund all relevant enabling highway works, including pedestrian/cycling, public realm improvements and signage and maintenance as part of access/servicing proposals).

- All monies to be indexed in accordance with the BCIS Index.

**Response to consultation**

40 The application was consulted on originally in October 2011 and again following substantial amendments in May 2012. The response to the consultation is set out below as extracted from the Corporations’ officer report.

**London Borough of Tower Hamlets (LBTH)**

On 4 July 2012, LBTH, in its capacity as a statutory consultee, considers that, on balance and in conjunction with the approved consent for a new District Centre (ref: PA/09/2574) at Bromley by Bow, the proposed development would fulfil the land use of objectives of the Bromley by Bow Masterplan and Land Use and Design Brief. As such, the Council supports the principle of
the application subject to assurances in the S106 Agreement and planning conditions that address the following:

- The detailed element of the scheme sits as an ‘island’ between the wider outline part of the hybrid application – The Council is not satisfied that quality public realm, amenity areas and safe routes can be delivered scheme without the southern outline part of the proposal coming first soon.

- It is considered that the outline element of the proposal cannot be delivered without the provision of the all movements junction forming part of the Bromley by Bow South scheme.

- In the event that planning permission is granted, LBTH recommends that the key priorities for S106 contributions be affordable housing, education, community facilities and employment, skills, training and enterprise. Other priorities include health, sustainable transport, public realm and environmental sustainability.

- The following provides a summary of the responses received from LBTH’s internal consultees:

  **Communities, Localities and Culture**

- The increase in on-site residential population will increase demand for the Borough’s open spaces, sports and leisure facilities, Idea Store, libraries and archive facilities.

- The new housing is estimated to result in 1,647 new residents within the development.

- The new commercial floorspace is estimated to result in 259 new employees within the development.

- Recommend that the following financial contributions are secured to mitigate the impact of the development in accordance with the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development:
  
  - A contribution of £213,148 is required towards Idea Stores, Libraries and Archives;
  - A total contribution of £690,084 is required towards Leisure Facilities;
  - A total contribution of £1,202,383 is required towards Public Open Space;
  - A total contribution of £241,700 is required towards Smarter Travel;
  - A total contribution of £431,730 is required towards public realm improvements.

  **Housing**

- Support the application and acknowledge that East Thames Housing Group and Southern Housing Group are on the Council’s Preferred Partner Framework.

- Support the commitment to provide 35% affordable housing by habitable rooms across the scheme.
• Support the Phase 1 delivery of 35% affordable split 71:29 between social rented and intermediate housing.

• The applicant is proposing to deliver the rented units at affordable rents. The applicant has agreed that the affordable rent levels will be within the guidelines set by the Borough, through the POD research, for the E3 area.

• Consider the proposed tenure mix for the social rented units within the detailed application of 24% one bedroom units, 31% two bedroom units, 33% three bedroom units and 12% four bedroom units to be broadly compliant with planning policy.

• Welcome the provision of larger 3 and 4 bed rented units designed with separate kitchens given the advice from the Council’s lettings department that there is a particular need for this type of unit.

• While there is an over provision of intermediate one bedroom (52%) and an under provision of intermediate two (24%) bedroom units, the level of three bedroom units (24%) is broadly in line with planning policy. Recommend the applicant to reconsider the mix when consideration is given to the detailed design and viability of the outline part of the application.

• Acknowledge that the 10% provision of wheelchair accommodation across the scheme complies with planning policy. As the applicant has not submitted a detailed breakdown by unit tenure, type or size, this information, including layout drawings of each unit type (with turning circles etc) should be secured by planning condition.

**Transport and Highways**

• The application proposes 192 car parking spaces (subsequently reduced to reflect comment on numbers of residential spaces) across the entire development at a ratio of 0.26 spaces per unit. The site has a PTAL rating ranging from 3-5 but the majority of the site is PTAL 4. The draft Managing Development DPD supports the provision of 171 residential car parking spaces (now agreed) (103 at 0.2 spaces per 1 or 2 bed unit and 68 at 0.3 spaces per 3 bed + unit) or 0.23 spaces/unit across the development.

• The provision of 14 car parking spaces allocated to the car dealership is not supported.

• The application does not provide the minimum level of residential cycle parking (1 per 1 or 2 bed unit, 2 per 3 bed or 3+ bed unit) required by the draft MDDPD. A minimum of 967 cycle parking spaces are required.

• The application assesses the trip generation impact of the detailed and outline phases of the development assuming the Bromley by Bow South promoted all movement junction (AMJ) is in operation. Highways are satisfied that the detailed part of the application (Phase 1) can be accommodated within the existing highway capacity. However, the outputs of the VISSIM model show considerable queuing on the A12 northbound exit slip road feeding Bow roundabout as a result of the outline development. A large proportion of these queuing vehicles would reassign to the AMJ if it were available. Highways requires a condition added to any planning permission stating that development of outline part of the application cannot be occupied until AMJ has been implemented.

• The proposed loading bays located on the public highway on Hancock Road are not supported by Highways. The proposed arrangement will result in goods vehicles,
including large articulated types, exiting and entering the flow of traffic on a heavily trafficked road where vehicle speeds are high. The provision of bays in this location would require the highway surface to be lowered to be flush with the existing carriageway. This process can require relocation of stats running under the footway pavement, a process that is extremely disruptive and undesirable to the Highway authority.

- Loading bays on the public highway cannot be reserved for any particular use or development and as such are vulnerable to illegal parking or other vehicles stopped or waiting. There is no guarantee that a goods vehicle approaching the loading bays would be able to park. A slow moving vehicle, searching for a parking space would have a detrimental impact on traffic flow and may even lead to double parking in the carriageway, which would be totally unacceptable on Hancock Road.

- The development site is hemmed between the A12, A11 and River Lea thus making it extremely isolated. Good pedestrian links, particularly across the A12 are therefore imperative for people to access public transport (mainly Bromley-by-Bow station) as well as shops, services etc on the western side of the A12. It is extremely concerning that upgrades to the two pedestrian crossings are dependent on the Tesco scheme. These crossings are extremely unwelcoming and would discourage walking and cycling and encourage car use.

**Education**

- The Planning Obligations SPD seeks contributions of £14,830 per child towards the provision of primary school places and £22,347 per child towards the provision of secondary school places.

- The development is estimated to generate the need for 110 primary school places (£1,631,300) and 52 secondary school places (£1,162,044).

**Sustainability**

- The current proposals include the use of Air Source Heat Pumps (to serve up to 10 units each) to provide the space heating and hot water for the proposed development. This approach is not supported by the Sustainable Development Team and the applicant is advised to review the current design and proposals to ensure compliance with the London Plan requirements.

- Following a review and revision of the energy strategy to ensure compliance with London Plan Policy 5.6 the applicant should submit details of the renewable energy technologies proposed for the site and demonstrate that CO2 emission reductions have been maximised from the technologies.

- The submitted information identifies that the current design will achieve a Code Level 4 and BREEAM Excellent rating. This commitment is supported by the Sustainable Development Team. The applicant must submit a Code preassessment to demonstrate how Code Level 4 will be achieved and BREEAM preassessment to demonstrate how an Excellent rating will be achieved.

- The Energy Strategy should be undertaken following the ‘GLA Energy Team Guidance on Planning Energy Assessments 2011’ and the CO2 emission reductions achievable at each stage of the energy hierarchy clearly set out.
The London Plan includes a number of CO2 emission targets to be met over the forthcoming years. The proposals for outline permission must be subject to a condition requiring a revised energy strategy and sustainability strategy to be submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application.

**Environmental Health (Noise)**

- Recommend planning permission is refused because the residential facades facing the A12 are exposed to road traffic noise levels falling into Noise Exposure Category “D” of PPG 24.
- Recommend that the buildings are redesigned to ensure that no habitable rooms overlook the A12.
- Other conflicts of use may occur with commercial and residential occupation C3 / A3, A4, B1.

**Environmental Health (Contaminated Land)**

- Recommend the use of planning conditions that require the submission of (1) a scheme for identifying the extent of contamination within the site, including (a) a proposal to undertaken an intrusive investigation based on a desk top study, (b) a report to investigate and identify potential contamination, (c) an assessment of the risk of any contamination founds and (d) proposals for any necessary remedial works to contain, treat or remove any contamination and (2) preventing occupation until (a) any remediation works have been carried out and (b) a verification report has been submitted.

**Biodiversity**

- Note that Ecology was scoped out of the Environmental Statement despite the application site being adjacent to the River Lea Navigation and designated part of a Site of Metropolitan Importance for Nature Conservation.
- Acknowledge that while the development is unlikely to generate direct impacts on river ecology, its consideration would have been useful.
- Consider the possibility that the site may provide a habitat for bats and black redstarts which are protected species under the EU Habitats Directive and Wildlife and Countryside Act respectively.
- Recommend a bat survey is undertaken followed by detailed surveys of buildings considered likely to hold bat roosts.
- While a black redstart survey should be undertaken before planning permission is granted, if suitable nest sites and foraging habitat for black redstarts (such as nest boxes and brownfield-style green roofs) is included in the development, surveys are not necessary at this stage. If demolition is to be undertaken during the nesting season (April to July inclusive for black redstarts), surveys for black redstarts should be undertaken immediately before demolition. If black redstarts are found to be nesting on site, they must not be disturbed before the young have fledged.
- Express concern that consideration has not been given to enhancing biodiversity within the landscaping proposals despite the Design & Access Statement proposing the use of
native planting to create features of ecological potential. The landscaping proposed in the open spaces appears largely formal, and the riverside park in the north of the site appears to be heavily shaded. The proposed use of native trees will have some benefits for biodiversity, but this is not likely to be a major enhancement.

- There is no reference to green roofs. Biodiverse green roofs, such as brownfieldstyle “brown roofs”, should be incorporated within the scheme to enhance biodiversity.
- There is an opportunity to enhance the river edge habitats, creating reed beds or other marginal vegetation using coir rolls or gabion baskets. The applicant should discuss with British Waterways whether such enhancements would be feasible on this site.

**Landscaping**

- Inadequate provision for tree planting and landscape improvement/public realm space.
- Object to the application on grounds that inadequate provision is made for tree planting to offset increased heat island effect.
- Recommend the use of the S106 agreement to fund tree planting in nearby parks, streets and public open spaces due to shortage of available land on development site.

**Crime Prevention Officer**

- When the application was originally submitted the Crime Prevention Officer submitted extensive comments about the extent to which the proposed and detailed scheme design could and should implement the principles of Secure by Design.

**London Borough of Newham**

On 18 May 2012, LBN made the following comments on the revised application:

- Support the delivery of a connection between Bromley by Bow and Sugar House Lane.
- Raise concern about the possible detrimental effect of the development on the setting of the group of listed buildings on Three Mill Lane despite the potential to improve the approach to the Three Mills Conservation Area from the west. Without further views showing the listed buildings, object to the application.
- Raise concern about the outline nature of the development in such close proximity to the Conservation Area and listed buildings in the absence of appropriate drawings.
- Expect the scheme to be compliant with GLA affordable housing policy.
- Encourage the demand for new primary and education school places to be investigated and catered for within LBTH.
- Welcome the provision of commercial space capable of employing between 129–369 jobs and consider job creation to outweigh the displacement effects on existing businesses.
- Welcome the commitment to achieve a minimum of Code for Sustainable Homes Level 4 and BREEAM Excellent and the investigation of a mix of renewable energy sources and provision for connections to local heat networks.
Welcome the overall pedestrian and cycle connectivity proposed and recommend the development provides the appropriate infrastructure and funding, including that required to provide the bus, pedestrian and cycle bridge to/from Sugar House Lane.

Recommend a financial contribution is made towards improving the pedestrian environment at Bow roundabout.

Recommend a financial contribution is made towards re-routing buses through the Bromley by Bow North and Sugar House Lane sites.

Design Council/CABE

On 30 September 2011, and in response to the application as originally submitted, the Design Council/CABE urged the design team to step back and reconsider the fundamental urban design issues for the site to ensure the scheme can positively contribute to the regeneration of the area.

On 23 May 2012 the Design Council/CABE made the following comments on the revised application:

• The revised masterplan represents a potentially successful approach to this challenging site.

• The relationship between buildings, routes and amenity spaces creates a coherent scheme layout and the residential floorplans are well considered.

• Welcome the thought given to the revised architectural approach but further work is required to refine the detailed design of the elevations and especially those fronting the A12 which appear monotonous and unrefined. More variety and articulation is needed in their design, perhaps through asymmetry in the elevations and variation in the roofline to add some diversity.

• Welcome the development of the landscape scheme but suggest children’s play could be more integrated to provide a playable landscape.

• The reorganisation of the scheme layout, involving the removal of Block R8, the relocation of blocks R2 and R7 and the creation of larger courtyard spaces result in a balanced spatial layout with a clear distribution of buildings and amenity spaces.

• The scheme presents a strong hierarchy of routes across the site.

• Welcome the omission of the homezone and find the design of the riverside walk coherent, providing clearly defined spaces of different scales.

• Comfortable with the building heights.

• Commend the internal layout of residential units in phase 1, including the significant proportion of dual aspect units and the provision of scissor flats fronting the river to provide front doors onto the towpath.

• Welcome the simplified approach to the design of the building elevations and the setback rooflines, and the homogeneity of the courtyard facing elevations and street facing elevations.
• The eastern elevation of the three storey townhouses with Block R4 appear a little squat, in particular between ground and first floors.

• The success of the development will depend upon the quality of materials and design detailing.

• The relationship between public, semi-private and private amenity spaces is clear, in particular fronting the River Lea Navigation, where the buildings provide enclosure to the courtyard spaces.

• Suggest children’s play should not be restricted to designated play areas but instead the whole landscape should be designed to be playable.

• Question why there is no provision for a ball games area; facilities for older children should be provided in a development of this size.

Environment Agency

On 1 November 2011, and in response to the application as originally submitted, the Environment Agency objected to the application on grounds relating to the acceptability of the Flood Risk Assessment, the width of the buffer zone fronting the canal and the impact on biodiversity.

On 14 June 2012 the Environment Agency removed its previous objections and raised no objection subject to the use of conditions requiring:

• The development to be carried out in accordance with the Flood Risk Assessment – Bromley by Bow North, Revision C, Ref: 10056 dated April 2012 and letter from Andrew Piction ref: AJP/lg10056 dated 18 May 2012 and the mitigation measures proposed therein.

• The submission and approval of a surface water draining scheme based on sustainable drainage principles and an assessment of hydrological and hydro geological context of site.

• The submission and approval of a scheme for the provision and management of compensatory habitat creation and the development implemented in accordance with the letter dated 12 May 2012 ref s-SHG-102-002 and Proposal 3 in Biodiversity Enhancement Proposals Drawing.

• The submission and approval of a landscape management plan including the Biodiversity Enhancement Proposals Drawing SSHG102/9639/1 for emergent vegetation planting off-site.

• The submission of a scheme for site contamination investigation and remediation.

• The submission of a verification report demonstrating the completion of any remediation works.

• The submission of a remediation strategy in the event that unknown contaminants are found during construction.

• No piling or any other foundation designs using penetrative methods.
• No infiltration of surface water drainage into the ground.

Health and Safety Executive

• On 14 October 2011 the London Borough of Tower Hamlets generated the HSE’s advice using the Planning Advice for Developments near Hazardous Installations (PADHI). The HSE advise that there are sufficient reasons, on safety grounds, for advising against the granting planning permission in this case. LBTH advise that the amendments to the scheme generate the same consultation response.

• The northern half of the site is located within the consultation zones of the Bow Calor Gas Centre. Blocks R5, R6, R7, R9, the car dealership and open space are all located within either the inner, middle or outer consultations. Given the number of dwellings, and corresponding housing density, proposed within each block the HSE classifies them as “larger housing developments” with higher sensitivity levels. While the application is promoted on the basis that Bow Calor Gas Centre will be redeveloped, the potential exists to deliver certain blocks if they do not generate objection on safety grounds from the HSE.

• Blocks R6 and R7 are identified as being within Northern Phase A, and, subject to the applicant exercising an option to acquire the land later this year, would be capable of independently delivering blocks R5, R9 and the car dealership. The phase straddles the middle and outer consultation zones. The PADHI methodology states where developments straddle zone boundaries it can be considered to be in the outermost zone if less than 10% of the site area is inside that boundary. As less that 10% of Northern Phase A is located within the middle zone, the PADHI would not advice against granting planning permission for blocks R6 and R7.

• Blocks R5, R9, the car dealership and open space are identified as being within Northern Phase B. The applicant is not in control of the land required to deliver this phase, which includes the Bow Calor Gas. As more than 10% of the phase is within innermost zone the development is considered to be entirely within the inner zone. The location of, and number of units within, Block R9 has generated the HSE advice against granting planning. As the car dealership is proposed to be above 3 storeys and the open space is outdoors and for use by the general public (<100), they have also generated the HSE advise against granting planning permission. As Block R5 is located entirely within the outer zone, the HSE would not advise against granting planning permission if it was not located within Northern Phase B. To protect the safety of the occupiers and users of Blocks R9, the car dealership and the public open space it is recommended that a Grampian condition is attached to any planning permission that prevents the implementation of Northern Phase B until the Hazardous Substance Consent for Bow Calor Gas site has been revoked.

English Heritage (Archaeology)

• On 24 May 2012 English Heritage raised no objection subject to the use of planning conditions requiring no development to take place until the applicant has implemented a programme of archaeological mitigation in accordance with an approved Written Scheme of Investigation and provision made for the analysis, recording and publication of archaeological and historic building remains.

London Legacy Development Corporation (formerly Olympic Park Legacy Company)
On 28 October 2011, the Olympic Park Legacy Company expressed support for the principle of redevelopment but considered the scheme to fall short of the urban design quality and phasing requirements.

On 14 June 2012, the London Legacy Development Corporation made the following comments on the revised application:

- While pleased with the direction of travel being taken, remain concerned as to the isolated nature of the site given the history of ‘island’ developments on the east side of the A12.

- Concerned with the proposed phasing and that the blocks in the detailed part of the application will be the first to come forward given the delay in the delivery of the Tesco scheme and need to integrate with existing and proposed developments. More clarity is need on any discussion relating to the Tesco owned land in the south.

- The scheme needs to be developed with key connections to existing local places and to developments coming forward, such as Sugar House Lane. The following connections should be in place prior to development to ensure the scheme is sustainable and mitigate against the isolated nature of the development:
  - A vehicular bridge to Sugar House Lane;
  - Pedestrian crossings at Bow roundabout to link with existing centres at Stroudley Walk and Bow Church Station;
  - Environmental Improvements to the route from Bromley by Bow station and the environment of Hancock Road.

- Despite seeing significant improvements to the overall scheme design, the following further connectivity issues still need to be resolved:
  - Clarity on the landing of the proposed road bridge to Sugar House Lane – the angle, the bridge street frontage and dimensions are not apparent and footways on both sides of the bridge would be preferable. It does not match with what is outlined as part of LandProp’s Sugar House Lane planning application.
  - There should be a connection to the towpath under Stratford High Street as close to Bow Interchange as possible in order to facilitate the use of the towpath as a route north from Stratford High Street.
  - It is not clear where the main access points to the canal side are proposed.
  - Overall, support the changes made to the scheme, in particular the proposal for the active frontage to the River Lea Navigation but raise concerns with the following:
    - The scheme feels very dense due to the isolated nature of the development and the scale and height of buildings against the internal courtyard space.
    - It appears that the pavement slopes back towards the building façade which creates an odd condition for wheelchair users and drainage. Suggest a low wall on the street edge to provide a greater sense of enclosure for pedestrians. Landscaping should be increased.
    - The public open space located at the landing point of the bus bridge should be reconfigured so as to provide access to the canal side but still capable of being used.
• It is not clear why the ends of blocks R5 an R4 are described as ‘landmark buildings’

• The use of brick and a simple palette of materials is supported subject to agreement on brick type.

• Concern that the car dealership elevation adjacent to the Free Wharf presents an inactive façade.

• Rather than have balconies on blocks R4 and R5 facing the A12, it would better if these were located east, canal facing side overlooking the public square.

• Concern about the appearance and detailing of edge treatment on the northern side of the development prior to the later northern phases coming forward.

• The justification in the Socio-Economic Assessment is not robust in respect of social infrastructure provision and is reliant on the uncertain delivery of surrounding developments.

• The application does not include an assessment of the NPPF.

• Question the level of car parking in Phase 1 given the number family sized units.

**British Waterways**

On 28 October 2011, British Waterways made the following comments:

• Raise concern about the introduction of two new bridges across the River Lea Navigation. While acknowledging that they are not intended to be delivered as part of this site, do not support their principle without further understanding their rationale. In any event, there should be enough land space for ramp/steps to allow for appropriate headroom above the towpath and water level. Suggest that a pedestrian walkway could be included in a vehicular bridge to avert the need for a second bridge.

• Support the inclusion of towpath works and need to agree a detailed design, including landscaping and lighting, to be secured by planning condition requiring consultation with British Waterways.

• The existing Bow Free Wharf is used by British Waterways for essential maintenance access and for removing weed and rubbish collected in the area, but is also available for any other operator and is vitally important as there are no others in the area. The relocated vehicular access should be retained and improved as part of the proposed improvements. Raise concern that uses adjacent to the wharf and its access should not prevent its use but provide overlooking.

• Consider pedestrian and cycle access to the towpath along Three Mill Lane to be very poor and expect to see the level difference addressed to improve accessibility and attractiveness.

• Support cyclists using the towpath but are keen that the towpath is promoted as a shared use route where pedestrians have priority.
• Stairs are shown from the road level to the waterside between Bow roundabout and the car dealership. The double height building against the access could be unattractive and create hiding places.

• Waterside sites should make the best use of their location and use of waterborne freight during construction and demolition may prove efficient, particularly in reducing traffic on the road network. During occupation there may also be potential for transporting waste by barge considering the location of the adjacent wharf.

• Request the development makes a contribution to the management of the waterway environment.

• Request planning conditions requiring the applicant to (1) undertake a survey of the towpath and river wall and submit details of the towpath works, (2) undertake a feasibility study to assess the potential for moving freight by water during the construction and occupation of the development, (3) submit details of landscaping and lighting and (4) submit a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.

Lea Valley Regional Park Authority (LVRPA)

On 26 June 2012, LVRPA objected to the proposed revisions on grounds that they undermine the scheme objectives identified in the Design and Access Statement. They undermine proposals for a landscape waterside corridor and enhanced ecology.

Individual Island House Residents

• Overall, welcome the development of the site.

• Certain aspects of the development threaten the historic buildings and abundant greenery and wildlife within the Three Mills area and its privacy and peace.

• Strongly object to the proximity of the 4 storey Block S7 to Island House and the associated loss of daylight and sunlight, especially during winter months, loss of privacy and the harm caused to the setting of the listed buildings.

• Strongly object to the location of the pub/restaurant within Block S7 that will be a noise nuisance and disrupt the tranquility of the area, particularly during the summer months when doors and windows are open and when deliveries are made and refuse collected, and compromise the privacy, quiet enjoyment and use of existing residential premises and balconies at Island House. There are ample alternative sites within the development where disruption would be minimal.

• The bus bridge across the River Lee will disrupt the peaceful character of the area, resident wildlife, necessitate the removal of reed beds and be an eyesore. The locations of the two proposed new bridges should be swapped. The plans for Bromley by Bow North and Strand East (Sugar House Lane) acknowledge that the northern end of their respective sites are blighted by the busy High Street and flyover and, as a result, have sited non residential commercial and office space in this location. It is entirely logical to site the bus crossing at the northern end where there will be far less disruption to residential units and preserve the peace and tranquillity of the southern end.

• Disappointed that the plans for the development around Island House is more unsympathetic than the other proposed river facing development e.g. the Sugar House
Lane is far more attractive and sensitive to its development, with much lower buildings heights set back behind landscaped areas.

- The towpath edge is attractively lined with many trees, which should be preserved or replaced so as to avoid this stretch of canal becoming an urban jungle. In particular, the large and attractive mature trees opposite the southern end of Island House should be preserved as it provides vital privacy for flats, particularly during the construction phase.

- The proximity of the town houses across the narrow canal path - we have privacy concerns as windows in Island House will be directly opposite. The roof terraces could also provide an unattractive view of washing, bicycles and sundry rubbish if the Management company allow it.

- The revised application results in all the buildings along the canal moving closer to the canal path with fewer gaps and open spaces – it creates a corridor of residential buildings right up to Bow interchange.

- Will the canal path be widened or front doors set back – we have a lot of problems with motorcycles tearing up and down the path which could be a hazard with door opening directly onto the path and also makes the canal more perilous at night with no escape route if faced with a bike or any of the feral youth gangs that plague the area.

- The bar/café or restaurant planned adjacent to the bridge is of concern if it becomes the focus of drunken youths that already hang around the bridge. This is the only access for residents and walking or driving past could become a daily battle.

- No parking has been allowed for the bar/restaurant/café which could cause problems to Island House if cars are parked on Three Mill Lane; The provision of a bus/cycle bridge next to the weir is a concern, not only due to noise and privacy issues for residents, but also the possibility that that it may be opened to other traffic with even worse noise and privacy issues.

**Other Local Residents**

- Fully support this application and the long overdue redevelopment of the site.

- Support redevelopment subject to appropriate public pedestrian/cycle access to the River Lea, improved landscaping along Hancock Road/A12, including street trees in accordance with the London Plan.

- Improvements in line with CABE are applauded, however, the amenity and historic value of the River Lea has been undervalued.

- While residential development is appropriate for this site, there are fundamental concerns about the scale and density of the scheme proposed, the quality of the residential accommodation and the design of the public realm and landscape. The scheme lacks a coherent design concept and a strong architectural theme reflecting the sensitive approach proposed by the Sugar House development opposite. The application fails to respond to the historic character of the neighbouring Three Mills and Sugar House Lane Conservation Areas.
• The repetitive bland architectural perspectives – seen so often now in new developments – with flat uninspiring fascias dotted with balcony cages does nothing to build a local identity linked to the (acknowledged) history of Bow and its inner London waterways.

• With a wonderful natural resource of the Lea, why on earth hide away the public green spaces within prison like squares.

• The car showroom offers no amenity value to the local community. The community would benefit from a range of small retail enterprises.

• Bromley by Bow has an acute shortage of school places – from play and stay upwards. The ward cannot support a further 700+ residences without schooling be addressed.

• No allowance has been made for schooling facilities. As there is not assurance the adjacent Tesco scheme – which includes a school facility – will be accepted, the development as it stands is unacceptable.

• There is no provision for Sure Start or pre-nursery through to Nursery School facilities. Object to external rainwater pipes to all elevations – surely these could be routed internally to improve aesthetics of elevations.

• A planning condition to requires details of a strategy for the provision of communal facilities for television reception such as aerials, dishes and other such equipment should be imposed to prevent adverse impact on the appearance of buildings.

• The area should be served by a leisure centre, including a swimming pool and gym facilities with male and female sessions.

• The area should be served by a community hall and a job opportunity and training centre for disadvantages people and jobless pupils.

• All new build homes should not have electric cooking or heating system or separate toilet and bathrooms but provide play areas and open space, sheds and parking for each property.

Landowners

Calor Gas

• Given the trading success of its site and the difficulties likely to be encountered in find an alternative, Calor Gas Ltd. Have no intention of vacating its premises.

• The continued operation of the Calor Gas Ltd. site will mean that the proposals submitted cannot be achieved due to the presence of the existing operations and the consultation zones imposed by the Health and Safety Executive.

• If the application were to be granted, the development would seriously impact upon the continued operation of the Calor Gas Ltd. site due to the proposals for residential and other development on and within close proximity of the site.

• The development will result in Calor Gas Ltd. from no longer being able to operate from the site leading to total extinguishment of the business with the prospect of alternative premises being identified.
The Corporation’s officer report responds to the points in detail. GLA officers are satisfied that the key strategic matters raised as part of the response to the consultation have been considered in this report and by the Corporation. The Mayor will have copies of these representations available to him in determining the case. The concerns received as part of the consultation response do not raise any new strategic planning matters that have not been considered as part of the planning assessment of the case or addressed through suitable conditions or the section 106 agreement.

**Legal considerations**

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. 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.

**Financial considerations**

Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (‘Costs Awards in Appeals and Other Planning Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

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.

**Conclusion**

The application is closely linked to the emerging proposals at Sugar House Lane given the potential to improve connections. The changes in circumstances since the stage 1 consultation response in November 2011 mean that there is greater certainty that improved connections will be delivered that support the site at Bromley by Bow North. This is also controlled through the legal agreement for Sugar House Lane. As such, the approach is generally acceptable in planning terms, and the applicant has responded to other policy concerns raised as set out in this report. The approach is broadly consistent with the London Plan.

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Bromley by Bow North

London Thames Gateway Development Corporation
(in the London Borough of Tower Hamlets)

planning application no. PA/11/02423

Strategic planning application stage 1 referral (new powers)

The proposal
Hybrid application has been submitted for 790 residential units and 10,527 sq.m. commercial floorspace including office, car dealership, bar/public house and other flexible restaurant, cafe and bar uses. The proposals also includes works to the highway, existing River Lea towpath, vehicle and cycle parking and associated landscaping.

The applicant
The applicant is East Thames Group and Southern Housing Group, and the architect is John Thompson & Partners.

Strategic issues
The application raises a number of strategic matters including the principle of development, employment land; comprehensive development and phasing of housing delivery, affordable housing, design, access, transport, energy, noise, air quality, biodiversity and climate change.

Recommendation
That the London Thames Gateway Development Corporation, be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 134 of this report; but that the possible remedies set out in paragraph 136 of this report could address these deficiencies. The application does not need to be referred back to the Mayor if the Corporation resolve to refuse permission, but it must be referred back if the Corporation resolve to grant permission.

Context
1 On 11 October 2011, the Mayor of London received documents from Tower Hamlets Council, on behalf of the London Thames Gateway Development Corporation (LTGDC) 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 21 November 2011 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 1A.1 and 1b.1 (c), of the Schedule to the Order 2008:

Category 1A

1. Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.

Category 1B

1. Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings — (c) outside Central London and with a total floorspace of more than 15,000 square metres.

3 Once the Corporation 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 or allow the Corporation to determine it itself, unless otherwise advised. In this instance if the Corporation resolves to refuse permission it need not refer the application back to the Mayor.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The site is approximately 3.69 hectares and is bounded by the River Lea to the east, the A12 and Hancock Road to the west, the A11 to the north and Three Mill Lane to the south. At present there are a range of industrial sheds which occupy the site including Calor Gas distribution, a furniture distribution store, Big Yellow storage, a night club, garage and printers amongst other uses. Some buildings have been demolished in preparation for redevelopment. The current scale of development is fairly low rise. The applicant owns only part of the site, the area relating to phase 1, with the printers in the ownership of the Corporation. Immediately south of the site is the Tesco Store, recently the subject of a planning application for a new District Centre. The existing store car park forms part of this application. To the west of the Tesco application site, on the west side of the A12 is the St Andrews Hospital redevelopment site.

7 The application site is within the context of two conservation areas. To the north-east is the Sugar House Lane Conservation Area and to the south-east, and partly within the site, is the Three Mills Conservation Area (see figure 2).

8 Three Mill Lane is a borough highway however the A12 forms part of the Transport for London Road Network. Bow interchange, close to the northern boundary of the site provides access to the A11 which is also part of the Transport for London Road Network. Vehicular access to the site is from Hancock Road, a borough highway that runs parallel to the A12.
Bromley by Bow is the nearest London Underground station located to the west of the A12 with pedestrian access via a subway. It serves the District and Hammersmith & City Lines. Numerous buses routes serve this area; routes 108 and 488 currently operate on Hancock Road, route 323 serves Twelvetrees Crescent and routes 25, 276 and 425 operates along the A11 Stratford High Street. Cycle Superhighway route 2 also operates along the A11, close to the site at Bow Interchange. The public transport accessibility level of site ranges from 3 to 5 (in a range of 1 to 6 where 6 is excellent).

Figure 1 land ownership (source: planning statement)
Details of the proposal

10 A hybrid planning application has been submitted as described below:

Outline component

11 Outline permission is sought for 565 residential units and approximately 9,448 sq.m. of commercial floorspace on a combined site area of 2.61 hectares (area shown in figure 3 excluding the dotted red line which relates to the detailed application).

12 The commercial floor space in the outline phases consists of 2,384 sq.m. gross floor space for flexible B1 office use, 6,401 sq.m. gross floor space for a car dealership (sui generis), and 663 sq.m. floor space for a restaurant/public house (flexible A3/A4 Use Class). Building scale ranges from one to ten storey. The larger scale blocks located along the A12 (see figure 3).

Detailed component

13 Full planning permission is sought for detailed Phase 1 proposals (land to the east of the dotted line in figure 3) comprising 225 residential units and 1,079 sq.m. of commercial floor space (B1 office use) on a site area of 1.08 hectares. The blocks in this phase will be between six to ten storey.
Figure 3 masterplan block layout with land uses
The housing mix of the development is set out below, however the applicant is yet to provide full details of the bedroom size mix by tenure and as such the affordable housing component of the scheme is currently unknown.

Table 1 Bedroom size mix - Phase 1

<table>
<thead>
<tr>
<th></th>
<th>1-bed</th>
<th>2-bed</th>
<th>3-bed</th>
<th>3-bed duplex</th>
<th>4 bed duplex</th>
<th>3-bed triplex</th>
<th>4 bed triplex</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>78 (34%)</td>
<td>79 (35%)</td>
<td>52 (23%)</td>
<td>5 (2%)</td>
<td>1 (1%)</td>
<td>8 (4%)</td>
<td>2 (1%)</td>
<td>225 (100%)</td>
</tr>
</tbody>
</table>

Table 2 Bedroom size mix outline permission

<table>
<thead>
<tr>
<th></th>
<th>1-bed</th>
<th>2-bed</th>
<th>3-bed</th>
<th>4-bed</th>
<th>4 bed duplex</th>
<th>5-bed duplex</th>
<th>3 bed triplex</th>
<th>5 bed house</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>180 (32%)</td>
<td>207 (37%)</td>
<td>113 (20%)</td>
<td>35 (6%)</td>
<td>3 (0.5%)</td>
<td>4 (0.7%)</td>
<td>5 (0.8%)</td>
<td>18 (3%)</td>
<td>565 (100%)</td>
</tr>
</tbody>
</table>

Table 3 Overall bedroom size mix
<table>
<thead>
<tr>
<th></th>
<th>3-bed</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>258 (33%)</td>
<td>286 (36%)</td>
<td>165 (21%)</td>
<td>35 (4%)</td>
<td>5 (0.6%)</td>
<td>4 (0.5%)</td>
<td>4 (0.5%)</td>
</tr>
</tbody>
</table>
Case history

15 As set out in this report, Bromley by Bow is identified as a potential new District Centre. Planning permission was recently granted for the redevelopment of Bromley by Bow south, for a new District Centre including Tesco Superstore, IDEAS Store (community facility), primary school, hotel and residential development including a new park (PA/09/02574/LBTH) (LTGDC-09-099-OUT) (PDU/2235).

16 In order to realise the delivery of the Tesco planning permission, land assembly was required and a Compulsory Purchase Order Inquiry opened in July 2010. On 11 January 2011 the Inspector made recommendations to the Secretary of State for the Order to be not confirmed. Part of the Order lands included the nightclub/garage and Colas Ltd as identified in figure 1 which forms part of this planning application. In the Inspector’s conclusions he draws on the impact on employees of the existing Order lands and that there was no planning permission in place regarding the comprehensive redevelopment of land to Bromley by Bow North (the subject of this application). It is understood that Tesco is still in negotiations regarding possible land assembly with third party owners to deliver the planning permission.

17 The applicant has not engaged in formal pre-application discussions with the GLA however, GLA officers have attended various meetings led by the Corporation where the proposals were presented and a number of matters were raised including the urban design, in particular the layouts of blocks, dealing with the canal edge, open space, residential quality, servicing and access and comprehensive redevelopment. Whilst no formal GLA pre-application engagement was ever undertaken by the applicant, the Corporation provided written feedback on these policy matters, which were broadly endorsed by GLA officers. Other matters regarding housing and climate change have not been discussed in detail. It is also understood that TfL has had separate discussions with the design team held in April 2011.

Strategic planning issues and relevant policies and guidance

18 The relevant issues and corresponding policies are as follows:

- Housing
  - London Plan; PPS3; Housing SPC; Providing for Children and Young People’s Play and Informal Recreation SPC, Housing Strategy; Assembly draft Revised Housing Strategy; Interim Housing SPC; Housing SPC EiP draft

- Affordable housing
  - London Plan; PPS3; Housing SPC, Housing Strategy; Assembly draft Revised Housing Strategy; Interim Housing SPC; Housing SPC EiP draft; Affordable Rent draft SPC; Assembly draft Early Minor Alteration to the London Plan

- Density
  - London Plan; PPS3; Housing SPC; Interim Housing SPC; Housing SPC EiP draft

- Urban design
  - London Plan; PPS1

- Mix of uses
  - London Plan

- Regeneration
  - London Plan; the Mayor’s Economic Development Strategy

- Transport
  - London Plan; the Mayor’s Transport Strategy; PPG13

- Parking
  - London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor’s Transport Strategy; PPG13

- Retail/town centre uses
  - London Plan; PPG13, PPS4

- Access
  - London Plan; PPS1; Accessible London: achieving an inclusive environment SPC; Planning and Access for Disabled People: a good practice guide (ODPM)
• Tall buildings/views  London Plan; RPG3A, Revised View Management Framework SPG; revised draft View Management Framework
• Historic Environment  London Plan; draft World Heritage Sites SPG; PP55; Circular 07/09
• Ambient noise  London Plan; the Mayor’s Ambient Noise Strategy; PPG24
• Air quality  London Plan; Assembly draft Early Minor Alteration to the London Plan; the Mayor’s Air Quality Strategy; PPS23
• Biodiversity/Geodiversity  London Plan; the Mayor’s Biodiversity Strategy; PPS9; draft PPS Planning for a Natural and Healthy Environment; draft London’s Foundations (Geodiversity) SPG
• Sustainable development  London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; Mayor’s Climate Change Mitigation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy; Sustainable Design and Construction SPG
• Blue Ribbon Network  London Plan; PPS25, RPG3B

19 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 2010 Tower Hamlets Core Strategy, the 1998 (as saved 2008) Tower Hamlets Unitary Development Plan and the 2011 London Plan.

20 The following are also relevant material considerations:
• 2007 Lower Lea Valley Opportunity Area Planning Framework.
• 2006 Leaside Area Action Plan
• 2007 Interim Core Strategy and Development Control Plan
• Planning application for a new district centre (Tesco) Reference: (PA/09/02574/LBTH) (LTGDC-09-099-OUT)(PDU/2235)
• 2009 LTGDC Bromley by Bow Land Use & Design Brief Interim Planning Guidance.
• 2010 LTGDC Sugar House Lane and Three Mills Land Use and Design Brief
• 2010 Sugar House Island Conservation Area Character Appraisal.
• 2006 Three Mills Conservation Area Character Appraisal.
• 2011 Draft Olympic Legacy Supplementary Planning Guidance.
• 2011 Draft Tower Hamlets Bromley by Bow Masterplan.
• The Early Minor Alteration to the London Plan.

**Principle of development**

**Planning policy**

21 The planning policy for the area has evolved through a range of supporting guidance that has informed the more recent publication of the London Plan (2011) and the Council’s Core Strategy (2010). The 1998 UDP status remains intact following the saving request in 2008 and the adoption of the Core Strategy, however the designation of the site in the UDP as an Industrial Employment Area, which seeks to protect and support industrial and warehouse use, has evolved, albeit that the core objective therein to maintain capacity for employment across the area is still embedded in policy but with the approach now seeking careful and managed release of industrial land, as oppose to outright protection.

22 This is outlined in Lower Lea Valley Opportunity Area Planning Framework (2007) (LLVOAPF) Sub Area 8 - figure 4.8, which identifies the site as an ‘other industrial area’ location
and in Core Strategy Policy SO16 and Interim Core Strategy and Development Control Plan guidance policy EE1 and EE2 which relates to the protection and management of industrial land.

23 Figure 19 of the Leaside Area Action Plan (AAP) and corresponding policies L19, L20 and L21 of the AAP focus on providing commercial and residential uses across the site and a new District Centre at Bromley by Bow. Policy LS24 of the AAP also identifies site LS32 ‘Hancock Road’ as suitable for employment and residential uses. A suite of other supporting documents including the Corporation’s Land Use and Design Brief (section 4.0 proposed land use) and the emerging Bromley by Bow draft Masterplan bring forward the land use approach which is broadly consistent with the aspirations of the London Plan, Core Strategy and the AAP in terms of a mix of commercial and residential uses linked to the new District Centre though carefully planned release of industrial land.

24 In September of this year, the Mayor published his consultation draft Olympic Legacy Supplementary Planning Guidance (OLSPG) which will update and supersede the LLVOAPF in this area, and which again emphasises careful and managed release of industrial land and where this site is identified for potential residential development with strong links to the new mixed use District Centre at Bromley by Bow and new community at Sugar House Lane. The key objectives for the sub area are set out below and the land use aspirations are shown in figure 4 and 5.

Southern Olympic Fringe area (sub-area relevant to Bromley by Bow North) see figure 4 and 5 below:

- 9,600 new homes.
- 206,000 sq.m. new and improved commercial floor space.
- New child population of around 5,100 children.
- Target jobs of 8,200.

Comprehensive development of an emerging town centre

25 Annex 2 of the London Plan provides detailed policy direction regarding London’s Town Centre network. Table A2.2 and Map A2.1 sets out potential future changes to the town centre network over the Plan period which identifies Bromley by Bow, currently unclassified, as having the potential for a new district centre, subject to capacity analysis, impact assessments, land use and accessibility, planning approvals, town centre health checks and full implementation.

26 The Council’s Core Strategy underpins this strategic designation, which is carried through in policy SPO2. In July 2010 the Corporation issued planning permission for the redevelopment of Bromley by Bow South as part of a planning application prepared on behalf of Tesco Ltd. The planning application was for a new district centre including a new Tesco store, other retail uses, community uses, hotel, residential, new park and primary school. To realise the delivery of the planning permission land assembly was required. Due to failed negotiations over the transfer and assembly of land, a Compulsory Purchase Order Inquiry was held in July 2010. The Inspector recently reported on the matter recommending the Secretary of State not make the Order for a number of reasons including the impact on the existing employment notwithstanding the potential net benefits to employment through comprehensive redevelopment for a new district centre. The Inspector also noted that part of the Order related to land at Bromley by Bow North, (night club, garage and Colas Ltd shown in figure 1) and that these sites did not benefit from planning permission and, at that time therefore, no realistic prospect of delivery in the near future.
Some of the sites referred to in the CPO Inquiry, therefore, now form part of this planning application as part of the outline submission. It remains to be seen if the Tesco planning permission can be realised at this stage, however AAP paragraphs 4.23 and 4.24 emphasises the need for the comprehensive redevelopment of Bromley by Bow. The Land Use and Design Brief also builds on the principles of a comprehensive approach to development and to avoid the creation of isolated plots of piecemeal development – a principle which is established through the appeal decision relating to the Trad Scaffold site in Bromley by Bow South which was the catalyst for the now established policy direction.

Figure 4 Southern Olympic fringe context (Source: Draft OLSPG)
In terms of the current application therefore, a number of matters arise in principle. First the GLA is still in the process of considering the Market Report and therefore further discussion with the applicant, the Corporation and Tower hamlets may be required. Second, whilst the broad aspirations for a residential led mixed use community with commercial uses embedded at the heart of the community fits within the strategic and local planning policy objectives (subject to impact testing), the strategy for delivery is fundamentally unresolved as a result of the failure of the CPO.

The land currently owned by the applicant relates to Phase 1, which is centrally located within the application site. The land assembly for the wider masterplan, part of which is owned by third parties including Tesco Ltd and the Corporation, is still unclear.

In planning terms the principle of the proposals are acceptable as part of the delivery of a new town centre. The density, land use and townscape matters are underpinned by this policy objective and therefore the scheme cannot proceed without the improved social and physical infrastructure from the Tesco planning application. Whilst this goes beyond the control of the applicant the submission relies on this, as set out in the assumptions within the transport assessment. They are, therefore, inextricably linked in planning terms and the GLA will need to
discuss with the applicant, Tower Hamlets Council and the Corporation the appropriate mechanisms to deliver the current application in this context.

31 Aside of this fundamental delivery concern the current scheme still fails to address its own phasing and delivery conundrum, which again at present has the potential to undermine the principles enshrined through the strategic and local planning policy guidance regarding comprehensive development – and the need to avoid development being delivered in a piecemeal isolated manner.

32 Phase 1 is, under the current submission, the only guaranteed part of the submission that can be delivered within the applicant’s control. The land identified in the outline application falls within third party ownership and it remains unclear what approach has been taken, if at all to assemble all or any other parts of this third party land.

33 Fundamentally, the site needs to grow from ‘south to north’, which should be broadly reflected in the phasing plan. The failed COP means this objective is, at least in the short term, on hold for the Tesco site, until such time that Tesco is able to realise land assembly.

34 The land uses that currently operate either side of phase 1 and the nature of the current environment would mean that in isolation phase 1 could potentially deliver a poorly connected, isolated and inappropriate residential development in a piecemeal approach in direct conflict with the objectives of strategic and local policy regarding comprehensive approach to development.

35 This is not just a matter of delivering new townscape in a comprehensive manner, but providing the quality of environment on completion of the relevant phases which – on its own merits - is acceptable not just in design terms, but in all planning respects including density, open space, residential quality and accessibility.

36 There is at present no clear strategy regarding land to the south of phase 1 or how phase 1 is intended to function in the centre of an industrial estate. It remains unclear how the submission would deliver the objective of comprehensive development given the approach being adopted which delivers phase one in isolation of the rest of the master plan. It is therefore a matter which needs significant and careful consideration and which at present represents a serious concern in terms of the strategic objectives to deliver a comprehensive development.

Affordable housing

37 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 include the strategic target that 60% of new affordable housing should be for social rent and 40% for intermediate rent or sale. The Mayor has published an early minor alteration to the London Plan to address the introduction of affordable rent, with further guidance set out in a draft Affordable Rent SPG. With regard to tenure split the Mayor’s position is that both social rent and affordable rent should be included within the 60%.

38 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.

39 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.

40 Where borough councils have not yet set overall targets as required by Policy 3.11, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination.

41 Part 3 of policy SP02 of the Tower Hamlets Core Strategy requires affordable housing provision of between 35% and 50% with a tenure of split of 70:30 social rented to intermediate. Part 5, the policy requires 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new social rented homes to be for families.

42 The housing offer is set out in table 1, 2 and 3 above but does not disaggregate the overall mix by tenure. This information is fundamental to the consideration of the case in terms of the affordable housing offer by quantum and the extent of family provision being delivered in the affordable component of the scheme. The affordable housing offer will need to be underpinned by a financial appraisal, which is also yet to be provided.

43 On submission of the financial appraisal the GLA will need this to be independently scrutinised to demonstrate the proposal represent the maximum reasonable amount of affordable housing. GLA officers would welcome a joint approach to the scrutiny of the financial appraisal in discussion with the Council and the Corporation. Further discussion is therefore required.

**Housing choice**

44 London Plan Policy 3.8 and the associated supplementary planning guidance promote housing choice and seek a balanced mix of unit sizes in new developments. The London Housing Strategy sets out strategic housing requirements and Policy 1.1C of the Strategy includes a target for 42% of social rented homes to have three or more bedrooms. The housing offer set out in table 1, 2 and 3 includes a mix of larger family size accommodation, however it remains unclear what the bedroom size mix by tenure will be. This needs to be confirmed by the applicant having regard to the strategic targets in the London Plan and the Mayor’s Housing Strategy.

**Density**

45 London Plan Policy 3.4 outlines the need for development proposals to achieve the optimum housing potential which is compatible with the local context, the design principles within Chapter 7 and public transport capacity. Table 3.2 of the London Plan provides guidelines on density in support of policies 3.4 and the policies in Chapter 7.

46 The applicant advises that the residential density for Phase 1 proposals comprise 443 habitable rooms, which equates to a residential density of approximately 410 habitable rooms per hectare. When considered with the outline proposals (providing an additional 1,210 habitable rooms), the applicant advises that the overall proposed scheme will provide a residential density of approximately 448 habitable rooms per hectare.

47 The applicant should confirm that the non-residential uses in the vertically mixed used buildings (i.e. those with ground floor commercial uses or commercial uses elsewhere within the block) have been calculated separately. This should be calculated as a proportion of the building, which should then apply to the proportion of land take area. This is unlikely to significantly affect
the overall density calculation but should be undertaken to reflect the true residential density of
the site.

48 As highlighted earlier the acceptability of the proposals in planning terms relies on the
delivery of a new District Centre to support the newly arising population in terms of the social and
physical infrastructure requirements. The planning statement is unclear regarding the acceptability
of the proposals in the context of a scheme that does not deliver the benefits of a new District
Centre.

49 The characteristics of the area in such a case would be more suburban than urban and as
such may fall within the 150-350 habitable rooms per hectare guidance for a site with a range of
public transport accessibility level 3-4. Whilst the GLA fully support comprehensive regeneration
of the area, the density needs to be carefully considered in terms of the infrastructure and phasing
strategy. The proposed density of 448 is therefore still the subject of discussions around the
concerns raised through comprehensive development of the site and the phasing strategy. It is
also linked to the design considerations set out below regarding the scale of development and the
impacts arising on residential quality.

Urban design

50 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 polices 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).

Arrangement of land uses

51 The site is predominantly residential with some commercial uses, mainly arranged along the
A12 at ground floor level. In order to reinforce the plans for a District Centre at Bromley by Bow,
the southern part of the site should have a greater quantity of commercial/community amenities as
is articulated in the Corporation’s Land Use and Design Brief for the Bromley by Bow area.

52 This would have the benefit of clustering public activities and adding to a lively centre.
This has been considered for the location of the proposed restaurant/public house, but the design
team should explore extending this principle along Three Mill Lane and consolidating it closer to
the District Centre.

53 The location and proposed car dealership at the northern point of the site works well as a
buffer between the heavy traffic and industrial zones to the north and the proposed residential
uses to the south. This is also outlined as appropriate Land Use and Design Brief.

54 The location of residential on A12 edge needs to be carefully considered due to its extreme
environmental challenges. Despite plans for ventilation system technologies, this is an extreme
environment, which will be difficult to naturally ventilate. In addition, the proposed winter garden
spaces are likely to overheat. This matter is considered in further detail below regarding residential
quality.
Block arrangements

55 Overall the master plan block layout arrangement of the scheme has led to a number of poorly planned routes and spaces, which need to be reconsidered. The proposals appear to be treated in isolation of the approved layouts of the Tesco permission and the emerging master plan work being prepared at Sugar House Lane. In particular, the link between the Bromley by Bow Tesco site through to Sugarhouse Lane is unnecessarily indirect and is weakened by an indistinct ramped landscape space.

56 The success of this route is also highly dependent on the size, orientation and footings of the proposed bridges, which should be shown in the drawings in order to fully understand how this space will work. This route is important and has the potential to be a key movement route linking the new District Centre with Sugarhouse Lane and onto Pudding Mill station and Stratford.

57 During pre-application discussion the Authorities were keen to emphasis the need to create a hard edge along the towpath. The design team responded in part through the introduction of block R8 (townhouses along the river edge), however the master plan layout still fails to deliver a robust and successful block layout approach. The riverside presents an opportunity to add definition and create a lively route. However, the series of small green spaces that populate this route serve to weaken the edge. Specifically, the semi-private green space creates ambiguity and a lack of definition between public and private space along the towpath, which could lead to an unsafe environment, which is poorly surveyed and with little interaction or relationship with the River Lea. A strong river edge should be created with built form, which would serve to populate and light the space.

58 While the homezone has been compared to the success of St. Andrew’s internal courtyards in terms of scale, these spaces are not entirely comparable. The homezone is peppered with refuse points and parking spaces, whereas the St. Andrew’s scheme is predominantly simple soft landscaping with straightforward routes for residents. The composition, scale and layout of the space is fundamentally different. The fact that the top of the home-zone leads to the entrance to the dealership parking bay and flank wall of R9 weakens the homezone as a route. The scale of blocks and orientation will result in dark, damp and poor environment. Sunlight and daylight testing needs to be scrutinised, in particular regarding the lower level flats.

59 The design team needs to explore fundamental block reconfiguration around the central part of the site. The central blocks, specifically (R1-R8), need to be reconsidered. As has been consistently raised, block R2 should be relocated to the water edge. This would provide a number of benefits:

- Strengthen the water edge route – removing ambiguity of the open-space above.
- Improve activity along the towpath – improving safety in general.
- Expand the home-zone and provide a more generous area of public amenity space.
- Improve the environmental conditions to units in R4 and R2.
- Successfully address site topography by using building form to manage the transition between towpath and courtyard levels.
- Create more successful courtyard typology.
- Create more usable amenity space.
Even with the relocation of block R2 to front the towpath the arrangement of the other blocks to the north is still contrived, poorly considered and ambiguous with the very tight relationship between R5 and R7. Officers believe the entire central section needs to be reconsidered, including the testing of a single courtyard block that could define space and edges in a clear manner.

Layouts

Outline application

There is a fundamental lack of detail regarding layouts as part of the submission. The submission includes a series of outline area plans marked for illustrative purposes only. In all cases the design team need to provide typical floor plans to demonstrate that key design principles will be imbedded within the outline permission.

The approval of block layouts needs to be underpinned by successful options for ground floor solutions, treatments, relationship to the street and proportion of accommodation with more than one aspect (thereby demonstrating the ability to design out north facing only accommodation). These plans need to form part of a robust design code which should be an approved document that will be used to test future detailed planning applications or reserved matters submissions in terms of achieving design excellence. The current approach in the design and access statement does not provide sufficient detail.

This is also required to support the proposals in demonstrating that the scale and massing can accommodate the quantum of residential and other uses being applied for and demonstrating that this is deliverable in the context of other policy requirements including compliance with the Mayor’s minimum space standards.

By way of example, the illustrative outline plan for blocks R6, R7 and R8 do not show how flats could be arranged on the ground floor or how the building will deal with the series of routes flowing around, in front and through blocks; it is also unclear how the level changes will be managed, how balconies might be successfully arranged, or how space and other standards within the Housing Design Guide will be met, including minimising the number of units accessed off a single core, creating intimate living environments and improving floor to ceiling heights. Residential quality will be particularly important for block R5 and therefore typical flat layouts must be provided. All these aspects will ultimately inform the design and architectural appearance to the outline blocks and the level of success in achieving design excellence. These reference points need to be clearly defined to be used during consideration of the later detailed design stages.

Phase 1

A number of areas of the phase 1 layout need to be reconsidered. Specific block comments are set out below. Some blocks are between six, seven and eight stories high and only benefit from a single lift. The Mayor’s Housing Design Guide, 3.2.6, sets out the requirement for lift access based on the building height. The design team should ensure the proposals have been designed to accommodate a range of accessibility measures that are consistent with the Mayor’s guidance.

The level change in the courtyard space makes it inaccessible except from the gate entrance in front of block R3. Any resident with children, pushchairs or mobility requirements would have restricted access from the residential blocks due to the steps between levels. Moving block R2 as previously suggested would create a level courtyard with the home zone that would create significant benefits and allow the level change to be dealt with internally.
• Block R1 – It is unclear how the ground floor of R1 – north, will interact with the courtyard of blocks R6, R7 and R8. The level changes within the courtyard are also poorly considered, inaccessible and result in a significant proportion of wasted space.

• Block R2 – there are four routes (mix of public and private) either past the flank walls of block R2 or directly through it. This is unnecessary and results in an inefficient layout that could be significantly improved.

• Block R3 – the relationship and routes around the block are poorly considered. The route through the central courtyard, shown as a public route is unnecessary given there is a public route to the towpath from the south of the block. The defensible space is also poorly considered in areas or lacking, as shown on the south side of the block where the steps to the towpath meet street level. The design team needs to show this block in the context of the wider plans for a new bridge landing – this fundamentally impacts on the layouts and elevation of the block.

• Block R4 – the layout of the block is broadly well considered, however a significant proportion of the flat layouts have significant frontage onto the A12 and limited frontage facing east away from the A12. On a typical floor plan some of the layouts result in all bedrooms being located on the A12 orientation. All units that front the A12 will be double aspect, which is supported, however, the noise and vibration and other environmental considerations, need to be carefully considered as set out later in this report.

**Bridges**

67 There is no clear definition of size, extent and orientation of bridges. The specifics of these crossing points have a huge impact on the success of the scheme. These should be defined in order to judge whether the surrounding locations are well designed. The technical drawings have been available from the master planners working on Sugar House Lane and therefore need to be integrated into the master plan as a fundamental part of the design solution.

**Green/open space and play space**

68 Policy 3.6 of the London Plan sets out that “the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.” The design team need to use the methodology within the Mayor’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ and based on the bedroom size mix to calculate the anticipated child population. 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.

69 The play space strategy is unclear, while the application proposes a number of green spaces throughout the site, officers are concerned about the nature and arrangement of these. There are six spaces which are all of similar sizes, some publically accessible with the others semi private as part of courtyard blocks. This lack of hierarchy has led to a series of spaces without a clear function or use.

70 One larger, more clearly defined open space would be a greater amenity for local people, which could have clear uses and be seen as an attraction to the development. This needs to be considered as part of the reconsideration to the block arrangements to the centre of the site.
Height and massing

71 London Plan policy 7.7, which relates to the specific design issues associated with tall and large-scale buildings, are of particular relevance to the proposed scheme. This policy sets out specific additional design requirements for tall and large-scale buildings, which are defined as buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline and are larger than the threshold sizes set for the referral of planning applications to the Mayor.

72 In general, the application proposes height and massing that is significantly dense and overbearing. Scale is needed in parts of the site, mainly along the A12, to protect the rest of the master plan area, however the current scale of ten stories for block R4 and R5 will damage the human scale being sought elsewhere in the master plan area.

73 London Plan policy seeks to establish clusters of taller buildings. Existing permissions at St Andrew’s Hospital and Tesco’s has established a small cluster of taller buildings emerging at the new District Centre. There are also taller buildings recently approved on the north side of Stratford High Street. The master plan should respond to the emerging context by locating taller buildings towards the south of the site to support plans for a new district centre at Bromley by Bow by grouping density. The approach locating lower buildings along the water edge, facing Sugarhouse Lane, is broadly supported.

Views and historic assets

74 London Plan policies 7.8 to 7.12 set out the strategic approach to the protection and enhancement of London’s rich built heritage including strategic views defined in the London View Management Framework 2011 (LVMF). There are no relevant strategic views in this instance, however, the site is adjacent to the Sugar House Lane Conservation Area (east of the site) and part of the site falls within the Three Mills Conservation Area to the south of the site.

75 In terms of the impacts on the Sugar House Lane Conservation Area, view 9 of the Environmental Statement illustrates the context of the existing conservation area as low scale, industrial. This area will significantly change with the emerging master plan proposals being developed by Land Prop. The view shows the site in the background of the conservation area, beyond which are clear views of Canary Wharf. The impact is shown in wire line form, which given the relationship to the conservation area is broadly acceptable. The image suggests that the proposals would not significantly alter the character or appearance. The tight grain experience remains and the new scheme would be visible in glimpses from within the conservation area.

76 View 16 and 17 of the Environmental Statement are the key tests in terms of the impact on the setting of the listed Mill and the character and appearance of the Three Mills Conservation Area. In both cases there will be a change in the view, which is expected given the site has been identified in all levels of policy for regeneration. It is difficult, however, to fully judge the impact given the views are shown as wire line only given the proposals in this part of the application are in outline. The relationship and impacts on the Three Mills Conservation Area are far greater than the impacts on the Sugar House Lane Conservation Area and therefore the design team need to provide some indication of design quality in both these view in the form of rendering the visual as informed by a design code to demonstrate residential and architectural quality. Whilst the proximity of the buildings does not necessarily harm the ability to view the Mill buildings from certain defined points, the impact on the setting and the character and appearance is unclear. Further work is therefore required to establish the likely impacts.
Architecture

The architectural quality of the proposed scheme does not give adequate reference to its neighbouring historic areas of Sugarhouse Lane and Three Mills Conservation area. The choice of materials is generic and does not reflect the rich history industrial heritage, working river location and surrounding historical areas.

The overall nature of facade design is overly complex. This has the result of creating a number of small spaces that have the potential to raise security issues. These buildings could be simplified and proud. There are a number of successful schemes that could be drawn upon for lessons in appropriate materials uses in context. Butler’s Wharf is an example of a successful response to a working river location, responding the locations rich working heritage with a limited materials palette and simple facades. Similarly, St. Andrew’s development has minimised material use to high quality brickwork with simple, clean detailing – resulting in a strong urban form which can withstand its challenging site. The proposal of using grey composite cladding, creates a generic, low-quality appearance, which does not meet the requirements of London Plan design polices.

Access

London Plan Policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion, and requires design and access statements submitted with planning applications to explain how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development and how inclusion will be managed and maintained. The aim of Policy 7.2 is that proposals aim for the highest standards of accessibility and inclusion (not just the minimum) and that the design process has from the outset considered how everyone, including disabled and Deaf people, older people, children and young people, will be able to use the places and spaces that are proposed safely, easily and with dignity. Furthermore, London Plan policy 3.1 ‘Ensuring equal life changes for all’ establishes that “the Mayor is committed to ensuring equal life changes for all Londoners. Meeting the needs and expanding opportunities for all Londoners – and where appropriate addressing the barriers to meeting the needs of particular groups and communities - is key to tackling the huge issue of inequality across London”

The aim of Policy 7.2 is that proposals aim for the highest standards of accessibility and inclusion (not just the minimum) and that the design process has from the outset considered how everyone, including disabled and Deaf people, older people, children and young people, will be able to use the places and spaces that are proposed.

The access strategy does not explain the design thinking behind the master plan or demonstrate how the principles of inclusive design, including the specific needs of disabled people have been integrated into the proposed development and how inclusion will be maintained and managed. There are areas of the site which are wholly inaccessible, particularly the complex level changes within courtyards between the home zone and the towpath. These can and need to be designed out through a reconfiguration of the block arrangements described earlier in this report.

The design of the landscaping and the public realm is crucial to how inclusive the development is to many people. The buildings should be designed to ensure full and easy access for all users and as set out above should be clearly legible. Connectivity to the surrounding streets and public transport network and bridges is also a key issue that has not been clearly addressed.

An access audit of the surrounding streets showing existing and proposed pedestrian links and step free routes would be a helpful way to demonstrate that any barriers to disabled people
have been removed. Ideally, this should be illustrated on a plan. The lighting design is particularly important to create safe and well and evenly light routes through and into the site.

84 Matters regarding the provision of lifetime homes and wheelchair accommodation will need to be conditioned by the Corporation; however further layouts will need to be provided, as identified above, for the outline part of the proposals. Currently only three typical flat layouts are shown in the appendix to the design and access statement.

Residential quality

85 London Plan Policy 3.5 promotes quality in new housing provision and sets out minimum space standards at Table 3.3. The Mayor will produce a new Housing SPG (a draft of which was put before the London Plan EIP), on the implementation of Policy 3.5 for all housing tenures, drawing on his London Housing Design Guide, paragraphs 3.37 –3.39 provides further guidance on indicators of quality that the proposed SPG will cover.

86 Part A of the policy states that housing developments should be of the highest quality internally, externally and in relation to the wider environment. Part C of the policy states that new dwellings should meet the dwelling space standards set out in Table 3.3, have adequately sized rooms and convenient and efficient room layouts. Part E of the policy states that the Mayor will provide guidance on implementation of this policy including on housing design for all tenures. The reasoned justification provides further guidance and explanation. In particular paragraph 3.33 states that new housing development should address other the wider concerns of the plan and enhance the environment of London as a whole.

87 The applicant will need to set out the space standards for the proposals and test these against the Mayor’s minimum standards. The number of units accessed off a core should also be limited to a maximum of eight. The applicant should note the requirements of the Mayor’s draft Housing Design Guide and demonstrate compliance with all relevant standards. These standards should be secured and tested in the design code that should comprehensively cover residential quality to inform the detailed design stage.

88 As set out above, the proportion of single aspect units facing the A12 from block R4 is limited. These principles need to be enshrined within the outline application. Single aspect north facing only accommodation should be resisted, again, a principle that needs to be set out as part of a detailed design code. In the cases where double aspect units cannot be provided, the applicant should consider maximising the size of windows and increasing floor-to-ceiling heights to improve residential amenity – these and other design principles need to be established now for the outline stage and for the detail of phase 1.

89 A table comparing the unit types against the various standards, including individual room sizes and storage space, for example, would assist in assessment of this aspect. At present there is a lack of consideration for the case of residential quality.

Blue Ribbon

90 Chapter 7 of the London Plan provides policy guidance regarding the Blue Ribbon Network. Policy 2.27 seeks to support infrastructure and recreation use. The proposals will provide enhanced towpath access along the western edge of the River Lea. There are no safeguarded wharves on the site as defined in the London Plan Implementation Report, however, it is proposed that the British Waterways Free Wharf on the widened towpath at the north end of the site will be retained in accordance with the more general aims of the Blue Ribbon Policy. This is supported, subject to design matters raised regarding creating a robust relationship to the towpath edge and any comments from Tower Hamlets Council, the Corporation, British Waterways and the
Environment Agency. Any comments will be reported to the Mayor should the application be referred back for final determination.

**Noise and vibration**

91 London Plan policy 7.15 *Reducing noise and enhancing soundscapes* states that the Mayor will, and boroughs should reduce noise by, among other things, “*minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals*” and that new noise sensitive development should be separated from major sources of noise wherever practicable. The advice contained in Planning Policy Guidance note 24 (PPG24): Planning and noise is also relevant as is the Mayor’s Housing Design Guide which seeks to avoid single aspect north facing units or family sized accommodation or where noise exposure levels reach category C and D.

92 As already set out above, the application site contains several major sources of noise including road traffic noise from the A12 to the west and the A11 to the north. The residential parts of the proposed development will be particularly sensitive to road noise along the western boundary and mitigation is likely to be required. GLA officers are in the process of assessing the noise conclusions in the Environmental Statement with regard to the phase 1 layouts. As set out above the flats in phase 1 show that all units facing the A12 also benefit from an eastern (quieter) aspect. Whilst this is the case, the majority of bedrooms in a typical flat on a typical floor face the A12. In line with London Plan policy 7.15, it is essential to fully explore the sort of design and layout measures to minimise exposure e.g. placing habitable rooms on quieter facades, and only to use sound insulation when design measures alone are unable to achieve acceptable noise conditions.

93 Not all layouts of the blocks have been provided and as set out in the design section the design team need to provide details of example layouts to all other parts of the outline scheme. The location of blocks and the quality of the environment being created must be tested across the whole site. The GLA will continue to scrutinise the current submission and will report again to the Mayor should the application be referred back to him for final determination.

**Air quality**

94 London Plan policy 7.14 ‘Improving air quality’ sets out five objectives, a) to minimise exposure to existing poor air quality, b) promote sustainable design and construction, c) be at least ‘air quality neutral’ and not lead to further deterioration of existing poor air quality, d) ensure that where provision needs to be made to reduce emissions from a development, this is usually made on-site and e) where the development requires a detailed air quality assessment and biomass boilers are included, the assessment should forecast pollutant concentrations.

95 The site is located within an Air Quality Management Area (AQMA). The Environmental Statement considers potential emissions during construction and operation.

96 The assessment notes that the construction impacts have the potential to adversely impact local air quality and as such an Environmental Management Plan sets out the mitigation measures to reduce the impacts to ‘low localised and temporary’. The Statement also concludes that the operational impacts would be ‘low localised’. The impacts need to be discussed in further detail with Tower Hamlets Council and the Corporation and in line with discussion on construction, servicing and delivery. GLA officers will therefore further scrutinise the methodology in the Environmental Statement and may provide further comment in due course.
Biodiversity

97 London Plan policy 7.19 ‘Biodiversity and access to nature’ requires development proposals to a) make positive contribution to the protection, enhancement, creation and management of biodiversity, b) priorities assisting in achieving targets in biodiversity action plans, c) not adversely affect the integrity of European sites and be resisted where they have significant adverse impacts on European or nationally designated sites or on the population or conservation status of a protected species, or a priority species or habitat identified in a UK, London or appropriate regional biodiversity action plan or borough action plan.

98 There appears to be very limited commentary on matters regarding the impacts on biodiversity arising from the development. Given the waterside location is likely to have created a range of habitats, the applicant needs to provide commentary on any areas of status and commentary regarding impact on any identified or protected species.

Climate change mitigation

Energy efficiency

99 A range of passive design features and demand reduction measures are planned to reduce the carbon dioxide emissions of the proposed development. Both air permeability and heat loss parameters are envisaged to be improved beyond the minimum backstop values required by building regulations. Other potential features include energy efficient lighting and low specific fan power. The demand for cooling will be minimised through shading features and the use of thermal mass. The applicant should confirm that the development will exceed the 2010 Building Regulations Target Emissions Rate through energy efficiency alone.

District heating

100 The applicant identified a number of heat networks within the surrounding area, the largest and most significant being the Olympic Park heat network. The applicant has engaged in discussions with Cofely, the operators of the Olympic Park heat network. Connection to this heat network should be prioritised and evidence of recent correspondence with the network operator should be provided. A reduction in regulated carbon dioxide emissions of approximately 645 tonnes per annum (24%) would be achieved through connection to the Olympic Park heat network, if this can be secured.

101 In order to facilitate future connection to external district heating, the applicant should confirm that all dwellings and non-domestic building uses will be supplied by a site wide heat network. It should be confirmed that this will supply heat for space heating, as well as domestic hot water. A drawing showing the route of the heat network within the development should be provided.

102 The applicant should also confirm that the site heat network will be fed from a single energy centre and provide the location and floor area. The applicant should also confirm that heat connection equipment, for example heat exchangers, will be installed in the energy centre to enable connection to the external district heating network. The heating systems proposed must be capable of future connection to a heat network.

Combined heat and power

103 The applicant has investigated the feasibility of on-site combined heat and power, however, this is not proposed. In line with the hierarchy, the applicant should prioritise connection to the
Olympic Park heat network, ahead of other heat and power sources including on-site combined heat and power. For the avoidance of doubt, a site-wide heat network is required in this instance.

**Renewable energy**

104 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install air source heat pumps (ASHP) in each dwelling with refrigerant shared between groups of ten dwellings. The ASHP would provide space heating and contribute to domestic hot water (DHW), with electric heating used to top-up DHW requirements. Such a system is not compatible with connection to a district heating network and is inconsistent with the energy hierarchy as set out in London Plan 5.2 and 5.5.

105 The applicant should adopt a heating system which is compatible with connection to a district heating network as outlined above. In addition to the above, 40 sq.m. of photovoltaic panels are proposed for the commercial element in Phase 1 with additional provision considered for the later phases. The applicant should provide roof drawings showing the potential locations for photovoltaic panels.

**Overall carbon savings**

106 Taking into account the comments above, the applicant should provide an estimate of the regulated carbon dioxide emissions of the development after the cumulative effect of energy efficiency measures, district heating and renewable energy has been taken into account. The applicant should also provide an estimate of the overall carbon dioxide savings, expressed in tonnes of carbon dioxide per annum and percentage terms, compared to a 2010 Building Regulations compliant development.

**Summary**

107 The energy strategy needs to be fundamentally revisited in terms of the approach which is driven by a renewable energy led strategy which draws on electric heating technologies. The first principles approach to minimising energy has been broadly followed, however the strategy to identify and test existing networks and propose technologies which safeguard future connection has been wholly disregarded. The strategy is inconsistent with the energy polices in the London Plan.

**Climate change adaptation**

108 The London Plan promotes key adaptation principles in Chapter 5 that promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects; minimise solar gain in summer; contribute to flood risk reductions, including apply sustainable drainage principles; minimise water used; and protect and enhance green infrastructure and urban greening. Specific policies cover overheating, urban greening, living roofs and walls and water.

109 Policy 5.11 of the London Plan seeks the incorporation of living roofs and walls where feasible. Policy 5.13 seeks to ensure that surface water run-off associated with a proposed development is managed as close to its source as possible, and sets out a hierarchy of preferred measures to achieve this. All roofs should be ‘living roofs’ of an appropriate type in line with London Plan Policy 5.11 unless other policy requirements or legitimate technical barriers prevent this.

110 Policy 5.15 of the London Plan seeks to ensure that new development has proper regard to the impact of those proposals on water demand and existing capacity by minimising the use of
treated water and minimising rainwater-harvesting opportunities. Measures to manage the run-off from the development should be specified within the design and access statement and the development should incorporate rainwater harvesting and sustainable drainage. A water strategy detailing how the proposal addresses the hierarchy of policy 5.13 should also be provided.

111 London Plan policy 6.13 seeks 20% of all new car parking spaces to be fitted with charging points. The applicant should therefore provide charging points as part of the application.

112 The adaptation strategy is also unclear and needs to be linked to other policy areas including biodiversity and nature conservation. Living roofs should be conditioned by the Corporation and water management strategy needs to be established for the whole site. From the Environment Agency’s current flood map the majority of the site is located within a Flood Zone 1 (low probability) which is considered to have less than a 1 in 1000 chance of river or sea flooding in any one year. There is a small area of Flood Zone 2 (medium probability), with the balance of the site indicated to be in a Flood Zone 3a (high probability) with a 1 in 100 year or greater annual possibility of river flooding. With the exception of the area at the northern tip of the site, most of the Flood Zone 3a area is protected by flood defences. Whilst this is the case GLA officers will report comments from the Environment Agency to the Mayor should he be required to make a decision at the final determination stage.

**Transport comments**

**Car parking**

113 For the detailed proposals, TfL notes that 64 parking spaces will be provided for the residential use (0.28 spaces per unit). The commercial element will be car free, save for two disabled bays located in the layby adjacent to Hancock Road. Given the moderate accessibility of this part of the site and that parking levels are comparable to those agreed for the scheme south of Three Mill Lane, this is considered reasonable in line with London Plan policy 6.13. Similarly, provision for the outline scheme is considered acceptable with 145 residential spaces proposed for 565 dwelling (0.27 spaces per unit). The provision of 27 spaces for the car dealership and 3 disabled spaces only for the commercial floorspace is also considered acceptable. In order to minimise vehicular trip generation, TfL requests that there shall be a section 106 obligation to restrict occupier access to parking permits.

114 TfL welcomes the applicant’s commitment to develop a car parking management strategy. In order to encourage the use of more sustainable modes, the strategy could be based on the proviso that the residential spaces would be leased or rented rather than allocated and sold with a particular dwelling. Tower Hamlets Council has recently adopted a permit transfer scheme for some residents who will occupy larger dwellings. As this may affect the uptake and parking levels in on street locations nearby, the strategy may need to reflect this. The provision of two car club spaces with the detailed phase is welcomed as overall; there will be nearly 800 dwellings on the site. The car parking management strategy and car club spaces should be secured by the local planning authority through a section 106 agreement or condition as appropriate. In order to comply with London Plan policy 6.13 ‘Parking’, 1 in 5 of the residential spaces (both active and passive) should provide an electrical charging point. 10% of all parking spaces should be designated for use by disabled persons.

**Trip generation**

115 The revisions to the transport assessment including the use of more representative survey data to assess the likely trip generation and mode share is welcomed. A more robust assessment of the predicted bus trips should however, include the number of trips in both directions in the peak
hour as there are currently two routes that serve the site; 108 (southbound) and 488 towards Dalston and serving Bromley by Bow station. Depending on the results of any revisions to the assessment of bus trips, TfL may seek a contribution towards additional capacity in accordance with London Plan policy 6.2.

Highway impacts

116 The highway impact of the detailed and outline proposals have been considered separately. The detailed phase has been considered against the current highway network. The predicted additional vehicular flows have been compared with the estimated flows that have been agreed for the ongoing modelling work in connection with the proposed all movements junction at Three Mill Lane. The results indicate that this phase would only have a minor impact on Hancock Road and therefore the all movement junction would not be required in order to mitigate the vehicular flows in line with London Plan policy 6.3.

117 The outline phase, with the detailed phase of the scheme is being assessed using the VISSIM highway model that is being developed in support of the proposals for the adjacent developments at Bromley by Bow South, including the all movements junction to the A12. The development of the modelling is ongoing and will be subject to a separate report to TfL. In order to ensure that this phase of development can be satisfactorily accommodated on the strategic highway network, implementation must be linked to the delivery of the all movements junction. This links into the wider comments set out in this report regarding the need to ensure a comprehensive approach to development.

Cycle parking

118 The provision of 1,227 cycle spaces across the masterplan area is generally welcomed in accordance with the minimum standard set out in London Plan policy 6.13. Clarification is required however, with regard to the number of spaces for the detailed element of the scheme in respect of the mix of units. Details of their specific location as well as access and security measures should be provided to enable TfL to confirm that provision is acceptable. The applicant should also clarify whether passive provision will still be made for a cycle hire docking station close to Three Mill Lane. Any such provision should be secured through the planning process, along with a contribution towards its future implementation.

119 In addition, TfL welcomes the proposed set down space for the proposed cycle/pedestrian bridge. It is noted however, that it will only be delivered with the outline phase of the scheme and therefore conditions for cyclists are not proposed to improve to support the detailed scheme.

Pedestrians

120 TfL supports the elements of the scheme that will improve conditions for walking in accordance with London Plan policy 6.10. However, it is noted that most of the improvements will only be realised with the outline scheme or as a result of the delivery of all movements junction. This needs to be considered in terms of the principle of comprehensive development as previously raised elsewhere in this report. TfL nevertheless welcomes the advice that all footways will be at least two metres wide. The provision of a shared pedestrian and cycle path adjacent to the River Lea is supported as it will improve permeability and links to the proposed district centre to the south. The configuration of the proposed buildings should ensure natural surveillance to this route and therefore the comments in the design section need to be taken forward regarding block arrangements and treating the towpath edge. The improvements to the east side of Hancock Road that have been identified in the PERS assessment should be secured through the section 278 agreement.
In order to improve wayfinding the scheme should promote the ‘Legible London’ initiative in accordance with London Plan policy 6.10. This will be particularly relevant with the provision of a pedestrian and bus bridge link to the Sugar House Lane area to the east.

**Buses**

In order to enable the bus network to be improved with the future delivery of an all movements junction and a bus/pedestrian bridge to Sugar House Lane, TfL welcomes that the scheme will make provision for a bus stand close to the proposed bus bridge. This should be required by planning condition and all necessary infrastructure should be secured through the section 106 agreement. In addition, TfL welcomes the advice that layout of blocks S1 to S4 will be to adoptable highway standard to enable a bus to be routed through the site and in accord with London Plan policy 6.7.

**Underground**

The transport assessment predicts that the entire scheme will generate 173 additional two way trips in the morning peak and 127 two way trips in the evening peak on the underground. Whilst the assessment concludes that this would not be significant by itself, when taken with other planned development within the walking catchment area of Bromley by Bow underground station it will place considerable additional demand on the capacity and circulation space within the station. TfL is considering proposals to upgrade this station and will request a contribution from this development to be pooled with other developments. This approach is consistent with the Lower Lea Valley Opportunity Area Planning Framework and London Plan policy 6.1. The framework identifies, amongst other things, priority for transport contributions towards Bromley by Bow station improvements to improve access, improve the interchange and create additional capacity. TfL expects to secure a contribution comparable to that recently secured from the other nearby developments in the Bromley by Bow area.

**Travel plan**

In order to manage travel demand in accordance with London Plan policy 6.1, TfL welcomes the submission of a framework travel plan. Further information is required in relation to phasing of the development, a commitment to carrying out surveys including servicing and deliveries, and how the travel plan will be funded. It should also a section on the management of service and delivery trips in accordance with London Plan policy 6.14. In addition, TfL supports the submission of a Construction Environmental Management Plan (CEMP). The travel plans should be secured, and monitored through the section 106 agreement.

TfL acknowledges that the detailed element of the scheme has been designed and assessed on the basis that it can be delivered prior to any wider improvements including the all movements junction at Three Mill Lane. The delivery of the outline phase however, appears to be supported by the accessibility improvements resulting from the all movement junctions, the realignments of Three Mill Lane and as such it makes provision for improved bus and pedestrian routes.

Given the current uncertainty that the scheme at Bromley by Bow South will be realised in their current form, TfL considers that both the outline proposals and phase 1 must be supported by an alternative package of accessibility improvements, should the all movements junction not be delivered. These improvements could include but are not limited to; bus turning provision within the site, pedestrian and cycle improvements and upgrades to the existing subway under the A12. TfL welcomes further discussion about this matter.
Summary

In summary, TfL supports the proposed development in principle, however further discussions are required in order to identify the appropriate mitigation to support the outline and detailed phases of development.

Community Infrastructure Levy

In accordance with London Plan policy 8.3, the Mayor of London proposes to introduce a London-wide Community Infrastructure Levy (CIL) that will be paid by most new development in Greater London. Following consultation on both a Preliminary Draft, and then a Draft Charging Schedule, the Mayor has formally submitted the charging schedule and supporting evidence to the examiner in advance of an examination in public. Subject to the legal process, the Mayor intends to start charging on 1 April 2012. Any development that receives planning permission after that date will have to pay, including:

- Cases where a planning application was submitted before 1 April 2012, but not approved by then.
- Cases where a borough makes a resolution to grant planning permission before 1 April 2012 but does not formally issue the decision notice until after that date (to allow a section 106 agreement to be signed or referral to the Secretary of State or the Mayor, for example).

The Mayor is proposing to arrange boroughs into three charging bands with rates of £50/£35/£20 per square metre of net increase in floor space respectively (see table, below). The proposed development is within the London Borough of Tower Hamlets where the proposed Mayoral charge is £35 per square metres. More details are available via the GLA website http://london.gov.uk/.

Within London both the Mayor and boroughs are able to introduce CIL charges and therefore two distinct CIL charges may be applied to development in future. At the present time, borough CIL charges for Redbridge and Wandsworth are the most advanced. The Mayor’s CIL will contribute towards the funding of Crossrail.

<table>
<thead>
<tr>
<th>Mayoral CIL charging zones</th>
<th>London boroughs</th>
<th>Rates (£/sq. m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth</td>
<td>£50</td>
</tr>
<tr>
<td>2</td>
<td>Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets</td>
<td>£35</td>
</tr>
<tr>
<td>3</td>
<td>Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest</td>
<td>£20</td>
</tr>
</tbody>
</table>
Local planning authority’s position

Neither Tower Hamlets Council nor the Corporation have expressed a position on the case at this stage.

Legal considerations

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 Corporation 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 Corporation under Article 6 of the Order to refuse the 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

There are no financial considerations at this stage.

Conclusion

London Plan policies on employment, housing, affordable housing, climate change, energy, noise, biodiversity, air quality and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- Principle of development: (non-compliant) The managed release of industrial employment land is broadly accepted in strategic terms and having regard to strategic and local policy guidance, further discussion may be required regarding the Market Report. The phasing strategy and approach to delivery is however unclear and does not meet the strategic objective to delivery comprehensive development in an appropriate manner.

- Affordable housing, tenure split, bedroom size mix and density (non-compliant): The housing offer needs clarification in terms of the bedroom size mix by tenure. The quantum may require independent review. The approach to deliverability of social rented affordable housing without grant funding may also need reconsideration along with the mix of family units. The density exceeds the guidance within the London Plan.

- Urban design and access (non-compliant): The report identifies some detailed design matters that require further consideration, including further work on block arrangements, layouts, access and residential quality. The views testing also needs further consideration; the quality of design (appearance) is also a concern. The design team also need to establish a design code to ensure a set of design principles are crystallised to inform the detailed design stages. The playspace strategy should also be confirmed.

- Noise and vibration (non-compliant): requires further scrutiny by the GLA along with draft flat layouts.

- Air quality (non-compliant): requires further consideration as part of ongoing discussions.

- Biodiversity (non-compliant): requires further consideration as part of ongoing discussions.

- Blue Ribbon Network (compliant): the aspirations to make enhancements along the towpath are supported along with the retention of the wharf.
• Climate change mitigation (non-compliant): Consideration of existing heat networks should be a key priority. The current strategy is incompatible with the emerging network and needs to be reconsidered.

• Climate change adaptation (non-compliant): Further consideration is required regarding flooding adaptation measures.

• Transport (non-compliant): A number of issues need to be resolved including matters regarding trip generation, highway impacts, pedestrian and cycle contributions other public transport and capacity contributions and the need for various mitigation strategies including travel plan, construction, delivery and servicing plans.

135 On balance, the application does not comply with the London Plan.

136 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

• Principle of development: Further discussion may be required regarding the Market Report. The applicant needs to set out a phasing strategy which does not result in the delivery of piecemeal plots in isolation. Development of phase 1 on its own merits needs to be acceptable in planning terms.

• Affordable housing, tenure split, bedroom size mix and density (non-compliant): The housing offer needs clarification in terms of the bedroom size mix by tenure. The quantum may require independent review. The approach to deliverability of social rented affordable housing without grant funding may also need reconsideration along with the mix of family units. The density exceeds the guidance within the London Plan and needs to be justified.

• Urban design and access: The applicant should consider the matters identified in this report including reconsideration of the block arrangement, layouts, access and residential quality having regard to the Mayor’s space standards set out in the London Plan and the guidance within the Mayor’s draft Housing Design Guide. Further material should also be provided regarding the appearance of the proposals (townscape and heritage impacts) and a set of floor plans should also be provided to allow further scrutiny in particular regarding accessibility and interaction with the street and noise impacts. The provision of a single larger open space should be considered as part of the block arrangement testing. This links into the playspace strategy which should also be confirmed based on the housing mix.

• Noise and vibration: Further detail regarding flat layouts should be provided in the outline elements of the proposals to test against the noise impacts arising from the A12.

• Air quality: GLA officers will continue to scrutinise this policy area in discussion with the Council and may provide further comment.

• Biodiversity: GLA officers note that there is limited commentary or analysis regarding area status and presence of protected species. Further work is therefore required.

• Climate change mitigation: The applicant should consider the matters identified in this report in particular the priority to link to existing heat networks. The applicant should also verify the overall carbon dioxide savings to inform the requirement for further saving contributions in the form of renewable energy technologies.

• Climate change adaptation (non-compliant): The advice from the Environment Agency and Tower Hamlets Council is required in order to allow further consideration regarding flooding. Appropriate conditions should be secured regarding living roofs and water management.
• Transport (non-compliant): A number of issues need to be resolved including trip generation, highway impacts, pedestrian and cycle contributions other public transport and capacity contributions and the need for various mitigation strategies including travel plan, construction, delivery and servicing plans.

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