Land at Imperial Street, Bromley-by-Bow
in the London Borough of Tower Hamlets (London Legacy Development Corporation)
planning application no. 17/00344/FUL

Strategic planning application stage II referral

The proposal
Residential-led mixed use development comprising 407 residential units, 339 sq.m. of office space, 274 sq.m. of retail space, basement car parking, public realm and replacement of river wall.

The applicant
The applicants are L&A TRAD Ltd (c/o Lindhill Properties), and the architect is Pitman Tozer.

Key dates
Pre application meeting: July 2017.
LLDC Committee meeting: 23 January 2018.

Strategic issues

Affordable housing: An increase in affordable housing from 5% to 30% has been secured, including the addition of London Affordable Rent units, which has been demonstrated as the maximum level. In view of the significant growth based offer, the absence of a late-stage review is acceptable in this instance. An early stage review mechanism has been secured in accordance with Policy H6 of the draft London Plan and the Mayor’s Affordable Housing and Viability SPG (paragraphs 8-15).

Transport: Further information has been received and s106 obligations and conditions secured which address the outstanding transport issues (paragraphs 21-22).

Issues relating to urban design, inclusive access and climate change have also been addressed with amendments and suitably worded conditions (paragraphs 16-20).

The Council’s decision
In this instance the LLDC has resolved to grant permission.

Recommendation
That the London Legacy Development 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 2 August 2017 the Mayor of London received documents from the London Legacy Development Corporation 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 Categories 1A, 1B and 1C of the Schedule to the Order 2008:

- **1A**: Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats;
- **1B**: 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 - outside Central London and with a total floorspace of more than 15,000 square metres.
- **1C**: Development which comprises or includes the erection of a building in respect of which one or more of the following conditions is met: a) the building is more than 30 metres high and is outside the City of London.

2 On 28 September 2017 the Mayor considered planning report D&P/4415/01, and subsequently advised the LLDC that the application did not comply with the London Plan, for the reasons set out in paragraph 49 of the above-mentioned report; but that the possible remedies set out in that paragraph could address those 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. On 23 January 2018 the LLDC decided that it was minded to grant planning permission, and on 8 February 2018 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 Corporation under Article 6 to refuse the application.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case. The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Consultation stage issues summary

5 At the initial consultation stage, the LLDC was advised that the application did not comply with the London Plan, for the reasons set out below. The Corporation was advised that the resolution of these issues could lead to the application becoming compliant with the London Plan.

- **Principle of development**: Comprehensive redevelopment to support the delivery of a new district centre in Bromley-by-Bow is supported.
- **Affordable housing**: 5% affordable housing is wholly unacceptable. The high-density residential-led redevelopment of a low-value, low density office and open storage site must provide significantly more affordable housing. Fundamental concerns have also been identified with the applicant’s approach to viability. The applicant’s viability assessment will therefore continue to be rigorously scrutinised. Early and late stage review mechanisms must also be secured in line with the Mayor’s Affordable Housing and Viability SPG.
- **Urban design**: The proposed development would broadly follow the principles of the adopted illustrative masterplan and the architecture is a high quality, contributing positively to the establishment of the proposed new district centre. Areas of inactive frontage should be further addressed.
• **Climate change**: Connection to nearby district heat networks must be fully investigated, and the carbon savings shortfall must be off-set.

• **Transport**: Further discussion is required on transport issues, including the timing of financial contributions towards the new A12 junctions, and further information on trip generation and construction. Conditions and s106 obligations are required.

**Strategic planning policy and guidance update**

6 On 1 December 2017, the Mayor published his draft London Plan for public consultation. This should be taken into account on the basis explained in the NPPF. On 5 March 2018, the Government published the draft revised National Planning Policy Framework for consultation (until 10 May 2018). This should be taken into account appropriately in accordance with its early stage of preparation.

**Update**

7 Since Stage 1, GLA officers have reviewed further information, including detailed viability information, and engaged in discussions with the applicant and the London Legacy Development Corporation with a view to addressing the above matters. Furthermore, as part of the LLDC’s draft decision on the case, various planning conditions and obligations have been proposed to ensure that the development is acceptable in planning terms.

**Affordable housing**

8 At Stage 1, the applicant contended that no affordable housing was viable, but 20 intermediate units, equating to 5% of the scheme by unit, was proposed. This was deemed to be wholly unacceptable by the GLA, and areas of significant disagreement with the methodology used in the applicant’s viability assessment were identified. Since Stage 1, GLA officers have worked with the LLDC and the applicant to maximise affordable housing provision.

9 The applicant’s viability assessment was independently assessed by the LLDC’s viability consultants, and both the applicant’s FVA and the independent review was robustly scrutinised by GLA officers. As a result of this scrutiny both the level of affordable housing and the affordability of the units was improved, and at LLDC’s committee stage, the affordable housing offer had been increased to 20% by habitable room (80 units), with a tenure split of 50% affordable rent (at London Affordable Rent levels) and 50% intermediate (shared ownership) units.

10 Since LLDC’s committee, GLA officers have worked with the applicant to further improve the level of affordable housing. The scheme would maintain the 41 London Affordable Rent units that were resolved to be approved at committee, but 40 additional shared ownership units would now be included, resulting in an overall delivery of 30% affordable housing by habitable room, split 34:66 in favour of shared ownership. The proposed unit mix is as follows:
<table>
<thead>
<tr>
<th>Unit size</th>
<th>Private</th>
<th>Affordable rent</th>
<th>Shared ownership</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>132</td>
<td>11</td>
<td>17</td>
<td>160</td>
</tr>
<tr>
<td>2 bed</td>
<td>105</td>
<td>25</td>
<td>53</td>
<td>183</td>
</tr>
<tr>
<td>3 bed</td>
<td>50</td>
<td>5</td>
<td>9</td>
<td>64</td>
</tr>
<tr>
<td>Total</td>
<td>287</td>
<td>41</td>
<td>79</td>
<td>407</td>
</tr>
</tbody>
</table>

% by habitable room  
70%  
30%  

11 The LLDC’s independent viability review, and the review carried out by GLA viability experts, did not conclude that significantly more than 20% affordable housing was viable on a current day basis on this site. As such, the 30% offer has been made on the basis that it secures and front loads potential growth, in lieu of a late stage review mechanism. This approach ensures that a larger proportion of on-site affordable housing would be delivered by the scheme from the outset, and given the baseline viability position, this approach is supported. In accordance with the Mayor’s Affordable Housing and Viability SPG and Policy H6 of the draft London Plan, the S106 agreement secures an early stage (delayed implementation) review mechanism to incentivise timely delivery.

12 Additionally, it is noted that the scheme is delivering a financial contribution of £2.5 million towards junction improvement works on the A12, which is a strategic requirement by the LLDC and TfL in order to unlock development potential and improve the pedestrian environment. This contribution is calculated to be the equivalent of 5% additional affordable housing on site.

13 The affordable rented units would be offered at London Affordable Rent, which is strongly supported in accordance with the Mayor’s preferred tenure as set out in Policy H7 of the draft London Plan; units are equivalent to social rented levels, providing a significant discount to market rents, and are currently set as follows:

<table>
<thead>
<tr>
<th>Unit size</th>
<th>2017–18 Benchmark (weekly rent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed</td>
<td>£144.26</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>£152.73</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>£161.22</td>
</tr>
</tbody>
</table>

14 With regard to the shared ownership units, the maximum income threshold would be set in line with the GLA’s income caps, with 50% of the units offered at a lower income cap of £60,000.

15 In summary, through a rigorous assessment of viability it has been demonstrated that the scheme is currently delivering the maximum amount of affordable housing. Given the increased minimum quantum of affordable housing, the improved affordability of the affordable element, and the significant growth based contribution, the absence of a late stage review mechanism is acceptable in this case. GLA officers are satisfied that the scheme complies with draft London Plan Policies H5, H6 and H7, the Mayor’s Affordable Housing and Viability SPG, and London Plan Policy 3.12.

Design

16 At the initial consultation stage, it was acknowledged that the proposed development would follow the principles of the adopted illustrative masterplan and the design was supported. Further
information was required on the mitigation of noise and air quality, playspace, and the minimisation of inactive frontages.

17 The design has sought to maximise active frontages and the introduction of ground floor commercial units would ensure that there is a high degree of activity along the length of the new public routes. Inactive frontages would be confined to service areas closest to the railway. The development is high density, and in accordance with Policy D6 of the draft London Plan, it has been informed by a process of design review by the LLDC’s Quality Review Panel. The applicant has confirmed that 839sq.m. of playspace is provided, which exceeds the London Plan’s playspace requirement. The proposed layout, landscaping, quality of accommodation and architecture is high quality and the density is therefore appropriate.

18 The applicant has demonstrated that the design of the buildings and the positioning of amenity spaces has taken account of the need to mitigate against noise and air quality impacts. Conditions have been secured which will require suitable noise levels within the units, and a ventilation strategy to ensure mitigation against poor air quality. The proposals are in accordance with London Plan and draft London Plan design policies.

**Inclusive design**

19 The proposals would provide 20 designated Blue Badge parking spaces. Whilst this would not provide one space for each of the 40 wheelchair accessible units, this is still a significant level of parking in a scheme which is otherwise car free. It has been confirmed that works to facilitate step-free access to Bromley-by-Bow station are due for completion prior to the commencement of this development, and this will enable disabled residents to access the public transport network. A condition is secured requiring the monitoring and management of car parking spaces which will ensure that spaces are allocated according to need. The development will provide an accessible and inclusive environment, and the proposals are in compliance with Policies 3.8 and 7.2 of the London Plan and Policy D3 of the draft London Plan.

**Climate change**

20 As required at Stage 1, the applicant has further considered the potential for connection into the Queen Elizabeth Olympic Park district heating network, but has concluded that it is not feasible to connect to the network in the short term. However, a cascade mechanism has been secured through the s106 which would require an update to the energy report to be submitted, which would monitor changing circumstances and prioritise the connection to the network if feasible during the course of the development. The development would also be future-proofed for connection to the network. A contribution of £509,8378 is also secured in the s106 for carbon offsetting. The proposals comply with Policy 5.2 of the London Plan and Policy SI2 of the draft London Plan.

**Transport**

21 At Stage 1, further information was required on trip generation and the timings for contributions towards junction improvements, as well as planning conditions and s106 obligations.

22 The applicant has provided further trip generation information which has enabled the full assessment of the proposals’ impact on highways and public transport, and it is confirmed that the impacts are acceptable. As discussed in paragraph 9 above, a £2.5m contribution towards junction improvements is secured as part of this application, which will partly be paid on commencement, with further payments linked to the occupation of the residential units. Conditions and s106 obligations have been secured on Legible London signage, car park management, car club spaces, travel plans and the submission of a construction logistics plan, as requested. The proposed
development is in accordance with the transport policies of the London Plan and the draft London Plan.

Response to consultation

23 The LLDC publicised the application via five site notices displayed in the vicinity of the site and a press notice in the local press. Individual notification letters were sent to 224 neighbouring properties. As a result of public notification, a total of eight responses were received, of which seven were in support of the proposals and one response raised objections.

24 The response in objection expresses the view that the application does not make any credible proposals for a riverside walk at the south east corner of the site that could in future connect with the existing path south of the railway bridge.

25 The other seven responses express support for the new crossings across the A12.

26 The following statutory bodies and other groups also commented on the proposals:

• **London Borough of Tower Hamlets**: support the redevelopment of the site, but objections were raised to the original affordable housing offer and the lack of provision for a riverside walkway on the western side of the River Lea.

• **Environment Agency**: further information requested on the design and maintenance of the river wall, which have been provided and satisfy the EA.

• **Canals and River Trust**: no objections raised.

• **London Fire and Emergency Planning**: no objections.

• **Thames Water**: no objections, subject to conditions and informatives in relation to surface water drainage, water and waste (conditions have been included in the draft decision notice).

• **Historic England**: no objections or comments.

• **Historic England (archaeology)**: no objections subject to conditions, which have been included as part of the draft decision notice.

• **Natural England**: no comments to make.

• **Metropolitan Police**: no objections.

• **TfL Infrastructure**: no objections subject to conditions (requested conditions are included in the draft decision notice).

• **Port of London Authority**: no comments to make.

• **Sport England**: objection initially raised on the basis that the additional population generated by this development will place additional demand on nearby sporting facilities, resulting in deficient provision. Since this initial response, the LLDC has negotiated a contribution of £100,000 from the applicants towards the upgrade of local sports facilities and Sport England has confirmed that it no longer maintains its objection.

• **House Mill Trust**: objection raised on the basis that the proposed development will harm the setting of the listed buildings and conservation area and the provision of a cafe would harm the viability of the House Mill cafe.
Consultation conclusion

27 Having considered the above consultation responses, the LLDC has provided specific responses within its committee report and proposed various planning conditions and section 106 obligations in response to the issues raised, where applicable. Having had regard to this, GLA officers are satisfied that the statutory and non-statutory responses to the Corporation’s consultation process do not raise any material planning issues of strategic importance that have not already been considered at Stage 1, and/or in this report.

28 In relation to the statutory tests regarding harm to heritage assets, as noted in the initial consultation report, and discussed in detail in the Corporation’s committee report, it is concluded that the development would cause less than substantial harm to heritage assets. The public benefits of this scheme, which include the regeneration of the site, public access through to the riverside, improvements to the pedestrian environment and the delivery of a substantial amount of affordable housing, outweigh any harm caused to heritage assets.

Draft Section 106 agreement

29 The draft section 106 agreement includes the following provisions:

- Affordable housing as set out above, comprising 30% of habitable rooms delivered as affordable (split 34:66 London Affordable Rent/shared ownership);
- Early stage review mechanisms in line with the Mayor’s Affordable Housing and Viability SPG;
- Payment of £2.5 million towards A12 junction works;
- Provision of two car club spaces and vehicles;
- Provision of electric vehicle charging points;
- Submission of a travel plan;
- Financial contribution of £33,963 towards the provision of a new primary school in the masterplan area;
- Financial contribution of £100,000 for the upgrade of sports facilities in Bromley-by-Bow;
- Submission of a local labour strategy;
- Retention of public access through the site and to the Riverside Park;
- Submission of a public realm management strategy;
- Carbon off-set contribution of £509,837;
- Submission of an energy network strategy prioritising connection to a district heating network;
- Financial contribution of £17,000 for Legible London signage;
- Payment of design monitoring costs in the event that the original architects are not retained;
- Adherence to considerate constructors’ scheme.

Legal considerations

30 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. 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

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

32 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

33 The strategic issues raised at consultation stage regarding affordable housing, urban design, inclusive design, climate change and transport, have been appropriately addressed, and conditions and section 106 obligations secured. As such, the application complies with the London Plan and the draft London Plan and there are no sound reasons for the Mayor to intervene in this case.

for further information, contact GLA Planning Unit:

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