Mildmay Mission Hospital, Hackney Road, Shoreditch
in the London Borough of Tower Hamlets
planning application no. PA/09/02323

Strategic planning application stage II referral (new powers)

The proposal
Full planning permission is sought for redevelopment to provide a mixed-use scheme comprising a new hospital, a new church building, and retail floor space, together with 139 flats in a series of buildings ranging in height from one to nine storeys.

The applicant
The applicant is Paddington Churches Housing Association and Homes and Community Agency, and the architects are Fielden Clegg Bradley Studios and Matthew Lloyd Architects.

Strategic issues
The principle of this development for housing and community uses complies with strategic planning policies relating to the intensification of development and form of development promoted within the City Fringe Opportunity Area. The proposal is of a high quality design, with an acceptable approach to housing mix, standard of accommodation and inclusive design.

Key strategic issues regarding affordable housing, children's play space, climate change and transport have all been satisfactorily resolved.

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

Context
1 On 20 November 2009 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1B of the Schedule of the Order 2008: “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 sq.m.”

2 On 22 December 2009 the Mayor considered planning report PDU/1260a/01, and subsequently advised Tower Hamlets Council that the application did not comply with the London Plan, for the reasons set out in paragraph 77 of the above-mentioned report; but that the possible remedies set out in paragraph 79 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. On 17 June 2010 Tower Hamlets Council decided that it was minded to grant planning permission for the application, and on 28 June 2010 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Tower Hamlets Council under Article 6 to refuse the application or issue a direction to Tower Hamlets Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 7 July 2010 to notify the Council of his decision and to issue any direction.

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

Update

5 At the consultation stage Tower Hamlets Council was advised that the application did not comply with the London Plan in relation to affordable housing, children’s play space, climate change mitigation and transport matters. The applicant and Tower Hamlets have subsequently provided further information and addressing each of these points in turn, the following is noted:

Affordable housing

6 The scheme proposes 44.8% affordable housing, based on habitable rooms. The tenure would comprise a 72:28 split between social rented and intermediate units. At the consultation stage, further information was requested to demonstrate that the scheme provides the maximum reasonable amount of affordable housing, in the absence of a financial appraisal having been submitted.

7 It is noted that this particular scheme has the full support of the Homes and Communities Agency (HCA), which has funded the site acquisition and intends to deliver the scheme through its Public Land Initiative (PLI) funding allocation. This initiative seeks to bring forward development on public sector controlled assets by providing deficit funding to bridge the financial viability gap of schemes. There are also other funding streams available for this scheme, noting that the HCA is seeking to ensure that this scheme commences on site in September. The requirements for Code Level 4, Building for Life and other HCA minimum space and functionality standards, result in a high-specification scheme being delivered. Therefore, the viability of the scheme has been the subject of scrutiny by the HCA in order to establish the appropriate level of funding, and will continue to be so through the life of the project in order to maximise delivery and returns.

8 On this basis, officers are satisfied that the scheme would provide the maximum reasonable amount of affordable housing, and that the scheme accords with policies 3A.9 and 3A.10 of the London Plan. The Council proposes a section 106 obligation which secures 50 units as affordable.
Children’s play space

At the initial consultation stage, it was noted that the on-site play space proposed for the scheme fell short of the benchmarks set in the Mayor’s SPG. Noting the absence of existing facilities nearby, concern was raised that insufficient play space would be available for occupiers of the development.

Using the SPG formula, it is expected that approximately 300 sq.m. would be expected on-site for under five year olds. The scheme is proposing to provide defined play space for the 0-4 year old age group in two locations totalling 256 sq.m, which falls slightly short of the SPG standards. It is noted that an additional 690 sq.m. of managed amenity space is proposed in the central courtyard, together with private amenity spaces at ground floor level, together with balconies and terraces totalling a further 1,548 sq.m. In addition, the applicant is also proposing to make a number of financial contributions towards enhanced provision including contributions to open space and leisure facilities, which have been secured in the s106 agreement.

Given the mixed-use nature of the scheme and the constrained space that is available, there is limited scope to increase the amount of play space within the site. In light of the generous amenity space that has been provided on the site overall, and its quality, together with the financial contributions that have been offered for off-site improvements, officers consider that the shortfall is acceptable in this instance, noting the support of Tower Hamlets Council for the scheme in this respect.

Climate change mitigation

At the initial consultation stage, it was advised that the energy strategy was generally acceptable, however the absence of some information was such that the scheme failed to demonstrate compliance with the Mayor’s energy hierarchy. Further details were requested in relation to baseline carbon dioxide emissions, energy demand and energy efficiency savings, district heating, heat profiles for the combined heat and power (CHP) plant, cooling proposals and the location of photovoltaic (PV) panels.

The applicant has revised its energy strategy and has provided the requested information. Confirmation has been given that the retail outlet is small, with a correspondingly small heat load, and located a relatively long distance away. Justification has also been provided as to why the connection of the network would be particularly difficult for this load. This reasoning is accepted. Following further investigation of photovoltaic panels (PV), the applicant has increased the amount of PV installed on the development to 350 sq.m. and this has been secured by condition.

On this basis, the scheme complies with London Plan policies 4A.1 to 4A.21.

Transport for London comments

At the initial consultation stage, it was noted that further discussion was required with TfL regarding the pedestrian environment, cycle parking, framework travel plan, along with a commitment to developing servicing management and construction management plans. Of particular note was a query regarding the access points, and that there was potential for conflict with bus operations in the form proposed.

Following consultation between TfL Buses, the proposed layout of the site access at Hackney Road and the southbound bus stop have been revised. The proposed layout is now considered to be appropriate, and there are no longer objections raised to this element. This ensures the safe operation of buses, and the safety of passengers boarding and alighting buses at this stop. A clause is included within the final section 106 agreement, which ensures that the developer will cover the costs of the alterations to and improvement of the southbound bus stop. Conditions are proposed in relation to residential and non-residential travel plans, a service
management plan and a construction management plan, which are welcomed. The level of cycle parking proposed for the non-residential elements of the scheme is in line with London Plan policy standards and guidance. TfL is also satisfied with the improvements to the public realm as proposed.

17 On the basis that all of the above issues are now resolved, TfL raises no objection to the proposed development.

Response to consultation

18 The application was advertised by site and press notices and consultation letters, which were sent to 418 neighbouring properties.

19 Fifteen responses were received as a result of the consultation process. Of these, thirteen responses comprise support for the scheme, in terms of its design and the revitalisation it will bring to the area. Two of the responses received raised objections in elation to the scale of development and impact upon neighbouring properties in relation to privacy and light.

20 Several amenity groups, including OPEN Shoreditch and Columbia Road Neighbourhood Action Group consider the scheme to be an improvement over previous proposals. It notes the need to direct funds towards public realm improvements and that the commercial uses on Hackney Road should be restricted. Support has been received from the Shoreditch Tabernacle Baptist Church and Mildmay UK, which currently occupy the site.

21 Other statutory consultees responded as follows:

**CABE:** Supports the urban design strategy and advises that the architectural language is accomplished. The success of the project will be dependent on the quality of the materials and detailing, and in this respect, conditions have been imposed requiring the approval of details.

**English Heritage:** Notes that the scheme is an improvement over previous proposals and whilst the loss of the older portions of the Mildmay Hospital is regrettable, the scheme otherwise has a positive impact on conservation area views.

**Environment Agency:** No comments but has suggested investigation in relation to sustainable urban drainage systems (SUDS), for which an informative has been included in the draft decision notice.

**Hackney Council:** No representations received.

**Thames Water:** Provides advice in relation to water infrastructure, waste water and surface water drainage, noting that a water main crosses the site. An informative is recommended by Tower Hamlets Council, advising the applicant of these matters.

**London Fire and Emergency Planning Authority:** Requests that it be consulted in relation to fire service access and water supplies.

**Tower Hamlets Primary Care Trust:** No representations received.

**The Garden History Society:** No representations received.

**The Victorian Society:** No representations received.

**Natural England:** Supports the proposed green roofs, but requests consideration of brown roofs in order to provide a habitat for black redstarts. A condition has been recommended
by the Council securing details of landscaping, and an informative including requesting consideration of brown roofs in the final treatment.

22 In relation to the objections raised by local residents, matters relating to the design quality and scale have been dealt with in the previous report.

23 Matters relating to impact upon residential amenity are not in this instance strategic planning matters and have been assessed by Tower Hamlets Council in its committee report.

24 In relation to English Heritage concerns regarding the older part of Mildmay Hospital, it is noted that the building is not listed and nor does it sit within a conservation area. Tower Hamlets Council has assessed the proposal and considers that the high quality design and mix of uses integrates the scheme with its surroundings in a positive way.

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

25 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance Tower Hamlets Council has resolved to grant permission with conditions and planning obligations that satisfactorily address the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

**Legal considerations**

26 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

**Financial considerations**

27 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.

28 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.

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

Conclusion

30 Having regard to the details of the application, the matters set out in Tower Hamlets Council’s committee report and its draft decision notice, this scheme is acceptable in strategic planning terms. Further information has been provide, and conditions and planning obligations have been imposed by Tower Hamlets Council which address all the outstanding issues that were raised at Stage 1 and as such, there are no sound reasons for the Mayor to intervene in this particular case.

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Strategic planning application stage 1 referral (new powers)


The proposal

Full planning permission is sought for redevelopment to provide a mixed use scheme comprising a new hospital, a new church building, and retail floor space, together with 139 flats in a series of buildings ranging in height from one to nine storeys.

The applicant

The applicant is Paddington Churches Housing Association and Homes and Community Agency, and the architects are Fielden Clegg Bradley Studios and Matthew Lloyd Architects.

Strategic issues

The principle of the redevelopment of the site for housing and community uses is supported. However, there are outstanding strategic issues regarding affordable housing, tenure split, dwelling mix, children’s play space, energy, and transport which require addressing.

Recommendation

That Tower Hamlets Council be advised that the application is broadly acceptable in strategic planning terms, but does not comply with the London Plan, for the reasons set out in paragraph 77 of this report. The possible remedies set out in paragraph 79 of this report could address these deficiencies.

Context

31 On 20 November 2009 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 31 December 2009 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.

32 The application is referable under Category 1B of the Schedule to the Order 2008: “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 sq.m.”

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

34 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.

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

**Site description**

36 This site of 0.82 hectares is currently occupied by the Mildmay Mission Hospital, the Shoreditch Tabernacle Baptist Church, the Family Care Centre, Sir Graham Rowlandson House and the grade II listed church community hall (now known as the Tab Centre).

37 The site is located to the east of Hackney Road and is bounded to the south by Austin Street; to the east by the open space in front of Dunmore Point Tower; and to the north by the Leopold Buildings, which front Columbia Road. The area falls within the City Fringe Opportunity Area which comprises a mix of commercial and residential uses. To the south of the site lies the Boundary Estate Conservation Area.

38 The Tower Hamlets borough boundary with Hackney runs along the centre line of Hackney Road and Austin Street before turning south down Boundary Street.

![Site location plan](source: submitted Design and Access Statement)
Details of the proposal

39 Full planning permission is sought for demolition of all buildings on the site (excluding the TAB centre) and their replacement with seven new buildings ranging in height from one to nine storeys. The proposal involves a range of uses comprising:

- 139 residential units (64 one-bed, 45 two-bed, 20 three-bed, 8 four-bed, and 2 five-bed);
- a new church (423 sq.m.) to replace existing
- a new specialist hospital (2,795 sq.m.) containing 26 wardrooms, with day service facilities, reception, offices, and ancillary support facilities at ground floor level.
- a small commercial unit on Hackney Road

Fig 2 and 3: Illustrative view and use diagram (Source: submitted Design and Access Statement)

Case history

40 An application for redevelopment of the site was referred to the previous Mayor in July 2006. This proposed demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising a part 5, part 6-storey building along Hackney Road to provide a new church and retail space with residential units above; a 5-storey building to provide offices with residential units above; a 6-storey building along Austin Street to provide a primary care centre and residential units; 3-storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5); a 23-storey residential building incorporating social services facilities and a 4-storey hospital facility and detox unit; parking, servicing and cycle bay provision, landscaping and highways works.

41 This application was refused by Tower Hamlets Council in October 2007, and an appeal was lodged by the applicant in April 2007. Given the strong support that the previous Mayor had for the scheme, the decision was made to support the applicant in their appeal. The appeal was subsequently withdrawn by the applicant prior to the public inquiry taking place.
Strategic planning issues and relevant policies and guidance

42 The relevant issues and corresponding policies are as follows:

- Principle of development: London Plan; PPS1
- Mix of uses: London Plan
- Employment: London Plan; PPG4; draft PPS4; Industrial Capacity SPG
- Housing: London Plan; PPS3; Housing SPG; Providing for Children and Young People’s Play and Informal Recreation SPG, draft Housing Strategy
- Affordable housing: London Plan; PPS3; Housing SPG, draft Housing Strategy
- Density: London Plan; PPS3; Housing SPG
- Culture/leisure: London Plan; the Mayor’s Culture Strategy
- Urban design: London Plan; PPS1
- Urban fringe: London Plan; PPG2; PPS7
- Historic Environment: London Plan; PPG15, draft PPS15
- Health: London Plan; Health Issues in Planning BPG
- Access: London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
- Climate change: London Plan; PPS1, PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
- Sustainable development: London Plan; PPS1, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
- Transport: London Plan; the Mayor’s Transport Strategy; PPG13;

43 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Tower Hamlets Unitary Development Plan 1998 and the London Plan (Consolidated with Alterations since 2004).

44 The draft replacement London Plan, which was released for consultation on 12 October 2009, is also a material consideration, as is the City Fringe draft Opportunity Area Framework which was consulted on in 2008.

Principle of development

Mixed use

45 London Plan policy 3A.18 seeks to resist the net loss of, and increase the provision of, social infrastructure and community facilities to meet future demand and existing deficiencies. Emerging London Plan policies 3.17 and 3.18 also seek to enhance additional and enhanced community uses and health facilities. London Plan policy 3A.1 and draft replacement London Plan policy 3.3 seek to increase London’s supply of housing. Policy 3A.3 of the London Plan (and policy 3.2 of the draft replacement London Plan) seek to ensure that development proposals achieve the maximum intensity of use taking into account local context, the design principles of the London Plan and public transport capacity.

46 The principle of residential accommodation with re-provision of community, health and ancillary retail facilities is therefore acceptable.
Housing

Density

In terms of density, table 3A.2 of the London Plan and table 3.2 of the draft replacement London Plan provide guidelines on density in support of the aforementioned policies. The proposed residential density of the development is 168 dwellings per hectare or 515 habitable rooms per hectare. The area, whilst on the edge of Central London, is characterised by a mix of different uses, medium building footprints and typically low to medium height buildings. The density falls below the expected density for central areas (650-1100 hr/ha) but does sit comfortably within the range for urban areas (200-700 hr/ha). Given the character of the surrounding area, including conservation areas and listed buildings, the nature of the uses, and the existing built form, the proposed density is appropriate for this context.

Affordable Housing

47 London Plan Policy 3A.10 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. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements. These policies are reinforced under policies 3.12, 3.13 and 3.14 of the draft London Plan, however there is now a shift towards achieving a 60:40 split in relation to tenure.

48 Policy 3A.10 of the London Plan is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The ‘Three Dragons’ development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

49 Policy 3.13 of the draft replacement London Plan establishes the approach to negotiating affordable housing on site, and states that “The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes” taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development, and viability.

50 Where borough councils have not yet set overall targets as required by Policy 3A.9, 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.

51 The target of 25% affordable housing as set by the Tower Hamlets UDP was not saved by the Secretary of State in September 2007 as part of the saved policies exercise.

52 The proposal provides 49 affordable units. Overall, 43% of the total number of habitable rooms and 35% of the total number of units will be affordable. In the absence of a financial appraisal being submitted, further discussions are required with the applicant and the Council to confirm that the maximum reasonable amount of affordable housing has been provided, keeping in mind that the scheme is being supported by the Homes and Communities Agency. It is noted that
the application documentation states that 45.6% of the units will be for affordable housing, so clarification is required as to the offer that is being made.

**Tenure split**

53 London Plan Policy 3A.9 states that affordable housing targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that within the affordable element 70% of housing should be social and 30% intermediate provision, and of the promotion of mixed and balanced communities.

54 Strategic policy 3.12A of the draft replacement London Plan states that within the 13,200 affordable homes per year target, the Mayor will, and boroughs and other partners should, seek to ensure that 60% is social housing and 40% is intermediate. The draft revised interim Housing Supplementary Planning Guidance states that in determining the appropriate balance between social rented provision and intermediate provision on specific sites “... a borough must have regard to local, sub-regional and regional housing needs that could be met through the proposed development”.

55 Within the affordable housing element, the proposal includes 78% social rented accommodation and 22% intermediate, by habitable room. The applicant has sought to meet the targets set out in Tower Hamlet’s interim guidance, and the overall mix is considered to contribute to a balanced community.

**Mix of Units**

56 London Plan Policy 3A.5 encourages a full range of housing choice. This is supported by the London Plan Housing Supplementary Planning Guidance, which seeks to secure family accommodation within residential schemes, particularly within the social rented sector, and sets strategic guidance for councils in assessing their local needs. Strategic Policy 3.12A of the draft replacement plan states that within affordable housing provision, priority should be accorded to family housing. Recent guidance is also set out in the draft London Housing Strategy 2008, including Policy 1.1.2, which seeks more family sized homes, and draft replacement London Plan Policy 3.8, which seeks to widen housing choice.

57 The Mayor’s Housing SPG provides a London wide target for the mix of unit sizes within developments. The table below compares the proposed mix of units against the targets within the SPG.

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<th>Overall</th>
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<td>SPG</td>
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<td>1 bed</td>
<td>32%</td>
<td>46%</td>
<td>19%</td>
<td>11%</td>
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<td>2/3 bed</td>
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<td>30%</td>
<td>7%</td>
<td>42%</td>
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58 The Mayor’s draft London Housing Strategy seeks to increase the number of family sized unit and seeks 42% of all social rented housing and 16% of intermediate housing to have three bedrooms or more. This proposal provides 60% of all social rented and 14% of intermediate housing with three bedrooms or more.

59 Overall, the proposed mix of unit sizes is good, all of the larger four and five bedroom properties are assigned for affordable rent and the proposal includes a large number of affordable
three bedroom units, most of which are at ground floor level with their own front doors and amenity spaces. Given the involvement of the Homes and Communities Agency, it is presumed that this mix of units is based on negotiations with them over local need, however confirmation from Tower Hamlets Council and the Homes and Community Agency as to how these figures were arrived at should be provided.

Urban design

60 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.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, views, and the Blue Ribbon Network.

61 The draft replacement London Plan reinforces these principles, with new development required to have regard to its context, and reinforce or enhance the character, legibility and permeability of the neighbourhood.

62 The site is very tight, with an irregular arrangement of neighbouring buildings including some listed buildings located on its boundary including the Grade 1 listed St Leonard's Church and the Grade II listed church hall within the site (the TAB Centre). The proposals respond imaginatively to these constraints, accommodating a rich mix of uses and responding well to the varying character and scales of development on the sites perimeter.

63 The buildings comprise a series of blocks varying in height from three to nine storeys and are clad in brick the colour and detailing of which varies from block to block providing differentiation between the blocks, responding to the colour and texture of neighbouring buildings and adding to the visual interest of the overall scheme.

64 The blocks have sharp angular profiles that give them a dynamic character, they are crisply detailed, and fit well within their context, without being copies of the historic built forms that surround them. They will enhance the character of surrounding conservation areas and will compliment the setting of adjacent listed buildings including the Grade 1 listed St Leonard’s Church and the listed Tab Centre.

65 The residential scheme includes a mix of unit types and sizes with most of the larger units being lower level maisonettes with their own front doors and private ground floor amenity spaces and some upper level maisonettes with balconies. There is a clear distinction between private amenity space and publicly accessible space which should ensure the scheme is safe and secure, an important consideration in this inner city location.

66 The architecture, site planning and landscaping is of a very high quality and should deliver an exemplary mixed use development.
Residential quality

67 The Mayor has recently published his draft Housing Design Guide and aspects of this, notably the minimum space standards for dwellings, are also reflected in the draft replacement London Plan and in the London Plan.

68 The applicant has submitted details of the standards that would be applied to the scheme, which are required in order to secure funding from the HCA. It is stated that the internal layouts are indicative only to demonstrate the principles that will be applied in the later design stages, however the documentation suggests that the scheme would meet minimum space standards for new development as set out in the draft Housing Design Guide and the emerging London Plan. It is also confirmed that the scheme would exceed the HCA’s housing quality indicators in relation to internal environments, which is supported.

69 Given this is a full planning application, the applicant’s statement that the layouts are indicative and will be worked up further, is of concern. It will be important to secure minimum requirements as part of any planning permission and details of this commitment should be provided when the application is reported back to the Mayor.
Inclusive design

70 Policy 4B.5 of the London Plan and policy 7.2 of the draft replacement London Plan expect all future development to meet the highest standard of accessibility and inclusion. This, together with the London Plan’s supplementary planning guidance ‘Accessible London: achieving an inclusive environment’, underpins the principles of inclusive design and the aim to achieve an accessible and inclusive environment consistently across London. Policy 3A.5 of the London Plan and policy 3.8 of the draft replacement London Plan require all new housing to be built to ‘Lifetime Homes’ standards and 10% of all new housing to be designed to be wheelchair accessible to meet the full range of housing needs.

71 The design and access statement confirms all residential units will meet the 16 Lifetime Homes criteria, and a table and typical floor plans are provided to indicate how these standards would be met. This includes provision of level entrances, illumination, lift access, width of doorways, window and service control heights, turning space, capability for a future stair lift and hoist.

72 The applicant also advises that all of the community elements are accessed across level thresholds with doors to appropriate widths for people using wheelchairs. Lifts are provided adjacent to stairs to ensure that the spaces are used in the same way by all regardless of mobility. The proposed community uses will be visually connected to ensure legibility of use without relying solely on signage. Contrasting floor and wall colours will assist visually impaired people to navigate the community spaces. Subject to this being confirmed by way of condition, this aspect is considered to be acceptable.

73 The scheme proposes that 14 flats (10%) would be designed to be wheelchair accessible (six 1-bed, 6 two-bed, 1 three-bed, and 1 four-bed). As noted above, it is stated that the internal layouts are indicative only to demonstrate the principles that will be applied in the later design stages. Assurances are required that the layouts will not be altered in such a way that the scheme fails to comply with minimum standards or achieve the commitments set out by the applicant.

Child play space

74 Policy 3D.13 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.” This is reiterated under policy 3.6 of the draft replacement London Plan.

75 Using the methodology within the Mayor’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ it is anticipated that there will be approximately 232 children within the development. The guidance sets a benchmark of 10 sq.m. of useable child playspace to be provided per child, with under-5 child playspace provided on-site. As such the development should make provision for 460 sq.m. of playspace on site.

76 This development makes provision on site for 256 sq.m. of child play space for children under the age of five. The applicant has submitted an assessment of child and young people’s play space as part of the environmental statement. The findings show that there is a lack of existing facilities within a 400 metres and 800 metres radius of the scheme. Whilst the applicant has committed to enhance the existing play facilities in the area to serve the new and existing residents, details of these proposals have not been submitted and noting the absence of existing facilities nearby, it is questioned as to what this contribution would entail. Further discussion is required on this point. In the longer term additional open space will be located to the south at
Bishopsgate Goodsyard, but in the shorter term the applicant is encouraged to give further consideration to how additional play space could be provided.

**Climate change mitigation and adaptation**

77 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating renewable energy technologies with a target of 20% carbon reductions from on-site renewable energy. The policies set out ways in which developers must address mitigation of, and adaptation to, the effects of climate change. Policies 4A.2 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide emissions reduction targets that are necessary across London to achieve this.

78 Chapter 5 of the draft replacement London Plan sets out the approach to climate change and requires developments to make the fullest contribution to minimising carbon dioxide emissions.

**Energy**

79 Policies 4A.4-11 of the London Plan require a reduction in a development’s carbon dioxide emissions through the use of passive design, energy efficiency and renewable energy measures. This is supported by policies 5.2, 5.6 and 5.7 of the draft replacement London Plan.

80 The applicant has broadly followed the energy hierarchy in Policy 4A.1. Sufficient information has been provided to understand the proposals as a whole and to verify carbon dioxide savings in principle. However, further information as detailed below is required to fully assess the application.

**Baseline carbon dioxide emissions**

81 The baseline emissions are estimated as 622 tonnes of carbon dioxide per annum. It is not clear how the baseline emissions have been estimated. The applicant should provide further information regarding the modelling, as detailed in the attached guidelines.

**Energy efficient design**

82 A range of energy efficiency measures are proposed for the development, including; high performance glazing, improved U-values for building envelope compared to building regulations 2006 requirements, improved air tightness and energy efficient lighting and lighting controls. The applicant should quantify the measures, through Building Regulations 2006 modelling, to establish the reductions due to energy efficiency measures.

83 Further potential to reduce energy demand through improved U-values should be investigated; in particular U-values for external walls could be improved further and the applicant should explain why they are not proposing further improvements.

84 The estimated reductions due to energy efficiency measures are claimed to 11%, although it is not clear how this has been calculated. This should be updated in line with the modelling for baseline carbon dioxide emissions.
District heating

85 As part of the energy strategy, the applicant states that a centralised heating approach would be used. Such a system would comprise a system whereby a central heat generating plant would supply a single heat network that would then be used to supply the heating requirements of all elements of the scheme, i.e. residential and non-domestic spaces but it is not wholly clear from the documentation that this is the case. The applicant should elaborate on the proposed system in order to be satisfied that the assumptions above are the case.

86 It is envisaged that the heating infrastructure would be compatible with a future district heating system. The applicant should confirm that the energy centre would have space for heat exchangers, should a district heating network become available in the area. In addition, the applicant should provide plans to show indicatively that enough space has also been allocated for the CHP, thermal store, and boilers.

Combined heat and power

87 The applicant is proposing to install a 50 kWe combined heat and power plant. In order to take advantage of the combined loads of the different elements of the development, both the care centre and dwellings would be supplied by the CHP. The use of CHP has been estimated to save carbon dioxide emissions by 15% relative to the baseline emissions.

88 The proposal to utilise a CHP is welcomed. In order to support the sizing of the CHP unit, the applicant should provide heat profiles to show that the size of the CHP has been optimised, taking both heating and domestic hot water load into consideration. It is envisaged that part of the heating would be supplied, but this requires clarification as noted under paragraph 57 above.

Cooling

89 Proposals for reducing CO2 emissions in energy assessments should be robust in addressing the potential risk of overheating within a building and in setting out measures that aim to minimise the need for active cooling systems. Accordingly, a low carbon cooling proposals should be developed that sets out:

- measures that are being considered to reduce the demand for cooling in the first instance, i.e. minimisation of internal gains, minimisation of unwanted summer solar gains through the use of external shading devices, appropriate use of thermal mass, night cooling, for example.

- the extent to which the cooling demand has been minimised.

- where the use of natural and/or mechanical ventilation is not enough to guarantee the occupants comfort the cooling, proposals should include:
  - details of the cooling infrastructure being proposed
  - details of the cooling plant being proposed, including efficiencies, ability to take advantage of free cooling and/or renewable cooling sources.

- where appropriate the cooling proposals should investigate the opportunities to improve cooling efficiencies through the use of locally available sources such ground cooling, river/dock water cooling, etc
Renewable energy

The proposals include 160 square metres of photovoltaic panels located on the roof of Block E. This would further reduce the carbon dioxide emissions by 2.4%.

The applicant should provide roof plans showing available space for photovoltaic panels as well as pointing out why the other areas are not available for such. The applicant should endeavour to maximise the carbon dioxide reductions through the use of photovoltaic panels. It is noted that the provision of photovoltaic panels does not preclude the provision of living roofs.

Although the applicant falls short of the target of 20% it is acknowledged that there is limited scope available for further reductions from other renewable technologies.

Sustainable design and construction

Policy 4A.3 of the London Plan requires all development proposals to include a sustainability statement. Further guidance on this policy is given in the London Plan Sustainable Design and Construction SPG. In addition, London Plan policies 4A.3, 4A.11, 4A.14 and 4A.16 require the inclusion of sustainability measures within developments. This is supported by policies 5.3, 5.9 to 5.12, 5.15 and 6.13 of the draft replacement London Plan.

In accordance with London Plan Policy 4A.3, and replacement London Plan Policy 5.3, the applicant has submitted a sustainability strategy. The proposal is intending to achieve Level 4 of the Code for Sustainable Homes and BREEAM ‘Excellent’ for the commercial elements.

In terms of water use, water efficient fittings are proposed throughout the development with metering systems installed. In terms of sustainable urban drainage, surface runoff would be reduced, due to the introduction of a higher proportion of permeable surfaces and green roofs. The green roofs (i.e. sedum planting) will be incorporated onto a total of 490m2 of roof space, reducing the urban heat island effect and attenuation for surface water run-off, as well as provide a habitat for wildlife. Storage tanks for surface water are proposed to improve the water quality of rainwater discharged. All of these aspects should be secured by way of condition.

Transport for London

The nearest part of the Transport for London Road Network (TLRN) is the A10 Kingsland Road/Shoreditch High Street, approximately 100 metres to the west. The closest bus stops to the site are on Hackney Road, serving routes 26, 48 and 55. Additionally routes 67, 149, 242 and 243 are within reasonable walking distance on Kingsland Road. The site has a good level of accessibility with a Public Transport Accessibility Level (PTAL) of 6a (in a range of 1 to 6 where 6 is excellent).

In recognition of the site’s good accessibility and to accord with London Plan policy 3C.23 and draft revised London Plan policy 6.13, TfL welcomes the car free nature of the scheme save for 14 disabled spaces proposed in connection with the residential element of the scheme. In order to minimise additional vehicle trips and to avoid overspill parking, TfL welcomes the developer’s willingness to enter into a section 106 agreement to prevent all future access to on street parking permits. TfL however queries why two access points are proposed for the development and recommends that to avoid vehicle conflicts, particularly with bus operations, only one vehicular access is provided from Austin Street.

Whilst TfL notes that trip generation has been considered using representative survey data in the TRAVL database and mode split calculated using census data, no information on the characteristics of the TRAVL sites has however been provided to confirm the acceptability of the
assessment. However, in this instance, TfL does not anticipate that the scale of the development will have a significant impact on the public transport network.

99 TfL expects the assessment to consider the quality of the footways surrounding the development and to identify any remedies that should be provided as part of this application. This is to ensure that walk routes to and from the development are easy to use, accessible and attractive in order to encourage walking in accordance with London Plan policy 3C.21 and draft replacement London Plan policy 6.10.

100 TfL welcomes the provision of 144 secure and covered cycle parking spaces for the residential units. Clarification should nevertheless be provided about their location to ensure that they are conveniently distributed throughout the development. The number of anticipated visitors to the mission and church uses should also be confirmed to ensure that the 26 proposed public cycle spaces will be adequate and to comply with London Plan policy 3C.22 and draft replacement London Plan policy 6.9.

101 In order to manage travel demand and to accord with London Plan policy 3C.2 and draft revised London Plan policy 6.3, TfL welcomes the submission of a draft travel plan for the residential element of the scheme. However, a framework travel plan is required, demonstrating how sustainable travel will be supported on a site wide level, including the hospital and the church. The site wide plan will be the basis for developing full scale travel plans for each land use. The framework travel plan should be secured by the borough through section 106 agreement.

102 In order to minimise vehicular traffic in the peak and to accord with London Plan policy 3C.25 and draft revised London Plan policy, TfL expects the development to be supported by a construction logistics plan and a delivery and service plan. These plans should be secured by the borough through any proposed section 106 agreement.

103 Provided that the above matters are appropriately resolved and adequate mitigation is provided the development could accord with transport policies in the London Plan.

Local planning authority’s position

104 The Council is due to consider a report on this proposal in early 2010.

Legal considerations

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

Financial considerations

106 There are no financial considerations at this stage.
Conclusion

London Plan policies on mix of uses, housing, design, inclusive design, sustainable design and construction, energy and transport, are relevant to this application. The application complies with some of these policies but not with others:

- **Mix of uses and employment**: The proposed mix of uses on site is in accordance with London Plan policies.

- **Housing**: The density of the proposal is appropriate and the scheme successfully maximises the potential of the site. The mix of units, housing choice and spatial standards are also acceptable. It is not possible to determine at this stage whether the proposal accords with London Plan policies relating to providing the maximum reasonable amount of affordable housing. Insufficient children’s play space has also been provided contrary to relevant London Plan policies.

- **Design**: The scheme proposes a high quality design with acceptable layouts and relationship with surrounding buildings in accordance with London Plan design policies.

- **Inclusive design**: The proposal is broadly in accordance with London Plan Policy 4B.5 and draft replacement Plan Policy 7.2 relating to providing an inclusive environment, subject to confirmation that the minimum standards that the applicant has committed to are secured.

- **Climate change mitigation and adaptation**: The proposals are acceptable in principle but subject to further information and revisions in relation to the energy strategy.

- **Transport**: The principle of a car-free development, except for blue badge parking, is supported but further information is required in order to ensure that the scheme complies with London plan transport policies.

Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan.

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

- **Housing**: Further discussions are required regarding affordable housing to ensure that the maximum reasonable amount of affordable housing is being provided. The applicant will need to redress children’s play space provision.

- **Energy**: Further information is required in relation to baseline carbon emissions, energy efficient measures, district heating, the CHP and cooling systems, and renewable energy. The applicant is also referred to the attached guidance notes.

- **Transport**: Further discussion with TfL is required regarding the access points, pedestrian environment, cycle parking, framework travel plan, along with a commitment to developing servicing management and construction management plans.
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