

DEVELOPMENT COMMITTEE

Thursday, 27 September 2018 at 6.30 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

This meeting is open to the public to attend

Members:

Chair: Councillor Abdul Mukit MBE
Vice Chair : Councillor John Pierce
Councillor Ruhul Amin, Councillor Mufeedah Bustin, Councillor Peter Golds, Councillor
Gabriela Salva Macallan and Councillor Helal Uddin

Substitutes:

Councillor Dipa Das, Councillor Bex White, Councillor Andrew Wood and Councillor
Kyrsten Perry

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 25 September 2018**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 26
September 2018**

Contact for further enquiries:

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 22)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 23 August 2018.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 23 - 24)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

	PAGE NUMBER	WARD(S) AFFECTED
4. DEFERRED ITEMS	25 - 26	
4 .1 Raine House, 16 Raine Street, London, E1W 3RL - PA/18/01477 and PA/18/01478	27 - 44	St Katharine's & Wapping
5. PLANNING APPLICATIONS FOR DECISION	45 - 46	
5 .1 Regency Court, 10 Norman Grove, London, E3 5EG - PA/18/00065	47 - 86	Bow West
5 .2 Appian Court, 87 Parnell Road, London, E3 2RS - PA/18/00092	87 - 120	Bow East

		PAGE NUMBER	WARD(S) AFFECTED
5 .3	Site Rear of 225 to 347, Hanbury Street, London E1 - PA/18/01776	121 - 158	Whitechapel
5 .4	13-19 Herald Street, London, E2 6JT - PA/17/01808	159 - 220	St Peter's

Next Meeting of the Development Committee

Wednesday, 17 October 2018 at 6.30 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitiy and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.32 P.M. ON THURSDAY, 23 AUGUST 2018

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Abdul Mukit MBE (Chair)
Councillor John Pierce
Councillor Ruhul Amin
Councillor Mufeedah Bustin
Councillor Peter Golds
Councillor Gabriela Salva Macallan
Councillor Helal Uddin

Apologies:

None received.

Officers Present:

Kevin Crilly	– (Planning Officer, Place)
Nasser Farooq	– (Team Leader, Planning Services, Place)
Carole Martin	– (Project Development Officer, Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Place)
Hoa Vong	– (Planning Officer, Place)
Daria Halip	– Planning Officer
Max Smith	– Team Leader, Planning and Building Control
Hamdee Yusuf	– Development Decisions Officer
Paul Buckenham	– (Development Manager, Planning Services, Place)
Brian Hurwitz	– (Legal Advisor)
Antonella Burgio	– (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Members declared interests in items on the agenda for the meeting as set out below:

Councillor Helal Uddin declared a disclosable pecuniary interest in respect of item 5.1 in that he was on the Board of Tower Hamlets Homes and employed

at the Bromley-by-Bow Centre. He absented himself from the meeting during the discussion and decision of this application.

Councillor Mukit declared a personal non pecuniary interest in respect of item 5.3 in that Mr Sundor Miah, a resident who spoke in favour of the proposal to redevelop the public house, was a Member of the Labour Party and was known to him.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meetings held on 20th June and 19th July 2018 be approved as a correct record of proceedings.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS

4.1 Lamb Court, 69 Narrow Street, London, E14 8EJ. (PA/18/00074)

It was noted that Councillor Mufeedah Bustin had not participated in this decision and therefore she absented herself from the meeting during the consideration of the item.

The Development Manager, Planning Services introduced the report and summarised that the application had been heard at the meeting on 19 July 2018. At this time the Committee had refused the application. He advised that it was a practice that where the Committee made a decision contrary to recommendations in the report, a report would be brought back to a future meeting to provide a commentary on the position relating to the Committee's reasons for refusal.

The Planning Case Officer then presented the report outlining which of the reasons for refusal which had been identified by the Committee would provide robust grounds in planning terms. The Committee was informed that the reasons concerning impact on conservation area and impact on neighbouring amenity were defensible in planning terms.

In accordance with Council procedure no further speaking rights were afforded to applicants or objectors since the Council's Constitution does not allow further speaking in cases where the Committee has already heard arguments and where no new information relating to the application is submitted.

Responding to Members' questions Officers advised that the weighting attributed to each of the reasons for refusal was not related to the order in which they were published but related to the defensibility of each of the reasons offered.

The Committee discussed the impact of the loss of the mature trees in the context of the current and increasing poor quality issues in the borough and noted that these matters were given a low priority in the context of policies handed down by government

The Legal Adviser directed that, in considering its decision, the Committee should refer to the recommendations at paragraphs as 6.1 and 6.2 of the report.

The Committee then moved to vote on the officer recommendations set out at 6.1 and 6.2 of the report.

Recommendation 6.1 - On a vote of 0 in favour, 5 against and 1 abstention the Committee affirmed that it did **not agree** with the officer recommendation to grant planning permission

Recommendation 6.2 - The Committee then moved to consider and vote on reasons for refusal as set out in paragraph 4.2 of the report:

- On a vote of four in favour, one against and one abstention the Committee voted to include the reason for refusal relating to a net loss of biodiversity as set out in paragraph 4.2.1 of the report.
- On a vote of four in favour and two against Committee voted to include the reason for refusal which concerned the restriction of access to Lamb Court and Albert Mews.
- On a vote of five in favour, and one abstention t the Committee voted to include the reason for refusal related to failure to preserve or enhance the character and appearance of the Narrow Street Conservation Area resulting in significant harm to the character of the street scene.
- On vote of six in favour and none against the Committee voted to include the reason for refusal that the proposed development would result in an unacceptable level of overlooking and loss of privacy.

In summary the Committee to voted to adopt all four reasons for refusal set out in paragraph 4.2 of the report.

The Committee **RESOLVED**

TO **REFUSE** planning permission for the erection of a 4 storey building comprising 1 x 1b unit and 2 x 2b units above the proposed Reception and Concierge Area on the ground floor.

Reasons for refusal

1. The proposed development would result in a net loss of biodiversity. As such the proposal fails to accord with Policy SP04 of the Tower Hamlets Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document.
2. The proposed development would restrict access to Lamb Court and Albert Mews. As such the proposal fails to accord with policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2016), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.
3. The proposed development due to its height, massing and design would fail to preserve or enhance the character and appearance of the Narrow Street Conservation Area and result in significant harm to the character of the streetscene. As such, the proposal fails to accord with policies 7.4, 7.6 and 7.8 of the London Plan (2016), policies SP10 and SP12 of the Adopted Core Strategy (2010), DM24 and DM27 of the Managing Development Document.
4. The proposed development would result in an unacceptable level of overlooking and loss of privacy. As such the proposal fails to accord with SP10 of the Adopted Core Strategy (2010) and DM25 of the Managing Development Document (2013).

5. PLANNING APPLICATIONS FOR DECISION

5.1 Jolles House, Bromley High Street, Blue Anchor Public House, 67 Bromley High Street and 67A Bromley High Street, London, E3. (PA/17/03015)

It was noted that Councillor Helal Uddin did not participate in this decision.

An update report was tabled.

The Development Manager, Planning Services introduced the report, which concerned an application to demolish Jolles House and the vacant Blue Anchor Public House and erect an affordable housing-led development

comprising two linked six-storey residential building comprising x64 affordable units and x6 private units with associated landscaping and play provision enhancements.

The Committee was advised that no objectors had registered to speak on this application. Therefore, in accordance with Council's Constitution, that where a planning application has been recommended for approval by officers and no objectors or Members have registered to speak then, the applicant or their supporter will not be expected to address the Committee.

The Planning Case Officer then presented his technical report which outlined key features of the application. He advised that six letters of objection had been received concerning issues of loss of light and loss of the public house.

Consideration was given to these representations. Concerning loss of light it was assessed that this was not significant and effects had been mitigated in the design by assigning affected rooms as bedrooms. Concerning the impacts of the loss of the public house and it had been assessed that the demolition of the premises was acceptable in the context that the premises were of limited historic significance and had been vacant for a long period against the benefits of the proposed scheme in terms of quality of the build and the provision of affordable housing.

Officers responded to Members' questions providing the following information:

Noting a Member's concern that the representative images showed the development in pale brick, while the surrounding area was characterised by red London brick, the Committee was advised that a request to incorporate red London brick into the design could be taken back to the developer since brickwork had yet to be conditioned.

Concerning daylight testing, this had been undertaken with and without the existing balconies and it was found that the most severe impacts were due in part to balconies of existing development overhanging windows below rather than the proposed development.

Concerning loss of daylight, testing had been carried out and 101 of 157 windows, on assessment, met the BRE guidance. Of the windows that failed, the design had been adapted to ensure that these windows were assigned as bedroom windows in the units affected. Testing undertaken concerning daylight, sunlight and overshadowing was discussed in full at paragraph 7.10 of the report.

Councillor Bustin asked for the impacts of daylight on dwellings, not just windows, to be reported to Committee in all future application reports.

Concerning what assurances officers had been able to obtain relating to the reuse of the public house:

- Members were advised that there had been some offers in advance of the redevelopment however the works that would be required rendered the option to reinstate the public house unviable.

- Discussions around the reinstatement of a public house within the development did not form part of the application since the development was not in a town centre location.
- At the time the application was submitted an historic buildings assessment was undertaken. The result indicated that the existing premises had limited historicity. Officers acknowledge that the loss of the public house was detrimental however the overall benefits of the proposed development outweighed this detriment.

Having discussed matters of concern the Committee moved to vote on the application:

Councillor Pierce proposed, Councillor Ruhul Amin seconded, and on a vote of six in favour and nil against the Committee:

RESOLVED

That planning permission for demolition of existing Jolles House and vacant Blue Anchor Public House and affordable housing led redevelopment comprising two linked six-storey residential buildings comprising x64 affordable units and x6 private units with associated landscaping and play provision enhancements, **BE GRANTED** subject to:

- A. The prior completion of a Section 106 legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £19,042.80 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £2000 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £21,042.80

Non-financial contributions

- a) Delivery of 96% Affordable Housing comprising of 66% intermediate units 28% rented units, and 6% private
 - b) Car and permit free agreement
 - c) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - d) 3 construction phase apprenticeships
 - e) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - f) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- B. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

- C. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- D. Any other conditions considered necessary by the Corporate Director of Place

Compliance' Conditions –

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
- d) Compliance with energy and sustainability strategies
- e) Noise insulation standards for residential units and noise limits for plant
- f) Provision and retention of wheelchair accessible parking spaces, electric vehicle charging points
- g) Inclusive access standards for residential units, provision of lifts

Pre-commencement –

- h) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- i) Land contamination remediation
- j) Details of surface water drainage & SUDs
- k) Details of biodiversity measures
- l) Archaeological Investigation works

Pre-superstructure -

- m) Samples of all facing materials
- n) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- o) Details of cycle parking
- p) Details of waste storage facilities
- q) Details of Secured by Design measures
- r) Details of wheelchair accessible units

Prior to occupation –

- s) Delivery & Servicing Plan, Waste Management Plan (in consultation with TfL)
- t) Details of highway works (S278 agreement)

Informatives

- 1. Subject to s106 agreement
- 2. CIL liable
- 3. Thames Water informatives

- E. Any other conditions or informatives as considered necessary by the Corporate Director of Place.

5.2 Raine House, 16 Raine Street, London, E1W 3RL (PA/18/01477 and PA/18/01478)

The Development Manager, Planning Services introduced the report which concerned an application by the Council for the refurbishment and reconfiguration of the existing community facility at Raine House. No change of use was proposed.

An update report was tabled

The Chair then invited registered speakers to address the Committee.

Representations against the proposal were made by two members of the public having connections with the premises and the community services provided there. They addressed the Committee presenting the following arguments:

- The proposed development would harm the character of the building; while it was not disputed that the premises needed refurbishment the design proposed was modern and out of keeping with building.
- The proposed relocation of the bar was felt to be unnecessary and poor use of money.
- The proposals did not include plans to refurbish the basement. This was a missed opportunity; since if the basement were to be brought in to use, it would provide facilities to meet the need for community services into the future.
- The application also ignored the potential income that could be generated through the refurbishment of the basement.
- The users of the premises had not been consulted about the refurbishment because the officer involved had been absent due to illness. They reported however, that a community group operating from the first floor of the premises had been offered opportunities to have their requirements fulfilled. Given this situation, the elderly persons social club which utilised the ground floor of the premises felt disadvantaged.
- An objector suggested that members undertake a site visit to appraise themselves of the situation.
- The proposal contravened the direction of Commissioners that the proposal should offer value to the community and value for money.
- The requirement to vacate the building during refurbishment adversely affected the community services that operated from the building.
- Total closure of the facility was not necessary if a phased refurbishment were undertaken.

Objectors responded to Members' questions providing the following information:

- A number of users of the facilities were unaware that refurbishment was being undertaken. There had been little notice of the proposal as the officer required to post the public notices was absent due to illness.

- There would be an impact on the community in terms of costs and loss of some services which would not survive the relocation and refurbishment period.
- Many services used the building and objectors felt that the approach taken to the development which is based on relocation to other areas was detrimental to the services themselves and the communities they served.
- Failure to bring the basement into use would result in some services being forced out of operation. Additionally the proposed investment did not create substantially more opportunities for community use. However if the basement were incorporated into the refurbishment brief this would mean that more services could be delivered from the premises; hence community organisations felt that inclusion of the basement refurbishment was a necessity.
- There was concern that the community voice over essential matters was not being heard and that therefore the proposal did not serve the needs of the community. An objector requested that a condition be imposed requiring the Council to work with the community.
- The 300th anniversary of the building would occur during the refurbishment; this would prevent its celebration.
- The requirements of users and community or had not been considered in a holistic manner.
- While other groups had been offered alternative accommodation, Wapping Community Centre was required to leave without a site to relocate to, this disadvantaged some of its users who were old and vulnerable. Additionally a number of the relocation sites were already occupied by other community groups.
- The objectors suggested that a phased redevelopment which included refurbishment of the basement would produce a better outcome for all.

The Chair agreed to vary speaking procedure rules to enable a disabled user of the facilities to offer his view. He stated that he did not oppose to the renovation however the method in which it would be undertaken disregarded and harmed the community users of the facilities.

Further to the representations heard the Committee also noted the following matters:

Discussions around a phased build and a form of mitigation for the relocation of the bar were matters that could be discussed with community groups post application.

Noting paragraph 10.2 of the report which outlined that the European Court of Human Rights has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole.” a Member highlighted that this applied to the competing interests of the Council in refurbishing the premises and the community which used them and therefore it was necessary for the Council to ensure good relations.

The Committee then received a presentation in support of the application from the architect on behalf of the applicant. He informed the Committee:

- That it was intended that all facilities would be re-provided but with increased flexibility.
- While basement refurbishment had been considered at feasibility stage, it was not included in the application because the ground floor had previously been lowered, affecting the basement ceiling height.
- Additionally the basement was below the water table hence for reasons of damp and lack of daylight it had not been included in the current plan.
- There had been good dialogue with users around remodelling and use of the ground floor area.

Responding to questions from the Committee the following information was provided:

Concerning engagement around the impacts of organisations being unable to celebrate the 300th anniversary, Members were informed that it was planned to make the building partly available for this event.

Concerning the phased decanting of the building, the Committee was informed that there had been discussions; however because of the size of the premises it was not possible to implement a phased refurbishment.

Concerning the design chosen the Committee were informed that little of the genuinely historic fabric in the building remained and therefore the architects had looked to refresh the building in new fabric. It was noted that the bulk of the historic features remaining were in the exterior fabric of the building.

Concerning how many people had been involved in the community consultation, the Committee was informed that the bar design and functionality had been discussed at a community meeting at which one of the objectors had been present; no concerns around the design of the bar had been voiced at that time. Three attendees had been present at this meeting.

The Planning Case Officer then presented the technical report informing Members of the elements and key features of the application. She summarised the key aspects of the report outlining how the application met national planning policy guidance and guidance from Historic England.

Responding to Members' questions the following information was provided:

- The proposed bar area formed part of community usage. The building was classified as a D1 usage premises and in this case it was appropriate to have a bar as an ancillary function.
- The operation of the bar was not a planning matter however the Council provided the infrastructure.
- The brief for the refurbishment was narrow; it concerned refurbishment of the building but no change of use. The Council, as landlord, had responsibility to deal with the impacts of refurbishment on usage.

- The building was designated Grade 2* included the building interior.
- Exhibitions relating to the refurbishment were not undertaken this would be a responsibility of the architects ordinarily however in this instance they had not undertaken this role.

Having heard representations from each of the parties, the Vice Chair advised that to better understand the heritage issues and impacts of the proposals, a site visit should be undertaken. Accordingly Councillor Pierce proposed and Councillor Helal Uddin seconded that the application be deferred pending a site visit.

On a unanimous vote in favour of this proposal, it was

RESOLVED

That the application **BE DEFERRED** pending a site visit.

The Committee were minded to undertake a site visit because of heritage issues raised during the discussion.

5.3 Dean Swift Public House, 2-6 Deancross Street, London, E1 2QA (PA/18/00472)

The Development Manager, Planning Services introduced the report

After receiving specific requests from two members of the public and to permit full consideration of the matter, the Chair agreed to vary public speaking rules to allow Mr Miah and Ms McGlynnne to make representations before the Committee.

The Development Manager, Planning Services introduced the report which concerned a proposal for the demolition of an existing building and redevelopment of the site for mixed-use purposes in the form of a six story building comprising of x7 residential apartments and non-residential floor space at ground and basement floors (use class aA4/D1/B1), cycle parking and associated works.

The Chair then invited the objectors Ms Day and Ms McGlynnne to each make their presentation to the Committee.

The objectors put forward the following arguments against the grant of planning permission:

- The present building was attractive, well maintained and well used by the local community.
- The report did not indicate that reasonable efforts had been taken to preserve the public house facilities.
- The proposal did not include any provision to reinstate a public house but offered other potential speculative uses such as a health facility – this was unnecessary since a GP surgery was located a short distance away.

- The development did not incorporate any disability access, facilities for parking or social rent element.
- Ms McGlynn further informed the committee that she had been the lessee of the premises for three and half years. She had worked much to ensure the premises were pleasant and to ensure the public house was viable.
- Hers was the last public house of five in in the area to remain operational; the others nearby had closed down.

Responding to Members' questions the objectors informed the Committee that:

- The public house remained viable.
- Regarding consultation there had been no community meeting of the developer. There had been poorly executed consultation – Ms McGlynn stated that seven leaflets at once had been posted into her premises; however she received no letter from the Council informing her of the application.
- The proposed re-provision of space was, for potential use as a public house was unsatisfactory since the present building was pleasant and well maintained.

The Committee then heard from the Applicant's Representative who outlined that the purpose of the application was to make better use of the land occupied by the Dean Swift public house. He advised that:

- Consultation with the Council and residents had been undertaken.
- It was intended that the ground floor would be for community use. He alleged that the public house did not trade well and that the lease would not be renewed.
- The community use space incorporated any D1 use and was designed to be flexible.
- Officer feedback had been supportive.
- The proposed development sat well its surroundings.

The Committee then heard from Mr Miah a resident of the borough who supported the application. He informed Members that:

- He supported the proposal since redevelopment was happening throughout the world.
- A new building would provide new facilities that were more useful to the multicultural community surrounding it.
- Shadwell had the highest crime rate.
- There were other public houses 75 metres and 125 meters away from the premises.

Responding to Members' questions Mr Miah further informed the Committee that:

- The development would bring facilities for use by all races in the vicinity.
- The premises proposed for redevelopment was not a historical building and development was bound to happen.

- He was making his submission based on his own views and feelings on the proposal.
- He had not had direct contact with other consultees; however the applicant's agent said that he had received a petition of 80 signatures in support of the proposal.

The Agent responding to Members' questions also informed the Committee that:

- In regard to the renewal of the lease, the lessee had not availed herself of the facility to renew the lease.
- Concerning the juxtaposition of the loss of the community asset (the public house) against the proposal to replace with a development of poor standard, he advised that the ground floor was for flexible community use and could be used for a range of purposes.
- The proposal concerning the use of the ground floor of the new premises states a community use which can be a public house. The application marks this area as a shell and core facility.
- Should there be demand for a public house there would be negotiations in accordance with a normal commercial lease.

Ms McGlynn contended that the exterior of the premises had been upgraded from the visual images presented to the Committee.

The Planning Case Officer then presented the technical report outlining the proposed elements of the development and the key attributes of the existing premises. He advised that the planning issues for Members to consider were:

- land use,
- design -- including overdevelopment,
- standard of accommodation - not all habitable units met the requirements of floor space design.
- impact on neighbouring buildings – there would be impact on daylight at 298 Commercial Road and
- whether the benefits of the housing provided outweighed the harm to the surrounding scene in terms of appearance and loss of community facilities.

Responding to Members' questions the Committee was informed that:

- The Council was undertaking a reassessment of public houses and their role as a community asset.
- The new Borough Plan will contain tighter conditions around public houses as community facilities (in light of the new London Plan recently published).

Having discussed the matters at issue, the Committee then moved to vote on the application.

The Chair proposed and, on a vote of 5 in favour of and 1 against officers' recommendation to refuse the application for the demolition and redevelopment of the site, Members refused the application, supporting the reasons outlined in the report.

RESOLVED

That planning permission **BE REFUSED** for the following reasons:

1. Loss of community asset

The proposed development, on account of the loss of the existing public house and the poor quality of the replacement commercial unit, would result in the loss of a community asset for which no satisfactory justification has been presented. The development therefore fails to address the policy requirements under policy DM8(2)(3) of the Council's Managing Development Document 2013 and policy D.CF4 of the Council's Emerging Local Plan as well as Policy 4.8 of the London Plan (2016).

2. Design

The proposed development, on account of its bulk, scale, detailed design, height, proportions, inactive ground floor frontage, plot coverage and the loss of the existing building, would result in a development of poor overall design quality, with a cramped layout that fails to respond sensitively to site constraints or its wider context. As such, the development fails to meet the policy requirements under policy DM24 in the Council's Managing Development Document 2013 and policy SP10 Creating distinct and durable places of the Core Strategy (2010).

3. Standard of accommodation

Two of the proposed residential units fail to meet the minimum internal floor space requirements, resulting in a cramped and poor quality standard of accommodation, contrary to the policy requirements under policy DM4 in the Managing Development Document 2013.

4. Impact on neighbouring amenity

The proposal, on account of its position 7 metres away from bedroom windows to three flats at number 298 Commercial Road, would introduce unacceptable loss of privacy, unreasonable levels of overlooking, and significant loss of light and outlook, to the detriment of the amenities of the occupiers of those flats. The scheme is therefore contrary to policy DM25 of the Council's Managing Development Document 2013 and policy SP10 of the Core Strategy 2010.

The meeting ended at 9.08 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 Council’s Constitution

Agenda Item 4

Committee: Development	Date: 27 th September 2018	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
23 Aug 2018	PA/18/01477 and PA/18/01478	Raine House, 16 Raine Street, London, E1W 3RL.		Formal Committee site visit

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.
- 4.1 PA/18/01477 and PA/18/01478: Raine House, 16 Raine Street, London, E1W 3RL.
- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

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Agenda Item 4.1

Committee: Development Committee	Date: 27 September 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Place	Title: Planning Permission and Listed Building Consent
Case Officer: Hamdee Yusuf	Ref No: PA/18/01477 and PA/18/01478
	Ward: St. Katherines & Wapping

1. APPLICATION DETAILS

Location: Raine House, 16 Raine Street, London, E1W 3RL

Existing Use: D1 Community Centre (ground floor) and dance school (1st floor)

Proposal: Refurbishment and reconfiguration of existing community facility. No change of use is proposed.

Drawing and documents: 1464_00_10; 1464_00_100; 1464_00_101; 1464_00_102; 1464_00_130; 1464_00_131; 1464_00_160; 1464_00_161; 1464_00_162; 1464_00_163; 1464_00_164; 1464_00_10; 1464_00_200 A2; 1464_00_201 A2; 1464_00_202 A1; 1464_00_230; 1464_00_231 A2; 1464_00_260 A2; 1464_00_261; 1464_00_262; 1464_00_263; 1464_00_264; 1464_24_400; 1464_31_500; 1464_31_501; 1464_31_900; 1464_31_901; 1464_31_902; 1464_32_500; 1464_33_400; 1464_35_100; 1464_35_101; 1464_35_200; 1464_35_201; 1464_72_400; 1464_72_401; 1464_72_402; 1464_72_403; Clarifications and Amendments – Point 1_Revision B.

Applicant: London Borough of Tower Hamlets
Ownership: London Borough of Tower Hamlets

Historic Building: Grade II* Listed Building
Conservation Area: None.

2. BACKGROUND

2.1 The applications for planning permission and listed building consent were considered by the Development Committee at their meeting on 23 August 2018.

2.2 The applications were deferred so that committee members could visit the application site and better understand the proposed internal and external changes being

proposed. The Committee also requested more information on the context to the refurbishment scheme.

3. COMMITTEE SITE VISIT

3.1 The site visit took place on Wednesday 5 September and was carried out in accordance with the protocols for Committee Site Visits set out in the Planning Code of Conduct and the Development Committee Procedure Rules. Four members of the committee were able to attend and see the external parts of the building including the rear garden and the ground floor internal spaces. The first floor was not accessible, however those members present were satisfied that they had seen the parts of the building where significant changes are proposed, the most significant issues have been raised and have attracted the most public interest.

3.2 Members will be able to report back their findings to the full committee at the meeting on 27 September 2018.

4. CONTEXT TO THE SCHEME PROPOSALS

4.1 Raines House is a two-storey Grade II* listed council-owned building, which the Council has brought the building back into its management in January 2018. The Council is intending to refurbish and enhance the existing building to create a Community Hub for use by local community and voluntary groups and managed by an external managing agent.

4.2 The Mayor in Cabinet approved proposals in November 2016, to create network of community hubs across Tower Hamlets. Raines House will become part of this network of Community Hubs. The ground floor will be used as a community space and the intention is for the first floor to be leased to the current occupier, Pollyanna Theatre School.

4.3 The refurbishment and remodelling of the building will include major repairs (replacement roof, brickwork, windows and doors), to the building to safeguard its historic fabric, improvements to the interior (new toilets, kitchen, lift) and the creation of flexible spaces for community use. The overall cost of the project (including contingency and professional fees) is estimated at £1,325,000.

Public consultation

4.4 The applicant has explained that community consultation events were held at Raines House in January, March and May 2018 (prior to submission of the applications) to share the proposals for the future use of the building and listen to the views of local residents. Invitation letters were sent to 950 local homes and businesses ahead of each event. Posters advertising the events were displayed on notice boards, in shop windows and at Raines House. These events were attended by a total of 230 people.

Project timetable

4.5 The indicative project timetable has been provided by the Council's Capital Delivery Team. This is subject to receiving the necessary planning permission and listed building consent.

Date	Task
August 2017	Appointment of architects
October 2017	Completion of concept design and feasibility assessment

November 2017	Pre-application advice
January 2018	Discuss initial designs with Members ahead of community consultation
27 th January 2018	First community engagement event to consult on initial concept design and inform design development
3 rd March 2018	Second community engagement event
Feb/March 2018	Further pre-application advice following consultation
November 2017 – March 2018	Completion of surveys and reports required to support planning application
April 2018	Refinement of designs in response to consultation and survey outcomes
23 rd May 2018	Third community consultation
11 th June 2018	Submission of planning application
June 2018 – Oct 2018	Prepare detailed working drawings Procure a contractor to undertake refurbishment
November 2018	Start on site
Late Spring 2019	Appointment of managing agent
Late Spring 2019	Completion
Summer 2019	300 th Anniversary Celebration at Raines House

Interim arrangements

- 4.6 The applicant has stated that Wapping Social Club will relocate to Glamis Hall (owned by East End Homes) during the refurbishment works to hold their activities and that the weekly bingo club will also be able to use Glamis Hall for this period. The Council has provisionally booked space at Glamis Hall for this purpose.
- 4.7 In the meantime, the Council continues to provide an on-site security presence to oversee the use of the building for pre-booked activities.
- 4.8 The applicant has stated that Pollyanna Theatre School will be moving to 15 Chandler Street on a temporary basis while the refurbishment works are being carried out at Raines House.

5. USE OF THE BASEMENT

5.1 At Development Committee on 23 August 2018, registered speakers asked for the plans to be amended to include the opening up and refurbishment of the basement to create more community space and allow the proposed works to be phased in such a way as to enable the social club to remain at Raines House whilst the refurbishment works are carried out. These points have been re-iterated in further representations received since the committee.

5.2 The applicant has stated the following with regard to the basement:

“The potential to include the basement within the scope of works was considered as part of the initial feasibility. There is currently no access to the basement space and the ground floor slab level has been lowered from the original during previous refurbishment works, reducing the floor to ceiling height in the basement. The pavement level vents which previously provided light to the basement have now been covered up.”

“Opening up a basement space with no current access point, no daylight and no ventilation was considered unviable and would be expected to incur an additional cost of £500k to create a space that would not be suitable for community use. Daylight penetration could be achieved by creating new light-wells at the rear of the building. However these would open up into the existing garden, reducing useable outdoor space and incur further substantial costs.”

“In response to the latter point, the extent of the refurbishment works mean that it would not be possible for any part of the building to be used during the period of the works, for health and safety reasons.”

6. ADDITIONAL REPRESENTATIONS

6.1 Since the committee meeting, additional representations have been received from representatives of “Community Solutions” who provide services from 15 Chandler Street and a local resident. These can be summarised as follows:

- Tower Hamlets should liaise further with the Community regarding the effect that the decision to move current Raines House users into 15 Chandler Street is having on the community. Services for current users of 15 Chandler Street are being adversely affected as there is no space for additional user requirements.
- Review the Community request to stop planning at this stage and add in the refurbishment of the basement of Raines House to bring in additional services and income to the area.
- Review the plans to refurbish Raines House in line with current listed building requirements to renovate the interior and exterior in line with period features.
- Delay any works on Raines House until end of May next year, so that these do not interrupt the celebration of the 300th anniversary of the building.
- An architect has been commissioned by Community Solutions to prepare alternative plans that clearly demonstrate how the basement area could be refurbished and opened up, receiving light via new light-wells and access steps leading to the rear garden. The alternative proposals go on to explain how the community centre could be linked to the open space immediately to the south of the site, between Raines House and St Peter with St John’s Church. The refurbishment should be based on these alternative plans.
- The deferral should prevail, pending an investigation of Raines House and a full audit of services at Chandler Street has taken place. Most services offered at Chandler Street are not free to use and a charge is levied by the provider.

7. OFFICER ADVICE

7.1 The role of the Development Committee is to determine planning applications and applications for listed building consent referred to them under the terms of reference of the committee, acting on behalf of the Council as a Local Planning Authority (LPA).

- 7.2 The applications must be determined on their own merits in the context of relevant Development Plan policies and other material considerations.
- 7.3 The Council as LPA has a duty under Sections 16 and 66 of the Planning (listed Building and Conservation Areas) Act 1990 to give special consideration to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it completely unchanged.
- 7.4 In summary the principal material considerations for the committee are whether the proposed internal and external works would preserve or enhance the setting and appearance of the grade II* listed building and whether they would cause any harm to its special architectural and historic interest.
- 7.5 Representations have been made which advocate that a better outcome could be achieved for community services in the locality if the basement was included in the refurbishment proposals. Some background information has been provided by the applicant and summarised in this report to explain potential basement works were factored in to the project feasibility considerations, but were not progressed. This information is provided for background context only. The Council as a Local Planning Authority (LPA) must consider applications for permission and consent in terms of what has been applied for. The LPA cannot base its decision on a hypothetical, alternative scheme that does not form part of an application.
- 7.6 Requests have been made to delay refurbishment works until after the 300th anniversary of the establishment of Raines House in the summer of 2019. If permission and listed building consent were granted, a standard condition would be attached requiring work to commence within three years (and subject to the prior discharge of any pre-commencement conditions).
- 7.7 It would be unlawful for the Council as a planning authority to grant permission and consent subject to conditions that prevent the permitted works from being carried out before the anniversary date as such a condition would not meet the tests for planning conditions as set out in the NPPF.
- 7.8 The Council as the applicant and owner could decide to delay the implementation of the works, if it wished to do so. There is also no compulsion on an applicant to carry out the development or works that benefit from the permission.
- 7.9 There are strong and well-articulated opinions about the refurbishment works, the future of Raines House and impacts on community facilities generally within the Wapping Area. In terms of deciding the applications, there would be no material change of use of the building arising from the proposed refurbishment works. The nature of the occupiers of the building are not a planning matter, however the contextual information set out earlier in this report explains the provisions that have been made for existing groups to return after the proposed works are completed and the interim arrangements to accommodate the current occupiers.

8. RECOMMENDATION

- 7.1 The recommendation to grant planning permission and listed building consent remains unchanged.

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Committee: Development Committee	Date: 23 rd August 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Permission and Listed Building Consent
Case Officer: Hamdee Yusuf	Ref No: PA/18/01477 and PA/18/01478
	Ward: St. Katherines & Wapping

1. APPLICATION DETAILS

Location: Raine House, 16 Raine Street, London, E1W 3RL

Existing Use: D1 Community Centre (ground floor) and dance school (1st floor)

Proposal: Refurbishment and reconfiguration of existing community facility. No change of use is proposed.

Drawing and documents: 1464_00_10; 1464_00_100; 1464_00_101;
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1464_00_163; 1464_00_164; 1464_00_10;
1464_00_200 A2; 1464_00_201 A2; 1464_00_202 A1;
1464_00_230; 1464_00_231 A2; 1464_00_260 A2;
1464_00_261; 1464_00_262; 1464_00_263;
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1464_31_902; 1464_32_500; 1464_33_400;
1464_35_100; 1464_35_101; 1464_35_200;
1464_35_201; 1464_72_400; 1464_72_401;
1464_72_402; 1464_72_403; Clarifications and
Amendments – Point 1_Revision B.

Applicant: London Borough of Tower Hamlets
Ownership: London Borough of Tower Hamlets

Historic Building: Grade II* Listed Building
Conservation Area: None.

2. EXECUTIVE SUMMARY

- 2.1 This report considers planning and listed building applications for works associated with the refurbishment of the Grade II* listed Raine House.
- 2.2. 25 letters of objection have been received, principally relating to the relocation refurbishment of the main hall and the relocation of the bar within it.

- 2.3. Whilst the objections are noted, it is considered that the proposed refurbishment works have been sensitively designed to preserve the special character and fabric of the building, subject to conditions.

3. RECOMMENDATION

3.1 Recommendation 1:

That the Committee resolve to **GRANT** Planning Permission subject to the conditions as set out below.

1. Time limit
2. Completion in accordance with approved drawings.

3.2 Recommendation 2:

That the Committee resolve to **GRANT** Listed Building Consent subject to conditions as set out below.

1. Time Limit.
2. Completion in accordance with approved drawings.
3. Notwithstanding the plans hereby approved all new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.
4. Notwithstanding the plans hereby approved full details of all new doors (internal and external) shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.
5. Notwithstanding the plans hereby approved full details of all service runs shall be submitted to and approved by the Local Planning Authority prior to the relevant part of the works commencing on site.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 Raine House is Grade II* listed and was built in 1719. The building was originally built and opened as a school by Henry Raine, but the school closed in the nineteenth century. The building has since been used for various community uses. The School Master's House adjoins the main building to the east, with a large extension to the western side of the main building, dating from the 1980s. The site is adjacent to the Grade I listed Church of St Peter, with the area of public open space known as Raines Mansions, between them. The house retains very few historic features internally.
- 4.2. At present, the ground floor of the building is used as a community centre and the 1st floor and a dance studio. The building is not located in a conservation area and is not subject to any other designations.



Image of front elevation of Raine House

Proposal

- 4.3. The works of refurbishment to the community centre include the following:

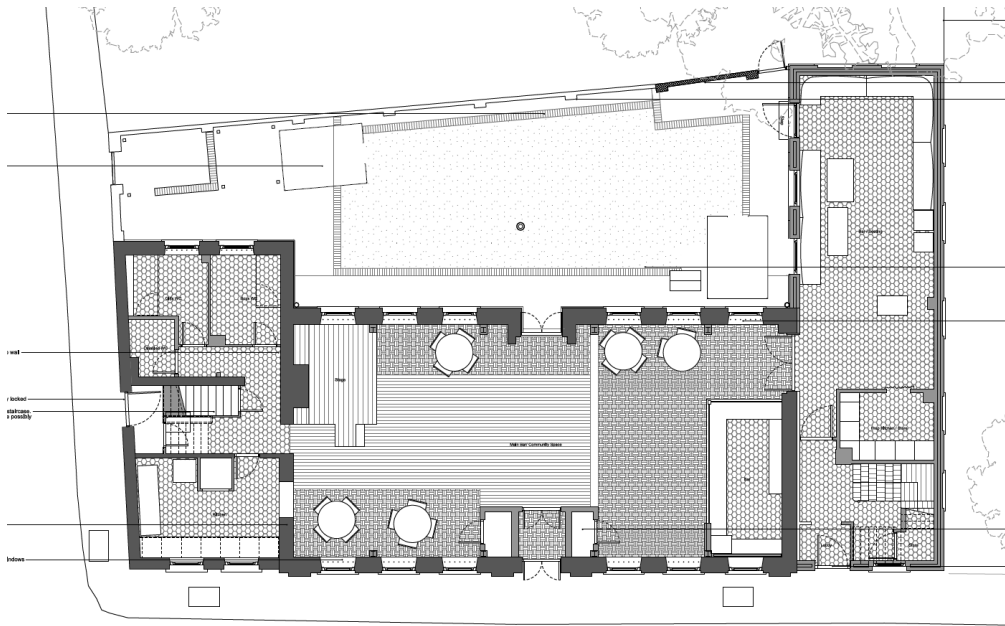
External

- Replacement doors, including two sets of French doors to the rear yard, a new door to the front elevation and the creation of a new doorway opening in a historic location to the rear.
- The repair and refurbishment of all existing windows.
- Replacement roof tiles to match where necessary.
- The reinstatement of an original chimney in brick.
- New felt roof and extract ventilation
- New timber refuse enclosure.

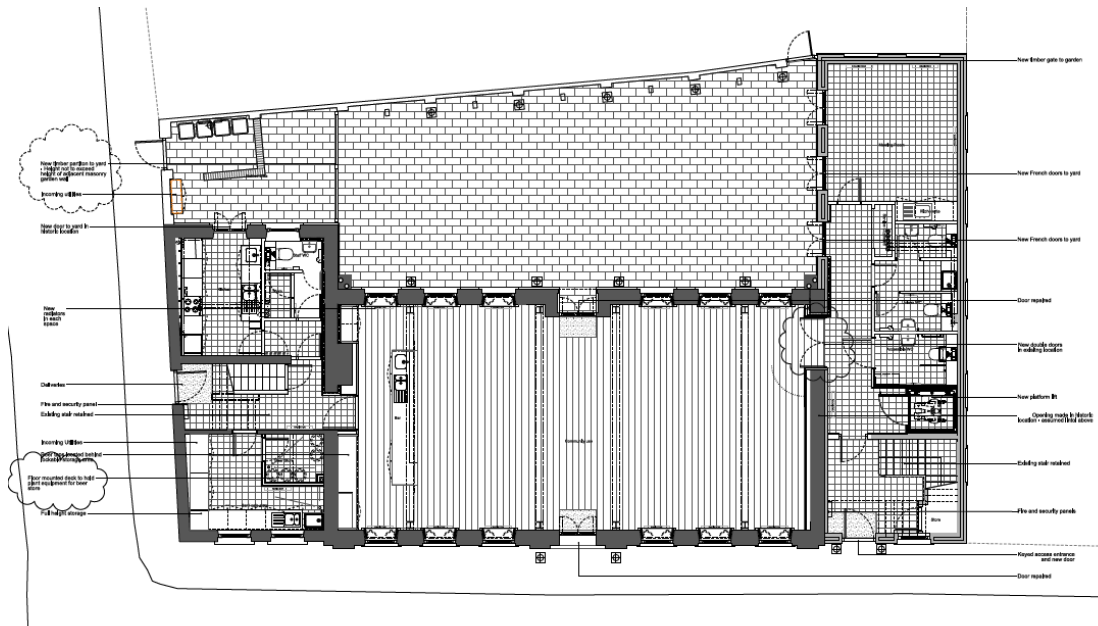
Internal

- The refurbishment of the main club room area, including the removal of the existing bar and the construction of a replacement bar.
- The installation of a platform lift connecting the floors.
- New radiators and service runs throughout
- The removal of existing internal partitions to the 1st floor.
- New sprung floors to the 1st floor studios.

- 4.4. Amended plans have deleted from the scheme various aspects originally proposed, including three rooflights intended for the front elevation, the creation of a corridor around the northern side of the 1st floor studio and a proposal to relocate a doorway connecting the west wing to the main part of the building.



Existing ground floor layout



Proposed ground floor layout.

5 RELEVANT PLANNING HISTORY

5.1 None.

6. POLICY FRAMEWORK

6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

6.2 Government Planning Policy

National Planning Policy Framework 2018
Planning Practice Guidance

6.3 London Plan (MALP 2016)

7.4 Local character
7.6 Architecture
7.8 Heritage assets and archaeology

6.4 Tower Hamlets Core Strategy 2010

SP02 - Urban living for everyone
SP10 - Creating Distinct and Durable Places
SP12 - Delivering placemaking

6.5 Managing Development Document 2013

DM23 - Streets and the public realm
DM24 - Place-sensitive design
DM25 - Amenity
DM27 - Heritage and the historic environment

6.6. Tower Hamlets Community Plan objectives

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

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

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

6.9 The Council are in the process of finalising the new Local Plan which, once adopted, will be the key strategic document to guide and manage development in the borough until 2031.

6.10 Statutory public consultation on the ‘Regulation 19’ version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning

Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

7. CONSULTATION

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

External Consultees

Historic England

- 7.2 Historic England has considered the information received and do not wish to offer any further comment on this occasion.

Internal Consultees

LBTH Conservation and Design Officer

- 7.3. Amended plans have addressed all concerns raised, except that which could be dealt with in the conditions set out above.

8. LOCAL CONSULTATION

- 8.1 A total of 203 planning notification letters were sent to nearby properties as detailed on the attached site plan. Site notices were erected on A site notice was erected on 19/07/2018 and a press notice was advertised on 26/06/2018. 25 letters of objection have been received, these have been summarised below:

- The existing bar should stay where it is.
- The bar has been a focal point for the Wapping Community for 45 years to meet and socialise. To take this away would be very upsetting.
- The size of the bar is insufficient and the kitchen is too small.
- It is a brilliant bar and is run by good people.
- The refurbishment has not been discussed with current users.
- Tea bar not needed. Previous one years ago was not successful.
- Generations have been coming to this club for years. As they have aged, it has become even more important in their lives.
- The social club would become a white elephant like Christian Street.
- The refurbishment is a waste of money.
- Raines House is one of the last East End Community Centre social clubs left.
- The men like to stand at the existing bar with their pints.

- The club is used by a lot of OAPs. They have supported Raines Club for 45 years and would be lost without it.

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1. The main issue for Members' to consider is whether the proposed works are appropriate in this respect of their impact on the character and special interest of the Grade II* Listed Building.

Impact on Special Architectural and Historic Character of the Listed Building.

- 9.2. London Plan Policy 7.8 requires development to identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate and requires development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 9.3. Adopted CS Policy SP10 seeks to protect and enhance the boroughs Heritage Assets and policy DM27 of the Managing Development Document seeks to ensure development, does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; is appropriate in terms of design, scale, form, detailing and materials in its local context and that it enhances or better reveals the significance of the asset or its setting.
- 9.4. External works: As amended, changes to the exterior of the building would be very limited in scope. The new door to the rear of the school master's houses is considered acceptable as the applicant has demonstrated that it would replace a door opening that was in this location historically. The replacement door to the front elevation of the modern (western) wing would be of a suitable design and appear visually subordinate to the main entrance to Raine House.
- 9.5. The repairs and refurbishment of the windows and roof are welcomed subject to the retention of as much of the original slate roofing as possible. This would be secured by condition. The reinstatement of the previously existing chimney and the rooftop extraction equipment are considered acceptable. As the height of the timber enclosure to the refuse store would be below that of the boundary wall, it is not considered that there would be any harm to the setting of the Listed Building from this feature.
- 9.6. Internal works: The proposed removal of modern additions from the main building, including the bar, the stage, the second set of entrance doors and cupboards and the partitions at 1st floor level is acceptable as these do not contribute to the significance of the listed building.
- 9.7. This also applies to the internal works to the School Master's House (eastern wing), with the rationalisation of partitions and improved legibility of the original plan form allowing a greater appreciation of its historic character.
- 9.8. The proposed internal alterations to the western wing are considered acceptable in principle as this part of the building is not historic and will have no impact on the original plan form of the building. This wing is considered an appropriate location for the new platform lift as no historic fabric would be affected.

- 9.10. Overall, it is considered that the works would have a positive impact on the character of the Grade II* listed building. In line with s66 of the Planning (Listed Building and Conservation Areas) Act the development preserves the special architectural interest of the listed building, according with the aforementioned planning policies.

Response to objections

- 9.11. There has been a great deal of interest in the proposed works from existing users of the hall. A particular concern raised in the impact of the works on the main hall, with the existing bar removed and a new one constructed at the opposite end of the space.
- 9.12. These concerns are noted, and it is acknowledged that there will be different views on the appearance of the main hall. However, since the use of the building would be retained as existing, and the alterations serve to preserve the historic character and special interest of the building, it is not considered that an objection to the revised layout of the hall, or the size or location of the bar, could be sustained in planning terms.

10.0 Human Rights 1998

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 10.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 10.4 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.5 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

11.0 Equality Act 2010

- 11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 It is considered the proposed development would not conflict with any of the above considerations. In particular, the installation of a platform lift would improve disabled access to the premises.

12 CONCLUSION

- 12.1 The works are considered to preserve the special historical and architectural character and appearance of the Grade II* Listed Building. As such, the works accords with the aims of Sections 7 and 12 of the NPPF, policy 7.8 of the London Plan, policy SP10 of the CS, policy DM27 of the MDD, which seek to ensure works to listed structures preserve features of special historic and architectural interest.
- 12.2 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections as set out in the RECOMMENDATION at the beginning of this report.

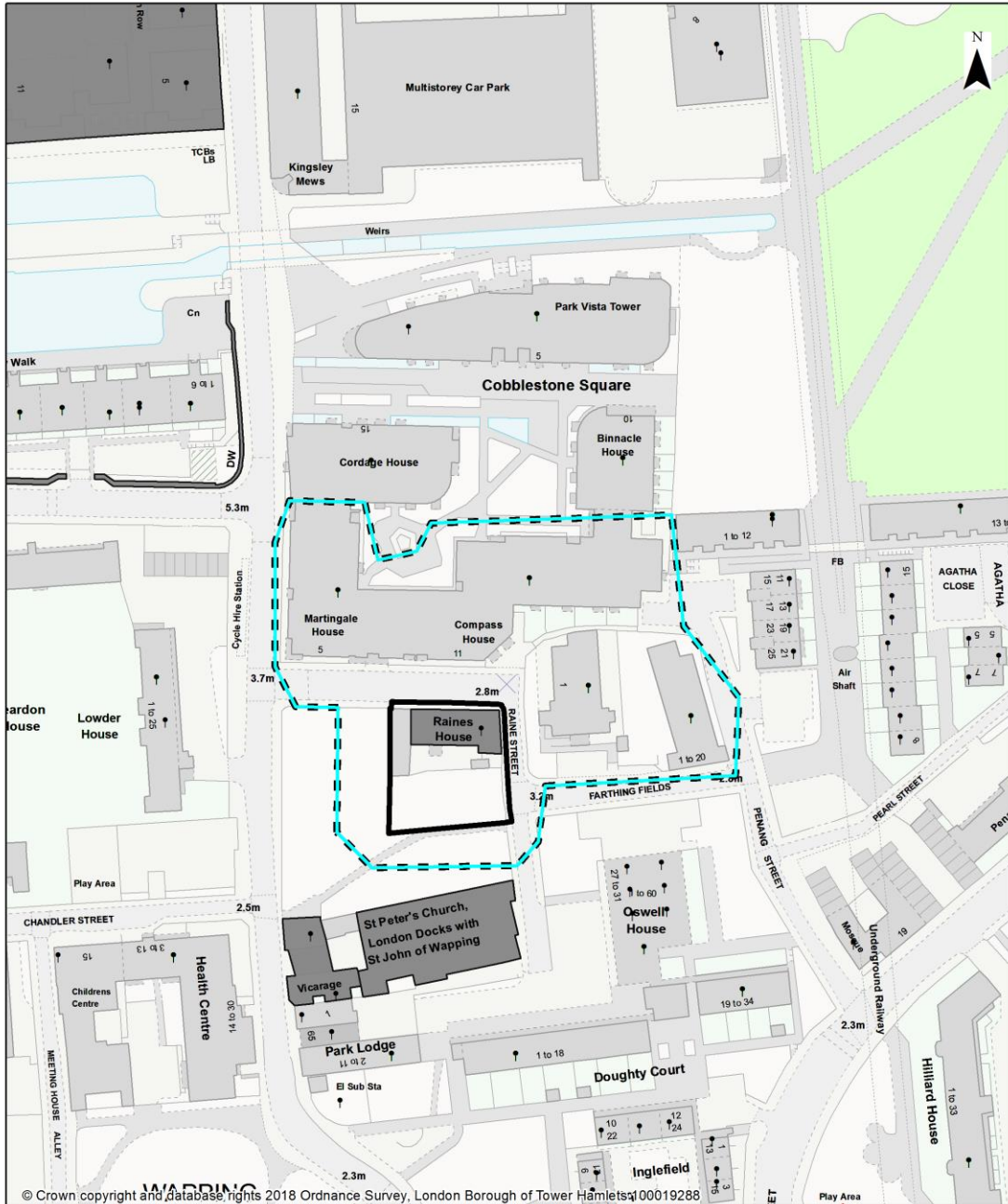


Current view of the main hall's interior.



Visualisation of the proposed hall interior and bar.

Appendix 1 SITE MAP



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- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

Scale @ 1:1,147
 10 5 0 10 20 30 Meters

Planning Application Site Map PAJ/18/01477

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.



GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 13/08/2018



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Agenda Item 5

Committee: Development	Date: 27 September 2018	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2016
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and the Planning Practice Guidance.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers: See Individual reports	Tick if copy supplied for register: ✓	Name and telephone no. of holder: See Individual reports
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Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 5.1

Committee: Development Committee	Date: 27/09/2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Hoa Vong	Ref No: PA/18/00065
	Ward: Bow West

1. APPLICATION DETAILS

Location:	Regency Court, 10 Norman Grove, London, E3 5EG
Existing Use:	Specialist housing, age restricted sheltered accommodation (C2)
Proposal:	PA/18/00065 Demolition of the existing building and redevelopment to provide 32 residential dwellings (Class C3) with new hard and soft landscaping, ancillary servicing and plant, car and cycle parking, and associated works.
Drawing and documents	Drawings: 2017-3096-AT-102; 2017-3096-AT-101; 826 P 1014 REV_A; 826-P-0001; 826-P-0100 A; 826-P-0110; 826-P-0111; 826-P-1001; 826-P-1010; 826-P-1011; 826-P-1012; 826-P-1013; 826-P-1015; 826-P-1050; 826-P-1051; 826-P-2010; 826-P-2100; 826-P-2101; 826-P-2102; 826-P-2103; 826-P-3100; 826-P-3101; 826-P-3102; D1 and L7662/E/1-1. Documents and reports: Design & Access Statement; Daylight and Sunlight Report; Daylight and Sunlight Internal Report; Transport Statement; Planning and Affordable Housing Statement; Aborigicultural Impact Assessment; Built Heritage Statement; Delivery and Servicing Tricks Assessment; Energy Statement; Landscape Proposals; Preliminary Ecological Appraisal; Statement of Community Involvement; Sustainability Assessment; Viability Assessment Report; Viability Assessment Report Executive Summary; Appraisal Inputs; Regency Court Root Investigation.
Applicant:	Gateway Housing Association Limited
Ownership:	Gateway Housing Association Limited
Historic Building:	None
Conservation Area:	Abuts the Medway Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF, 2018), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's '*Housing*' SPG 2016, the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*' and all other material planning considerations including the emerging local plan.
- 2.2. This application seeks planning permission for the residential led redevelopment of Regency Court. The proposal would provide 32 dwellings, the majority of which would be for private sale. The proposal would be linked to an associated planning application for the redevelopment of Appian Court (also on the agenda for this meeting of the Development Committee) which would provide the majority of the affordable housing required by both schemes. The applications would be linked via a section 106 legal agreement.
- 2.3. The proposed redevelopment of this site for 32 residential units optimises the development potential of the site and as such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development.
- 2.4. The development when combined with Appian Court would provide an acceptable mix of housing types and tenure, including the provision of 60.3% Affordable Housing and 39.7% private housing. The tenure range would be 72%/28% in favour of rented. The proportion of affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.5. Officers consider the provision of the majority of affordable housing at Appian Court and private sale units at Regency Court results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 60.3% affordable housing across the two sites, the consolidation of sheltered accommodation within one site and much needed family housing for the borough.
- 2.6. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of two sites which have become dated, provide improved public realm and a much improved standard of accommodation for residents.
- 2.7. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.8. 54 letters of objection have been received regarding impact upon privacy and neighbouring amenity. These impacts have been considered as part of the assessment and it is considered that there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure.

- 2.9. The quality accommodation provided, along with high quality external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.10. Concerns have been raised regarding jeopardising the council scheme to the north to the site at 12 Norman Grove. This has been considered as part of the design process and the proposed development has been appropriately designed to enable development of the site to the north.
- 2.11. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.12. The scheme would meet the required financial and non-financial contributions.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:

A. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £10,880.00 towards employment, skills, training and enterprise during the construction stage;
- b) Carbon offsetting contribution of £45,900.00
- c) A contribution of £2,000 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£58,780.00**

Non-financial contributions

- d) Delivery of affordable housing comprising 2 intermediate units at Regency Court and 16 intermediate units and 46 shared ownership units at Appian Court.
 - e) Occupation clauses ensuring Appian is delivered at least concurrently
 - f) Car and permit free agreement
 - g) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - h) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - i) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 - 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:
 - 3.4. Any other conditions considered necessary by the Corporate Director of Place

Compliance' Conditions –

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Compliance with energy and sustainability strategies
- d) Noise insulation standards for residential units and noise limits for plant
- e) Provision and retention of wheelchair accessible parking spaces
- f) Inclusive access standards for residential units, provision of lifts

Pre-commencement –

- g) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- h) Details of surface water drainage & SUDs
- i) Details of biodiversity measures
- j) Archaeological Investigation works
- k) Decant strategy

Pre-superstructure -

- l) Samples of all facing materials
- m) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- n) Details of cycle parking
- o) Details of waste storage facilities
- p) Details of wheelchair accessible units

Prior to occupation –

- q) Delivery & Servicing Plan, Waste Management Plan
- r) Details of highway works (S278 agreement)

Informatives

- 1. Subject to s106 agreement
 - 2. CIL liable
 - 3. Thames Water informatives
- 3.5. Any other conditions or informatives as considered necessary by the Corporate Director of Place.
- 3.6. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

4. PROPOSAL and SITE AND SURROUNDINGS

Proposal

- 4.1. The proposed development is for the demolition of the existing building and redevelopment to provide 32 residential dwellings (Class C3) with new hard and soft landscaping, ancillary servicing and plant, car and cycle parking, and associated works.
- 4.2. The proposed development would be 3-4 storeys high and arranged in a perimeter block form with a central courtyard providing communal and child playspace.
- 4.3. This application has been submitted alongside another planning application at Appian Court (LBTH Ref PA/18/00092) which is to be considered on this agenda.
- 4.4. The applications are linked to facilitate the delivery of both sites and to maximise the provision of housing including affordable housing. This is explained further within this report.
- 4.5. The following plan shows the location of the two sites.

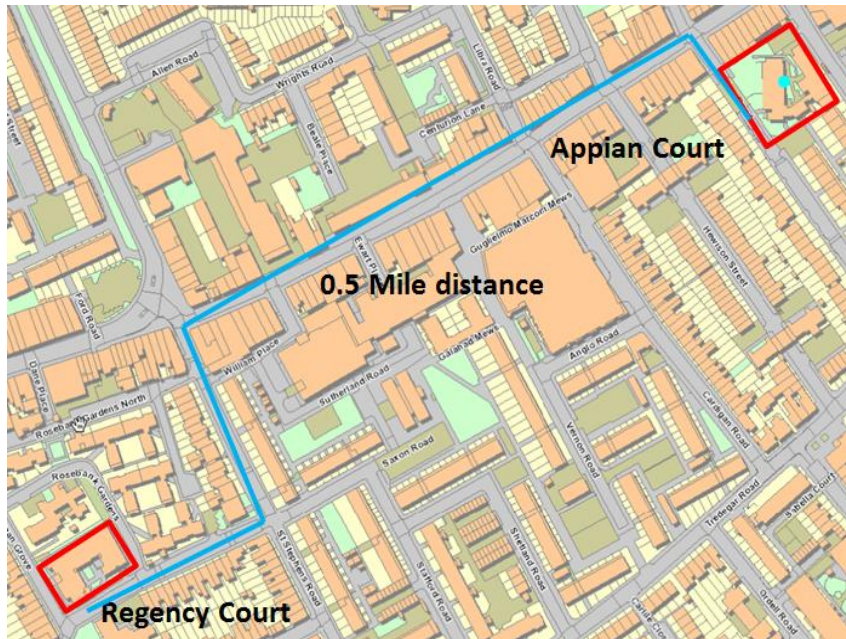


Fig. 1 Map showing proximity of the Appian and Regency Court sites to each other

Site and Surroundings

- 4.6. The application site comprises a purpose built sheltered accommodation development, comprising 30 one and two bedroom flats arranged over two storeys. The current building was erected in the 1970's and is constructed of red brick with pitched roof slopes.
- 4.7. The site lies on the corner of Norman Grove, Saxon Road and Rosebank Gardens. It is bounded to the north by No. 12 Norman Grove, a residential children's home. To the south it faces the locally listed Saxon Lea Court - a Victorian Church School converted into flatted accommodation - and the adjacent Selwyn Green, a small park providing green amenity space for local residents.



Fig. 2 Map showing conservation area boundary (shaded area)

- 4.8. The site is not located within a conservation area but is located adjacent to the Medway Conservation Area to the south and west as shown in the above map. This part of the conservation area is typically characterised by two storey terraced dwellings some of which have been extended at roof level.
- 4.9. The conservation area guidelines have also been recently amended to facilitate additional accommodation in the form of mansards.



Fig. 3 Aerial Map of site.

- 4.10. The above aerial image shows the application site in red with the two storey terraces which lie in the Medway Conservation area on the right hand side and above. 12 Norman Grove is shown at the bottom.

Relevant Planning History

Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT

- 4.11. PA/15/01601- Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys. Refused on 18/12/2015 and approved at appeal 14/02/2017.
- 4.12. This scheme forms part of Gateway Housing Association (GHA) housing stock and is referred to within this application. Further details are provided in the main section of this report.

Appian Court, 87 Parnell Road, London, E3 2RS

- 4.13. PA/18/00092- The demolition of the existing buildings at Appian Court and the construction of a part 4/5 plus lower ground floor storey building to 44 provide age restricted sheltered housing units (Use class C2) and 16 residential units (Use class C3) together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.
- 4.14. Appian Court is a sheltered accommodation development owned by GHA and is to be redeveloped in association with the current application.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (2018) (NPPF)
National Planning Policy Guidance (NPPG)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2016**

Policies

- 2.1 London
2.9 Inner London
3.1 Ensuring equal life chances for all
3.3 Increasing Housing Supply
3.4 Optimising Housing potential
3.5 Quality and Design of housing developments
3.6 Children and young people's play and informal recreation facilities
3.7 Large Residential Developments
3.8 Housing Choice

- 3.9 Mixed and balanced communities
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual and mixed use schemes
 - 3.13 Affordable housing thresholds
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.7 Renewable energy
 - 5.8 Innovative energy technologies
 - 5.10 Urban greening
 - 5.11 Green roofs and development site environs
 - 5.12 Flood risk management
 - 5.13 Sustainable Drainage
 - 5.14 Water quality and wastewater infrastructure
 - 5.15 Water use and supplies
 - 5.18 Construction, excavation and demolition waste
 - 5.21 Contaminated land
 - 6.1 Strategic approach to transport
 - 6.3 Assessing effects of development on transport capacity
 - 6.4 Enhancing London's transport connectivity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.11 Smoothing traffic flow and tackling congestion
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Building London's neighbourhoods and communities
 - 7.2 An inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.13 Safety, security and resilience to emergency
 - 7.14 Improving air quality
 - 7.15 Reducing noise and enhancing soundscapes
 - 7.18 Protecting local open space and addressing local deficiency
 - 7.19 Biodiversity and access to nature
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with waste
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations
- 5.6. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
 - DM3 Delivery Homes
 - DM4 Housing standards and amenity space

DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity
DM13 Sustainable drainage
DM14 Managing Waste
DM20 Supporting a Sustainable transport network
DM21 Sustainable transportation of freight
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM26 Building heights
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

5.7. **Supplementary Planning Documents include**

Planning Obligations SPD (September 2016)
CIL Charging Schedule (April 2015)
Sustainable Design and Construction SPG (April 2014)
Shaping Neighbourhoods: Character and Context (June 2014)
Housing Supplementary Planning Guidance (March 2016)
Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
Affordable Housing and Viability Supplementary Planning Guidance (2017)

5.8. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

A Great Place to Live
A Prosperous Community
A Safe and Supportive Community
A Healthy Community

5.9. On Wednesday 28 February 2018, the new Local Plan was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government to undergo a public examination. This will be carried from the 6th September to 15 October. As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications.

CONSULTATION RESPONSE

5.10. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.11. The following were consulted regarding the application:

LBTH Refuse

5.12. Details including waste capacity and trolleying distance were requested. These have been submitted and are sufficient.

LBTH Transportation and Highways

5.13. A 'Permit Free' agreement as outlined above in regards to on street parking permits;

- 5.14. The applicant is required to enter into a s278 agreement with the local highway authorities and agree to fund a scheme of highway, including changes to vehicular access) works to be agreed with the highway authorities.
- 5.15. Wheelchair units should be secured for residents with blue badges.
- 5.16. There should be a mix of 50/50 double tier and Sheffield stands.
- 5.17. *Officer comments – These comments are addressed in the highways section of this report*

LBTH Contaminated land

- 5.18. No objection subject to conditions

LBTH Air Quality

- 5.19. The air quality officer has reviewed the application and has raised no objections subject to conditions.

Greater London Archaeological Advisory Service (GLASS)

- 5.20. A condition will be attached for archaeological fieldwork, foundation design, and any subsequent mitigation to be added to any forthcoming consent to satisfy GLAAS' requirements.

Thames Water

- 5.21. No objection subject to informatives

6. LOCAL REPRESENTATION

Applicants own consultation

- 6.1. The application is supported by a Statement of Community Involvement that explains a consultation programme was undertaken with local residents who were given a chance to ask questions and provide feedback.
- 6.2. Consultation was held on May and December 2016 and included both the residents of Regency Court and the local community. Residents were notified of the meeting by way of a leaflet drop.
- 6.3. The applicant also engaged with the Council under the pre-application process and this included a joint meeting with the Councils Design & Corporate Property and Capital Delivery Team which are developing the Norman Grove Children site which abuts this site on it's northern boundary.

Statutory Consultation

- 6.4. A total of 150 neighbouring properties within the area were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.
- 6.5. A total of 56 letters of representation were received. 54 letters were received in objection (including objections from the Mile End Old Town Residents Association, Cllr Begum and Cllr Whitehead) and 2 comments.
- 6.6. The objections are summarised as follows:

Design

- Height not sympathetic to the conservation area
- Recessed balconies not sympathetic to the conservation area

Amenity

- Overlooking
- Disturbance caused by construction works
- Impact on sunlight and daylight
- Not sufficient parking
- Pollution
- Impact on children's home at 12 Norman Grove

Housing

- No social housing
- Not enough family housing
- Loss of accommodation for the elderly
- Split level units contrary to type of housing in the area
- 10 and 12 Norman Grove should be redeveloped at the same time.

Other

- Poor public consultation
- Loss of trees

7. MATERIAL PLANNING CONSIDERATIONS

7.1. The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Design and heritage
- Housing
- Amenity Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality and floodrisk.)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Principle of development

Land Use

7.2. At a national level, the National Planning Policy Framework (NPPF 2018) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land

with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

- 7.3. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states that the Mayor is seeking the maximum provision of additional housing in London.
- 7.4. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025. The draft New London Plan proposes that Tower Hamlets should provide 35,110 homes between 2019 and 2029.
- 7.5. The site does not have a housing allocation in the MDD (2013), however is within a wider surrounding area that contains a mix of uses including residential, it is therefore considered that this development would be an acceptable use of previously developed land in accordance with the above mentioned policies.

Loss of sheltered accommodation

- 7.6. The proposed development when considering Appian Court would collectively result in a net loss of 14 sheltered housing units. This is contrary to DM5 of the Managing Development Document, which states that redevelopment of any site which includes specialist housing should re-provide existing specialist housing unless it can be demonstrated that there is no longer an identified need for its retention in the current format.
- 7.7. The loss of sheltered accommodation is not normally acceptable; however in this case the sheltered housing is being re-provided at Vic Johnson House. Vic Johnson House forms part of GHA housing stock and is a sheltered housing development located in Bow which was granted planning permission in 2017.
- 7.8. The redevelopment of Vic Johnson House resulted in an increase from 32 sheltered units to 60, with a surplus of 28 units.
- 7.9. When this scheme is taken into account, there would be an overall net gain of 14 sheltered units. The number of sheltered housing units as part of GHA overall housing stock is therefore not negatively impacted, and the proposed loss as part of the current application at Regency Court is considered to be acceptable as there is a wider re-provision at Vic Johnson House.
- 7.10. It should also be noted that the current proposal to redevelop Regency Court is dependent upon securing planning permission at Appian Court. The viability appraisal indicates that re-developing both sites would result in a deficit of £10 million.
- 7.11. As such, the applicant intends to utilise the resale of the open market units at Regency Court to facilitate the redevelopment of Appian Court. This would enable both sites to be redeveloped (albeit at a loss) and provide a greater proportion of high quality affordable sheltered units on a habitable room basis within on consolidated site.

7.12. On this basis, and subject to a s106 obligation it is considered the loss of sheltered accommodation at Regency Court is acceptable.

Design and Heritage

7.13. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

7.14. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

7.15. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

7.16. Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.

Design

7.17. The application site is located adjacent to the Medway Road Conservation Area (bordering Norman Grove to the west, Saxon Road to the south and Rosebank Gardens to the east), with the locally listed Saxon House to the south of the site.

7.18. The proposed development would provide 32 new residential units ranging from 3-4 storeys high. The buildings would be arranged in a perimeter block form with well-defined street frontages characterised by consistent building lines, small front gardens and residential properties accessed directly from the street.

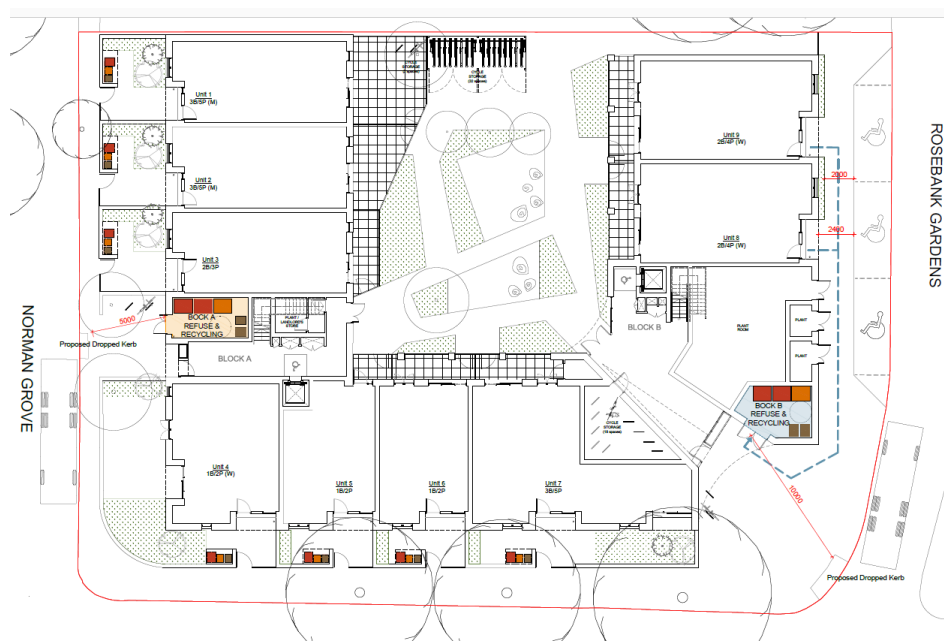


Fig. 4 Ground Floor Plan

- 7.19. This is reflective of the character of the conservation area where strong building lines and small front gardens form part of the rhythm of the streetscene and is also considered to be an improvement to the existing street frontage which presents a number of blank walls and is overly defensive.



Fig. 5 View from Saxon Road as existing on the left and as proposed on the right

- 7.20. A number of objections have been raised regarding height in comparison to the existing two storey terraced houses within the adjacent conservation area.
- 7.21. The proposed development fronting Norman Grove would be 9.7m high. The existing properties which lie opposite, range from 7.3m- 9.1m with a number of different roof forms including mansards, hipped roofs and butterfly roof slopes.

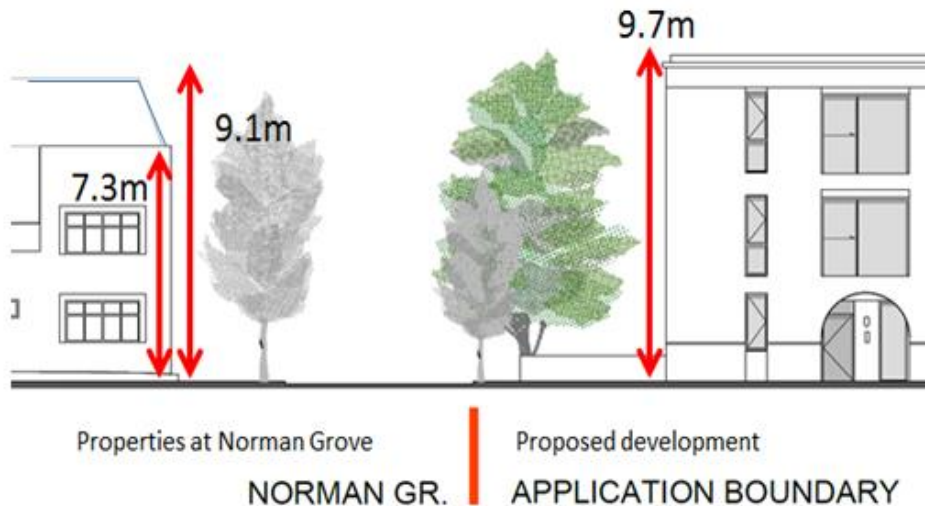


Fig. 6 Height difference between proposed developed and properties at Norman Grove.

- 7.22. Whilst it is noted that the proposed development would be slightly taller, the actual difference in height (2.4m- 0.6m) in comparison to those along Norman Grove is not considered to be detrimental or out of keeping with the surrounding building heights and is considered acceptable.



Fig. 7 View looking south from Norman Grove

- 7.23. In long views, with particular regard to those along Saxon Road where Saxon Hall rises to 10.3m high and the properties are more uniform in height and detailing, this approach creates a more consistent streetscene and sense of enclosure to the area, again replicating the tighter and finer urban grain which is characteristic of the Medway Conservation Area.
- 7.24. Along Rosebank Gardens the proposed development would be four storeys in height. This responds to the increase in height with the adjacent flats which do not lie within the conservation area. Views from the conservation area would also be limited and so the impact of this four storey element is not considered to result in harm to the character of the area.

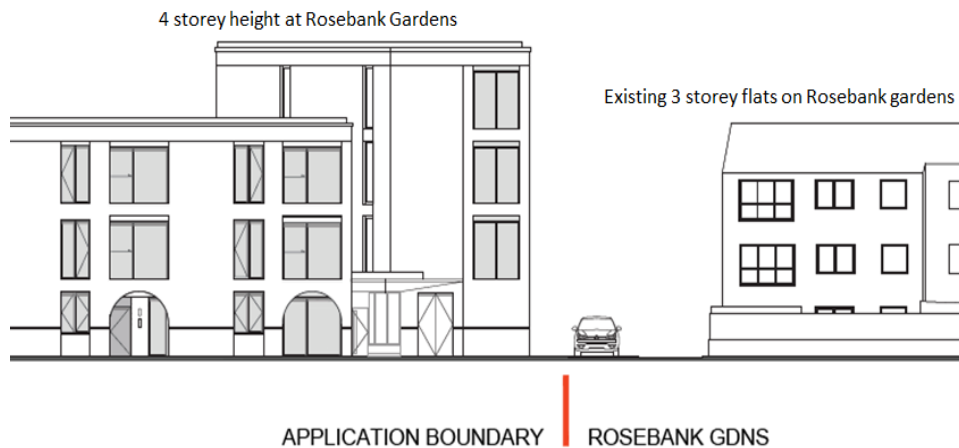


Fig. 8 Height difference between proposed developed and properties at Rosebank Gardens.

- 7.25. With regards to materiality and design, the proposed development would be constructed of brick, with reconstituted stone parapets and metal windows. This draws reference to the material within the area and will help to ensure the building fits comfortably within the streetscene.

- 7.26. Detailing such as arched entrances and parapets pick up on the existing features of the surrounding properties in the Medway Conservation area. The entrance to the communal garden and gap also creates a strong sense of arrival which is welcomed.

Secure by Design

- 7.27. Full details of secure by design will be secured by condition. The proposed development has been designed with prominent well defined entrances and will provide passive surveillance. These will contribute to a safe and secure environment.

Heritage

- 7.28. The proposed development is considered to be an improvement to the existing character of the streetscene and would enhance the character of the adjacent conservation area.
- 7.29. This can first of all be seen in the perimeter block layout, incorporation of small front gardens and setback from the pavement which all replicate the historic street pattern.
- 7.30. The building heights are also considered to respect the character of the adjacent conservation area, with the long views as shown in figures 5 and 7 showing that the buildings would sit harmoniously in the streetscene.
- 7.31. All three street elevations are articulated along the same principle where in-set balconies, providing private amenity space for the corresponding dwellings, give depth and break down what would otherwise have been a solid volume.
- 7.32. A primary material of brickwork provides a contextual, robust appearance which unifies the scheme. Areas of feature brickwork add visual interest in key locations. A 'sawtooth' brick texture articulates the split between the two building volumes which leads to the courtyard, also highlighting the building entrance.



Fig. 9 Image of entrance

- 7.33. Additional materials have been selected to complement the brickwork and reference the character of the Medway Conservation Area. Cornice detailing at parapet level also made in reconstituted stone references the traditional features found in many of the Victorian streets in the area.
- 7.34. It is considered that the use of materials, layout and overall height and massing is sensitive to the adjacent conservation area and the overall character would be preserved.

Conclusions

- 7.35. In summary, the proposed heights are not considered to be out of keeping with the character of the adjacent conservation area. This together with the perimeter block form, active ground floor, and uniform parapet height is considered to strengthen the character of the surrounding area
- 7.36. The proposed materials are also considered complement the neighbouring residential developments and ensure the proposed buildings integrate within the surrounding built context.
- 7.37. It is therefore considered that proposals would both preserve and enhance the character and appearance of the Medway Road Conservation Area by replacing a building with a high quality development which responds to the historic context of the conservation area and provides improved pedestrian environment.
- 7.38. This would accord with the relevant Development Plan and NPPF policies in this respect.

Housing

- 7.39. The NPPF identifies as a core planning principle the need to encourage the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.40. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.41. The application proposes 32 residential units at the application site. Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931 and the emerging London Plan sets a target of 3,511 annually.
- 7.42. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan also emphasise that development should not be constrained by planning obligations. Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.
- 7.43. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

7.44. Paragraph 3.74 of the London Plan identifies a range of situations where the ‘on-site preference’ for affordable housing may be set aside and delivered off site to deliver other affordable housing outcomes.

7.45. The below housing section will be broken into three parts.

- The first will detail the level of affordable housing and unit mix provided at Regency Court as a standalone application.
- The second will assess the provision of affordable housing provided by Regency Court and Appian Court, if the affordable housing were to be linked across two sites.
- And the third will assess the proposal with regards to the loss of sheltered housing and Vic Johnson House as a material planning consideration.

Application site as a standalone application

7.46. The application for Regency Court proposes the following unit mix.

Unit size	Intermediate			Private		
	Units	%	Target	Units	%	Target
Studio	-	-	-	-	-	-
1 bed	2	100%	25%	9	30%	50%
2 bed	0	0%	50%	15	50%	30%
3 bed	-	-	25%	6	20%	20%
4 bed	-	-		-	-	
TOTAL	2	100%	100%	30	100%	100%

Table. 1 Regency Court unit mix

7.47. The proposed development would be delivered as 93% private market housing with the remaining 7% (Two units on the 2nd and 3rd floor) being intermediate products. By habitable room this equates to 88% private housing and 12% affordable housing.

7.48. When considered in isolation there would be a net loss of 28 affordable sheltered units in comparison to the existing which currently provides 30, 1 and 2 bed sheltered units.

7.49. As a standalone application, the percentage of affordable housing would not normally be considered acceptable. However, as discussed below, affordable housing in line with policy guidelines will be delivered as part of the proposed redevelopment of Appian Court which lies just 0.5 miles to the north east from the application site.

Application site considered in conjunction with Appian Court

7.50. Providing the majority of affordable housing at Appian Court will allow the applicant to redevelop both sites as well as maximise the amount of affordable housing. This is supported by a Financial Viability Assessment which has been independently assessed.

- 7.51. Furthermore, the consolidation of sheltered accommodation at one site allows for more efficient management and improved services.
- 7.52. When considered together with Appian Court, a total of 60.3% Affordable Housing and 39.7% private housing by habitable room would be provided. This is a 10.3% uplift above the policy requirement.
- 7.53. The tenure range would also be 72/ 28 in favour of the rented units which closely aligns with the target tenure of 70% social rented and 30% intermediate accommodation.
- 7.54. The rented units are provided in the form of sheltered accommodation located at Appian Court and the rent levels have been agreed with the Council's Housing team to ensure they are genuinely affordable.
- 7.55. The rents are to be secured at the following prices:
- 1 bed - £150.03
 - 2 bed - £158.84
 - Service charge £62.46

7.56. The following table explains the change in habitable rooms before and after re-development.

	Existing habitable rooms (before development)	Proposed habitable rooms (after development)	Proposed Affordable habitable rooms (after development)	Percentage of Affordable based on Habitable Rooms (after development)
Regency Court	62	91	4	4.4%
Appian Court	70	128	128	100%
Total	132	219	132	60.3%

Table. 2 Affordable housing breakdown by habitable room

7.57. Notwithstanding the sheltered housing which is discussed in further detail below, the proposed development is therefore in excess of the policy compliant level of 50% on both sites, providing 60.3% affordable housing on a habitable room basis, as required by the GLA Affordable Housing and Viability SPG Policy DM3 and DM5, and in this regard is considered to be acceptable.

Consideration of sheltered accommodation

7.58. Across the Appian and Regency Court sites 60 sheltered units will be replaced with 46 sheltered units. These will be at affordable rent levels. As such, when combined the proposed developments would result in a net loss of 14 sheltered housing units. This is not in accordance with policy DM5, which states the loss of sheltered accommodation is not normally acceptable, however in this case it is considered that the planning application for Vic Johnson House is a material consideration.

- 7.59. In support of this, the applicant has suggested it's planning approval at Vic Johnson House should be considered as material planning consideration.
- 7.60. Vic Johnson House (PA/15/01601) gave permission for the redevelopment of an existing sheltered housing development in 2017 and resulted in a net gain of 28 sheltered housing units (an increase from 32 to 60).
- 7.61. The redevelopment of Vic Johnson House forms part of a wider schedule of works undertaken by GHA to improve and refurbish their existing housing stock, and provide sheltered housing which meets the needs of their current occupiers and provides improved standards of accommodation. It is also 70m from the site as shown in the following plan.

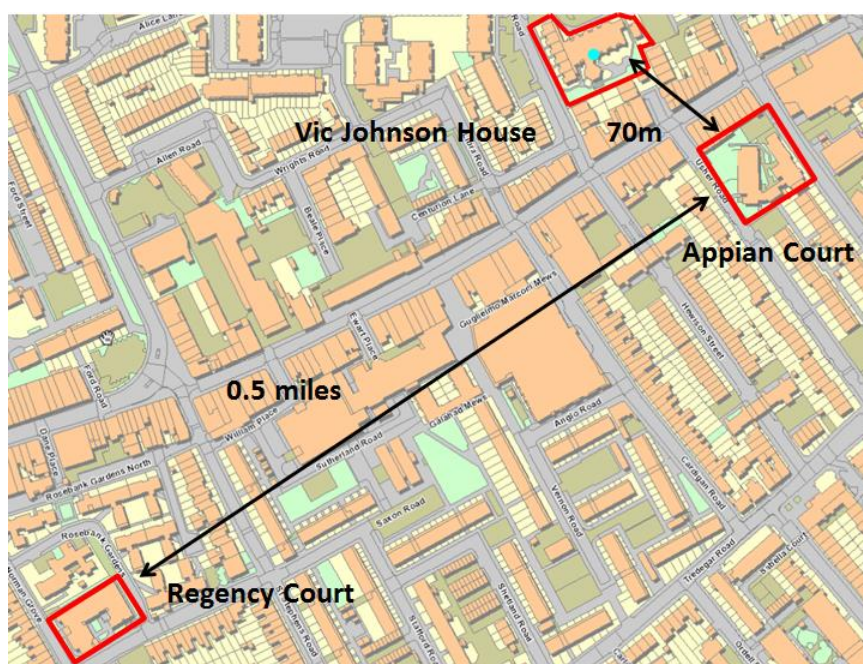


Fig. 10 Map showing distance between Regency Court, Appian Court and Vic Johnson House

- 7.62. The below table summarises the rented sheltered housing provided by Regency Court and Appian Court as well as Vic Johnson House.

	Regency Court	Appian Court	Vic Johnson House	
Existing Sheltered Units	30	30	32	
Proposed sheltered units	0	46	60	
Net	0	-14	+28	Overall +14

Table. 3 Existing and proposed sheltered units provided at Regency Court, Appian Court and Vic Johnson House.

- 7.63. The applicant has advised that GLA grant funding was secured to develop these three sites. A strategy was also developed to provide private housing at Regency Court to fund these works.
- 7.64. In addition, as all three sites are located in Bow and within close proximity, existing residents would not be displaced to other parts of the borough and the proposed sheltered housing would continue to serve the Bow area.
- 7.65. The current proposals are therefore linked via a number of funding mechanisms, the locality in they which they serve and management services. As a result, officers consider it is appropriate to accept Vic Johnson House as a material planning consideration and give weight to this within the consideration of this application.
- 7.66. As a result, and when taking into account Vic Johnson House, the net loss of 14 sheltered housing units which would arise from the redevelopment of Regency and Appian Court, are re-provided by an overall surplus of 28 units due to the redevelopment of Vic Johnson House.
- 7.67. The number of sheltered housing units across three sites is therefore increased by 14 and therefore, when taking into account the material planning considerations outlined above, officers consider on balance, the loss of sheltered accommodation across Appian and Regency Court to be acceptable in this instance.

Unit Mix

- 7.68. With regards to unit mix, whilst the proposal does fall short of 1 beds and over-provides on 2 beds, the requirement for family sizes units is met. Given that the discrepancy in 1 and 2 beds is also minor, the requirement for family size accommodation requirement is met and that affordable housing is provided in excess across the two sites, this is considered to be acceptable.

Wheelchair Accessible Housing

- 7.69. Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.70. Three wheelchair homes are proposed on the ground floor along Rosebank Gardens.
- 7.71. These dwellings have been designed to the highest level of accessibility, complying with the standards set out in the Building Regulations Part M4(3) for Category 3: Wheelchair User Dwellings, and will be secured by condition. This is considered to be acceptable and in accordance with policy.

Overall Housing Conclusions

- 7.72. In conclusion, justification for linking Regency Court and Appian Court together with Vic Johnson House as a material consideration has been provided in the above section with respect to viability, improvement works, funding and management.
- 7.73. Therefore in terms of affordable housing and sheltered accommodation, the proposed development exceeds the minimum policy requirements and provides a 10.3% uplift in overall affordable housing above the 50% policy requirement and

also when taking into account Vic Johnson House, 14 additional sheltered housing units.

- 7.74. The proposed unit mix does not align exactly with the policy, however given the minor variance and as the requirement for family housing is met, this is considered to be acceptable.
- 7.75. Overall, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2016), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Quality of residential accommodation

- 7.76. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02 (6) and SP10 (4) of the CS which supports high quality well-designed developments.
- 7.77. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Nationally Described Space Standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance. All units would also be dual aspect.

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)				Meets or exceeds GLA floorspace requirements?
		1 storey dwellings REQUIRED	1 storey dwellings PROVIDED	2 storey dwellings REQUIRED	2 storey dwellings PROVIDED	
1 bed	2 person	50 m ²	50 m ² – 64 m ²	~	~	✓
2 bed	3 person	61 m ²	61 m ² – 69 m ²	~	~	✓
	4 person	70 m ²	70 m ² – 78 m ²	~	~	✓
3 bed	4 person	74 m ²	79 m ²	~	~	✓
	5 person	86 m ²	94 m ²	93 m ²	122 m ²	✓

- 7.78. It is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 7.79. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.80. The Building Research Establishment (BRE) Handbook ‘Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice’ (hereinafter called the ‘BRE Handbook’) provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim “is to help rather than constrain the designer”. The document provides advice, but also clearly states that it “is not mandatory and this document should not be seen as an instrument of planning policy.”
- 7.81. Where the assessment considers properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British

Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

- 7.82. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 7.83. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 7.84. The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council. The results of the ADF assessment have shown that 28 (88%) of the 32 living rooms and 51 (88%) of the 58 bedrooms surpass the BRE and British Standard guidance criteria.
- 7.85. All rooms that fall below the targets are primarily served by windows located beneath a balcony, however this failure is considered to be offset by the amenity that the balconies provide in themselves.
- 7.86. The majority of the windows affected which are below BRE guidelines are bedroom windows. Although the development has some low levels of daylight to some windows, overall it is officers view that the development as a whole provides a good quality of accommodation and is considered reasonable for an urban development.
- 7.87. This is the view shared by the Councils independently appointed consultants who have reviewed the report. It is concluded that the proposed development would have a minor impact upon the surrounding properties as well as the children's home to the north located at 12 Norman Grove.
- 7.88. In terms of sunlight, 29 of the 32 living rooms with south facing windows achieve the recommended level of 25% total and 5% winter sunlight. This is a 90% pass rate and is considered acceptable.
- 7.89. The overshadowing (sunlight amenity) assessment indicates that 44% of the Regency Court amenity area will receive direct sunlight for at least 2 hours on the 21st March, marginally below the 50% suggested target and it will exceed the targets shortly after this date. This is considered to be acceptable.

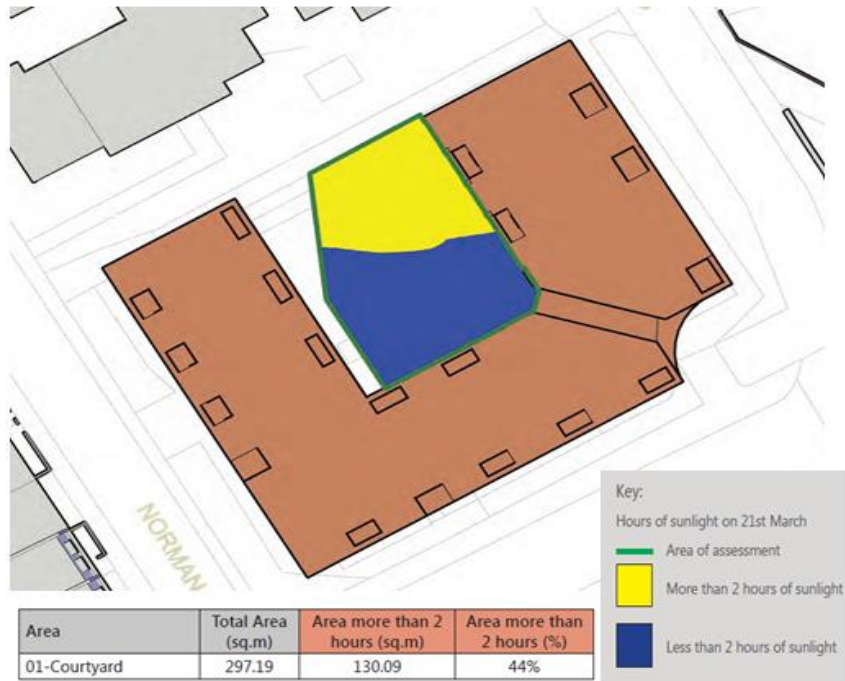


Fig. 11 Proposed daylight levels within courtyard amenity space

7.90. The daylight/ sunlight received by the proposed development is therefore considered to be acceptable.

7.91. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

Communal amenity and child play space

7.92. For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. As part of this application, the applicant approach has been to include the existing residential blocks within the calculations as they will also rely on this space.

Private Amenity Space

7.93. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.

7.94. Private amenity space is provided through a mix of terrace gardens and balconies. Ground floor dwellings have access to private terraces which address the courtyard.

7.95. All dwellings would provide an acceptable level of private amenity space.

Communal Amenity and child Space

- 7.96. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.
- 7.97. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child.
- 7.98. A development of this size requires 72 sqm of communal amenity space and 58 sqm of child play space. The central courtyard provides 300 sqm of shared amenity space and child play space solely for residents of the development.
- 7.99. Overall, the quantum of communal amenity and play space is considered acceptable. A condition would be included to secure the details of landscaping and play facilities.

Neighbouring Amenity

- 7.100. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Privacy

- 7.101. The proposed development would have the following separation distances with the adjacent properties:
- 16m at Saxon Hall
 - 18.8m at Saxon Road
 - 15m- 20m at Rosebank Gardens
- 7.102. Objections have been raised with regards to overlooking and in particular the relationship with balconies which are located on the front elevation.
- 7.103. The accompanying text to Policy DM24 of the MDD states that a distance of about 18m between habitable rooms and adjacent windows reduces the inter-visibility to a degree acceptable to most people. However this figure will be applied as a guideline depending upon the design and layout concerned.
- 7.104. A separation distance of 18m therefore is not a minimum requirement however is an indicative figure which allows for flexibility depending on the constraints of the site.
- 7.105. Notwithstanding this, a separation distance of 15m is not unusual in such urban areas and in particular where the historical layout of the area is more intimate. This is certainly true of surrounding roads in the conservation area where the separation distances between terraces is 15m and below.

- 7.106. Nevertheless mitigation measures have been taken which include incorporating recessed balconies which would minimise inter-visibility and noise between adjacent properties.
- 7.107. In conclusion, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Daylight, Sunlight and Overshadowing

- 7.108. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

Daylight and Sunlight

- 7.109. A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks both the existing children's residential home as well as the latest scheme submitted for pre- application consultation.
- 7.110. The following residential properties were considered within the assessment with regards to daylight/ sunlight. A total of 416 windows were tested.
- 1 – 30 Rosebank Gardens
 - 40 – 48 Rosebank Gardens
 - 58 – 66 Rosebank Gardens
 - 14 – 40 Saxon Road
 - 1 – 9 Saxon Lea Court
 - 19 – 27 Selwyn Road
 - 1 – 43 Norman Grove
 - 12 Norman Grove (Childrens home)
- 7.111. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 7.112. Surrounding the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.
- 7.113. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 0.8 of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 0.8 of the former value.
- 7.114. The results of the VSC and NSL assessment have shown that all windows with the exception of 8 will retain at least 0.8 times their former value and are above 27%. The NSL analysis similarly shows that the majority of rooms will experience no noticeable reduction as a result of the proposal.

Property	Number of windows tested	Number of windows experiencing VSC loss of less than 0.8	Number of windows experiencing VSC loss of 0.8 or more
1 – 30 Rosebank Gardens	79	79	0
40 – 48 Rosebank Gardens	28	28	0
58 – 66 Rosebank Gardens	27	27	0
14 – 40 Saxon Road	88	88	
1 – 9 Saxon Lea Court	40	40	0
19 – 27 Selwyn Road	42	42	0
1 – 43 Norman Grove	82	82	0
12 Norman Grove (Children's home)	30	28	2

Table showing VSC results

- 7.115. The windows that experience greater than the 0.8 VSC loss are discussed further below.

12 Norman Grove

Property	Magnitude of Impact (number of windows experience VSC losses)		
	20-29%	30-39%	40+%
12 Norman Grove (Children's Centre)	0	2	0

Table Percentage of VSC loss

- 7.116. At 12 Norman Grove (R12 W15 and R13 W16 at ground floor) retain 0.7 times their former VSC, a loss of 38% and 37% respectively. This is considered to be a moderate adverse impact.
- 7.117. Whilst this falls below the recommended VSC, the overall values remain above the recommended 27% and these rooms are fully compliant with regards to NSL. This reduction is therefore considered to be acceptable.
- 7.118. Three rooms at ground floor and one room at first floor retain 0.7 and 0.5 times their former NSL. The retained values for these 4 rooms are generally considered to be commensurate with an urban environment whilst all windows retain BRE compliant levels of VSC. This reduction is therefore considered to be acceptable.
- 7.119. In conclusion out of a total of 30 windows tested at 12 Norman Grove, despite reductions in VSC below the recommend levels, all windows have VSC levels of 27% or above which is considered to be very good in an urban environment.
- 7.120. The impact of the proposed development on 12 Norman Grove with regards to daylight is therefore considered to be acceptable.
- 7.121. Nos. 7 and 13 Norman Grove, (both R1 W1 at ground floor), retain 0.6 and 0.7 times their former NSL, respectively, just below the 0.8 target. Whilst this falls below the recommended NSL, the windows serving these rooms are fully compliant

under the primary VSC and retain 0.9 and 0.8 their former value. This reduction is therefore considered to be acceptable.

7.122. There are no other reductions in VSC below the recommended BRE levels and all other impacts to neighbouring properties demonstrate full policy compliance.

Overshadowing

7.123. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).

7.124. In respect of the shading impacts to amenity space, there should be at least 2 hours of sunlight across at least 50% of its area, or if the area retains 0.8 times or greater its former value, can be said to see acceptable levels of sunlight.

7.125. The central wing of the existing Regency Court building is to be demolished, as such sunlight penetration and shading to the Children’s home will improve. This is evident from the Sunlight Amenity assessment of the Regency Court proposals where the northern section of the proposed amenity courtyard will receive sufficient direct sunlight in line with the BRE guide.

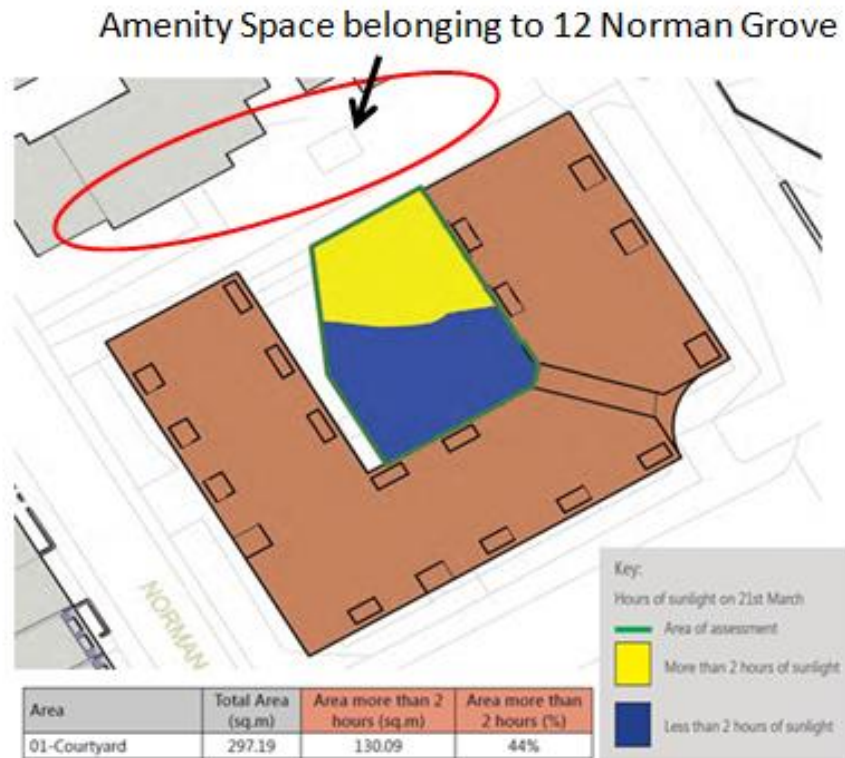


Fig. 12 Plan showing location of amenity space at 12 Norman Grove.

7.126. The visual impact of the layout of the proposed development on the children’s home courtyard in this case should also be considered. Where the existing development presents a 2/3 storey wall at the northern boundary, an open courtyard is now proposed.

7.127. The sense of enclosure and visual obstruction is therefore significantly reduced. This is considered to be a vast improvement to the existing relationship.

- 7.128. With regards to APSH, four windows would have reductions outside of the BRE guidance where the proposed winter APSH falls below 5 and level retained is below 0.8. These are at 40- 48 Rosebank Gardens and serve a stairwell, bedroom and 2 unknown uses.
- 7.129. Whilst the impact on the stairwell is not a material consideration, it should be noted that the existing winter APSH for the remaining windows is already below 5. A further reduction would therefore not materially impact the impact the standard of accommodation. These rooms also meet all other BRE guidelines with regards to daylight and so overall these units would overall receive acceptable levels of daylight/ sunlight.
- 7.130. There are no further reductions to APSH below BRE guidelines.
- 7.131. Given that only a small number of windows are impacted and the decreases are minor, it is considered that the proposed development would not have a significant impact on surrounding daylight/ sunlight and is acceptable.

Relationship with the emerging scheme at 12 Norman Grove (Children's centre)

- 7.132. Throughout the pre-application and application process consideration has been given to ensure the proposal does not prejudice the development capabilities of neighbouring sites. In this instance, officers are aware of proposals to develop the Children's Centre at Norman Grove.
- 7.133. Whilst a daylight/ sunlight assessment of the emerging scheme is welcomed, it should be noted that the emerging scheme shown at No.12 is an iteration brought forward at pre- application stage and is subject to change. There has been no application for this site to date. Nevertheless the results will be discussed as the proposed development would have a potential impact.
- 7.134. The following is a plan of the indicative massing that has been tested.



Fig. 13 Image showing proposed scheme at Regency Court in red and indicative massing of proposed scheme at 12 Norman Grove.

- 7.135. With regards to daylight, should both schemes be constructed, all but one window at 12 Norman Grove would meet the BRE recommendations. However, this window (First floor W1) would retain a VSC value of 23.7%. This is considered very good for an urban environment and therefore acceptable on these grounds.
- 7.136. Due to the proposed courtyard layout which leaves an open space towards the boundary, daylight conditions should Norman Grove be redeveloped, are expected to meet BRE guidelines.
- 7.137. There is a breach of the winter months APSH assessment in respect of window W8 serving first floor bedroom R6, which would experience change from 19% APSH to 2% post development, which would equate to a 90% difference. However the retained value of 2 is commensurate with an urban environment. Furthermore the use is a bedroom, which has a reduced sunlight expectation.
- 7.138. The development has also been designed with an open courtyard facing No.12, which further reduced the visual impact at the boundary.
- 7.139. In conclusion the proposed development would not prejudice the development potential of the adjacent site.

Visual amenity / sense of enclosure

- 7.140. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.
- 7.141. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Highways and Transportation

Policy Context

- 7.142. The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.143. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 7.144. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Cycling

- 7.145. The applicant has proposed a total of 54 cycle parking spaces located in the courtyard area and entrance. There will also be visitor parking spaces to the front of the communal entrances

- 7.146. This is in line with London Plan Standards and the details of the proposed cycle stands will be secured by condition.

Waste and servicing

- 7.147. Waste collection would be from the dedicated waste store at ground floor from Rosebank Gardens, Norman Grove and also from the street at ground floor from the front garden. Vehicles would stop on the street as existing.
- 7.148. This is considered to be acceptable. Full details will be secured by condition.

Parking and trip generation

- 7.149. The development will provide three disabled parking spaces within a lay-by along Rosebank Gardens. The transport statement states that there is significant capacity within the surrounding highway network to accommodate the proposed development. A car free agreement will also be agreed which would further mitigate any impact on parking.
- 7.150. In terms of the trip generation, the Statement illustrates that the development will result in only a modest increase in trips during the morning and evening peak hour periods, a maximum of 15, on average one movement every 4 minutes. These will be secured by condition for blue badge holders.
- 7.151. Given the proximity to public transport links, most of these trips will be undertaken on foot, cycle or by public transport. The modest increase is not expected to have any effect in the operation of local transport infrastructure as such no mitigation measures are required and the proposed development is considered to be acceptable with regards to parking and trip generation.

Energy & Sustainability

- 7.152. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.153. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO2 emissions through the implementation of energy efficiency measures and a CHP system.
- 7.154. The cumulative CO2 savings from these measures are anticipated to 36%, which falls short of the 45% onsite reduction target. However, the CO2 emission shortfall can be offset through the planning obligations carbon offsetting mechanism. In order to support the residential proposals the shortfall in CO2 emission reductions should be secured in a carbon offsetting contribution for £45,900.
- 7.155. This is considered to be acceptable. Full details will be secured by condition.

Environmental Considerations

Biodiversity

- 7.156. Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 7.157. The proposals include biodiverse roofs on almost the whole roof area of the new building. The ground level landscaping also includes nectar plants.
- 7.158. 2 bat boxes, 2 sparrow terrace nest boxes and 3 nest boxes for swifts are also proposed.
- 7.159. These measures are welcomed, supported by the Councils Biodiversity officer and will be secured by a condition.

Trees

- 7.160. Trees are categorised following the guidance of BS5837:2012, and are therefore objectively assigned a quality category to identify their likely value within any future development of the site. Category A trees being of high value and Category U trees being at risk of collapse.
- 7.161. Trees of moderate value (Cat B) include those that do not qualify as Category A due to impaired condition and/or those that collectively have higher value than they would as individuals
- 7.162. Trees T5 and T6 (Cat B), as shown in blue in the below map will require removal to facilitate the proposed construction works.



Fig. 14 Plan showing location of existing trees

- 7.163. New permanent paving will be constructed on unsurfaced areas within the root protection area of T2, T3 and T4. The Council's tree officer is satisfied with the mitigation measures.
- 7.164. Trees T8 and T9 will also require pruning. No objections are raised to this.
- 7.165. The loss of trees T5 and T6 will be mitigated by replanting during the soft landscaping phase of development. One tree would be planted within the front garden of unit 4 on the corner and another by the block A entrance area within the communal amenity space.



Fig. 15 Plan showing location of new trees

- 7.166. Officers are satisfied that the proposed replacement trees and trees works are acceptable.

Air Quality

- 7.167. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 7.168. The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods.
- 7.169. Subject to safeguarding conditions, it is considered that the impacts on air quality are acceptable.

- 7.170. As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Demolition and Construction Noise and Vibration

- 7.171. The submission of a construction management plan and environmental plan via condition would be required to manage the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 7.172. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 7.173. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Health Considerations

- 7.174. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.175. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.176. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 7.177. As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Site of Archaeological Importance

- 7.178. The site is located within an area of archaeological importance. A condition requiring a scheme of investigation is undertaken as well as details of foundations as part of the development works has been recommended as part of this application.
- 7.179. This is considered to be acceptable.

Impact upon local infrastructure / facilities

7.180. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.

7.181. The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Are fairly and reasonably related in scale and kind to the development.

7.182. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

7.183. The applicant has agreed to meet the entire financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Monitoring contribution

7.184. 60.3% Affordable Housing would be provided when considered with Appian Court. The tenure range would be 72%/ 28% in favour of social rented.

7.185. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential travel plans.

7.186. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£10,880.00
Carbon offsetting	£45,900.00
Monitoring	£2,000
Total	£ 58,780.00

7.187. All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

OTHER

Financial Considerations

Localism Act (amendment to S70(2) of the TCPA 1990)

7.188. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

7.189. Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

7.190. In this context "grants" might include New Homes Bonus.

7.191. These are material planning considerations when determining planning applications or planning appeals.

7.192. As regards Community Infrastructure Levy considerations, Members are reminded that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

7.193. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £30,485 and Mayor of London CIL at approximately £30,485. The applicant may be liable for relief and so this figure may be lower.

7.194. The development would generate a standard new homes bonus of £2858.00 with a total payment of £41,645 over 6 years.

Human Rights Considerations

7.195. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

7.196. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

7.197. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

7.198. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

7.199. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

7.200. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

7.201. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

7.202. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

7.203. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

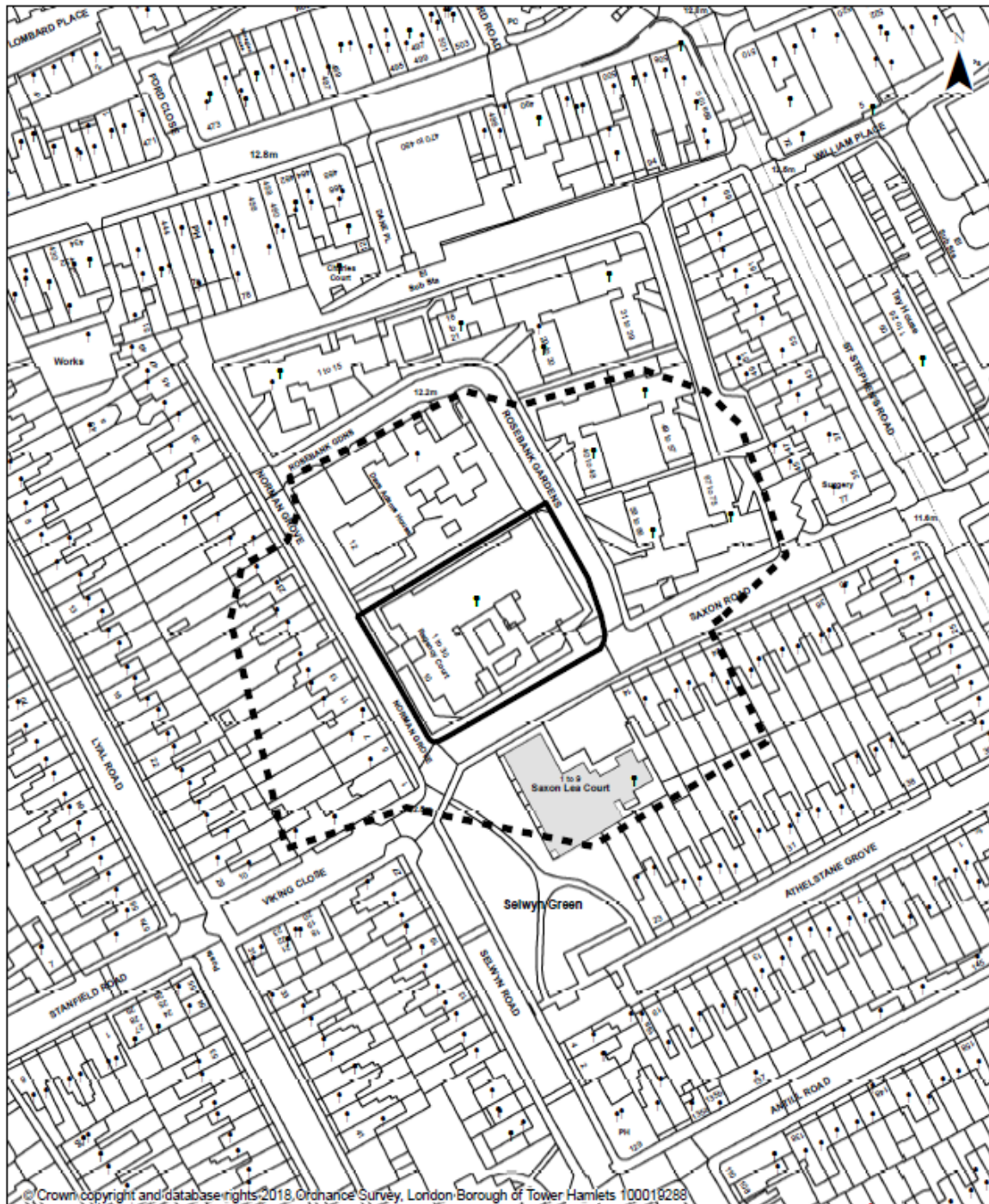
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.






- 7.204. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 7.205. The proposed development would be considered to have no adverse impacts upon equality and social cohesion.

8.0 Conclusion

- 8.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Appendix A – Site consultation boundary




-  Consultation
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings
-  Ordnance Survey Line

Scale @ 1:1,225
 0 5 10 20 30 Meters

Planning Application Site Map
PA/18/00065

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.



GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 21/08/2018



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Agenda Item 5.2

Committee: Development Committee	Date: 27/09/2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Hoa Vong	Ref No: PA/18/00092
	Ward: Bow East

1. APPLICATION DETAILS

Location:	Appian Court, 87 Parnell Road, London, E3 2RS
Existing Use:	Specialist housing, age restricted sheltered accommodation (C2)
Proposal:	PA/18/00092 The demolition of the existing buildings at Appian Court and the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.
Drawing and documents	Drawings: APL001 Rev C; APL002 Rev C; APL003 Rev C; APL004 Rev K; APL005 Rev K; APL006 Rev M; APL007 Rev N; APL008 Rev M; APL009 Rev M; APL010 Rev M; APL011 Rev M; APL012 Rev J; APL013 Rev G; APL014 Rev G; APL015 Rev G; APL016 Rev G; APL017 Rev G; APL018 Rev G; APL019 Rev G; APL020 Rev G; APL021 Rev G; APL02 Rev G 2; APL023 Rev D and APL025. Documents and reports: Design and Access statement; Daylight and sunlight report; Floodrisk assessment; Ecology Survey Report; Planning statement; Acoustic report; Air quality Assessment; Aboricultural statement; Archaeological report; Energy report; Statement of community involvement; Tree Survey Report; Viability main report; Viability summary report; Viability Appraisal inputs; Sunlight to courtyard; NSL results and Transport statement.
Applicant:	Gateway Housing Association Limited
Ownership:	Gateway Housing Association Limited
Historic Building:	None
Conservation Area:	Abuts the Roman Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1. The application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF, 2018), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's 'Housing' SPG 2016, the Building Research Establishment's handbook – *'Site layout planning for daylight and sunlight: a guide to good practice.'* and all other material planning considerations including the emerging local plan.
- 2.2. This application seeks planning permission for the residential led redevelopment of Appian Court. The proposal would provide the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units, together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping. The housing would consist of 14 intermediate private units and 46 sheltered units at affordable rent.
- 2.3. The scheme would be linked to an associated planning application for the redevelopment of Regency Court (also on the agenda for this meeting of the Development Committee). The applications would be linked via a section 106 legal agreement.
- 2.4. The proposed redevelopment of this site for 60 residential units is considered appropriate in this location as it seeks to optimise the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.
- 2.5. The development in consideration with Regency Court would provide an acceptable mix of housing types and tenure, including the provision of 60.3% Affordable Housing and 39.7% private housing. The tenure range would be 72%/28% in favour of social rented. The proportion of affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.6. Officers consider the provision of the majority of affordable housing at Appian Court and private sale units at Regency Court results in significant regenerative benefits to the Borough. This is because the linked approach allows the delivery of 60.3% affordable housing across the two sites, the consolidation of sheltered accommodation within one site and much needed family housing for the borough.
- 2.7. Officers also consider that linking the schemes will benefit the Borough by facilitating the redevelopment of two sites which have become dated, provide improved public realm and a much improved standard of accommodation for residents.
- 2.8. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.9. One letter of objection and 2 letters of support have been received regarding impact upon neighbouring amenity, parking, amenity spaces and constriction.

These impacts have been considered as part of the assessment and it is considered that there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure.

- 2.10. The quality accommodation provided, along with high quality external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.11. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.12. The scheme would meet the required financial and non-financial contributions.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:

A. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £23,324.00 towards employment, skills, training and enterprise during the construction stage;
- b) Carbon offsetting contribution of £45,900
- c) A contribution of £2500 (£500 per each substantial Head of Terms) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£71, 724**

Non-financial contributions

- a) Delivery of affordable housing comprising 2 intermediate units at Regency Court and 14 intermediate units and 46 shared ownership units at Appian Court.
 - b) Occupation clauses ensuring Appian is delivered at least concurrently
 - c) Occupation clause requiring that the sheltered accommodation at Appian is age restricted.
 - d) Car and permit free agreement
 - e) Wheelchair accessible bays and maintaining as wheelchair accessible bays as and when required
 - f) The provision of 2 Construction phase apprenticeships are to be delivered through the construction phase of the development to a min standard NVQ lvl 2
 - g) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - h) Implementation and monitoring of the carbon emission reductions (Energy Strategy);
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
 - 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

- 3.4. Any other conditions considered necessary by the Corporate Director of Place

Compliance' Conditions –

- a) Compliance with plans
- b) 3 year time limit for implementation
- c) Compliance with energy and sustainability strategies
- d) Noise insulation standards for residential units and noise limits for plant
- e) Provision and retention of wheelchair accessible parking spaces,
- f) Inclusive access standards for residential units, provision of lifts

Pre-commencement –

- g) Construction Management Plan including working hours restrictions and other measures to protect amenity and minimise noise & air pollution
- h) Details of surface water drainage & SUDs
- i) Details of biodiversity measures
- j) Archaeological Investigation works
- k) Decant Strategy

Pre-superstructure -

- l) Samples of all facing materials
- m) Details of landscaping including soft & hard landscaping, street furniture & play equipment, gates & fences, lighting, wayfinding, visitor cycle parking, security measures and inclusive access provisions
- n) Details of cycle parking
- o) Details of waste storage facilities
- p) Details of wheelchair accessible units

Prior to occupation –

- q) Delivery & Servicing Plan, Waste Management Plan
- r) Details of highway works (S278 agreement)

Informatives

- 1. Subject to s106 agreement
 - 2. CIL liable
 - 3. Thames Water informatives
- 3.5. Any other conditions or informatives as considered necessary by the Corporate Director of Place.
- 3.6. Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework and the provisions of the Development Plan. There are no other material considerations which would indicate that the proposal should be refused. The officer recommendation to the Committee is that permission should be granted.

4. PROPOSAL and SITE AND SURROUNDING

Proposal

- 4.1. The demolition of the existing buildings at Appian Court and the construction of a part 4/5 plus lower ground floor storey building to provide age restricted sheltered housing consisting of 60 units together with the provision of communal amenity space, parking and cycle storage spaces and associated landscaping.



Fig. 1 CGI of proposed development

- 4.2. Appian Court would provide 60 residential affordable units. The units would consist of 14 intermediate shared ownership units and 46 sheltered housing units. The accommodation will include self-contained, accessible apartments in a mix of 46 No. 1 bed apartments, 6 No. 1 bed wheelchair apartments and 8 No. 2 bed apartments. There will be private resident winter gardens and balconies for most of the apartments.
- 4.3. The proposal also includes internal communal spaces, internal café, laundry rooms, scooter store, and offices for use by staff.

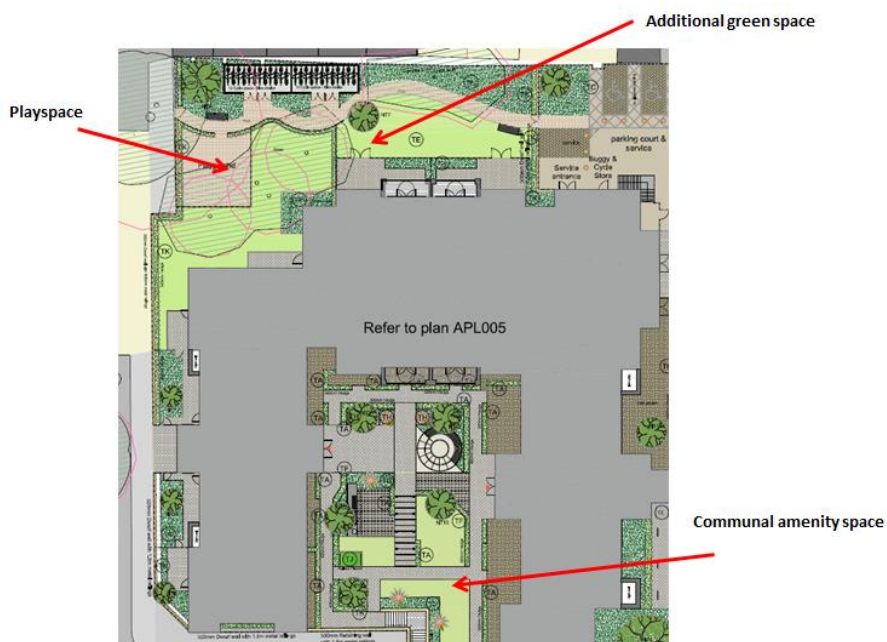


Fig. 2 Ground floor plan

- 4.4. Two planning applications have been submitted by the applicant, this application at Appian Court which is discussed further within this report and the planning application at Regency Court (PA/18/00065) which is to be considered on this agenda.
- 4.5. The accompanying viability assessment reveals that as stand-alone schemes neither would be financially viable. The applicant has therefore combined the two sites for planning purposes. The intention is that Appian Court would provide all the affordable sheltered units and the sale of the private units at Regency Court would cross subsidise the redevelopment of both sites.
- 4.6. The applications are therefore linked to facilitate the delivery of both sites and to maximise the provision of housing including affordable housing.

Site and Surroundings

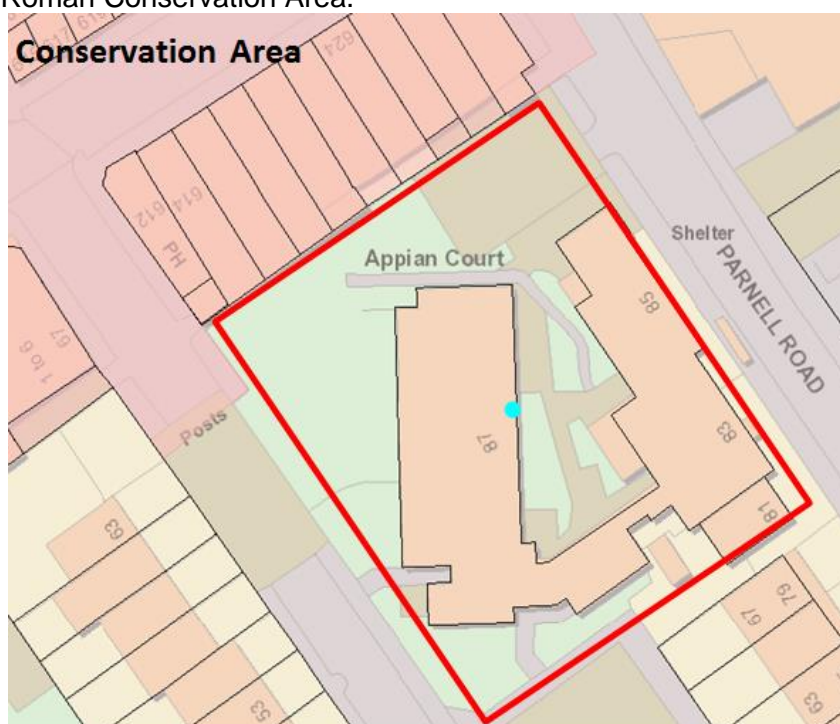
- 4.7. The site's existing building consists of 30 units of sheltered housing for the over 55s and communal space, including facilities for Age UK who operate a day service for the local community. The existing building spans between two and four storeys and has an associated area for parking (6 spaces) which is accessed from Parnell Road, immediately to the north.



Fig. 3 Aerial view

- 4.8. The site is bounded by Parnell Road to the north east and Usher Road to the south west. It is situated in an urban location surrounded by residential and commercial buildings. Residential properties are located to the north west, south east and south west, a nursery and a Youth Centre are located opposite the site to the east and south east on Parnell Road.

- 4.9. The site is not located within a conservation area but is located adjacent to the Roman Conservation Area.



4.10. Fig. 4 Plan showing conservation area boundary

Relevant Planning History

Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT

- 4.11. PA/15/01601- Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys. Refused on 18/12/2015 and approved at appeal 14/02/2017.
- 4.12. This scheme forms part of Gateway Housing Association (GHA) housing stock and is referred to within this application. Further details are provided in the main section of this report.

Regency Court, 10 Norman Grove, London, E3 5EG

- 4.13. Demolition of the existing building and redevelopment to provide 32 residential dwellings (Class C3) with new hard and soft landscaping, ancillary servicing and plant, car and cycle parking, and associated works.
- 4.14. Regency Court is a sheltered accommodation development owned by GHA and is to be redeveloped in association with the current application.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.3. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (2018) (NPPF)
National Planning Policy Guidance (NPPG)
- 5.4. **Spatial Development Strategy for Greater London - London Plan 2016**

Policies

- 2.1 London
- 2.9 Inner London
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character

- 7.5 Public realm
 - 7.6 Architecture
 - 7.13 Safety, security and resilience to emergency
 - 7.14 Improving air quality
 - 7.15 Reducing noise and enhancing soundscapes
 - 7.18 Protecting local open space and addressing local deficiency
 - 7.19 Biodiversity and access to nature
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.5. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**
- SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with waste
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working towards a Zero Carbon Borough
 - SP12 Delivering placemaking
 - SP13 Planning Obligations
- 5.6. **Managing Development Document (adopted April 2013) (MDD)**
- DM0 Delivering Sustainable Development
 - DM3 Delivery Homes
 - DM4 Housing standards and amenity space
 - DM9 Improving air quality
 - DM10 Delivering open space
 - DM11 Living buildings and biodiversity
 - DM13 Sustainable drainage
 - DM14 Managing Waste
 - DM20 Supporting a Sustainable transport network
 - DM21 Sustainable transportation of freight
 - DM22 Parking
 - DM23 Streets and the public realm
 - DM24 Place sensitive design
 - DM25 Amenity
 - DM26 Building heights
 - DM29 Achieving a zero-carbon borough and addressing climate change
 - DM30 Contaminated Land
- 5.7. **Supplementary Planning Documents include**
- Planning Obligations SPD (September 2016)
 - CIL Charging Schedule (April 2015)
 - Sustainable Design and Construction SPG (April 2014)
 - Shaping Neighbourhoods: Character and Context (June 2014)
 - Housing Supplementary Planning Guidance (March 2016)
 - Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
 - SPG: Planning for Equality and Diversity in London (October 2007)
 - SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
 - Affordable Housing and Viability Supplementary Planning Guidance (2017)
- 5.8. **Tower Hamlets Community Plan**
- The following Community Plan objectives relate to the application:
- A Great Place to Live
 - A Prosperous Community

A Safe and Supportive Community
A Healthy Community

- 5.9. On Wednesday 28 February 2018, the new Local Plan was submitted to the Secretary of State for the Ministry of Housing, Communities and Local Government to undergo a public examination. This will be carried from the 6th September to 15 October. As the Local Plan has reached an advanced stage, decision makers can now attach more weight to its policies in the determination of planning applications.

CONSULTATION RESPONSE

- 5.10. The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 5.11. The following were consulted regarding the application:

LBTH Refuse

- 5.12. Details including waste capacity and trolleying distance were requested. These have been submitted and are sufficient.

- 5.13. A S278 agreement will be required in order to secure works for dropped kerbs.

Officer comments – These comments are addressed in the waste section of this report

LBTH Transportation and Highways

- 5.14. A 'Permit Free' agreement as outlined above in regards to on street parking permits;

- 5.15. The applicant is required to enter into a s278 agreement with the local highway authorities and agree to fund a scheme of highway, including changes to vehicular access) works to be agreed with the highway authorities.

- 5.16. Wheelchair units should be secured for residents with blue badges.

- 5.17. There should be a mix of 50/50 double tier and Sheffield stands.

These comments are addressed in the highways section of this report

LBTH Energy Efficiency

- 5.18. The submitted energy report is acceptable subject to a carbon offsetting contribution.

Greater London Archaeological Advisory Service (GLASS)

- 5.19. A condition will be attached for archaeological fieldwork and any subsequent mitigation to be added to any forthcoming consent to satisfy GLAAS' requirements.

LBTH Employment

- 5.20. No objection's subject to the following:

- Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;

- A contribution of £23,324.00 towards employment, skills, training and enterprise during the construction stage;

Secure by design

5.21. Comments were received regarding the height of boundary treatments and access.

5.22. *These comments are addressed in the highways section of this report*

LBTH Environmental Health Air Quality

5.23. No objections subject to conditions regarding construction site dust control.

Thames Water

5.24. No objection subject to informatives

6. LOCAL REPRESENTATION

Applicants own consultation

6.1. The application is supported by a Statement of Community Involvement that explains a consultation programme was undertaken with local residents who were given a chance to ask questions and provide feedback.

6.2. Gateway Housing Association has undertaken an extensive pre-application consultation on its proposals for the demolition of the current Appian Court building to deliver state-of-the-art, affordable new homes for older residents.

6.3. The consultation ran between August and October 2016. Activities included:

- Emails and letters sent to key stakeholders to inform and remind them of the plans and public drop-in session
- Site visits for residents to other sites developed by Gateway Housing
- Fully staffed and widely publicised public drop-in session held on 23 August 2016
- Engagement with key local stakeholders including local councillors and representatives of local residents' groups
- A consultation hotline, email and Freepost address service

Statutory Consultation

6.4. A total of 104 neighbouring properties within the area were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.

6.5. A total of 3 letters of representation were received. 1 in objection and 2 in support including a letter of support from the Neighbourhood Forum steering committee

6.6. The letters of support is summarised as follows:

- Impact of construction works on properties

- Greater clarity regarding materials planting and detailing for the external elevations and, in particular the design and detailing of the top storey of the building.

The letter of objection is summarised as follows:

- Parking
- Pollution due to increased congestion
- Movement of materials during construction
- Playground provision and security of the proposed footpath

7. MATERIAL PLANNING CONSIDERATIONS

7.1. The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Design and heritage
- Housing
- Amenity Space
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (biodiversity, noise and vibration, air quality and floodrisk.)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Principle of development

Land Use

- 7.2. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.
- 7.3. At a national level, the National Planning Policy Framework (NPPF 2018) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 7.4. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) state that the Mayor is seeking the maximum provision of additional housing in London.
- 7.5. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes

between 2010 to 2025. The draft New London Plan proposes that Tower Hamlets should provide 35,110 homes between 2019 and 2029.

- 7.6. The site is unallocated and the proposed development would provide 60 residential units contributing towards the regeneration and revitalisation of this part of the borough.

Design and Heritage

- 7.7. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 7.8. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 7.9. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 7.10. Policies in Chapter 7 of the London Plan (2016 as amended) and policies SP10 and SP12 of the CS and Policies DM24, DM26 and DM27 of the MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.

Design

- 7.11. The proposed development would provide 60 new residential units ranging from 4-5 storeys high including a basement level. The buildings would be arranged in a perimeter block form with a sunken courtyard and basement level. The application site is also bordered to the north by the Roman Road Market Conservation Area.

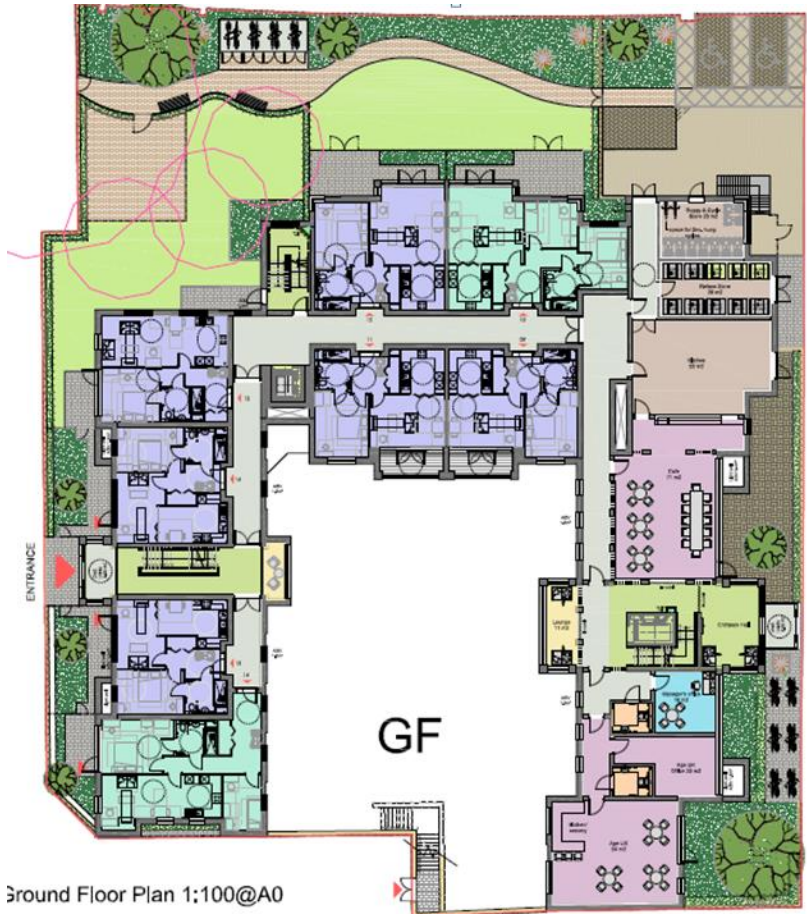


Fig. 5 Ground floor plan.

- 7.12. The perimeter block form and entrances on Parnell and Usher Road is welcomed and would provide active frontage as well as tie in with the wider urban layout.
- 7.13. The height of the proposed development drops to 4 storeys along Usher Road with the 4th floor set back. This is considered to respond to the 3 and 4 storey properties which are adjacent and is appropriate.
- 7.14. The height of the proposed development along Parnell Road and the boundary of Roman Road is 5 storeys with the fifth floor set back. On its southern elevation the proposed development would adjoin an existing terrace at No. 67-79 Parnell Road which is 4 storeys.



Fig. 6 Relationship with Usher and Parnell Road

- 7.15. The building heights on this part of Parnell Road vary from 2- 6 storeys with the tallest building in the area being the 6 storey Mulberry technical college which sits opposite the site.



Fig. 7 Parnell Road elevation

- 7.16. The proposed height which is 5 storeys is therefore not considered out of context with the surrounding building heights on Parnell Road and would blend in with the streetscene.
- 7.17. With regards to the transition with Nos. 67- 69, the proposed development maintains a 4 storey height (albeit slighter taller) with a matching pitched roof. This is considered to be an appropriate transition to the existing buildings.
- 7.18. With regards to materials a limited palette of materials has been chosen to reflect the character of the surrounding properties. The outer skin is primarily red facing brick which is consistent in the area. The roof level would be clad in zinc.
- 7.19. The proposed building heights therefore are considered to be in keeping with the surrounding context and the materials uses would replicate the residential properties in the area.
- 7.20. The proposed design is therefore considered to be acceptable and would complement the surrounding streetscene.

Heritage

- 7.21. In the context of the Roman Road Conservation area the proposed development would be visible in long views from the south along Usher and Parnell Road and narrow gaps from Roman Road where these roads meet at junctions. At the boundary with the Roman Road Market Conservation area the properties are three storeys.
- 7.22. Due to the limited views that the proposed development would be visible from Roman Road, it is considered that there would not be significant impact on the adjacent conservation area. It is noted that at the boundary the existing buildings are three storeys however, this view has a neutral contribution to the character of the conservation area and as is existing is already heavily obscured. The transition in building heights are therefore considered to be acceptable.



Fig. 8 Long view with Roman Road conservation area in background

- 7.23. Due to the limited views from the conservation area, the choice of materials which have been chosen to reflect the properties on Parnell and Usher Road. The proposal is considered appropriate in terms of overall character of the streetscene.
- 7.24. The proposed materials are as a result considered to be acceptable and would ensure that the proposed development would complement the adjacent conservation area.
- 7.25. It is therefore considered that the building heights and massing respond appropriately to the surrounding scale of development and adjacent Roman Road Market Conservation area.
- 7.26. In conclusion it is considered that the proposed development is acceptable with regards to design and heritage and the character of the adjacent conservation area would be preserved.

Secure by design

- 7.27. Metropolitan police during consultation requested that all external boundaries should be increased from to 2.4m. A balance however must be struck between security, use of the amenity spaces and exclusive impact of high walls on the streetscene.
- 7.28. In this instance, the amenity spaces are overlooked on all floors with ground floor gardens and also landscaped to a high quality. This would provide a sufficient level of activity to deter illegitimate access. The boundary wall of 1.2m is therefore considered sufficient with regards to security.
- 7.29. In other respects, access points have double doors to prevent tailgating and this is welcomed.
- 7.30. Officers are therefore satisfied with the application with regards to secure by design.

Housing

- 7.31. The NPPF identifies as a core planning principle the need to encourage the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.32. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 7.33. The application proposes 60 residential units at the application site. Tower Hamlets annual monitoring target as set out in the London Plan 2016 (MALP) is 3,931 and the emerging London Plan sets a target of 3,511 annually.
- 7.34. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out SP02 (3a) of the Core Strategy. The London Plan also emphasise that development should not be constrained by planning obligations. Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 7.35. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 7.36. Paragraph 3.74 of the London Plan identifies a range of situations where the ‘on-site preference’ for affordable housing may be set aside and delivered off site to deliver other affordable housing outcomes.
- 7.37. The below housing section will be broken into three parts.
- The first will detail the level of affordable housing and unit mix provided at Appian as a standalone application.
 - The second will assess the provision of affordable housing provided by Regency Court and Appian Court, if the affordable housing were to be linked across two sites.
 - And the third will assess the proposal with regards to the loss of sheltered housing and Vic Johnson House as a material planning consideration.
- 7.38. It is concluded that a policy compliant scheme is provided. Linking Regency and Appian Court maximises the level of affordable housing, with an overall net gain of affordable housing by 10.3%, and together with Vic Johnson House a surplus of 14 sheltered accommodation units.
- 7.39. It is also concluded that the resale of the open market units will facilitate the applicant’s Improvement Programme and allow Appian Court to be redeveloped.

Application site as a standalone application

7.40. The application for Appian Court proposes the following unit mix.

Unit size	Affordable Rented (Over 55s Sheltered Accommodation)			Intermediate		
	Units	%	Target	Units	%	Target
Studio	-	-	-	-	-	-
1 bed	43	93%	30%	9	65%	25%
2 bed	3	7%	25%	5	35%	50%
3 bed	-	-	30%	-	-	25%
4 bed	-	-	15%	-	-	-
TOTAL	46	100%	100%	14	100%	100%

Table. 1 Appian Court unit mix

The proposed development would be delivered as 100% affordable housing, comprising 77% (46 units) social rented sheltered housing with the remaining 23% (14 units) being intermediate products.

7.41. When considered in isolation there would also be an increase in 16 sheltered accommodation units.

7.42. No objections are raised to this element of the scheme and the provision of a 100% affordable housing scheme is considered to be acceptable.

7.43. The rents are to be secured at the following prices:

- 1 bed - £150.03
- 2 bed - £158.84
- Service charge £62.46

7.44. The proposed development is therefore in isolation is a policy complaint scheme with regards to affordable and sheltered housing and creates the opportunity to secure high quality affordable sheltered units within the locality.

Application site considered in conjunction with Regency Court

7.45. As mentioned in the above section Appian Court would provide the majority of affordable housing whilst Regency Court would provide the majority of private housing.

7.46. It is considered appropriate to provide the majority of affordable housing at Appian Court as this will allow the applicant to redevelop both sites as well as maximise the amount of affordable housing. This is supported by a Financial Viability Assessment which has been independently assessed. Furthermore the consolidation of affordable accommodation at one site allows for more efficient management and improved services.

	Existing habitable rooms (before development)	Proposed habitable rooms (after development)	Proposed Affordable habitable rooms (after development)	Percentage of Affordable based on Habitable Rooms (after development)
Regency Court	62	91	4	4.4%
Appian Court	70	128	128	100%
Total	132	219	132	60.3%

Table. 2 Affordable housing breakdown by habitable room

- 7.47. Notwithstanding the sheltered housing which is discussed in further detail below, the proposed development is therefore in excess of the policy compliant level of 50% on both sites, providing 60.3% affordable housing on a habitable room basis, as required by the GLA Affordable Housing and Viability SPG Policy DM3 and DM5, and in this regard is considered to be acceptable.

Consideration of sheltered accommodation

- 7.48. The below table summarises the rented sheltered housing provided by Regency Court and Appian Court as well as Vic Johnson House.

	Regency Court	Appian Court	Vic Johnson House	
Existing Sheltered Units	30	30	32	
Proposed sheltered units	0	46	60	
Net	0	-14	+28	Overall +14

Table. 3 Existing and proposed sheltered units provided at Regency court, Appian Court and Vic Johnson House.

- 7.49. Across the two sites 46 rented units will be provided as sheltered accommodation. When taking into account the existing sheltered units which are to be demolished, a total of 60, the proposed development would result in a net loss of 14 sheltered housing units.
- 7.50. In accordance with DM5, the loss of sheltered accommodation is not normally acceptable, however in this case it is considered that the planning application for Vic Johnson House is a material consideration.
- 7.51. Vic Johnson House (PA/15/01601) gave permission for the redevelopment of an existing sheltered housing development in 2017 and resulted in a net gain of 28 sheltered housing units (an increase from 32 to 60).
- 7.52. The redevelopment of Vic Johnson House forms part of a wider schedule of works undertaken by GHA to improve and refurbish their existing housing stock, and

provide sheltered housing which meets the needs of their current occupiers and provides improved standards of accommodation.

- 7.53. Further to this, the applicant has advised that GLA grant funding was secured to develop these three sites. A strategy was also developed to provide private housing at Regency Court to fund these works.
- 7.54. In addition, as all three sites are located in Bow and within close proximity, existing residents would not be displaced to other parts of the borough and the proposed sheltered housing would continue to serve the Bow area.

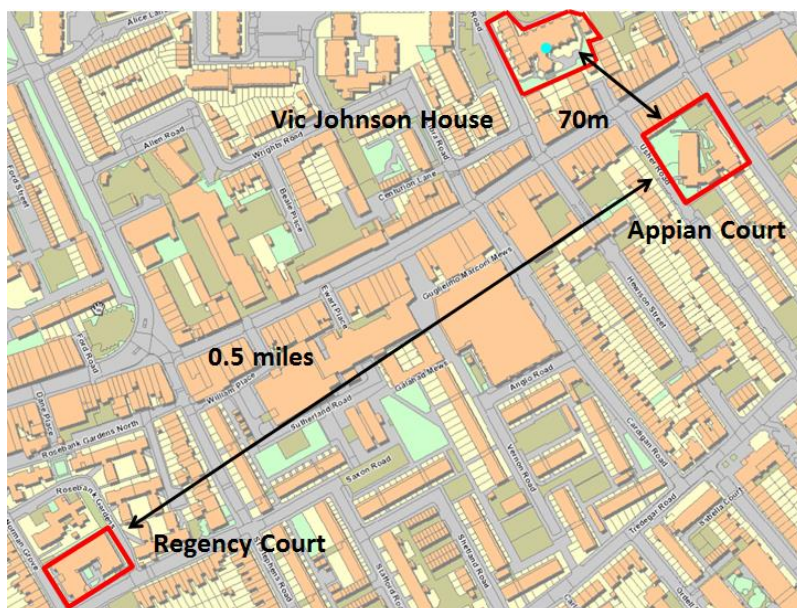


Fig. 9 Map showing distance between Regency Court, Appian Court and Vic Johnson House

- 7.55. The current proposals are therefore linked via a number of funding mechanisms, the locality in which they serve and management services. As a result it is appropriate to accept Vic Johnson House as a material planning consideration and give weight to this within the planning system.
- 7.56. When taking into account Vic Johnson House, the net loss of 14 sheltered housing units which would arise from the redevelopment of Regency and Appian Court, are re-provided by an overall surplus of 28 units due to the redevelopment of Vic Johnson House.
- 7.57. The number of sheltered housing units across three sites is therefore increased by 14 and the proposed development would be policy compliant.

Unit Mix

- 7.58. The unit mix is somewhat adrift of what the council would expect with regard to the 1 bed offer. The council's policy target is 30%, and the applicant has proposed 93%. The 2 bed offer is similarly outside of council policy with 7% proposed against a target of 25%. There is also no family sized accommodation. However, given the client group (sheltered housing) at which this scheme is aimed, existing demand and affordability, this is considered to be acceptable.

Wheelchair Accessible Housing

- 7.59. Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.60. The Accommodation Schedule submitted for Appian Court states there are to be 6 x 1 bed units on the 1st, 2nd and 3rd floors. This is accordance with policy which requires that 10% of all dwelling are wheelchair accessible. Whilst the location is not ideal, the proposed development is served by two lifts which is considered to be acceptable. The numbers meet the 10% requirement for this unit type but it is unclear which units they are on the drawings.
- 7.61. These dwellings have been designed to the highest level of accessibility, complying with the standards set out in the Building Regulations Part M4(3) for Category 3: Wheelchair User Dwellings, and will be secured by condition. This is considered to be acceptable and in accordance with policy.

Overall Housing Conclusions

- 7.62. In conclusion, justification for linking Regency Court and Appian Court together with Vic Johnson House as a material consideration has been provided in the above section with respect to viability, improvement works, funding and management.
- 7.63. Therefore in terms of affordable housing and sheltered accommodation, the proposed development exceeds the minimum policy requirements and provides a 10.3% uplift in overall affordable housing above the 50% policy requirement and also when taking into account Vic Johnson House, 14 additional sheltered housing units.
- 7.64. The proposed unit mix does not align exactly with the policy, however is for replacement sheltered accommodation, this is considered to be acceptable.
- 7.65. Overall, it is considered that the application provides an acceptable mix and percentage of affordable housing in accordance with policy 3.3 of the LP (2016), policy SP02 of the CS and policy DM3 of the MDD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

Quality of residential accommodation

- 7.66. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02 (6) and SP10 (4) of the CS which supports high quality well-designed developments.
- 7.67. All of the proposed flats meet or exceed the London Plan minimum internal space standards and the Nationally Described Space Standards. The minimum floor-to-ceiling height also exceeds 2.5m which is in accordance with relevant policy and guidance. All units would also be dual aspect.

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)				Meets or exceeds GLA floorspace requirements?
		1 storey dwellings REQUIRED	1 storey dwellings PROVIDED	2 storey dwellings REQUIRED	2 storey dwellings PROVIDED	
1 bed	2 person	50 m ²		51m ² - 74 m ²		✓
2 bed	3 person	61 m ²		73 m ² - 73 m ²		✓
	4 person	70 m ²		76 m ² - 79 m ²		✓

Table. 4 internal space standards

- 7.68. It is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with London Plan policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 7.69. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the surrounding existing and future occupants of new developments.
- 7.70. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 7.71. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 7.72. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 7.73. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.
- 7.74. The applicant submitted a Daylight & Sunlight report which has been reviewed by an independent consultant appointed by the Council.
- 7.75. 142 rooms were tested with regards to ADF. The ADF results reflect full compliance with the BRE recommendations for standard residential use. Given the dense urban context these ADF results would generally be considered to be very good.

- 7.76. Of the 193 windows tested, 105 windows face within 90 degrees of due north. In accordance with the BRE recommendations, there are no criteria for windows that face within 90 degrees of due north.
- 7.77. As the below tables shows, of the 88 windows which face within 90 degrees of due south, 75 of these windows would meet the BRE criteria.
- 7.78. Of the 13 windows which, 13 would not meet the minimum annual ASPH and a total of 2 would fail to meet both the minimum annual and winter ASPH.

	Number of windows tested	Does not meet minimum annual ASPH	Does not meet Winter ASPH	Total windows in compliance
Lower Ground	13	4	2	9
Ground	16	3	0	13
First	17	3	0	14
Second	18	2	0	16
Third	16	1	0	15
Fourth	8	0	0	8
Totals	88	13	2	75

Table.5 Daylight results

- 7.79. In addition to this, all rooms would meet the minimum internal standards with regards to private amenity and internal space standards. Communal amenity space is also provided well in excess of the minimum requirements. In addition to this all rooms would also be fully ADF compliant.
- 7.80. The number of north facing windows therefore is considered to be acceptable as proposed residents would have appropriate levels of daylight. Where there are failures they represent a small proportion and given the overall standard of accommodation, this is considered to be acceptable.
- 7.81. With regards to overshadowing of the amenity spaces, between the hours of 9:30am until 1:00pm, a period of 3.5 hours, more than half of the proposed courtyard would receive direct sunlight.
- 7.82. The impact on neighbouring sites is considered in detail under the impact on neighbouring amenity section below.

Communal, amenity and child play space

- 7.83. For all major developments, there are three forms of amenity space required: private amenity space, communal amenity space, and child play space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. As part of this application, the applicant approach has been to include the existing residential blocks within the calculations as they will also rely on this space.

Private Amenity Space

- 7.84. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 7.85. Private amenity space is provided through a mix of gardens and balconies. Ground floor dwellings have access to private terraces which address the courtyard.
- 7.86. All dwellings would provide an acceptable level of private amenity space.

Communal and child Space

- 7.87. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit.
- 7.88. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child.

Type of amenity space	Space requirement	Amenity space REQUIRED	Amenity space PROVIDED	Meets or exceeds amenity space requirements?
Communal amenity space provision	All development with 10 or more dwellings – 50 m ² plus 1 m ² for every additional unit thereafter	60 units = 100 m ²	517 m ² central courtyard	✓
Child play space	10 m ² for each child	Tower Hamlets Play Space Child Yield Calculator = 148 m ² based on dwelling mix	47 m ²	X

Table. 6 Amenity space

- 7.89. A high quality communal central sunken garden will also be created, with access provided for all residents. The courtyard is at the heart of the development, accessed via all three cores, providing a sociable and accessible space to all those living within the scheme.
- 7.90. The central courtyard provides 517 sqm of communal amenity space. This is well in excess of the minimum requirement of 100 sqm and is welcomed.
- 7.91. The proposals incorporate an element of child play space, whilst this is below the LBTH requirement, it is considered appropriate given that the majority of units will be provided for over 55s residents.
- 7.92. An additional greenspace is proposed to the north of the development.
- 7.93. Overall, the proposed communal amenity and play space areas would be acceptable. A condition would be included to secure the details of landscaping and play facilities.

Neighbouring Amenity

- 7.94. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

Privacy

- 7.95. The proposed development would have the following separation distances with the adjacent properties:
- 19m- 20m Usher Road
 - 26m Parnell Road (non-residential)
 - 25m Roman Road
- 7.96. These distances are considered sufficient to mitigate significant levels of overlooking and loss of privacy.
- 7.97. There are no terraces to the rear of the properties at 612- 630 Roman Road, and the rear gardens have been extended over.

Daylight, Sunlight and Overshadowing

- 7.98. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

Daylight and Sunlight

- 7.99. A technical study of the impacts upon daylight and sunlight has been submitted with the application which looks both the existing children's residential home as well as the latest scheme submitted for pre- application consultation.
- 7.100. The following residential properties were considered within the assessment with regards to VSC and APSH. The following neighbouring residential properties were assessed:
- Roman Road (Nos. 612 to 630)
 - 79 Parnell Road
 - Usher Road (No. 33 to 63)
- 7.101. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 7.102. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of

daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

- 7.103. Sunlight is assessed through the calculation of annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter for each window within 90 degrees of due south (i.e. those windows which receive sunlight).
- 7.104. All reported VSC and APSH results are compliant with the BRE guidance it is considered that the proposed development would not have a significant impact on surrounding daylight/ sunlight and is acceptable.
- 7.105. This has been verified by an independent consultant.
- 7.106. There are no there are private amenity spaces/ terraces to the rear of 612- 630 Roman Road. As such there impact on overshadowing of the rear is considered to be acceptable.

Visual amenity / sense of enclosure

- 7.107. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.
- 7.108. In conclusion, it is considered that there would be no unduly detrimental impact upon the amenity of the surrounding occupants, and the density and proximity of the building is appropriate for the character of an urban area such as this.

Highways and Transportation

Policy Context

- 7.109. The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 7.110. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 7.111. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Cycling

- 7.112. A incorporated 2no. cycle stores of 6no. Sheffield stands (12 spaces each) for the shared ownership, and 2no. wall hung cycle store spaces within the scooter store. In addition we have 6no. Sheffield stands (uncovered) for 12 spaces outside of the main sheltered block entrance.

- 7.113. This is in compliance with London Plan cycle standards considered to be acceptable. The details of the proposed cycle stands will be secured by condition.

Waste and servicing

- 7.114. Waste collection would be from the dedicated waste store at ground floor accessed from Parnell Road.
- 7.115. Refuse vehicles would be located adjacent to the internal refuse store, both outside of the bus stop zone and outside the car park access zone.

Parking and trip generation

- 7.116. The development will provide two disabled parking spaces accessed from Parnell Road and one general needs parking space. A car free agreement will also be agreed which would further mitigate any impact on parking.
- 7.117. These will be secured by condition for blue badge holders.
- 7.118. No objections are raised towards this aspect of the proposal and the proposed development is considered to be acceptable with regards to parking.
- 7.119. The transport statement concludes that there would be an additional 8 trips during the peak times of 8-9am and 5-6pm. This is not considered to detrimentally impact the surrounding highways capacity and the proposed development is considered to be acceptable in this regard.

Energy & Sustainability

- 7.120. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.121. The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO₂ emissions through the implementation of energy efficiency measures and a CHP system.
- 7.122. The cumulative CO₂ savings from these measures are anticipated to 36%, which falls short of the 45% onsite reduction target. However, the CO₂ emission shortfall can be offset through the planning obligations carbon offsetting mechanism. In order to support the residential proposals the shortfall in CO₂ emission reductions should be secured in a carbon offsetting contribution for £45,900.
- 7.123. This is considered to be acceptable. Full details will be secured by condition.

Environmental Considerations

Biodiversity

- 7.124. Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and

green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.

- 7.125. Biodiverse roofs and nest boxes for swifts, house martins and house sparrows, are proposed which would result in a net gain in biodiversity.
- 7.126. Full details of the enhancements and a condition regarding the timing of vegetation clearance will be secured by condition.
- 7.127. The proposed development is considered to be acceptable with regards to biodiversity.

Trees

- 7.128. Trees are categorised following the guidance of BS5837:2012, and are therefore objectively assigned a quality category to identify their likely value within any future development of the site. Category A trees being of high value and Category U trees being at risk of collapse.
- 7.129. Trees of moderate value (Cat B) include those that do not qualify as Category A due to impaired condition and/or those that collectively have higher value than they would as individuals.
- 7.130. There are 13 trees to be felled to facilitate the development, including 3 category A trees, 2 category b trees and 6 category c trees.
- 7.131. Whilst the loss of these trees is regrettable, in comparison to the large amount of hard landscaping and blank frontage which surrounds the site, the proposed development is considered to result in significantly improved public realm.
- 7.132. This can be seen in the much improved soft landscaping proposed as part of the internal courtyard, northern greenspace and areas located around the perimeter of the site which is considered to offset the visual amenity provided by these existing trees.

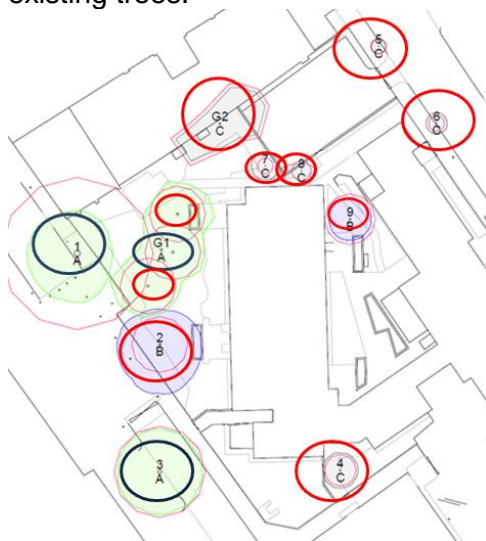


Fig. 10 Existing trees to be demolished

7.133. In addition to this, there are also new 13 new trees proposed as mitigation. Whilst it is noted that this is not a like for like replacement of the category A trees, this is undertaken in addition to the additional soft landscaping and bird boxes which as stated above would also result in sufficient biodiversity to offset the loss of the trees.

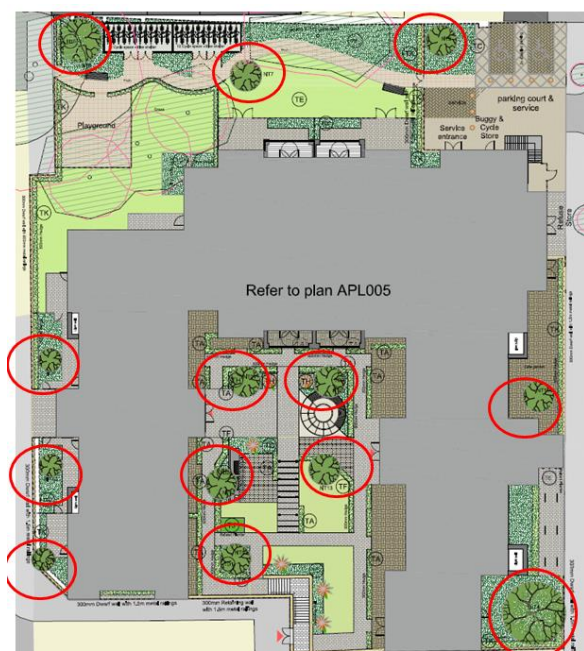


Fig. 11 Proposed location of trees

7.134. A total of four trees and one group of trees will be retained. Details of the root protection measures have been included in the application. The council's arboricultural officer has reviewed the application and has raised no objections to these measures.

7.135. The proposal is therefore considered to be acceptable with regards to impact on trees.

Demolition and Construction Noise and Vibration

7.136. The submission of a construction management plan and environmental plan via condition would be required to manage the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.

7.137. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).

7.138. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Health Considerations

- 7.139. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 7.140. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 7.141. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 7.142. As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Site of Archaeological Importance

- 7.143. The site is located within an area of archaeological importance. The applicant submitted a desk based study which was assessed by the Greater London Archaeological Advisory Service who recommended conditions requiring a scheme of investigation is undertaken as part of the development works. A condition to this effect has been recommended as part of this application.

Impact upon local infrastructure / facilities

- 7.144. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 7.145. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 7.146. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 7.147. The applicant has agreed to meet the entire financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Monitoring contribution

7.148. 60.3% Affordable Housing would be provided when considered with Appian Court. The tenure range would be 72%/ 28% in favour of social rented.

7.149. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential travel plans.

7.150. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£23,324.00
Carbon offsetting	£45,900.00
Monitoring	£2500
Total	£71, 724

7.151. All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

OTHER

Financial Considerations

Localism Act (amendment to S70(2) of the TCPA 1990)

7.152. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

7.153. Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

7.154. In this context “grants” might include New Homes Bonus.

7.155. These are material planning considerations when determining planning applications or planning appeals.

7.156. As regards Community Infrastructure Levy considerations, Members are reminded that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

- 7.157. It is estimated that the development would be liable for Tower Hamlets CIL at approximately £46,682 and Mayor of London CIL at approximately £123,585. The applicant may be liable for relief and so this figure may be lower.
- 7.158. The development would generate a standard new homes bonus of £42865 with a total payment of £320,188 over 6 years.

Human Rights Considerations

- 7.159. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 7.160. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 7.161. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 7.162. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 7.163. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 7.164. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 7.165. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the

European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

7.166. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

7.167. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

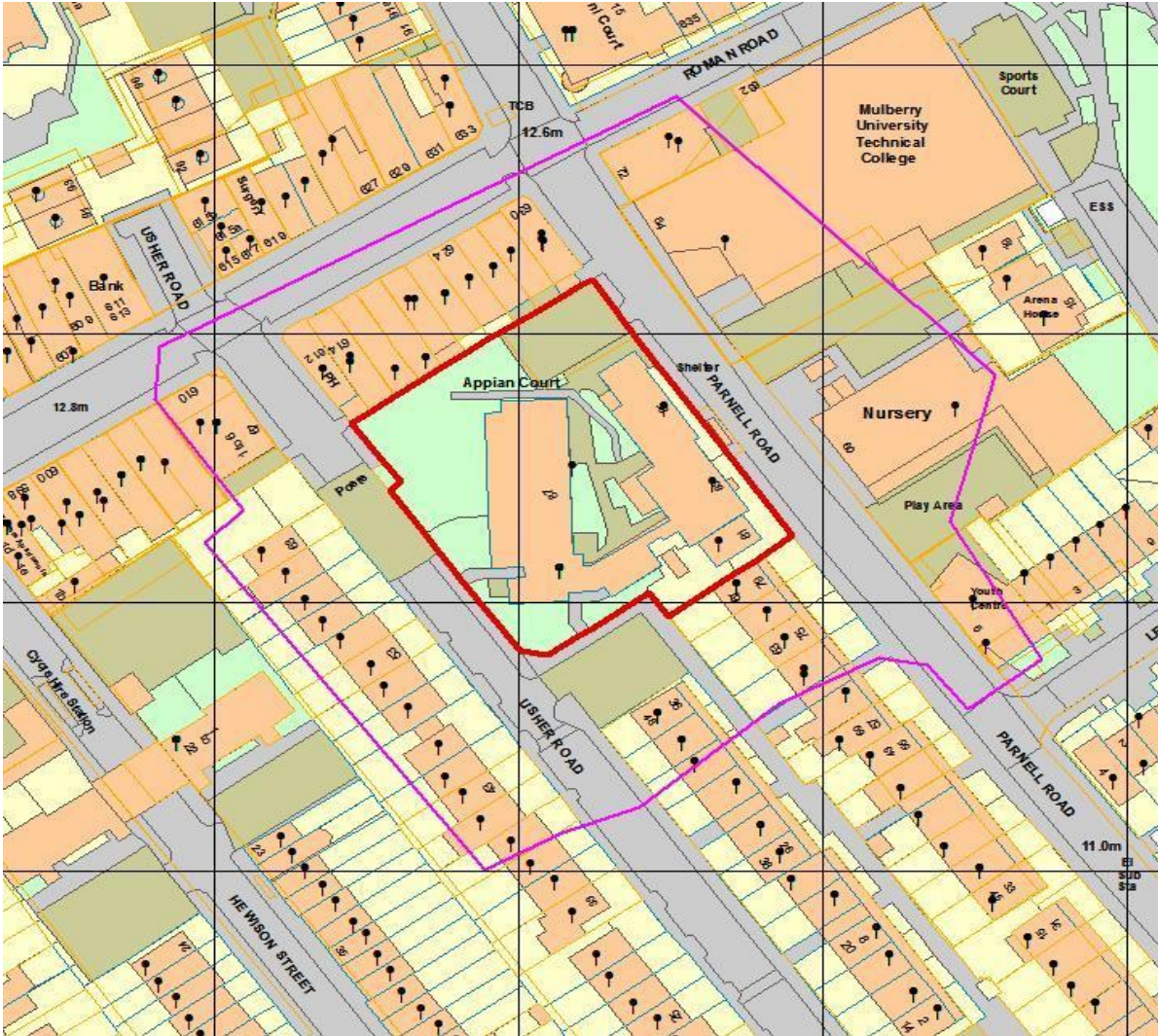
7.168. The provision of residential units, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Part M 4(2). and 10% would comply with Part M 4(3) and be wheelchair accessible and adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

7.169. The proposed development would be considered to have no adverse impacts upon equality and social cohesion.

8.0 Conclusion

8.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Appendix A – Site consultation boundary



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<ul style="list-style-type: none"> Planning Application Site Bound Other Planning Applications Consultation Area Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<h3 style="text-align: center;">Planning Applications Site Map PA/18/0092</h3> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the</p>
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TOWER HAMLETS London Borough of Tower Hamlets

Date: 19 September 2018

Scale : 50m grid squares

Agenda Item 5.3

Committee: Development	Date: 27 September 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: John Miller	Ref No: PA/18/01776 - Full Planning Permission
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	Site Rear of 225 to 347, Hanbury Street, London
Existing Use:	Garages and Open Space (Sui Generis)
Proposal:	Demolition of the existing garages and the construction of four three bedroom and three four bedroom affordable houses, including improved open space, play area and hard landscaping.
Drawings:	See Appendix 2
Documents:	See Appendix 2
Applicant:	London Borough of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	None
Conservation Area:	None

2. EXECUTIVE SUMMARY

- 2.1. Officers have considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework.
- 2.2. The proposal is a residential development for the construction of seven family sized dwellinghouses with the redevelopment of the existing open space. The

development would provide seven new residential units comprising four three bed houses and three four bed houses. All would be three storeys high. This summary has regard to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.

- 2.3. From a land use perspective, the proposed use is considered to be appropriate within the context. The surrounding use is residential in nature and the addition of the houses is in keeping with the locality. The garages have been identified as largely used as external storage by residents not within the estate. The open space will be re-provided towards the western end of the site.
- 2.4. When assessing the proposal officers had regard to balancing the harm of the loss of the trees and the overall benefits provided by affordable housing. The report outlines that the scheme delivers a net gain in trees and their removal has, on balance, been deemed appropriate, particularly given the nature of the proposed affordable family sized housing which are deemed a priority. .
- 2.5. The standard of residential accommodation provided by the proposed development has been assessed and is considered to be acceptable. The units are policy compliant in terms of size, each with access to private external amenity space and communal amenity space.
- 2.6. Further to this, officers consider that the design of the houses is acceptable. The height and mass of the dwellings are considered to be in keeping with the scale of surrounding existing development.
- 2.7. The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver high quality homes in a sustainable location. The proposed houses would all be served by private terraces as well as private rear gardens that exceed minimum London Plan SPG space requirements.
- 2.8. The density of the scheme would not result in adverse impacts associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with re-provision of the public open space would create an acceptable living environment for the future occupiers of the site.
- 2.9. Residents have raised concerns relating to the impacts of the proposal, including loss of the garages and parking issues, loss of open space and amenity impacts, and design impacts.
- 2.10. Further consideration has been given to the impact of the proposal upon the visual amenities of neighbouring occupiers. It has been concluded that the proposal would not result in an unacceptable impact upon the outlook or privacy of neighbours.
- 2.11. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.

- 2.12. Officers have fully considered the concerns raised by residents and consultees and also acknowledge the improvements that the applicant has made to the scheme during the planning application process.
- 2.13. This report acknowledges the elements of the scheme that fall short of fully meeting planning policy requirements, for example, the residential unit mix. These elements of the scheme have been discussed and considered in full. The overall scheme is considered to present a good response to the redevelopment of the site and offers several benefits to the borough. This includes contribution to the delivery of housing that meets Tower Hamlet's identified housing need and high quality design that positively connects with surrounding public realm and introduces much needed activity, surveillance and vibrancy at street level.
- 2.14. On this basis, it is concluded that the benefits of the scheme outweigh the loss of trees and other issues set out within this report. Therefore, giving full consideration to the development plan and other material considerations, officer recommend that planning permission is granted, subject to the conditions and planning obligations proposed in this report.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:

Compliance conditions

1. Permission valid for 3 years
2. Development in accordance with approved plans
3. Hours of construction

Prior to commencement conditions

1. Land contamination
2. Construction Environmental Management Plan
3. Details of hard landscaping to the front
4. Tree protection methods and proposed schedule/viability
5. Details of affordable housing

Prior to completion of superstructure works conditions

1. Materials (samples and details)
2. Architectural Drawings
3. Biodiversity mitigation and enhancements
4. Tree Schedule
5. Waste Management Strategy
6. Details of soft landscaping
7. Details of hard/soft landscaping for the park
8. Details of play equipment

Prior to Occupation' Conditions

1. Cycle Parking
2. Parking Management Plan

Informatives

1. CIL liable

PROPOSAL AND SITE DESCRIPTION

4. The proposal

- 4.1. The applicant is seeking planning permission for the demolition of the existing garages on site and the construction of four three bedroom houses and three four bedroom houses.
- 4.2. The existing green space and play space will be relocated to and upgraded to the western end of the site. A number of trees will be felled as a result of development, however replacement trees and landscaping form part of the proposal.
- 4.3. The existing road will be widened in order to accommodate emergency and service vehicles. The existing 13 on-street car parking spaces will be re-provided. No new car parking is proposed.

Figure 1.1: CGI of proposed development - view along Hanbury Street looking north-west



Figure 1.2: CGI of proposed development – view along Hanbury Street looking north



5.0 Site and Surroundings

- 5.1 The application site is approximately 0.3ha and is bound by Hanbury Street to the south and east, Vallance road to the west, and Osmani Primary School to the north. The site lies within the Chicksand Estate.

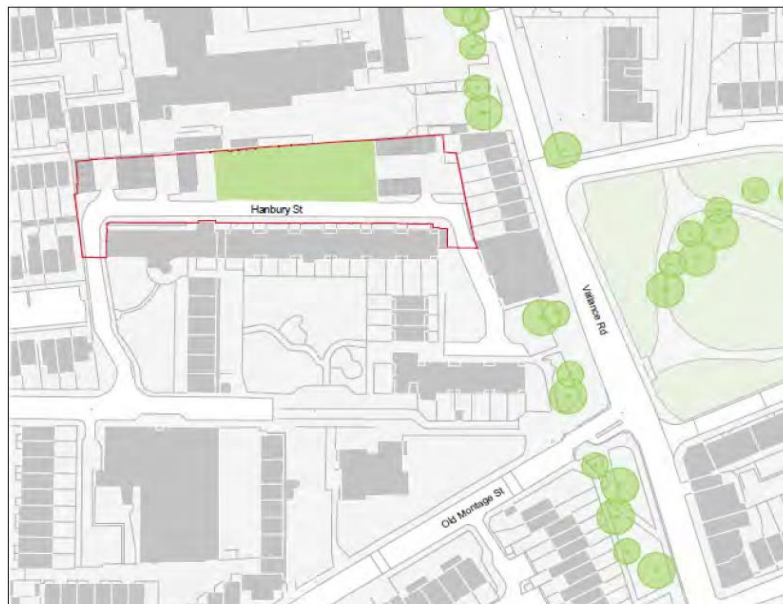


Figure 1.3: Site location plan

- 4.1. The application site comprises of approximately 29 garages, a play area and undesignated green space located to the north of the residential block addressed as 249 – 347 Hanbury Street.

- 4.2. The site is bound by Osmani Primary School to the north, a three storey residential terrace fronting Vallance Road to the east, Hanbury Street to the south and two storey semi-detached residential units to Woodseer Street to the west. The garages on site are understood to be rented by a mix of Tower Hamlets Housing residents and non-residents.
- 5.2 The buildings that immediately surround the site comprise primarily residential in nature. 249-329 Hanbury Street is located to the south of the site, a residential estate development that is 6 storeys in height.
- 5.3 Osmani Primary School is located to the north of the site of the site. It is bound by Vallance Road to the east and Underwood Road to the north. The buildings range from 3-4 storeys in height.
- 5.4 In terms of policy designations, the application site is not located within a conservation area. There are also no listed buildings in the immediate vicinity.
- 5.5 The site is located in close proximity to the Whitechapel overground station, in addition to local bus routes. It has a Public Transport Accessibility ranging from 2-6a.
- 5.6 The site does not have any allocations as outlined in the Local Plan.
- 5.7 Relevant photographs of the application site and neighbouring development are included below.

Figure 1.4: Existing site looking east



Figure 1.5: Existing site looking west



Figure 1.6: Existing garages



Figure 1.7: Existing Hanbury Street block



6.0 Relevant Planning History

There is no relevant planning history relating to the application site itself and the neighbouring planning applications were not considered relevant to the site.

Pre-application

6.1 Pre-application discussions identified several key issues to be addressed. These included:

- Loss of open space
- Loss of trees
- Biodiversity
- Design of the proposal
- Highways impacts

7 POLICY FRAMEWORK

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

Spatial Development Strategy for Greater London - London Plan 2016 (MALP)

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy (adopted September 2010)

SP02 Urban living for everyone
SP03 Creating healthy and liveable neighbourhoods
SP05 Dealing with waste
SP08 Making connected Places
SP09 Creating Attractive and Safe Streets and Spaces
SP10 Creating Distinct and Durable Places
SP11 Working towards a Zero Carbon Borough
SP13 Planning Obligations

Managing Development Document (adopted April 2013)

DM0 Delivering Sustainable Development
DM3 Delivering homes
DM4 Housing standards and amenity space
DM9 Improving air quality
DM10 Delivering open space
DM11 Living buildings and biodiversity
DM14 Managing Waste
DM20 Supporting a Sustainable transport network
DM22 Parking
DM23 Streets and the public realm
DM24 Place sensitive design
DM25 Amenity
DM29 Achieving a zero-carbon borough and addressing climate change
DM30 Contaminated Land

Emerging Planning Policy

- 7.2 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.
- 7.3 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version is currently undergoing Examination in Public, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

Supplementary Planning Documents

- 7.4 Planning Obligations SPD (September 2016)

CIL Charging Schedule (April 2015)

Sustainable Design and Construction SPG (April 2014)

Shaping Neighbourhoods: Character and Context (June 2014)

Housing Supplementary Planning Guidance (March 2016)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

Affordable Housing and Viability Supplementary Planning Guidance (2016)

City Fringe / Tech City Opportunity Area Framework adopted by the Mayor of London on 31 December 2015

8 CONSULTATION RESPONSE

8.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The following were consulted regarding the application:

Internal Responses

LBTH Environmental Health - Contaminated Land

8.3 Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Refuse

8.4 In response to these comments, the waste strategy, including the bin storage, has been amended. This is further discussed in the highways and transportation section of this report.

- Refuse collection

The applicant is required to demonstrate how the waste collections vehicle will turn around and whether the land owner in the turning area has provided permission to use the land if owned by different owner.

LBTH Highways

- Car parking

- 8.5 There are no objections in principle to the proposal. The applicant should be informed that the site lies within the 200m buffer zone of a retained road widening line. However the proposals do not affect the actual widening proposal.

All new residential units are to be subject to a *Permit Free' agreement restrict all future residents (other than Blue Badge holders and those that qualify through the Permit Transfer Scheme) from applying for a parking permit on the surrounding public highway network. This is to form a condition to any planning permission which may be granted and secured via the s106 agreement (or similar mechanism as agreed by the case officer).

With regards to the internal road widening proposals on Hanbury Street this is not public highway and the reasoning for the widening is welcomed. The design must, however, ensure that the increased width does not give opportunity for additional parking which could cause obstruction to emergency and service vehicles.

- Cycle parking

With regards cycle provision it is stated that each unit will have space in the back gardens. Details of the storage areas are required and a condition which retains and maintains the cycle storage for the permitted use only will be expected.

- Servicing

The proposed road widening to facilitate emergency service and service vehicles is welcomed subject to the design preventing any further parking / stopping of private vehicles which could obstruct the road.

- Conditions

Planning conditions requiring a construction management plan, parking management strategy, and cycle parking are proposed.

LBTH Design

- Height, scale and massing

- 8.6 Height of proposed houses supported given variation of heights in the surrounding area. The overall mass of the proposal is well managed, given that subtly setbacks and block type massing have used to reduce the apparent bulk and mass of the houses.

- Design and materials

The proposed materials palette is acceptable. The bulk of the proposed building in brick will present a robust and solid appearance, consistent with surrounding buildings.

The use of a single brick colour combined with architectural detailing and deep reveals of the windows to the upper floors will also add interest and variety, with brick coursing located below balconies providing further expression.

The metals railings and glazed balustrades are acceptable.

- Conditions

Planning conditions requiring samples of materials, details of ground floor elevations and typical window and external door detail are proposed.

LBTH Biodiversity

8.7 In response to the following comments, the applicant has provided a revised biodiversity strategy which has been supported by the Council's Biodiversity officer.

- Comments

I agree with the overall conclusion of the Preliminary Ecological Assessment (PEA) that there are no major biodiversity constraints to development on the site, though trees may be a significant constraint for other reasons. However, the loss of a number of existing trees and other open space would be a minor adverse impact on biodiversity.

Policy DM11 requires developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP), and elements of a living building such as green roofs. There is, therefore, a need to ensure that the landscaping and any other biodiversity enhancements more than compensate for the loss of existing habitat to produce a net gain. As this is the Council's own development, I would expect it to do more than just about meet the policy requirement – I'd hope it would be an exemplar of what we expect from other developers.

The revised PEA states that biodiversity mitigation/enhancement will include new wildflower meadow, new trees, appropriate bird boxes, nectar-rich planting on first-floor terraces and log piles.

The Landscape Layout plan shows shrub and herbaceous planting with an excellent range of nectar-rich species, which will provide nectar for bees and other pollinators all year round. The planting list includes Buddleia, an invasive non-native species identified as a problem by the London Invasive Species Initiative. Buddleia should be removed from the list.

The Landscape Layout also shows areas of wildflower planting. This is a mix of annuals and perennials. It is not clear whether this is to be managed as meadow, with the annuals providing temporary colour in the first couple of years after sowing, or as annual wildflower patches which will be re-sown every year.

Either way, this will benefit biodiversity, especially pollinating insects. I note that most of the wildflower planting is located under trees. The proposed mix is designed for a sunny location, and will be of most benefit to pollinating insects if located in full sun. The location of the wildflower areas therefore needs to be reconsidered.

The plan also shows 4 bird bricks (2 for sparrows and 2 for swifts) incorporated into the new buildings. These appear to be located above doors or windows, which is not recommended. Log piles are also indicated.

Biodiverse green roofs, designed in accordance with best practice guidance published by Buglife, on as much of the new buildings as possible, would be a significant additional benefit for biodiversity.

Biodiverse roofs are perfectly compatible with photovoltaics (PVs), and a green roof would actually enhance the efficiency of the PVs. Biodiverse roofs require just a single annual maintenance visit to remove woody plants, which, on buildings where there is easy access to the roof, adds only minimally to maintenance costs. However, on individual houses, biodiverse roofs might entail significantly higher maintenance costs, which could be regarded as a justification not to include them.

While the landscape proposals and other biodiversity enhancements require a bit of minor tweaking as discussed above, they will be sufficient to ensure net gains for biodiversity. The minor changes and final details can be subject to a condition

- Conditions

Prior to the commencement of works, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall include but not be limited to the following:

- wildflower planting, either as meadows or annual wildflower patches, located in suitable sunny areas – details to include locations, total area of planting, planting mix and information on ongoing management;
- landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible – details should include species list and planting plans;
- nest boxes for appropriate bird species, including house sparrow and swift – details should include number, locations and type of boxes.

The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site and to comply with Policy SP04 of the Tower Hamlets Core Strategy and Policy DM11 of the Tower Hamlets Managing Development Document

LBTH Arboricultural

- 8.8 In response to the following comments provided a revised arboricultural strategy which has been largely supported by the Council's Biodiversity officer.

- Trees

It is apparent from the proposals that this development cannot occur without there being the high likelihood of the build having a detrimental impact on the current tree stock.

The scheme results in the loss of 11 trees. Of these, 3 are deemed to have a life expectancy of less than 10 years (BS 5837 'U' Grade) and 1 is of a low quality and value (BS 5837 'C' Grade). The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 4 semi-mature (instant impact) trees. The remaining 7 trees are of a moderate quality and value (BS 5837 'B' grade).

The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 14 semi-mature (instant impact) trees. In regards to the mitigation planting, evidence needs to be provided showing the viability of planting the proposed stock size (semi-mature) in the proposed locations on the landscaping scheme. This should include above and below ground considerations and post development pressures. I would also suggest the following tree species for planting; *Betula pendula* (silver birch), *Sorbus aria* (whitebeam) and *Alnus glutinosa* (common alder) in order to meet our LBAP targets.

- Conditions

New planting and Tree Schedule detailing species of proposed trees. Tree protection measures for trees to be retained.

External responses

None

9 LOCAL REPRESENTATION

- 9.1 A total of 114 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.
- 9.2 2 letters of objection have been received in relation to the proposed scheme as well as a petition with 95 signatures which pre-dates the application submission but was received during the consultation period.. The concerns that were raised following both informal pre consultation and consultation are outlined and categorised below.

Land use

- The proposal to demolish the garages and develop on open space is out of character for the area

Design

- The development does not respect the local context and street pattern
- The scale and proportions of the buildings does not sit well in the surrounding area
- Overdevelopment and overcrowding

Amenity

- Lower quality of life for residents within immediate vicinity
- Adverse impact on neighbouring amenity

- Overlooking as a result of development

Parking

- Removal of garages and lack of clarity surrounding occupancy
- No proposed parking for the development
- Addition of new houses will negatively impact upon existing arrangement which is already under pressure

Trees and open space

- Loss of valuable trees and greenspace will spoil views
- Proposal infringes on valuable green space

Biodiversity

- No environmental benefit

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Loss of Trees
- Design
- Housing
- Neighbouring Amenity
- Highways and Transportation
- Biodiversity
- Land contamination
- Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

10.2 The main issues to consider in relation to land use are listed below:

- The acceptability of the loss of the existing land uses that currently or last occupied: Garages and open space (use class Sui Generis)
- The acceptability of the proposed land uses: Residential (C3)

Loss of garages (sui generis)

- 10.3 Part of the application site is in as 29 garages which is considered use class sui generis.
- 10.4 Due to the nature of a sui generis use, there is not always a specific policy that can be directly applied. This is the case in this instance.
- 10.5 There are no policies that restrict the loss of this use. The garages are currently in poor condition are not fit for the purposes of modern cars. Of the 29 garages 12 are rented by estate users, 2 are empty and 15 are rented by private residents.
- 10.6 It is not clear how many are used for cars and how many are used for other purposes. The Council and Tower Hamlets Homes are undertaking an audit of the garages, and assessing the available car parking bays and garages near the area with the intention of securing a space for those Council residents who would lose one of the 12 garages.
- 10.7 On this basis, officers raise no objections.

Loss of play space/ open space

- 10.8 In relation to the loss of existing uses, officers have had regard to the relevant planning policy. Policy SP04 of the Core Strategy (2010) and policy DM10 of the Managing Development Document (2013) sets out how new development will be required to contribute to delivering an improved network of open space through protecting and improving existing open space, creating new open space and improving access to and between spaces. DM10 states that development on areas of open space will only be allowed in exceptional circumstances where:
- it provides essential facilities to ensure the function, use and enjoyment of the open space; or
 - as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.
- 10.9 The existing site accommodates approximately 852sqm of open/play space. Whilst the proposal seeks a residential-led development, it includes the re-provision of approximately 939sqm of open space. The majority of this is situated to the western part of the site, however an active linear path which includes open and play space runs the entire length of the site.
- 10.10 The proposed open play space provides a net gain with regards to an overall quantum of useable space, which is policy compliant. Additionally it proposes an upgraded play area which would provide new equipment compliant with modern standards. 17 new pieces of play equipment are to be installed within the proposal when compared to the existing 5. The proposed services range from a large multi play slide down to play tractors and traditional swings.
- 10.11 In the letters of objection, neighbours have expressed concern that the proposals would result in a loss of open space which makes a valuable contribution to the surrounding area.
- 10.12 From the above it can be seen that a net gain is provided in both quantity and quality. In terms of delivering open space the proposal is an improvement over the existing arrangement and is fully supported.

Proposed residential use (C3)

- 10.13 The proposal seeks to introduce residential use to the application site. The site does not benefit from any designations that would restrict this from a policy perspective.
- 10.14 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to an identified need.
- 10.15 This is considered in more detail in the housing section of this report.

Loss of Trees

- 10.16 Policy SP04 of the Core Strategy (2010) requires the protection and enhancement of biodiversity value in design of open space and buildings. Policy DM11 of the Managing Development Document (2013) states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 10.17 The proposal results in the loss of 11 trees. Of these, 3 are deemed to have a life expectancy of less than 10 years (BS 5837 'U' Grade) and 1 is of a low quality and value (BS 5837 'C' Grade). The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 4 semi-mature (instant impact) trees. The remaining 7 trees are of a moderate quality and value (BS 5837 'B' grade).
- 10.18 The proposed landscape scheme provides sufficient mitigation for these losses through the replanting of 14 semi-mature (instant impact) trees. In regards to the mitigation planting, should permission be granted, a planning condition will be secured showing the viability of planting the proposed stock size (semi-mature) in the proposed locations on the landscaping scheme. This would include above and below ground considerations and post development pressures.
- 10.19 The tree officer has reviewed the assessments and has suggested a number of tree species in order to meet our LBAP targets. These can also be conditioned.
- 10.20 Giving consideration to the public benefit associated with the proposed housing contribution in addition to the upgrading of the existing open and play space, the loss of the trees is considered acceptable.
- 10.21 The LBTH Tree officer has been consulted and supports the development subject to the above conditions being satisfied.

Design

- 10.22 In this section of the report, officers will consider the acceptability of the design of the proposed building, having regard to:
- Height, scale and massing
 - Quality of architecture and detailed design

- Public realm

- 10.23 Firstly, consideration is given to the relevant policy context. Chapter 7 'Requiring good design' of the NPPF (2012) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 10.24 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.25 Furthermore, London Plan Policy 7.4 'Local Character' seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 10.26 Core Strategy Policy SP10 'Creating distinct and durable places' seeks to protect and enhance the Borough's conservation areas and their settings. It also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.27 Policy DM24 'Place-sensitive design' of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development.

Height, scale and massing

- 10.28 The proposed development marks a significant increase in building scale when compared to the existing single storey garages and open space. Officers have had given careful consideration to the acceptability of this in the context of the character and appearance of the surrounding area. Consideration has also been given to the amenity impacts of this which are discussed later in the report.
- 10.29 Objections have been received in relation to the scale of the proposed buildings, which consider that the proposed height is not in keeping with the existing plot, and would lead to overcrowding in an already dense urban environment. These concerns have been considered below.

- 10.30 Whilst the existing garages sit at just 3m (approx.) in height and occupy approximately 50% of the overall application site, the application site is surrounded by built form of an increased scale.
- 10.31 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings adjacent to the application site range between 3 and 6 storeys in height.
- 10.32 This said, the local scale and pattern of the streets that surround the application site is acknowledged and the impact of taller buildings upon this has been considered.
- 10.33 The height of the proposed building ranges between 1 and 3 storeys in response to the variations in surrounding height and existing open space use. The terraces are broken up into blocks with single storey across ground floor level and additional stories atop the eastern flank of the dwellings.
- 10.34 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 10.35 The applicant has provided CGIs from Hanbury Street that provide an insight into the impact of the proposed building from direct and longer views. They demonstrate the high design quality of the scheme and this is considered to offset any potential harm resulting from its visibility.
- 10.36 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing.

Detailed design and materiality

- 10.37 Officers consider that the existing garages reflect the past character of the area. However, as they are not listed and the site does not fall within a conservation area permission would not be required for their demolition.
- 10.38 In recognition of the surrounding context the applicant has adopted a contemporary architectural style for the dwellings.
- 10.39 Officers have given regard to the detailed design of the proposed buildings and consider them to be well-proportioned with appropriate solid to void ratios. They are simple in their design, appearing as a single uniform terrace. The part 1/3 storey buildings arranged in a mews style development are near identical in mass and materiality. The proportions together with the proposed fenestration pattern results in a strong sense of horizontal and vertical articulation.
- 10.40 The proposed detailing is considered to successfully break down the scale and massing of the proposed building. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by condition.
- 10.41 The continuation of the articulation to ground floor level, together with the extensive glazing, is also considered to result in a high quality ground floor elevation that is active and human scale in nature. It is therefore considered to foster a positive relationship with pedestrians and the surrounding public realm.

- 10.42 The proposal would introduce active frontage and resultant natural surveillance on the primary elevation. This is considered to be particularly positive when considering the nature of the ground floor elevations of the neighbouring buildings which are largely inactive.
- 10.43 The proposed buildings would therefore enhance the pedestrian experience, street safety and relationship between built form and public realm.

Public realm

- 10.44 Policy DM23 'Streets and the public realm' seeks to ensure that development is well-connected with the surrounding area, accessible for all people, designed at a human scale and comfortable and useable. It also seeks active and high quality shop fronts.
- 10.45 As outline in the above section, the proposed development is considered to give rise to an acceptable relationship with the surrounding streets and pedestrians.
- 10.46 In addition to the provision of the improved open/play space the proposal provide an active street frontage the development includes a section of hard and soft landscaping to the front of the houses, between the southern elevation of the buildings and Hanbury Street.
- 10.47 Street lighting is also proposed and this will make a more welcoming space.
- 10.48 On this basis, officers consider this space to contribute to the public realm. Whilst no details of the proposed hard landscaping have been proposed at this stage, officers would secure the submission of further details by planning condition, if the proposed development is approved.
- 10.49 Officers would expect the strip to deliver high quality landscaping, including seating opportunities and play equipment as outlined in the Landscape Plan.
- 10.50 Subject to the submission of details surrounding the hard/soft landscaping works, and proposed lighting, officers consider the scheme to be acceptable in this regard.

Housing

- 10.51 The proposed development comprises 7 new residential units.
- 10.52 This is supported in line with the London Plan (2016) and the Core Strategy (2010) which seek to increase London's and Tower Hamlet's supply of housing.
- 10.53 In addition to housing numbers, planning policy requires new housing development to provide housing choice. This includes a mix of sizes and tenures.
- 10.54 Housing planning policy also seeks a high standard of residential accommodation for its occupiers. The standard of proposed residential accommodation is assessed later in this report.

Housing mix and affordable housing

- 10.55 As stated above, planning policy requires a mix of housing that responds to the identified housing need within Tower Hamlets and, as a result, contributes to the creation of mixed and balanced communities.
- 10.56 On this basis, the priorities of the Mayor and aspirations of policy DM3 of the Managing Development Document (2013) are to provide a balance of housing types, including more family homes within the borough. Policy DM3 recommends a distribution of 50% 1 bed, 30% 2 bed and 20% 3 to 4 bed units within market sector only developments.
- 10.57 The development proposes 100% affordable 4 x 3B5P and 3 x 4B6P houses, which whilst not meeting the letter of the policy targets for housing mix provides an overall uplift in affordable family sized housing. Due to the relatively small nature of the scheme and the uplift in family sized dwellings the proposed mix is considered to be acceptable.
- Housing related planning obligations
- 10.58 In the event that planning permission is granted, the affordable housing contribution, inclusive of the unit and tenure mix, would be secured by condition. Officers would also secure appropriate rent levels within the affordable social rent tenure. This is to ensure the genuine affordability of these units.
- Summary
- 10.59 In summary, the proposed development falls short of the Council's policy targets with regards to the proposed unit type mix.
- 10.60 As set out above, the proposed affordable housing contribution is considered to overcome the shortfalls in the proposed mix, together with the benefit provided by family sized dwellings in line with local and national policy.
- 10.61 In terms of the wider scheme, additional benefits are present and have been acknowledged earlier in this report. This includes the re-provision of an improved open/play space, the introduction of activity and natural surveillance at street level and the general improvement to the street scene.
- 10.62 It is therefore concluded that the proposed housing is acceptable when balanced with the benefits of the overall scheme.

Accessible housing

- 10.63 The proposed development would not provide any wheelchair accessible or adaptable units which whilst disappointing would not raise objections considering the overall size of the scheme and the type of housing provided.

Standard of residential accommodation

- 10.64 In addition to the requirements set out within Policy 3.5 'Quality and design of housing developments' of the London Plan (2016), Policy SP02 'Urban living for everyone' of the Core Strategy (2010) and Policy DM4 'Housing standards and

amenity space' of the Managing Development Document (2013), the Mayor's Housing SPG (2016) sets out a series of design standards. Officers will consider the quality of residential accommodation proposed in regard to the following aspects:

- Space standards

10.65 Local and regional planning policy, in addition to the guidance set out in the London housing SPG, sets minimum space standards for new residential units. All residential units are also required to have a minimum floor to ceiling height of 2.3m. This is achieved throughout the development.

10.66 The proposed houses would come in two layouts and the minimum space standards (GIA) are set out in the table below:

Unit type	GIA standard (sqm)	GIA proposed (sqm)
3B/5P	99	108
4B/6P	112	116

10.67 Officers are satisfied that all of the proposed residential units are compliant with the space standards.

10.68 Looking at the rest of the development each of the dwellings provides adequate integrated storage space and room layouts and sizes are generally acceptable.

10.69 The development is therefore considered to be acceptable in this regard.

- Aspect, daylight and sunlight, noise and vibration, outlook and privacy

10.70 The London Housing SPG also seeks the minimisation of single aspect dwellings. It further states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.

10.71 Officers are satisfied that all of the dwellings benefit from a triple aspect setting.

10.72 From an outlook perspective, officers have given careful consideration to the quality of the units so that they do not negatively impact upon neighbouring amenity, which will be discussed later in the report.

10.73 Each of the units main aspect would face east onto their own private balconies, with additional outlook to the rear of the properties so that the units could benefit from a triple aspect setting. The drawings and documents demonstrate whilst the houses look onto the neighbouring side walls they would achieve acceptable outlook, particularly given their triple aspect setting.

10.74 It is noted that the houses would sit between 6m and 16m from neighbouring/opposite properties. The principle elevation facing the Hanbury Street block stands 16m away from the front of the proposed houses.

10.75 The proposal therefore gives rise to a medium to close relationship with neighbouring buildings, although due to the orientation of the plots and the careful placement of windows this is considered to be acceptable. This relationship is also considered to reflect the street and built form pattern in the surrounding area, where buildings occupy 'blocks', separated by narrow local streets. Officers therefore do not consider this is to be an uncommon or unexpected circumstance in a dense urban environment such as the one that exists throughout the borough, especially where a new development seeks to infill a gap/ site within existing built form.

10.76 Taking all of the above considerations into account, officers do not raise objections in this regard.

- Private amenity space

10.77 In terms of private open space, the London Housing SPG requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings. An extra 1sqm should be provided for each additional occupant.

10.78 Therefore the 3B5P dwellings would require a minimum of 10sqm and the 4B6P dwellings should provide a minimum of 11sqm.

10.79 Taking this into account, it is noted that all 7 dwellings provide a minimum of 35sqm for the 3B5P house on the eastern boundary closest to the park up to a maximum of 69sqm for the 4B6P house closest to the western boundary. For each dwelling the amenity space is provided across the rear of the ground floor and external terraces at first floor level.

10.80 Objection has been raised over the quality of the private amenity space, however from the above it can be seen that the houses will provide more than adequate amounts of private amenity space which officers consider acceptable.

- Summary

10.81 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. The scheme fully meets all the relevant standards, and officers consider the proposal to be acceptable in this regard.

Impact on amenity

10.82 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the amenities of neighbouring development and its occupiers. In line with Policy DM 24 'Amenity' of the Managing Development Document (2013), officers will have specific regard to the daylight and sunlight impacts of the proposal, in addition to any resultant impact upon outlook and privacy levels.

- Daylight and sunlight

10.83 The application submission is supported by a daylight and sunlight assessment, undertaken by Brooke Vincent + Partners. The following buildings have been assessed:

- 53B Vallance Road
- Hanbury Street

10.84 The relationship of the above buildings with the application site is illustrated on the image (figure 1) below.

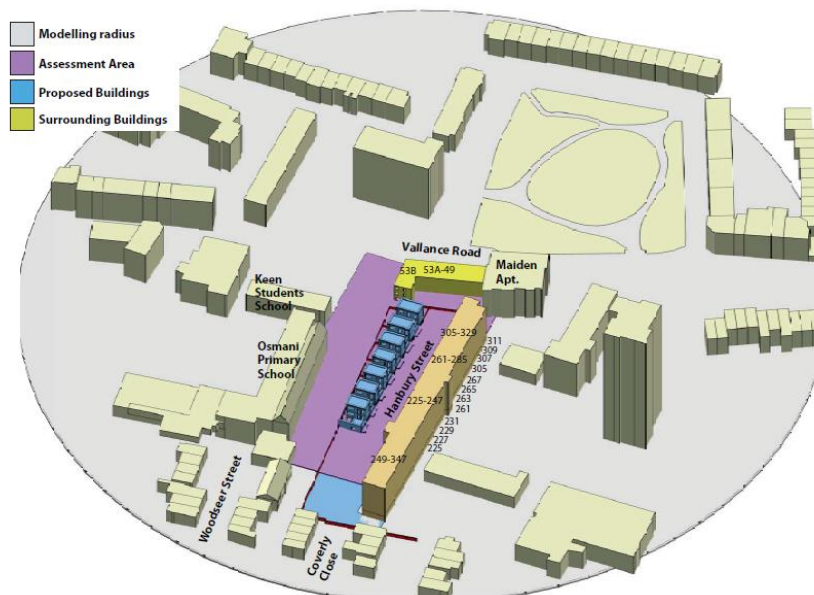


Figure 2: Daylight and Sunlight Assessment Analysis

10.85 The identified sensitive receptors were initially analysed using a 25-degree line analysis. This method identifies the façades that are obstructed by the proposed development. Façades that do not encounter any obstructions are very likely to retain good levels of daylight and sunlight and do require a further analysis.

10.86 From the above test the properties that required further testing were 53B Vallance Road and the ground floor of the Hanbury Street building.

10.87 The **daylight** impacts of the proposal are addressed below:

- 53B Vallance Road

- 10.88 The above building is in residential use. It is located to the east of the site. The daylight impact upon these buildings has been tested using the Vertical Sky Component (VSC) test. The VSC takes into consideration any obstruction to the visible sky to calculate the possible daylight reduction.
- 10.89 The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).
- 10.90 It is important to note that VSC does not quantify the actual daylight levels inside a room, just the potential for receiving daylight. More detailed assessments (below) are better equipped to assess this.
- 10.91 Officers raise no objections to the use of VSC in this instance and have given consideration to the findings of the VSC test.
- 10.92 The results confirm that the 7 windows on the property overlook the site and were analysed for daylight impacts.
- 10.93 4 out of 7 windows analysed on 53B Vallance Road receive VSC values exceeding 27% and therefore meet the criteria with the proposed development in place.
- 10.94 One window on the first floor (W2) does not meet the criteria (VSC 26.29%) but retains 81% of its former value, which would be acceptable in terms of the BRE guidelines.
- 10.95 Two windows on the ground floor (W2 and W3) do not meet the criteria (VSC 22.98% and 22.24%) but they belong to the same living room that has a window with good VSC levels and therefore they only contribute to increase the daylight levels of the room.
- Hanbury Street
- 10.96 The above address is also residential building. It is located to the south of the site, on the opposite side of the street.
- 10.97 The Vertical Sky Component (VSC) test has again been applied.
- 10.98 Twelve windows that belong to the kitchens of the ground floor flats of this property overlook the site and were analysed for daylight impacts.
- 10.99 The results demonstrate that all 12 windows analysed on the ground floor have VSC values exceeding 27% and should therefore have good daylight access.
- 10.100 The **sunlight** impacts of the proposal are addressed below.
- 10.101 The applicant has tested the sunlight impacts of the proposal using the Annual Probable Sunlight Hours (APSH) test. This should be calculated for windows of main habitable rooms that face within 90 degrees of due south.

- 10.102 On this basis, the APSH has been calculated for five properties (seven windows) at 53B Vallance Road. The results show that all windows receive annual winter PSH values in excess of the minimum BRE guidelines and therefore retain good access to sunlight.
- 10.103 The windows at The Hanbury Street block do not face within 90 degrees of south and the criterion therefore does not apply.
- 10.104 In summary, all of the tested windows meet the BRE guidelines with regards to daylight and for the reasons outlined above, the scheme is also considered to be fully BRE compliant with regards to sunlight.
- 10.105 As a result, officers do not raise objections on daylight and sunlight grounds.
- Outlook, overlooking and privacy
- 10.106 As previously set out, the proposed building sits in relatively close proximity to neighbouring buildings. As the application site comprises single storey garages and open space the proposal marks an increase in overall scale which would result in a change of outlook for neighbouring occupiers.
- 10.107 The closest physical relationship would exist between the house closest to the western boundary of the proposed site and 53B Vallance Road to the east. However, due to the arrangement and site layouts of both properties the windows of 53B would retain largely uninterrupted views which would mitigate any unacceptable impact with regards to outlook. Additionally there are no west facing windows on the proposed houses and as such there is no conflict between these buildings from a privacy/ overlooking perspective.
- 10.108 The rest of the terrace along Vallance Road is set back from number 53 and would have minimum distances of 14m between the proposed houses and existing windows. Whilst this distance is less than the 18 metre guideline outlined in the Local Plan, as stated above there are no windows on the western elevations of the proposed houses therefore this guideline would not apply from an overlooking perspective. Officers consider the separation distances involved and the low scale of the proposed houses to be acceptable from an outlook perspective.
- 10.109 The proposed houses would face directly opposite the Hanbury Street block and would be located a minimum of 16 metres away. Objectors have noted particular concern in relation to the impact upon properties facing Hanbury Street. This includes overlooking to windows and an over dominant impact with regards to the introduction of houses in this area.
- 10.110 Whilst the distances involved are again below the 18 metre guideline as outlined in the Local Plan they fall just only short in this instance. The layouts of the houses have been arranged in such a way as to avoid overlooking to the buildings directly south. There is a single double height window serving each house and this window services the staircase only and no habitable rooms. For this reason officers consider that there would be no impacts with regards to overlooking/loss of privacy to the Hanbury Street Block.
- 10.111 Officers have had regard to the concerns raised relating to the blocking of sky/ changing sky line when viewed from the existing Hanbury Street development. Whilst a change to a view from a residential property is not considered to

constitute a planning consideration as such, officers have considered this from an outlook perspective. The reduction of outlook experienced from a residential property as a result of a new development in close proximity can result in unacceptable impact upon residential amenity.

10.112 Officers acknowledge that there will be a slight impact with regards to the outlook provided to the existing block south of the proposed site. The existing trees provide amenity value but as mentioned above the change in use of the site does not directly constitute a planning consideration.

10.113 However, in this instance, whilst occupiers would experience a change of a view as a result of the proposed development, the massing of the buildings with large breaks between each house, the separation distances involved, the general decrease in scale when compared to the existing block and the proposed planting scheme is considered to adequately mitigate an unacceptable loss of outlook.

- Noise and disturbance

10.114 The proposal seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.

- Summary

10.115 Officers have given the amenity impacts associated with the proposed development careful consideration. For the reasons outlined above, the development is considered to be acceptable in this regard.

Highways and Transportation

- Car parking (and blue badge parking)

10.116 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the local highway and transportation network. In line with Policy DM 20 'Supporting a sustainable transport network', Policy DM 22 'Parking' and Policy DM 14 'Managing Waste' of the Managing Development Document (2013), officers will have specific regard to the highways impacts of the proposal.

10.117 The proposed land use does not attract a requirement to provide general car parking. A car-free development is in line with local policy and therefore supported. A planning condition to secure the car-free nature of the development is recommended.

10.118 It is important to establish that the private estate does not form part of the public highway and is under private management with regards to parking and service arrangements. Objections have been raised with regards to the impacts upon the car-parking along the street with specific comments mentioning additional cars that would be moved onto the street as a result of the additional housing and loss of garages.

- 10.119 The application is accompanied by a transport statement which shows that of the 29 garages only 12 are tenants of Hanbury Street. In response to the objection to the loss of the garages these are not-fit for purposes with regards to current car parking standards and would struggle to fit most modern cars. It has been identified that the majority of these are not used by estate owners or for the purposes of car parking, therefore the impacts upon the public highway would be minimal as a result of their demolition. Nevertheless the applicant has stated alternative arrangements are being sought although not guaranteed for those garage users who live within the estate.
- 10.120 The submitted transport statement also identifies that the 13 existing on street car parking spaces which are currently allocated to the existing residents of the Hanbury Street block will be re-provided as a result of the development.
- 10.121 Officers have given consideration to the permit transfer scheme. As the onsite parking is privately controlled all of the incumbent residents who are moving from elsewhere in the borough and already have a parking permit will be able to retain a permit to park. However this must be elsewhere within Zone A2 and not in any of the 13 replaced on-site spaces. This should address concerns with regards to the displacement of on-street parking for existing residents.
- 10.122 In general terms the addition of 7 new houses is relatively small in scale and any public highways impacts that would be felt as a result of the development would be minimal. In terms of trip generation the proposal will account for very little in the context of the surrounding residential developments, and whilst the potential level of impact on street could usually only be determined by extensive and detailed parking stress surveys, in respect of so few new units and the number of roads with permit parking available within a reasonable walking distance the need for a detailed study is not warranted. Officers raise no objection with regards to this.
- 10.123 The proposed site access and approaches to it will be controlled by Tower Hamlets Housing in terms of vehicle parking and enforcement, which will assist in maintaining access to the site for refuse collection, servicing, delivery and emergency vehicles. Yellow box markings and double yellow lines will be marked on the access road and approaches together with appropriate warning signs to strengthen the enforcement regime. This will be conditioned so that refuse and emergency vehicles will be able to access the site.
- 10.124 As none of the houses are proposed as wheelchair accessible there will be no added impacts as a result of blue badge holders who are exempt from the terms of any condition that secures the car-free nature of the development and restricts residents from applying for parking permits.
- 10.125 The objection regarding the number of car-parking spaces required for houses is noted; however, this figure is not from Local Policy and appears that this number was taken from the cycle parking standards which will be discussed below. The Councils Local Policy again stipulates that all proposed residential accommodation is to be car-free.
- 10.126 Given that the evidence provided by the applicant suggests that there are parking opportunities in close proximity to the development, and that the existing arrangement will be re-provided as well as the PTAL accessibility and proximity local amenities officers raise no objection to the proposed arrangement.

- Cycle parking

10.127 Each of the houses is required to provide 2 dedicated cycle parking spaces.

10.128 The documents outline that each dwelling will have a storage locker in the rear gardens to provide dedicated cycle storage. Officers find this arrangement acceptable and further details will be secured via condition.

- Delivery, servicing and waste collection

10.129 The Design & Access Statement submitted by the applicant outlines that the existing waste collection activity occurs from on-street and that refuse and emergency and vehicles cannot safely pass along the carriageway when cars are parking within the bays. It also outlines that to the western edge of the site the Maiden Apartments and Spirit Apartments facing onto Vallance Road but have their refuse to the rear are frequently left un-emptied.

10.130 As the proposed arrangement reflects an existing situation and alternative solutions are constrained by the presence of existing on-street parking bays and the narrowness of the streets that surround the site, officers raise no objections. As a part of the re-development the existing road will be widened so that emergency and refuse vehicles can safely access the entire street.

10.131 Highways officers raised concerns that the Council's refuse vehicles would not be able to service the proposed development due to restricted access resulting from the narrowness of the surrounding streets, together with parked vehicles.

10.132 Updated documents were received which confirm that the revised arrangement would be suitable for refuse and emergency vehicles.

10.133 Officers are satisfied with the location of the proposed refuse stores for the new houses and consider that the scheme is capable of delivering an acceptable waste strategy.

- Construction

10.134 Should the proposed development be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

Energy & Sustainability

10.135 Policy 5.1 'Climate change mitigation' of the London Plan (2016) deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025.

10.136 Policy 5.2 'Minimising carbon dioxide emissions' sets out the Mayor's energy hierarchy to:

- Be lean: Use Less Energy
- Be clean: Supply Energy Efficiently

- Be Green: Use Renewable Energy

10.137 Policy DM29 'Achieving a zero carbon borough and addressing climate change' of the Managing Development Document includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

10.138 Policy 5.2 of the London Plan requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

10.139 Policy DM29 of the Managing Development Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G (36) (2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.

- Sustainability

10.140 Although not required for the planning application, the applicant has commissioned an Energy and Sustainability Statement to accompany the application to ensure that the designs being brought forward can satisfy the requirements of Policy DM29. The proposals identify that there would be a 6% improvement over the approved Building Regulations (Part L) which officers would welcome.

Biodiversity

10.141 Core Strategy Policy SP04 'Creating a green and blue grid' promotes and supports new development that incorporates measures to green the built environment, including green roofs and green terraces. The policy also seeks to ensure that development protects and enhances areas of biodiversity value.

10.142 Policy DM11 'Living buildings and biodiversity' of the Managing Development Document requires developments to provide elements of 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value to be retained or replaced by developments.

- Existing biodiversity value

10.143 The Council's biodiversity officer has given consideration to the Preliminary Ecological Appraisal (PEA) and subsequent report submitted by the applicant. The report has recorded the existing biodiversity value as well as a potential for bats roosting at the existing site, albeit negligible potential.

- 10.144 On the basis that it is unlikely that bats are roosting at the existing site and that there is no potential for high value roosts, officers are satisfied that further investigation/ emergence surveys are not required.
- 10.145 Officers are otherwise satisfied that the proposal would not give rise to significant impact upon biodiversity.
- Enhancements
- 10.146 Objections have been received regarding the lack of biodiversity proposed by the scheme.
- 10.147 The revised PEA states that biodiversity mitigation/enhancement will include new wildflower meadow, new trees, appropriate bird boxes, nectar-rich planting on first-floor terraces and log piles. No green roofs are proposed.
- 10.148 The Landscape Layout plan shows shrub and herbaceous planting with an excellent range of nectar-rich species, which will provide nectar for bees and other pollinators all year round. The trees proposed are also considered to be acceptable with regards to their biodiversity. The final species/sizes will be secured via condition.
- 10.149 The councils Biodiversity Officer has stated that whilst there other biodiversity enhancements require a bit of minor alteration, they will be sufficient to ensure net gains for biodiversity. Green roofs were not considered to be necessary due to the nature of the requirements for installing them on individual houses.
- 10.150 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

Land contamination

- 10.151 In response to Policy DM30 'Contaminated land and development and storage of hazardous substances' of the Managing Development Document (2013), the application submission includes a Phase I Geo-Environmental Assessment.
- 10.152 The report concludes that the overall environmental sensitivity of the site is considered to be low to moderate. An intrusive ground investigation is however recommended.
- 10.153 The Council's contaminated land officer has had regard to the details submitted. Based on the details submitted, a full site investigation is recommended, including a desk study report, an intrusive investigation, a risk assessment and proposed remedial works. Therefore, if the proposed development is approved, this will be secured by planning condition.

Financial Considerations

Localism Act (amendment to S70(2) of the TCPA 1990)

- 10.154 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

10.155 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” might include New Homes Bonus.

10.156 These are material planning considerations when determining planning applications or planning appeals.

10.157 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

Human Rights Considerations

10.158 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members.

10.159 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 10.160 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.161 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.
- 10.162 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.163 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.164 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.165 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

- 10.166 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.167 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.
- 10.168 The reprovod open play space and on-site child playspace provision are also accessible to both existing and proposed occupiers. This is therefore considered to promote social cohesion across the site.
- 10.169 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.


Conclusion

10.170 All relevant policies and material considerations have been considered. It is concluded that planning permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

APPENDIX 1: Site map (showing consultation area)



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<ul style="list-style-type: none"> Planning Application Site Boundary Other Planning Applications Consultation Area ↑ Land Parcel Address Point Locally Listed Buildings Statutory Listed Buildings 	<p>Planning Applications Site Map PA/18/01776</p> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p>TOWER HAMLETS London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 18 September 2018

APPENDIX 2

List of documents and plans for approval

EXISTING DRAWINGS

SITE LOCATION PLAN	AA7010-2001
SITE PLAN	AA7010-2001
EXISTING SITE PHOTOS	AA7010-2002
TREE SURVEY	358-01
EXISTING DRAINAGE LAYOUT	PL/101

PROPOSED DRAWINGS

PROPOSED SITE PLAN	AA7010-2101
PROPOSED GROUND FLOOR PLAN	PL-100 REV E
PROPOSED FIRST AND SECOND FLOOR PLANS	PL-101 REV D
PROPOSED ELEVATIONS 1	AA7010-2202
PROPSOED ELEVATIONS 2	AA7010-2203
3B5P HOUSE TYPE	AA7010-2204
4B6P HOUSE TYPE	AA7010-2205
ARTIST IMPRESSION 1	AA7010-2300
ARTIST IMPRESSION 2	AA7010-2301
LANDSCAPE LAYOUT	AL7010_2000_01 REV. A
PROPOSED DRAINAGE LAYOUT	PL/101
REFUSE TRUCK PATH	SDS418 - PL100 REV. P5

DOCUMENTS

Design & Access Statement Parts 1-8, prepared by PRP

Transport Statement dated June 2018, prepared by Transport Planning Consultants

Daylight, Sunlight & Overshadowing Assessment prepared by PRP

Energy Statement dated May 2018, prepared by PRP

Arboricultural Impact Assessment dated May 2017, prepared by Oisín Kelly

Appendices to the Arboricultural Impact Assessment dated May 2018, prepared by Oisín Kelly

Updated Preliminary Ecological Appraisal dated September 2018, prepared by Urban Edge Environmental Consulting

Tree Schedule Dated October 2017, prepared by Oisín Kelly

Agenda Item 5.4

Committee: Development	Date: 27 th Sept 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Elizabeth Donnelly	Ref No: PA/17/01808 - Full Planning Permission
	Ward: St Peter's

1. APPLICATION DETAILS

Location: 13-19 Herald Street, London, E2 6JT

Existing Use: Gallery (D1) and scrap metal yard (Sui Generis)

Proposal: Demolition of two storey commercial building and scrap metal yard bounded by Herald Street, Witan Street and Glass Street and erection of new residential building ranging between 6 and 9 storeys (including the creation of a basement), to accommodate 553 sqm of commercial space (Class D1) at ground floor and 62 residential units (21 x 1 bed, 33 x 2 bed, 8 x 3 bed) at the upper floors, together with associated works.

Drawing and documents: See Appendix one

Applicant: Herald Street Properties LLP

Ownership: Various

Historic Building: None

Conservation Area: None

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The proposed development is a residential led development, together with 553sqm of D1 (non-residential institution) floorspace at ground floor level. The building would range between six and nine storeys and provide 62 new residential units. This summary has regard to the key issues arising from the scheme; a full account of all relevant issues is set out within the main body of the report.
- 2.3. From a land use perspective, the proposed uses are considered to be appropriate and reflect the character of existing surrounding development. It is proposed that the D1 floorspace is occupied by the art gallery that currently occupies the site.
- 2.4. The art gallery (Maureen Paley Art Gallery) is described by residents as being popular and well-respected and is reported to attract visitors from all over London. Given its community value, together with the introduction of high quality ground floor elevations that will allow the transfer of associated visual activity and surveillance into the public realm, the retention of the D1 use is considered to constitute a local benefit of the scheme.
- 2.5. The proposal also delivers new housing; the affordable housing offer is 28%, (11 units, including 7 family units). This falls below the policy target of 35-50%, but is supported by viability testing and is considered to present the maximum amount that the scheme can viably offer. Despite the shortfall, the proposed development is considered to make a valuable contribution to the delivery of housing that meets an identified need, especially the need for larger households within the affordable tenure.
- 2.6. The delivery of 62 residential units, inclusive of 28% affordable housing, is therefore considered to constitute a public benefit in the context of the overall Council's housing targets.
- 2.7. The standard of residential accommodation provided by the proposed development has been assessed and is considered to be acceptable. The units are policy compliant in terms of size, each with access to private external amenity space and communal amenity space. The scheme does present two instances within the private tenure where the quantum of private amenity space falls short of the policy requirement. Officers however do not raise objections on the basis that the units are within the private tenure and the shortfall is compensated with additional internal floorspace.
- 2.8. Further to this, officers consider that the design of the building is acceptable. The height and mass of the building is considered to be in keeping with the scale of surrounding existing development. The upper floors of the building have been amended to simplify the building at the upper and roof level to provide a greater sense of uniformity and clarity on each street elevation. The visibility of the upper floors of the building is limited in longer views, however, the design quality is considered to render the building acceptable where viewed in its entirety, or in part, from the surrounding area.

- 2.9. As mentioned above, the ground floor elevations of the building are considered to be high quality, introducing activity and a human scale of development when experienced from street level. The active frontage and resultant natural surveillance on all four ground floor elevations is considered to foster a positive relationship with pedestrians and the surrounding public realm. This is considered a particular benefit in the context of the existing conditions, where the ground floor elevations of neighbouring buildings are largely inactive.
- 2.10. The proposal does not however come without some objection; amongst other things discussed within the report, residents have raised concerns relating to the impacts of the proposal, including daylight and sunlight and noise impacts. The daylight and sunlight impacts of the proposal have been fully considered. Whilst the scheme would give rise to some very minor failings to windows serving neighbouring student accommodation development, officers consider this to be acceptable in the context of the short term nature of the occupation of the affected rooms and the dense urban nature of the surrounding environment. A further failing is noted at one residential window, given that the window fails by just 1% and would maintain adequate outlook resulting from the separation distance, officers do not consider that this would give rise to an unacceptable impact upon amenity.
- 2.11. Further consideration has been given to the impact of the proposal upon the visual amenities of neighbouring occupiers. It has been concluded that the proposal would not result in an unacceptable impact upon the outlook or privacy of neighbours.
- 2.12. Officers have also had regard to the noise impacts of the proposal upon the occupiers of neighbouring development. Officers have also considered the impact of noise arising from external sources (i.e. the railway) upon the standard of residential accommodation of the proposed units together with any mitigation measures. Officers are also satisfied that with suitably worded conditions, the scheme would be acceptable in this regard.
- 2.13. Officers have fully considered the concerns raised by residents and consultees and also acknowledge the improvements that the applicant has made to the scheme during the planning application process.
- 2.14. This report acknowledges the elements of the scheme that fall short of fully meeting planning policy requirements, for example, the residential unit mix and private amenity space. These elements of the scheme have been discussed and considered in full. The overall scheme is considered to present a good response to the redevelopment of the site and offers several benefits to the borough. This includes contribution to the delivery of housing that meets Tower Hamlet's identified housing need and high quality design that positively connects with surrounding public realm and introduces much needed activity, surveillance and vibrancy at street level. The proposed development also enables the planning permission connected to the renovation and conversion of the railway arches to the rear to be implemented and deliver the approved employment floorspace.
- 2.15. On this basis, it is concluded that the benefits of the scheme outweigh the minor short fallings set out within this report. Therefore, giving full consideration to the development plan and other material considerations, officers recommend that planning permission is granted, subject to the conditions and planning obligations proposed in this report.

3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:

The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £27,362.00 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £92,412 towards carbon off-set initiatives
- c) A contribution towards monitoring (at £500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£119,774 (plus monitoring fee)**

Non-financial contributions

- a) Delivery of 28% Affordable Housing by habitable room
 - b) Viability review mechanism
 - c) A commitment to secure at least 20% local employment during the construction phases
 - d) A commitment to secure at least 20% of procurement from local business during the construction phase
 - e) Apprenticeships during construction phases (3 NVQ Level 2)
 - f) Car and permit free agreement
 - g) Travel plan
 - h) A commitment to comply with the Council's code of construction practice.
- 3.2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Compliance conditions

1. Permission valid for 5 years
2. Development in accordance with approved plans
3. Hours of construction
4. D1 (art gallery) opening hours and submission of management plan
5. Demolition and bats
6. Mechanical ventilation
7. Delivery of energy strategy and savings to at least 30.7%

Prior to commencement conditions

1. Details of hard landscaping
2. Wheelchair accessible plans
3. Dust Management Plan
4. Details of plant and CHP
5. Land contamination

6. Construction Environmental Management Plan

Prior to completion of superstructure works conditions

1. Materials (samples and details)
2. Site drainage strategy
3. Secure by design accreditation
4. Scheme of highways work – S278 (Glass Street widening)
5. Biodiversity mitigation and enhancements (including green roof)
6. Noise insulation details (residential units)
7. Waste Management Strategy

Prior to Occupation' Conditions

1. Thames water; water network infrastructure capacity
2. Details of public access to hardscaped strip to rear
3. Cycle Parking
4. Delivery and Servicing Management Plan
5. Travel Plan
6. Submission of as built calculations (CO2 savings)
7. Submission of final BREEAM (excellent) certificate

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. CIL liable
4. Thames Water informatives

PROPOSAL AND SITE DESCRIPTION

4. The proposal

- 4.1. The applicant is seeking planning permission for the demolition of the existing buildings on site and the construction of a new building that would range between 6 and 9 storeys in height (max. height 28.3m). The proposal also includes the creation of a basement level.
- 4.2. The proposed development would provide 62 residential units and 553sqm of D1 floorspace at ground floor level. In relation to the residential units, 28% of these would be affordable housing by habitable room. In dwelling numbers, this would result in 51 private units and 11 affordable units.
- 4.3. The refuse stores for the proposed residential and D1 floorspace would be located at ground floor level. There would be two residential refuse stores, one accessed from Witan Street and another accessed from Glass Street. The refuse store to serve the D1 unit would also be accessed from Glass Street.
- 4.4. In terms of cycle storage, the D1 associated cycle store would be located at ground floor level, accessed from Glass Street. The residential cycle storage would be provided in part at ground floor level (off Glass Street) and at basement level.
- 4.5. The proposal includes a hard landscaped strip to the rear of the development, between the western elevation of the proposed building and the railway. It would

be 5m wide and enable access to the railway arches. There would be gates at each end, controlled by Network Rail. During hours of operation for the railway arches, the landscaped strip would be publicly accessible.

Figure 1.1: CGI of proposed development - view along Herald Street looking north



Figure 1.2: CGI of proposed development – view along Witan Street Looking West



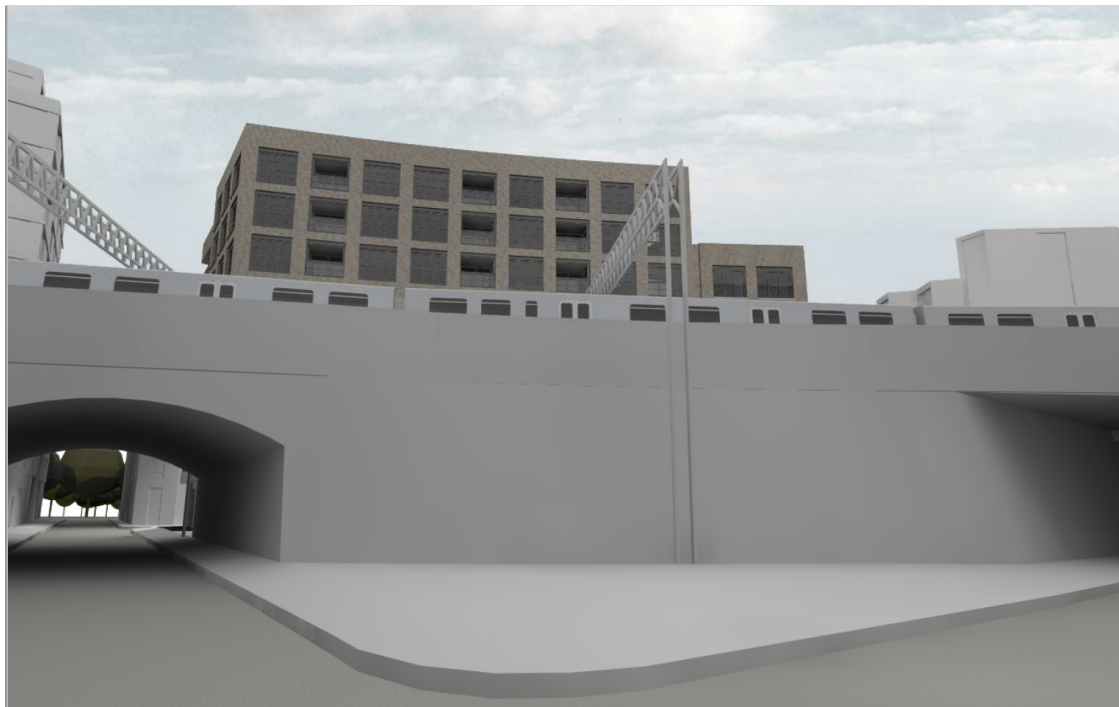
Figure 1.3: CGI of proposed development – view along Herald Street looking south



Figure 1.4: CGI of proposed development – view along Herald Street looking north



Figure 1.5: CGI of proposed development – view from corner of Coventry Road and Witan Street



5.0 Site and Surroundings

- 5.1 The application site is approximately 0.20ha and is bound by Witan Street to the north, Herald Street to the east, Glass Street to the south and the railway and railway arches to the west.



Figure 1.6: Site location plan

- 5.2 The site is currently occupied by a two storey building and a scrap metal yard. The site is currently vacant with exception to the ground floor unit at 1 Witan Street that is currently occupied by a gallery (Class D1). The floorspace at 13-19 Herald Street was last used as a place of worship (Class D1).
- 5.3 The buildings that immediately surround the site comprise a mix of uses. Blithehale Court is located to the north of the site and fronts Witan Street. It is a student accommodation development and has a maximum height of 11 storeys.
- 5.4 A Travel Lodge hotel is located to the east of the site. It wraps around from Witan Street, where it is 10 storeys in height, into Herald Street, where its height reduces to 7 storeys.
- 5.5 Mansion Hive Studios is located to the south of the site and fronts both Glass Street and Herald Street. It is also a student accommodation development and is 5 storeys in height.
- 5.6 Further to the south, on Three Colts Lane, there are recently constructed residential blocks of 7 and 8 storeys in height.
- 5.7 To the rear of the site is the railway and arches. The restoration and conversion to B1 use was granted in 2016 (PA/15/02828) with respect to the 6 railway arches.
- 5.8 In terms of policy designations, the application site is not located within a conservation area. There are also no listed buildings in the immediate vicinity.
- 5.9 The site is however located in the City Fringe Opportunity Area. The City Fringe Opportunity Area Framework (OAPF) identifies the site as being within the 'wider hinterland' of the opportunity area.
- 5.10 The site is located in close proximity to Bethnal Green underground station and overground station, in addition to local bus routes. It has a Public Transport Accessibility Level of 6b.
- 5.11 Relevant photographs of the application site and neighbouring development are included below.

Figure 1.7: View of the existing building looking north along Herald Street



Figure 1.8: View of the existing building looking south along Herald Street



Figure 1.9: View of the existing building looking west along Glass Street



Figure 2.0: View of the existing scrap metal yard from Glass Street



Figure 2.1: View of neighbouring student accommodation development to the north of the application site (Blithehale Court, Witan Street)



Figure 2.2: View of neighbouring hotel development to the east of the application site (Travel Lodge, corner of Witan street and Herald Street)



Figure 2.3: View of neighbouring student accommodation to the south of the application site (Mansion Hive Studios, corner of Herald Street and glass Street)



Figure 2.4: View of neighbouring residential development to the south of the application site (58-64 Three Colts Lane and 191-205 Cambridge Heath Road)



6.0 Relevant Planning History

There is no relevant planning history relating to the application site itself. However, relevant planning history relating to neighbouring development is outlined below.

Railways Arches at 207-211 Three Colts Lane and at 214-216 Witan Street

Ref. PA/15/02828

Planning permission was granted on 1st February 2016 for alterations to 13 arch frontages in addition to the change of use for 5 arch units from B2 to A1 use, 2 arch units to A3 use and 6 arch units from B2 to B1 use.

Pre-application

6.1 Pre-application discussions identified several key issues to be addressed. These included:

- Outlook views from residential units on the first floor facing the railway
- Height of building and 'extension' elements at roof level
- Legibility of ground floor entrances

7 POLICY FRAMEWORK

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

Spatial Development Strategy for Greater London - London Plan 2016 (MALP)

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure

- 4.1 Developing London's economy
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy (adopted September 2010)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP13 Planning Obligations

Managing Development Document (adopted April 2013)

- DM0 Delivering Sustainable Development

- DM1 Development within the town centre hierarchy
- DM3 Delivering homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water Spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM20 Supporting a Sustainable transport network
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

Emerging Planning Policy

- 7.2 Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.
- 7.3 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

Supplementary Planning Documents

- 7.4 Planning Obligations SPD (September 2016)
- CIL Charging Schedule (April 2015)
- Sustainable Design and Construction SPG (April 2014)
- Shaping Neighbourhoods: Character and Context (June 2014)
- Housing Supplementary Planning Guidance (March 2016)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

Affordable Housing and Viability Supplementary Planning Guidance (2016)

City Fringe / Tech City Opportunity Area Framework adopted by the Mayor of London on 31 December 2015

8 CONSULTATION RESPONSE

8.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The following were consulted regarding the application:

Internal Responses

LBTH Environmental Health - Contaminated Land

8.3 Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Environmental Health - Air Quality

8.4 The Air Quality Assessment states that the development will have a CHP.

The plant has yet to be decided upon. It must comply with the NO_x emissions standards as set out in the GLA's Sustainable Design and Construction SPG. A condition should be added requiring details of the above.

LBTH Sustainability

8.5 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 30.7% reduction in CO₂ emission reductions. Subject to Conditions securing the delivery of the approved energy strategy and the CO₂ emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for decentralised energy, integration of renewable energy technologies and emission reductions.

It is recommended that the proposals are secured through appropriate s106 clauses and conditions to deliver:

1. Delivery of Energy Strategy and CO₂ savings to at least 30.7%
2. Details of the thermal profiling of the development and sizing of the CHP system including associated plant requirements and plant room layout drawing

3. Submission of the as built calculations to demonstrate CO2 savings have been delivered
4. Submission of the Final BREEAM certificate to demonstrate scheme delivered to a BREEAM excellent standard
5. S106 requirement for carbon offsetting contribution in accordance with Planning Obligations SPD

LBTH Strategic Housing

- Affordable housing and tenure mix

8.6 Affordable housing provision of 22% of the scheme by habitable room is considerably short of the borough's requirement of a minimum of 35%. The applicant states that the scheme has been subject to a viability assessment, However, given significant variance from Council policy, an independent viability assessed is carried out to test whether the provision of affordable units have been maximised on this scheme.

The accommodation schedule does not specify tenure split within affordable element. It should be noted that full details in this regard have since been provided and considered within the report.

The overprovision of 3 bed units which helps to address the acute need for family housing in the borough. However, 3B5P units would be preferred.

Should the borough's independent viability assessment conclude there is scope for additional affordable units, the quantum of 1 beds should be increased more in line with the borough's required target.

The Council has recently approved its rent structure that specifies the rented units coming forward should be at charged at 50% London Affordable Rents and 50% Tower Hamlets Living Rents,

- Rents

The only element of the mix that causes some concern is the over representation of 2 bed units at 43% against a target of 30% which we would like to see addressed by the applicant.

- Wheelchair units

6 units are proposed by the applicant which meets the council's 10% requirement.

The units are located on the lower floors on the drawings, but, there is only one lift located in the affordable housing core. This poses a problem for potential wheelchair users' and they often refuse these units on the basis that they are rendered housebound when the sole lift is out of action. We would therefore request 2 lifts are included in the affordable core.

We would also prefer all the wheelchair units located in the affordable element of the scheme and a more equal split between unit sizes.

We note there is no designated parking for wheelchair users on this development and the intention is for street parking to be agreed with the Council. Whilst our preference would be for parking to be provided for this client group on site, if this is not possible, we would want to ensure Highways are appropriately consulted to ensure sufficient provision is included as close as possible within the immediate vicinity.

All bathrooms should include provision for conversion to a wet room at a later stage. 1:50 drawings should be provided to enable the Occupational Therapists to adequately assess the scheme's suitability for this client group.

- Communal amenity space

To avoid future management problems, should ensure that an RP is on board with the amenity space/ under 5's playspace at 6th floor level.

LBTH Refuse

- 8.7 In response to these comments, the waste strategy, including the bin storage, has been amended. This is further discussed in the highways and transportation section of this report.

- Bin stores

Witan Street bin store door appears too small that may cause difficulties in manoeuvring bins and it also opens onto the public highway. This will need to be amended.

Witan Street bin store has two separate internal doors for residential access. This could cause extra inconvenience for residents using the bin store.

One of the doors of the bin store on Glass Street appears to only open half way which appears to obstruct the manoeuvring of bins

I would like the applicant to show measurements of bins stores by cubic meters to ensure there are sufficient storage space for bins. The applicant is 20 litres less in capacity for recycling than the required amount. The applicant has also not addressed compostable waste.

- Refuse collection

The applicant should ensure there will be a dropped kerb from bin store to collection point. The trolleying distance for the Glass Street bin store appears to be 15 meters to the waste collections vehicle. The trolleying distance must be a maximum of 10 meters.

Waste collections vehicle shown is smaller than conventional vehicle. The applicant should show a swept path analysis using the vehicle specifications shown below to ensure the vehicle can service this proposed site.

LBTH Highways

- 8.8 In response to the following comments, the applicant has provided further information in relation to blue badge parking and the gallery use, additional cycle

storage and a revised servicing strategy. The plans have also been amended to facilitate the widening of Glass Street to 1.8m. This has been discussed in greater detail within the highways and transportation section of this report.

- Car parking

The development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH. The site is located in an area with PTAL 6 giving excellent access to public transport.

The scheme should provide a minimum of three on-site Blue Badge car parking spaces. The scheme would provide at least 6 wheelchair accessible units although the applicant forecasts demand for 2-3 Blue Badge holding vehicles generated by the site.

Blue Badge holders living at the site would also need guaranteed parking spaces. Blue Badge holders can park in any residents' bay for maximum of three hours not without restriction as suggested in the TS. Our parking data shows that the nearby parking bays are occupied regularly during controlled and outside of controlled hours. In such a situation residents with Blue Badges would not be able to park within 50m of their front door as required.

- Cycle parking

Highways objects to the lack of cycle parking. The proposed amount of residential cycle parking does not accord with London Plan requirements.

Furthermore the applicant should set out the type of cycle parking to be provided. 100% provision of cycle parking using this type of stand is not supported by Highways. A proportion of long stay cycle parking for all uses should be comprised of Sheffield stands (or similar) as these offer the most inclusive form of cycle parking.

There is also a lack of cycle parking for the commercial use. As the final use is intended as a gallery the applicant should meet the Local Plan standards for a gallery use (1/10 staff and 1/5 visitors).

- Commercial trip generation

This information should also be used to provide a gallery 'peak' during exhibition launches etc to enable Highways to assess the impacts of the gallery use. While we acknowledge that the amount of gallery space in the development does not exceed the current amount, there may be a need to mitigate any unacceptable impacts result from a gallery of this scale.

- Servicing

Highways are concerned that the current road and parking layout may not facilitate refuse vehicle access to the proposed bin stores (there are limited active residential sites in the area). The applicant should provide tracking to demonstrate that refuse vehicles can access the proposed bin stores and make all necessary turns wholly within the carriageway and without oversailing parking bays.

- Public Realm

The footway adjoining the site at Glass Street should be widened to 1.8m. It is currently a substandard width at 1.5m- insufficient to allow two wheelchairs/ buggies to pass. The building line here should be set back and the additional footway adopted using s72 Highways Act 1980.

LBTH Design and Heritage

- Height, scale and massing

8.9 Height of proposed building supported given variation of heights in area. The stepped approach is responsive to the established height and scale of buildings in the immediate vicinity. The overall mass of the proposal is well managed, given that subtle setbacks have been used to reduce the apparent bulk and mass of the taller elements to the addition.

- Design and materials

The proposed materials palette is acceptable. The bulk of the proposed building in brick will present a robust and solid appearance, consistent with surrounding buildings.

The use of different brick colours combined with crissal style windows to the upper floors will also add interest and variety, with brick coursing located below corner balconies providing further expression.

The metal railings to the terrace areas at seventh floor level (southeast facing – currently visible in views looking north along Herald Street) should be reconsidered i.e. a glazed balustrade is preferred at high level to minimise any visual prominence from street level.

- Conditions

Planning conditions requiring samples of materials, details of ground floor elevations and typical window and external door detail are proposed.

LBTH Biodiversity

- Bats

8.10 The submitted Preliminary Ecological Appraisal (PEA) report states that there is negligible bat roost potential, but identifies a few features suitable for roosting bats.

On the basis that it is unlikely that bats roost in the building and there is no potential for high value roosts, emergence surveys are not required.

Demolition should be undertaken in a way to ensure that no bats are harmed in the unlikely event that they are present. This should be secured by condition.

- Enhancements

There will be no significant adverse impacts on biodiversity.

No details of proposed green roof provided, but if a biodiverse roof and designed in accordance with best practice guidance, it would contribute to an objective in the

Local Biodiversity Action Plan (LBAP). Details of this should be secured by condition.

The PEA also recommends nest boxes for swifts and house sparrows and nectar rich planting on any accessible roof terraces. Details of this should be secured by condition.

LBTH Sustainable Urban Drainage (SUDS) officer

- 8.11 Further information on surface water drainage should be submitted. No details of proposed SUDS have been included within the submission.

Should planning permission be granted, a condition securing the submission of a surface water drainage scheme prior to the commencement of superstructure works should be attached.

LBTH Enterprise and employment

- Proposed employment/enterprise contributions at construction phase:

- 8.12 The developer should provide three construction phase apprenticeships to a minimum specific of NVQ Level 2.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Workpath Job Brokerage Service (Construction).

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

The Council will seek to secure a financial contribution of £27,362.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

- Proposed employment/enterprise contributions at end-use phase:

The council seeks a monetary contribution of £0.00 towards the training and development of unemployed residents in Tower Hamlets to access either:

- i) jobs within the uses C3 & D1 of the development
- ii) jobs or training within employment sectors relating to the final development

Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

Total of zero end-use apprenticeships on this scheme.

External responses

Secure By Design (Met Police)

- 8.13 Have discussed the project with the architects in a pre-application meeting in regard to Secured by Design (SbD). With continued dialogue through to compliance and sign off, the project is capable of achieving a SbD Homes 2016 Gold Award and the Commercial 2015 Award.

SBD would recommend that the scheme should, by means of a condition, achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.

The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

Thames Water Utilities Ltd.

- Waste

- 8.14 Following initial investigations, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree an infrastructure and phasing strategy for surface water but have been unable to do so in the time available.
- 8.15 Our sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that we haven't yet mapped and aren't aware of.
- 8.16 If the site owner finds shared drainage, the sewers may need to be diverted, as we don't allow new builds over public sewers. They will need to submit their pre-planning application to us and then discuss any potential diversions with the engineer dealing with their application.
- 8.17 And as such Thames Water request that the following condition be added to any planning permission.

The condition should impose the following: No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

- Water

On the basis of information provided, Thames Water would advise that with regard to water network infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer

should take account of this minimum pressure in the design of the proposed development.

- Other

We require a site drainage strategy to assess the impact that this development will have on the public sewer system.

London Overground

- 8.18 No comments to make.

London Underground

- 8.19 No comments to make.

Network Rail

- 8.20 No response.

9 LOCAL REPRESENTATION

- 9.1 A total of 795 neighbouring properties were notified. Site notices have also been erected in close proximity to the site. The application was also advertised in the local press.
- 9.2 Neighbours were also re-consulted on 1st May 2018 in respect of amendments to the scheme.
- 9.3 9 letters of objections have been received in relation to the proposed scheme. The concerns that were raised following both initial consultation and re-consultation are outlined and categorised below.

Land use

- If the proposal is to demolish 21 Herald Street, currently home to the Maureen Paley Gallery, we would object strongly; Bethnal Green's vibrant artistic community is one of its great assets, and to close a popular and well-respected gallery that visibly draws in many visitors from both across London and beyond is clearly to the detriment of the local community

Design

- The height is not in keeping with scale of buildings in the surrounding area/ 9 storeys are too many.
- Impact skyline view in the area/ block sky from Mint Street development
- Unhuman scale of development
- The existing building is visually pleasing for the area

Amenity

- Lower quality of life for residents within immediate vicinity

- Adverse impact on neighbouring amenity
- Would overlook private terraces and living spaces at 25 Mint Street
- Loss of light and overshadowing, especially Peabody building on Mint Street, particularly Cotherstone Court.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Density / Quantum of Development
- Design
- Housing
- Neighbouring Amenity
- Highways and Transportation
- Energy and Sustainability
- Biodiversity
- Air Quality
- Land contamination
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

10.2 The main issues to consider in relation to land use are listed below:

- the acceptability of the loss of the existing land uses that currently or last occupied: D1 (place of worship and art gallery) and Sui Generis (scrap metal yard)
- the acceptability of the proposed land uses: Residential (C3) and D1 (flexible)

Loss of scrap metal yard (sui generis)

10.3 Part of the application site was last in use as a scrap metal yard which is considered to be a sui generis land use.

10.4 Due to the nature of a sui generis use, there is not always a specific policy that can be directly applied. This is the case in this instance.

10.5 As a result, there are no policies that restrict the loss of this use. Further to this, as the scrap metal yard is vacant at present, the proposal would not give rise to the loss of an active business and associated employment. On this basis, officers raise no objections.

D1 floorspace at the application site (existing and proposed)

- 10.6 In relation to the loss of existing uses, officers have had regard to the relevant planning policy. This includes Core Strategy Spatial Policy SP03 and Managing Development Document (MDD) Policy DM8 'Community Infrastructure' which seek to ensure the delivery of healthy and liveable neighbourhoods. They also resist proposals that would result in adverse impact upon existing health, leisure, social and community facilities.
- 10.7 The existing building accommodates 1,235.5sqm of D1 (non-residential institutions) floorspace. Whilst the proposal seeks a residential-led development, it includes the re-provision of 553sqm of D1 floorspace at ground floor level.
- 10.8 The proposal seeks permission for D1 floorspace. Officers raise no objections to the principle of D1 as a land use in this location. It also represents a continuation of the existing land use character on the site. It is noted that the D1 Use Class captures a relatively broad spectrum of uses. It is also noted that the application submission identifies the proposed occupier to be the art gallery that occupies the existing building.
- 10.9 Whilst there are no objections to the principle of flexible D1 floorspace in this location, it is acknowledged that the impact of the land use will be dependent upon the specific D1 user. It is proposed that this is managed by a planning condition requiring the submission of details should the floorspace be occupied by a D1 use other than an art gallery.
- 10.10 In the letters of objections, neighbours have expressed concern that the proposals would result in the loss of the Maureen Paley art gallery which makes a valuable contribution to the Bethnal Green's vibrant artistic community.
- 10.11 As the applicant seeks to retain this occupier, officers are satisfied that the proposal would not displace an active and valued community use.
- 10.12 In terms of the remainder of the existing D1 floorspace (682.5sqm), it would be lost as a result of the proposal. It is noted that this floorspace was previously occupied by a place of worship, but is currently vacant. The proposal would therefore not displace a community facility.
- 10.13 Giving consideration to the public benefit associated with the proposed housing contribution in addition to the vacant nature of the floorspace, the loss of the D1 floorspace is considered to be acceptable in this instance.
- 10.14 Further to the above, the retention of a valued community use that would also result in the creation of street level activity and a positive relationship with the public realm and railway arches to the rear is also considered to be a key benefit of the scheme.

Proposed residential use (C3)

- 10.15 The proposal seeks to introduce residential use to the application site. The site does not uphold any designations that would restrict this from a policy perspective.
- 10.16 The proposed residential use is supported by officers as a contribution to the borough's housing targets which responds to identified need.

- 10.17 Officers will return to discussions surrounding the nature of this contribution in the housing section of this report.

Density

- 10.18 Policy 3.4 ‘Optimising housing potential’ of the London Plan (2016) seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels. The London Plan Housing SPG (2016) states that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically.
- 10.19 Policy SP02 ‘Urban living for everyone’ of the Core Strategy (2010) also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher densities are promoted in and around town centres that are higher up in the hierarchy.
- 10.20 The application site is considered to fall within a ‘central’ setting and has a PTAL rating of 6b. The London Plan therefore recommends that a suitable density range for such a site is 650-1100 habitable rooms per hectare (hr/ha).
- 10.21 The proposed development would deliver a net residential density of 1,760 hr/ha. This exceeds the density range set out within the London Plan.
- 10.22 Attention is however drawn to the guidance provided by the London Housing SPG in relation to the implementation of Policy 3.4 and the density matrix. It sets out the circumstances where densities above the relevant density range may be justified.
- 10.23 The SPG states that schemes which exceed the ranges in the matrix must be of a good design quality. They should also be tested against the following considerations. Officers have undertaken this exercise below:

Considerations	Proposal
The factors outlined in Policy 3.4 including local context and character, public transport capacity and the design principals set out in chapter 7 of the London Plan	As outlined in the design section, the proposed development is considered to be compatible with its surroundings with regards to its scale, height and massing. It is seen to be in keeping with surrounding residential buildings with regards to scale and massing, but also density. For example, the recently constructed residential development at 58-64 Three Colts Lane and 191-205 Cambridge Heath Road (PA/11/03785) has a maximum height of 8 storeys and a density of 1830ha/hr.
Location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services	The application site benefits from a PTAL of 6b, which is the highest level of accessibility.

The need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and in particular, accord with the housing quality standards set out in Part 2 of this SPG	As outlined in the design section and housing section of the report, the proposed development is considered to give rise to high quality design and enhance the public realm. The standard of residential accommodation has also been fully assessed and is considered to be acceptable.
A scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding'.	For the reasons outlined in the report, the proposed development is considered to positively contribute to place making. This includes the retention of the valued community art gallery, the introduction of activity and surveillance at street level and facilitating the implementation of the planning permission to convert and restore the railway arches to the rear.
Depending on the particular characteristics, the potential for large sites to define their own setting and accommodate high densities.	Not relevant for this application.
The residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location.	As discussed in the housing section of this report, the proposed development is considered to provide an acceptable residential mix and makes a good contribution to the acute need for family housing in the borough.
The need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities	The proposed development is considered to be policy compliant in this regard.
Whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification area and other large sites	The application site is located within the City Fringe Opportunity Area. As stated above, it is also a PTAL 6b location.

10.24 For the reasons outlined in the table above and in greater detail throughout the report, officers are satisfied that the proposed density is acceptable. It has been demonstrated that the proposal is in keeping with the surrounding and that there are no significant material issues that deem the proposed density unacceptable. Officers therefore raise no objections in this regard.

Design

10.25 In this section of the report, officers will consider the acceptability of the design of the proposed building, having regard to:

- Height, scale and massing
- Quality of architecture and detailed design
- Public realm

- 10.26 Firstly, consideration is given to the relevant policy context. Chapter 7 'Requiring good design' of the NPPF (2012) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 10.27 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.28 Furthermore, London Plan Policy 7.4 'Local Character' seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 10.29 Core Strategy Policy SP10 'Creating distinct and durable places' seeks to protect and enhance the Borough's conservation areas and their settings. It also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.30 Policy DM24 'Place-sensitive design' of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development.

Height, scale and massing

- 10.31 The proposed development marks a significant increase in building scale when compared to the existing two storey building and open yard. Officers have had careful regard to the acceptability of this in the context of the character and appearance of the surrounding area. Regard has also been given to the amenity impacts of this which are discussed later in the report.
- 10.32 Objections have been received in relation to the scale of the proposed building. It is considered that the proposed height is not in keeping with the surrounding buildings, it would impact upon the skyline and block sky from Mint Street and would result in an unhuman scale of development. These concerns have been considered below.

- 10.33 Whilst the existing building sits at just 9m (approx.) in height and occupies 61% of the overall application site, the application site is surrounded by built form of an increased scale.
- 10.34 The prevailing height in the surrounding area is mid-rise. For example, the neighbouring buildings that are located immediately adjacent to the application site range between 6 and 11 storeys in height.
- 10.35 This said, the local scale and pattern of the streets that surround the application site is acknowledged and the impact of taller buildings upon this has been considered.
- 10.36 In addition to this, the presence of the railway to the north-west of the site is also acknowledged. It comprises a raised railway track inclusive of railway arches. The height of the railway is similar to that of a two a storey building. Therefore, whilst there are buildings to the north-west of the application site (including the Mint Street development referred to by objectors), they are separated by the railway.
- 10.37 The height of the proposed building ranges between 6 and 9 storeys in response to the variations in surrounding height. The taller elements (8 and 9 storeys) of the proposed building are positioned towards the northern and western parts of the site, adjacent to the railway and Blithehale Court student accommodation (an 11 storey building). On these elevations, the building sits at a full 7 or 8 storeys with a set-back 9th storey.
- 10.38 The building transitions from 7 to 6 storeys on the Herald Street elevation and sits at 6 storeys on the Glass Street elevation, where the existing neighbouring building (Mansion Hive student accommodation) is also 6 storeys.
- 10.39 Officers are satisfied that the proposed height range marks an appropriate response to the surrounding building heights.
- 10.40 This design response does however result in a series of steps and elements at roof level. When originally submitted, officers raised concerns that the form of the building was over-complicated at roof level which was to the detriment of the overall design quality of the building.
- 10.41 The plans have since been amended to simplify the building at this level and provide a greater sense of uniformity on each street elevation. The applicant also submitted CGIs demonstrating that the 9th floor of the proposed building, due to the generous set back would be of limited visibility from surrounding streets.
- 10.42 It is noted that the 9th floor would be fully visible from the streets on the other side of the railway, including Mint Street. However, officers consider the additional separation distance provided by the railway sufficient to mitigate the impact of this additional height.
- 10.43 The applicant has also provided a CGI from Cambridge Heath Road, to provide an insight into the impact of the proposed building from longer views. It demonstrates that whilst the building can be seen, the visibility of the 9th set back storey is limited. Officers do acknowledge that it is likely that the 9th storey would be visible in kinetic views that have not been tested. However, the design quality is considered to offset any potential harm resulting from its visibility. It is further

acknowledged that there is a prevalence of buildings in the vicinity with similar form and arrangement at roof level.

- 10.44 For the reasons outlined above, the proposed development is considered to be acceptable with regards to height, scale and massing.

Detailed design and materiality

- 10.45 Firstly, it is noted that the objections also raise concern in relation to the loss of the existing building as it is considered to be visually pleasing for the area.
- 10.46 Officers consider that the existing building reflects the past industrial character of the area. However, as it is not a listed building and is not located within a conservation area, officers raise no objections to its demolition.
- 10.47 In recognition of the industrial aesthetic that once prevailed in Bethnal Green, the applicant has adopted a contemporary architectural style that seeks to reflect the early 20th century industrial and Victorian character of the surrounding area.
- 10.48 Officers have regard to the detailed design of the proposed building and consider it to be well-proportioned with an appropriate solid to void ratio. The proportions together with the proposed fenestration pattern results in a strong sense of vertical articulation and rhythm which continues to ground level with reconstituted stone piers.
- 10.49 The proposed detailing is considered to successfully break down the scale and massing of the proposed building. The proposed materials are also considered to result in a high quality aesthetic. It is proposed that further details of the external materials are secured by condition.
- 10.50 The continuation of the articulation to ground floor level, together with the extensive glazing, is also considered to result in a high quality ground floor elevation that is active and human scale in nature. It is therefore considered to foster a positive relationship with pedestrians and the surrounding public realm.
- 10.51 The proposal would introduce active frontage and resultant natural surveillance on all four of its ground floor elevations. This is considered to be particularly positive when considering the nature of the ground floor elevations of the neighbouring buildings which are largely inactive.
- 10.52 The proposed building would therefore enhance the pedestrian experience, street safety and relationship between built form and public realm.

Public realm, inclusive design and secure by design

- 10.53 Policy DM23 'Streets and the public realm' seeks to ensure that development is well-connected with the surrounding area, accessible for all people, designed at a human scale and comfortable and useable. It also seeks active and high quality shop fronts.
- 10.54 As outline in the above section, the proposed development is considered to give rise to an acceptable relationship with the surrounding streets and pedestrians.

- 10.55 In addition to active street frontage, the development includes a section of hard landscaping to the rear, between the northern elevation of the building and the railway arches.
- 10.56 Whilst this section of the site is located within the site boundary, it facilitates the implementation of the planning permission (PA/15/02828) that relates to the conversion of the railway arches as it allows access from Glass Street and Witan Street to the arches.
- 10.57 The applicant has suggested that the purpose of this space is to access the railway arches and will have gates at each end which will be closed when the railway arches are outside of their operating hours. The applicant has also suggested that this space would be publicly accessible when the gates are open.
- 10.58 On this basis, officers consider this space to contribute to the public realm. Whilst no details of the proposed hard landscaping have been proposed at this stage, officers would secure the submission of further details by planning condition, if the proposed development is approved.
- 10.59 Officers would expect the strip to deliver high quality landscaping, including seating opportunities.
- 10.60 From a designing out crime perspective, the Metropolitan police have recommended that a planning condition is attached to ensure that the proposed development achieves secure by design accreditation. If the development is approved, this condition will be attached.
- 10.61 Subject to the submission of details surrounding the hard landscaping works, officers consider the scheme to be acceptable in this regard.

Housing

- 10.62 The proposed development comprises 62 new residential units.
- 10.63 This is supported in line with the London Plan (2016) and the Core Strategy (2010) which seek to increase London's and Tower Hamlet's supply of housing.
- 10.64 In addition to housing numbers, planning policy requires new housing development to provide housing choice. This includes a mix of sizes and tenures.
- 10.65 Housing planning policy also seeks a high standard of residential accommodation for its occupiers. The standard of proposed residential accommodation is assessed in a later in this report.

Housing mix and affordable housing

- 10.66 As stated above, planning policy requires a mix of housing that responds to the identified housing need within Tower Hamlets and, as a result, contributes to the creation of mixed and balanced communities.
- 10.67 On this basis, Policy SP02 of the Core Strategy seeks 35-50% affordable housing (by habitable room) to be provided by developments that provide 10 new residential units or more. In line with national, regional and local policy, this is subject to viability testing.

- 10.68 In addition to a policy requirement to maximise affordable housing contribution, policy requires a tenure split for affordable homes of 70% social rented and 30% intermediate.
- 10.69 The development, as originally submitted included a proposed affordable housing contribution of 24% (by habitable room) which comprised 11 units and 41 habitable rooms. The tenure split in the affordable tenure represents 54.5% social rented and 45.5% intermediate.
- 10.70 In line with the Mayor of London's Affordable housing and Viability SPG, the above unit mix and tenure split was supported by a viability assessment submitted by the applicant. The Council's external consultants undertook an independent review of the viability. The findings of this review suggest that there is no viability case to support a higher level of affordable housing than proposed in the applicant's financial viability report.
- Revised housing offer
- 10.71 However, in addition to a relatively low affordable housing contribution of 24%, the proposed tenure split (54.5% social rented/ 45.5% intermediate) within the affordable tenure was not policy compliant. Officers raised objections on this basis. The applicant responded with a revised offer.
- 10.72 The revised offer includes an affordable housing contribution of 28% (by habitable room). In terms of unit numbers, this still represents 11 units, but provides an increased habitable room figure of 51 rooms. This results from changes to the unit mix within each tenure which has resulted in additional family units within the affordable tenure and an increase in the amount of smaller units within the private tenure.
- 10.73 The revised offer also provides a tenure split of 73% social rent/ 27% intermediate within the affordable tenure. This is policy compliant and acceptable.
- 10.74 The overall unit types and mix has been set out in the table below. The table also makes reference to the policy requirement in respect of the unit types as set out in Policy DM3 'Delivering homes' of the Managing Development Document (2013).

Unit Size	Total Units	Affordable Housing						Market Housing		
		Social/Affordable Rented			Intermediate			Units	As a %	Policy Target %
		Units	As a %	Policy Target %	Units	As a %	Policy Target %			
Studio	0	0	/	/	0	/	/	0	/	/
1 Bed	21	0	/	30%	0	/	25%	21	41.2%	50%
2 Bed	33	3	37.5%	25%	1	33.33%	50%	28	54.9%	30%
3 Bed	9	5	62.5%	30%	2	66.66%	25%	2	3.9%	20%
4 Bed	0	0	/	15%	0	/	0%	0	/	
Total	62	8	100%		3	100%		51	100%	100%

- 10.75 It is also noted that the proposed affordable housing contribution of 28% still falls below the policy requirement of 35-50%. Officers do however consider that this represents the maximum amount of affordable housing that the scheme can viably afford.
- 10.76 Officers therefore refer to the Core Strategy that states *“in some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met”* (Policy SP02, para 4.4).
- 10.77 However, the Core Strategy also states that there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.
- 10.78 As shown by the table, the proposed development does not provide a mix of housing types in line with policy. It acknowledged that the above unit type mix has resulted from an attempt to maximise the affordable housing contribution by habitable room.
- 10.79 The proposed unit type mix provides a minimal amount of family units within the private tenure and an increased number of family units within the affordable tenure.
- 10.80 Although not in line with the policy requirements in this regard, officers have had regard to the most up to date housing data in respect of Tower Hamlets’ housing need as set out in the Strategic Housing Market Assessment (SHMA) (2017).
- 10.81 With regards to ‘size and tenure mix’, the evidence is considered to point towards a high need for 2 bedroom properties in the market sector, along with a high need for 2 and 3 bedroom properties in the affordable sector. The report states, *“the main driver of this need in the affordable sector is the need to address overcrowded households in Tower Hamlets who require larger affordable housing”*.
- 10.82 When assessed in relation to policy, the proposal presents an imbalance between unit sizes. However, with regard to the SHMA evidence, the proposed development, through the delivery of 7 affordable family units, makes a valuable contribution to the delivery of housing that meets an identified need for larger households within the affordable tenure. Therefore, whilst the scheme does not contribute to housing need across all unit sizes (for example, 1 bed households within the affordable tenure), it is considered to make a positive contribution to the delivery of affordable larger houses, where need is identified as high.
- Housing related planning obligations
- 10.83 In the event that planning permission is granted, it is proposed that the affordable housing contribution, inclusive of the unit and tenure mix, is secured by legal agreement. Officers would also secure appropriate rent levels within the affordable social rent tenure. This is to ensure the genuine affordability of these units.
- 10.84 It is proposed that the social rented units are secured as a 50/50 split between two social rented products: London Affordable Rent (LAR) and Tower Hamlets Living Rent (THLR).

- 10.85 Also, in recognition of the policy requirement to the maximise the delivery of affordable housing, together with the potential for changes in sales values and construction costs, it is considered appropriate to secure a viability review mechanism. This is in line with the Mayor of London's Affordable housing and Viability SPG and would allow additional affordable housing to be secured should the viability of the scheme improve.
- 10.86 It is proposed that two viability review triggers are proposed:
- Early stage review – triggered in the event that the above ground superstructure is not in place within 2 years of the date of permission.
 - Late stage review – triggered once 75% of homes are sold.
- 10.87 The above requirements would be inserted into a clause within the legal agreement, should planning permission be granted.
- Summary
- 10.88 In summary, the proposed development falls short of the Council's policy targets with regards to both the quantum of affordable housing and the proposed unit type mix.
- 10.89 As set out above, the proposed affordable housing contribution is considered to represent the maximum amount that the scheme can viably deliver. Further affordable housing contributions would also be captured via the viability review mechanisms secured by legal agreement.
- 10.90 In line with policy, officers have considered the affordable housing position in context of the benefits of the scheme.
- 10.91 As also set out above, officers consider the delivery of 7 affordable family units as a benefit in the context of the identified need for affordable larger units evidenced within the SHMA (2017). Although a short fall in policy terms, the delivery of 62 residential units, inclusive of 28% affordable housing, is also considered a benefit in the context of the overall Council's housing targets.
- 10.92 In terms of the wider scheme, additional benefits are present and have been acknowledged earlier in this report. This includes the retention of a valued community use, the introduction of activity and natural surveillance at street level and the introduction of public realm that enables the implementation of the planning permission relating to the conversion of the railway arches.
- 10.93 It is therefore concluded that the proposed housing is acceptable when balanced with the benefits of the overall scheme.

Accessible housing

- 10.94 The proposed development would provide 7 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015). This equates to 11% of the total number of residential units proposed (62). The remaining 51 units would be secured as adaptable, in accordance with Part M4(2) of the Building Regulations 2015.

10.95 In terms of quantum, this is compliant with Policy 3.8 ‘Housing choice’ of the London Plan (2016) which requires 10% of the total units to be wheelchair accessible. The table below sets out within which tenure the proposed wheelchair accessible units are proposed.

Tenure	1-bed	2-bed	3-bed	4-bed	Total
Market Sector		6		-	6
Intermediate	-	0	0	-	
Social/Affordable Rented	-	0	1	-	1
Total		6	1	-	7

10.96 As set out in the table above, the proposal seeks the provision of 1 wheelchair accessible unit within the affordable tenure. Given the borough’s demand for wheelchair accessible units within this tenure, this is considered to make a minimal contribution.

10.97 It is further noted that there is only one lift within the affordable core of the building. Officers have raised concerns in this regard on the basis that it restricts the movement of wheelchair users in instances where the lift may become out of service. The applicant has however stated that due to the increased service charge that would come hand in hand with providing an additional lift within the affordable core, they are unable to do so.

10.98 Whilst the quality of this unit from an accessibility perspective is considered to be compromised, there is no current policy that sets a requirement for an additional lift.

10.99 It is for this reason that officers have not suggested the inclusion of further wheelchair units within the affordable tenure of the development. Officers have however sought the amendment of the plans to introduce additional choice within the private tenure.

10.100 Despite the above, the proposal is considered to meet policy requirements in this regard. If planning permission is granted, in order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition would also stipulate that the remaining 51 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015.

Standard of residential accommodation

10.101 In addition to the requirements set out within Policy 3.5 ‘Quality and design of housing developments’ of the London Plan (2016), Policy SP02 ‘Urban living for everyone’ of the Core Strategy (2010) and Policy DM4 ‘Housing standards and amenity space’ of the Managing Development Document (2013), the Mayor’s Housing SPG (2016) sets out a series of design standards. Officers will consider

the quality of residential accommodation proposed in regard to the following aspects:

- Space standards

10.102 Local and regional planning policy, in addition to the guidance set out in the London housing SPG, sets minimum space standards for new residential units. All residential units are also required to have a minimum floor to ceiling height of 2.3m. This is achieved throughout the development.

10.103 The minimum space standards (GIA) are set out in the table below:

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings
1b	1p	39 (37)
	2p	50
2b	3p	61
	4p	70
3b	4p	74
	5p	86
	6p	95

10.104 Officers are satisfied that all of the proposed residential units are compliant with the space standards. It should also be noted that the GIA of all units exceeds the minimum standard, ranging between 0.2sqm to 33.2sqm above the requirements.

10.105 The development is therefore considered to be acceptable in this regard.

- Shared circulation and access

10.106 The London Housing SPG provides standards relating to shared circulation. It determines that each core should be accessible to generally no more than eight units on each floor.

10.107 Neither the private nor the affordable tenured part of the building would exceed this standard.

10.108 The SPG also states that all dwellings entered at the seventh floor (eighth storey) and above should be served by at least two lifts. The development also complies with this standard.

10.109 Officers are therefore satisfied that the development is acceptable in this regard.

- 10.110 With regard to the main residential entrances, the private units and affordable units would be accessed via separate entrances; this is in line with the location of the respective cores.
- 10.111 The private entrance would be located on the corner of Witan Street and Herald Street. The affordable entrance would be located mid-way along the Witan Street elevation. Given that the application site has three street frontages and the proposed building seeks to introduce active elevation across the ground floor of the building, officers consider the siting of the proposed entrances is considered to be acceptable.
- 10.112 In terms of quality, the design of the affordable entrance is also considered to be acceptable. The size and recessed nature of the entrance is considered to result in a visually prominent residential entrance, similar in prominence to the private residential entrance.
- Aspect, daylight and sunlight, noise and vibration, outlook and privacy
- 10.113 The London Housing SPG also seeks the minimisation of single aspect dwellings. It further states that single aspect dwellings that are north facing, or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided.
- 10.114 The proposed development is inclusive of single aspect units. These occur on both the west and east facing sides of the building. Officers have also had regard to the daylight and sunlight assessment which demonstrates that these units would have acceptable internal daylight levels. The daylight and sunlight assessment further demonstrates that the all units across the development would meet BRE guidelines with regards to internal daylight levels.
- 10.115 Officers are also satisfied that any units that have 3 bedrooms are dual aspect.
- 10.116 The units on the west facing elevation of the proposed building would be in close proximity to the railway. The separation distance would be 5m between the western elevation of the building to the railway. Officers have had regard to any noise and vibration impacts upon these units.
- 10.117 The application submission was supported by a Noise and Vibration Assessment, prepared by RBA Acoustics. Given the proximity of the proposed development to the railway, the Council have had the applicant's report independently reviewed by an external noise consultant. This review had regard to the methodology and conclusions drawn within the applicant's report.
- 10.118 The report makes a series of recommendations in relation to the external building fabric to ensure that the noise levels generated by train movements are suitably mitigated. This includes a mechanical ventilation heat recovery unit (MVHR) for the elevations overlooking the railway. A glazing specification is also proposed. The external consultants working on behalf of the Council made further recommendations surrounding the glazing attenuation characteristics. It proposed that the recommended are secured by planning condition. Subject to this, the proposed development is considered to be acceptable with regards to noise and vibration.
- 10.119 From an outlook perspective, officers have had careful regard to the quality of the units that directly overlook the railway.

- 10.120 It is noted that much of the building would sit in close proximity/ opposite to neighbouring buildings, with separation distances ranging between 7.5m and 9m. The units at first floor level on the western side of the building would directly overlook the railway bridge, separated by a distance of 5m.
- 10.121 The proposal therefore gives rise to a close relationship with neighbouring buildings. It is considered that this would result in compromised outlook. It does however reflect the street and built form pattern in the surrounding area, where buildings occupy 'blocks', separated by narrow local streets. Officers therefore do not consider this is to be an uncommon or unexpected circumstance in a dense urban environment such as the one that exists throughout the borough, especially where a new development seeks to infill a gap/ site within existing built form.
- 10.122 The applicant has provided further justification to demonstrate that the units that look directly out onto the side walls of the raised railway would achieve acceptable outlook. The sections submitted show that the occupiers of these units would achieve a view of the sky, in addition to adequate daylight and sunlight levels. This is considered to mitigate the close proximity to the railway to an extent.
- 10.123 Further to this, officers have sought amendments from the applicant to remove wheelchair units and single aspect affordable units from this part of the building given that future occupiers of these units are likely to have limited choice in where they live and/or limited mobility.
- 10.124 Taking all of the above considerations into account, officers do not raise objections in this regard.
- 10.125 Further consideration has been given to the privacy impacts of the close relationship with neighbouring development. It is noted that privacy impact resulting from the close relationship with the student accommodation building (Mansion hive studios) on Glass Street is mitigated by the oblique windows on the neighbouring building. In relation to the other elevations that sit in close proximity to neighbouring buildings, whilst privacy may be compromised at some parts of the day, officers do not raise objections for the same reasons outlined in relation to outlook above.

- Private amenity space

- 10.126 In terms of private open space, the London Housing SPG requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings. An extra 1sqm should be provided for each additional occupant.
- 10.127 Taking this into account, it is noted that 2 of the proposed 62 units present a shortfall in private amenity provision. Both of these units fall within the private tenure. The shortfalls are outlined below:

Unit number	Unit type	Balcony (sqm)	Policy requirement	Short fall (sqm)
509	2b3p	5	6	1
602	2b4p	5.2	7	1.8

- 10.128 It is also noted that the London Housing SPG states that “*in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space required. This area must be added to the minimum GIA*”.
- 10.129 The internal area of these units exceeds the minimum policy requirements and the future occupiers would have a choice surrounding where they live.
- 10.130 Officers also draw attention to the provision of a policy compliant quantum of communal amenity space and Under 5’s child playspace, located at 6th floor roof level, accessible by both the affordable and private cores. Taking this, and the above into consideration, officers are satisfied that this is acceptable.
- Communal amenity space and child playspace
- 10.131 Local planning policy requires the provision of communal amenity space for all developments with 10 or more residential dwellings. The policy requirement is 50sqm for the first 10 units, plus a further 1sqm for every additional unit thereafter.
- 10.132 This results in a requirement for the proposed scheme to deliver 102sqm of communal amenity space.
- 10.133 Local planning policy and the London Plan require the provision of child play space in line with the Mayor’s ‘Shaping neighbourhoods: Play and informal recreation’ SPG. This specifies a requirement for 10sqm to be provided for each child.
- 10.134 Officers have used the Mayor of London’s child yield calculator which is informed by the above SPG to establish the number of children that the development is likely to yield. The table breaks the total number down into age groupings and outlines the amount of child play space required per age group.

Child age group	No. of children	Proportion of total children	Child play space required (10sqm per child)
Under 5	8	44%	80
5 to 11	6	34%	60
12 +	4	22%	40
Total	17	100%	170

- 10.135 Policy DM4 ‘Housing standards and amenity space’ of the Managing Development Document states that as a requirement, playspace for children under 5 should be provided on site.
- 10.136 The proposed development includes child playspace at 6th floor level, to be delivered in conjunction with the communal amenity space referred to above. The total area is 185sqm, dedicating 83sqm to under 5 child playspace. Whilst it is preferable that play space is provided at ground floor level, the proposed play space has been designed into the scheme and would be well overlooked from windows to upper storeys, thereby discouraging anti-social behaviour. It is proposed that the submission of further details surrounding the 6th floor external

space are secured by condition. This will ensure that the full quantum of under 5 child playspace is delivered, it is to a high standard and that it is compatible with the communal amenity space provision.

10.137 The proposed development does not seek the provision of on-site playspace for either the 5 to 11 year old or the 12+ year old age groups.

10.138 The applicant has had regard to existing play spaces in addressing the playspace requirements for the other age groups of children. In line with the SPG, the applicant has explored existing playspace provision within the following distances from the application site:

Child age group	Max. walking distance from residential unit
Under 5s	100m
5-11 year olds	400m
12+	800m

10.139 The applicant has demonstrated that there are various provisions, including equipped playgrounds and landscaped spaces, sports courts (tennis/basketball/5-a-side football) and dedicated informal play spaces (gardens and open greens) within 400m and 800m of the site (age group dependent).

10.140 This includes a 210m walking distance to Bethnal Green Gardens, where there is age appropriate play/recreation opportunity for the 5-11 age group and 12+ age group. Weavers Fields is within 650m and provides tennis and ball courts, appropriate to the 12+ age group.

10.141 It is considered that the above spaces provide existing play and recreation opportunity for the 5-11 and 12+ age groups. Taking the scale of the proposed development into account and the amount of children that the scheme is expected to generate, officers consider that this is acceptable.

- Summary

10.142 The proposed standard of residential accommodation has been carefully considered in respect to the development plan and best practise guidance. The scheme does not fully meet policy requirements, however, when balanced against the site constraints and wider benefits of the scheme discussed throughout this report, officers consider the proposal to be acceptable in this regard.

Impact on amenity

10.143 This part of the report will assess whether the proposed development would give rise to an unacceptable impact upon the amenities of neighbouring development and its occupiers. In line with Policy DM 24 'Amenity' of the Managing Development Document (2013), officers will have specific regard to the daylight and sunlight impacts of the proposal, in addition to any resultant impact upon outlook and privacy levels. Regard will also be had to the noise impacts of the proposed development.

- Daylight and sunlight

10.144 The application submission is supported by a daylight and sunlight assessment, undertaken by Brooke Vincent + Partners. The following buildings have been assessed:

- Blithehale Court
- The Hive (41-65 Three Colts Lane)
- 27 Cotherstone Court
- 1-17 Witan Street

10.145 The relationship of the above buildings with the application site is illustrated on the map (figure 2.5) below.



Figure 2.5

10.146 The Council has had the report independently reviewed by external daylight and sunlight consultants. The independent review has regard to the technical conclusions of the report and agrees with the conclusions drawn by the applicant. It does however assume that the study undertaken by the applicant is accurate.

- 10.147 It should be noted that the applicant has not assessed the daylight and sunlight impacts of the proposal upon the neighbouring hotel development. Given the nature of the land use, officers raise no objections to this.
- 10.148 It should also be noted that the daylight and sunlight assessment has not been revisited following amendments to the scheme. The amendments are inclusive of changes to the arrangement of massing and height at upper/ roof level. For example, where the 6th storey of the building was originally set back, but revised to become a full 6 storeys.
- 10.149 Nevertheless, as the amendments are considered to be minor and the adjacent buildings are not considered to be sensitive from a daylight and sunlight impact perspective, officers raise no objections.
- 10.150 The **daylight** impacts of the proposal are addressed below:
- Blithehale Court and The Hive (41-65 Three Colts Lane)
- 10.151 Both of the above buildings are student accommodation blocks. The daylight impact upon these buildings has been tested using the Average Daylight Factor (ADF) test, which is a measure of overall daylight in a space. The BRE standards recommend minimum values of ADF of 2% for kitchens, 1.5% for living rooms/ study rooms and 1% for bedrooms.
- 10.152 The ADF test has been chosen to assess the daylight upon these particular buildings as they are in student accommodation use. The assessment has obtained the internal layouts and reviewed the lowest three floors and analysed the relevant living rooms and study areas adjacent to the windows with a view of the proposal. Whilst the applicant has not provided an assessment of all windows on the affected elevation, officers consider that the results relating to the lowest three floors would present the worst case scenario.
- 10.153 Both the applicants report and the Council's independent review state that it can be appropriate to use ADF for properties that are not in permanent use and are only used for relatively short periods of time. This is on the basis that the actual level of daylight is more important than whether there is a reduction from the existing level.
- 10.154 Officers raise no objections to the use of ADF in this instance and have had regard to the findings of the ADF test.
- 10.155 The results confirm that the daylight conditions would remain above the BRE guidelines for a study room (1.5%), with exception to two study area windows - one at first floor level (1.24%) and another at second floor level (1.44%).
- 10.156 In addition to these failures being marginally below the BRE guideline, it should also be noted that their existing values were also below 1.5%. The affected windows therefore retain 95% and 97% their former value as a result of the proposed development.
- 10.157 The applicant has adopted the same approach towards daylight testing of The Hive as it is also a student accommodation block. This time, the lowest two floors have been reviewed. The results confirm that all windows would conform with the BRE guidelines.

- 10.158 By meeting BRE guidelines for the ADF test, officers are satisfied that the student rooms would experience an acceptable standard of living with regards to daylight.
- 10.159 Given the marginal nature of the failings and the transient use of the rooms, officers do not consider the identified impact to be unacceptable. If in residential use, officers would seek the further testing of the upper floors. In this instance, the level of testing is considered to give an adequate indication of impact across the building.
- 27 Cotherstone Court (Mint Street)
- 10.160 The above address is a residential building. It is located to the west of the site, on the other side of the railway.
- 10.161 Residents have raised objection to the proposal on the basis that it would result in unacceptable daylight and sunlight impact upon existing development in Mint Street.
- 10.162 The applicant has reviewed the closest windows of the Cotherstone Court development that have a view of the site.
- 10.163 The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).
- 10.164 The results demonstrate that the daylight at one window at first floor level (W1) would be reduced to 0.79 its former value as a result of the proposal. This represents a 21% loss of daylight at one window. According to the guidance this is considered to constitute a minor adverse failing. Given that the window fails by 1%, this is considered to present a very minor failure.
- 1 – 17 Witan Street
- 10.165 The above address is also a residential building. It is located to the north-west of the site. The applicant has reviewed the closest windows with a view of the site and the VSC test has been applied.
- 10.166 The majority of these windows maintain a VSC in excess of 27%. Daylight levels for all other tested windows (5 windows) are slightly reduced, however, remain within the limits deemed acceptable by the BRE guidelines and where the loss of light would not be deemed noticeable. . For example, the daylight reduction to these windows, as a result of the proposal, ranges between 2% and 14%. Officers therefore consider this to be acceptable on the basis that the results are compliant with BRE guidelines.
- 10.167 The **sunlight** impacts of the proposal are addressed below.
- 10.168 The applicant has tested the sunlight impacts of the proposal using the Annual Probable Sunlight Hours (APSH) test. This should be calculated for windows of main habitable rooms that face within 90 degrees of due south.

- 10.169 On this basis, the APSH has been calculated for the previously outlined windows at Blithehale Court, 27 Cotherstone Court and 1-17 Witan Street. The windows at The Hive do not face within 90 degrees of south and the criterion therefore does not apply.
- 10.170 The results relating to Blithehale Court show that 9 of the tested windows would fail to meet the BRE guidelines with regard to winter APSH. They would meet BRE guidelines with regards to the annual APSH.
- 10.171 As the windows would retain a BRE compliant level of sunlight on an annual basis and the affected windows serve student study room/ bedrooms that are occupied on a short term basis, the impact is considered to be acceptable on balance.
- 10.172 The results show that all other tested windows that fall within 90 degrees of south meet the BRE guidelines with regards to sunlight.
- 10.173 In summary, the majority of the tested windows meet the BRE guidelines with regards to daylight. There are 3 minor failings, as set out above.
- 10.174 Given the minimal nature of the failings, this is not considered to result in an unacceptable impact, especially when considered in the context of the scale of existing surrounding development.
- 10.175 For the reasons outlined above, the scheme is also considered to be fully BRE compliant with regards to sunlight.
- 10.176 As a result, officers do not raise objections on daylight and sunlight grounds.
- Outlook, overlooking and privacy
- 10.177 As previously set out, the proposed building sits in relatively close proximity to neighbouring buildings. Whilst the application site comprises an existing building that occupies the majority of the site, the proposal marks an increase in overall scale which would result in a change of outlook for neighbouring occupiers.
- 10.178 As also set out previously, the closest physical relationship would exist between the proposed building and The Hive development to the south. However, the nature of the ground floor and the obliquely arranged windows on this neighbouring development would mitigate any unacceptable impact with regards to outlook. For the same reason, there is no conflict between these buildings from a privacy perspective.
- 10.179 The proposed building would give rise to a reduction in outlook and increased overlooking for the Travel Lodge hotel development to the east and the student accommodation development, Blithehale Court, to the north.
- 10.180 Given the short term nature of the occupants that reside within the affected rooms, officers do not consider the impact to be unacceptable.
- 10.181 In addition to the above, officers have had regard to any outlook and privacy impacts arising from the development upon the residential buildings to the west of the development and the railway. Objectors have noted particular concern in relation to the impact upon properties in Mint Street, mainly Cotherstone Court (to the west and south-west of the site). This includes overlooking to private

terraces/living spaces and impact on sky line/ blocking of the sky, when viewed from Mint Street development.

10.182 A level of overlooking would result from the proposed development, however, due to the separation distance (in excess of 30m), officers do not consider that this would amount to an unacceptable loss of privacy.

10.183 Officers have had regard to the concerns raised relating to the blocking of sky/ changing sky line when viewed from the existing Mint Street development. Whilst a change to a view from a residential property is not considered to constitute a planning consideration as such, officers have considered this from an outlook perspective. The reduction of outlook experienced from a residential property as a result of a new development in close proximity can result in unacceptable impact upon residential amenity.

10.184 However, in this instance, whilst occupiers would experience a change of a view as a result of the proposed development, the separation distance resulting from the railway and street is considered to adequately mitigate an unacceptable loss of outlook.

- Noise and disturbance

10.185 The objections have suggested that the proposed building would increase the noise levels experienced from the railway. The applicant has not tested the impact of the development upon noise levels associated with the railway. However, the presence of buildings of the proposed scale of either side of the railway is not considered to be an uncommon situation within the borough, nor wider London. Officers therefore raise no objections in this regard.

10.186 The proposal also seeks the introduction of residential development on the site. It is not considered that the proposed residential land use would give rise to an unacceptable noise impact. Both the scale and nature of the use is akin to existing neighbouring development and is therefore considered to be compatible.

10.187 Permission is sought for the ground floor of the building to be in D1 (non-residential institution) use. It is noted that a large part of the site is in D1 use as existing, however, the impacts associated require further consideration given the intensification of the site and the introduction of residential use.

10.188 At this stage, it is proposed that the existing D1 occupier, an art gallery, would also occupy the ground floor of the proposed building. However, the application seeks non-restricted D1 use to enable change of use between the various non-residential institutions that also fall within the D1 use class.

10.189 Officers are satisfied that the proposed art gallery occupier would not give rise to unacceptable impact upon the amenities of surrounding occupiers, including noise and disturbance impacts. Taking this into consideration, together with the positives surrounding activity at street level throughout the day, it is proposed that the opening hours are relatively flexible and secured at 8am – 11pm daily. This will be secured by condition if the development is approved.

10.190 It is however recognised that the impacts arising from the ground floor of the building is dependent upon the specific community type use that occupies the space, given the relatively broad spectrum of uses within the D1 use class. This

could include differences in opening times, number of visitors and general intensity of use.

10.191 To ensure a sustainable development, should this scheme be approved, it is considered to appropriate to attach a planning condition to ensure the suitable management of D1 uses that differ from an art gallery. The condition would require the submission of a management plan, specific to the proposed occupier. This would give officers the opportunity to ensure ongoing compatibility with the residential use on site and neighbouring land uses.

- Summary

10.192 Officers have given the amenity impacts associated with the proposed development careful consideration. For the reasons outlined above, the development is considered to be acceptable in this regard.

Highways and Transportation

- Car parking (and blue badge parking)

10.193 The proposed land use does not attract a requirement to provide general car parking. A car-free development is in line with local policy and therefore supported. A planning condition to secure the car-free nature of the development is recommended.

10.194 Accessible parking in conjunction with both the proposed residential use and the D1 floorspace is required. In terms of quantum, Policy DM 22 'Parking' of the Managing Development Document (2013) seeks the following where the proposed development does not include off-street car parking: *"1 space on-site. Where site constraints mean provision is unfeasible or not safe, development will be required to demonstrate how a disabled person can park to use the development with ease"*.

10.195 Using Department for Transport (2015) statistics, the applicant has suggested that a development of the proposed scale would be likely to generate demand for 2-3 accessible car parking spaces.

10.196 In the absence of opportunity for on-site accessible parking, in line with the parking requirements set out in Policy DM 22, the applicant has sought to demonstrate how a disabled person can park to use the development with ease.

10.197 The applicant has undertaken a parking stress survey, using the Lambeth methodology, in relation to the existing parking bays surrounding the site.

10.198 For context, it should be noted that vehicles can park free of charge and without time limit where on-street pay and display parking facilities apply. Blue badge holders are also exempt from the terms of any condition that secures the car-free nature of the development and restricts residents from applying for parking permits.

10.199 The parking stress survey has regard to occupancy levels at pay and display bays, permit holder bays and dual use bays within 200m walking distance of the site. From this, the applicant concludes that there are parking stress levels of 79% overnight and 82% during the day.

- 10.200 It is further acknowledged by the applicant that the parking bays surrounding the site, encompassing Witan Street, Herald Street, Glass Street and Coventry Road experience high levels of parking stress. The applicant has however undertaken a review of the survey plans in detail and suggests that at any one time there were 2-3 unoccupied spaces within these streets.
- 10.201 Given that the evidence provided by the applicant suggests that there are parking opportunities in close proximity to the development for blue badge holders, officers raise no objections.
- Cycle parking
- 10.202 The residential element of the proposal is required to provide 96 long stay cycle parking spaces.
- 10.203 The proposal seeks to provide 23 residential spaces at ground floor level, accessible from Glass Street at street level. A further 80 spaces are provided at basement level, accessible via the lift core that serves the private residential units.
- 10.204 Officers are satisfied that the 23 spaces at ground floor level provide a sufficient quantum of cycle parking to serve the affordable residential units (16 spaces required by policy).
- 10.205 The private units give rise to a requirement for 81 spaces. Officers are satisfied that the proposed basement cycle parking, together with the additional spaces in the ground floor provision meet this requirement.
- 10.206 Officers will however seek to ensure that 16 of these spaces are reserved for the occupiers of the affordable units. It is proposed that this is secured by planning condition.
- 10.207 The commercial element of the proposed is required to provide 5 cycle parking spaces at ground floor level, in a separate store dedicated to the commercial floorspace. It would be accessible internally from the commercial floorspace. This is considered to be acceptable.
- 10.208 It is proposed that all of the aforementioned cycle storage is secured by planning condition.
- Commercial trip generation
- 10.209 Officers have had regard to the commercial trip generation to understand fully any highways implications arising from the development.
- 10.210 Given the nature of the use and the high PTAL rating at the site, it is not expected that the development would give rise to a significant increase in car visits to the surrounding area. In any case, the existing Controlled Parking Zone (CPZ) and yellow lines restricts parking in the streets surrounding the sites.
- 10.211 Officers raise no objections in this regard, it is however recognised that a different D1 use may generate an increased amount of visits to the site. The proposed condition requiring the submission of a management plan should the D1 use change from an art gallery, would enable the consideration of this.

- Delivery, servicing and waste collection

- 10.212 The general deliveries arising from the development are considered to be limited to small delivery vehicles given the nature of the proposed land uses. It is proposed that the delivery arrangements reflect that of the existing occupants and the adjacent development.
- 10.213 The Transport Statement submitted by the applicant outlines that the existing service activity occurs from on-street, via unoccupied parking bays and/or sections of single yellow line where there are no loading restrictions, and/or from within the carriageway.
- 10.214 As the proposed arrangements reflect an existing situation and alternative solutions are constrained by the presence of existing on-street parking bays and the narrowness of the streets that surrounding the site, officers raise no objections.
- 10.215 Servicing relating to waste collection is also constrained by the narrowness of the streets that surround the site.
- 10.216 Highways officers raised concerns that the Council's refuse vehicles would not be able to service the proposed development due to restricted access resulting from the narrowness of the surrounding streets, together with parked vehicles.
- 10.217 Veolia, the Council's contractor tested the site's accessibility by their vehicles, and confirmed that they were unable to access the site.
- 10.218 On this basis, the applicant has stated that the development would be serviced by a private refuse collection arrangement. Officers are satisfied that this will offer greater flexibility surrounding the type of refuse vehicle that can be used to service the development. It is proposed that a planning condition is imposed, requiring the submission of further details surrounding the private refuse collection. This will include details surrounding the proposed vehicles (including swept path analysis), frequency of collection, and capacity of storage.
- 10.219 Otherwise, officers are satisfied with the location of the proposed refuse stores and consider that with a private refuse collection arrangement, the scheme is capable of delivering an acceptable waste strategy.

- Pedestrian movement

- 10.220 The highways officers also raised concerns that the Glass Street footway, on the southern side on the development, is currently only 1.5m in width. This width is considered to be insufficient to allow two wheelchair/ buggies to pass.
- 10.221 In response to this, the applicant revised the building line to facilitate additional pavement width. The applicant would be expected to enter into a S278 agreement with the Council to enable the adoption of this additional footway. Should the proposed development be approved, this requirement would be secured by condition.
- 10.222 Subject to these conditions, officers are satisfied in this addresses any concerns in this regard.

- Construction

10.223 Should the proposed development be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Logistic Plans.

Energy & Sustainability

10.224 Policy 5.1 'Climate change mitigation' of the London Plan (2016) deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025.

10.225 Policy 5.2 'Minimising carbon dioxide emissions' sets out the Mayor's energy hierarchy to:

- Be lean: Use Less Energy
- Be clean: Supply Energy Efficiently
- Be Green: Use Renewable Energy

10.226 Policy DM29 'Achieving a zero carbon borough and addressing climate change' of the Managing Development Document includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

10.227 Policy 5.2 of the London Plan requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

10.228 Policy DM29 of the Managing Development Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G (36) (2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.

- Proposed carbon emission reduction

10.229 The general principles of the proposed energy strategy are supported as carbon savings are being focused at the Be Lean stage with the use of high efficiency fabric and energy efficiency measures to reduce the energy demand by 12%%. Additional CO2 emission reductions are proposed through the integration of a centralised mini-CHP (5.5kWe), PV array (6.7kWp) and ASHPs (to serve the non-domestic space).

10.230 In relation to the Be Clean proposals, the applicant is seeking to utilise a CHP system. The thermal profiling of the system to demonstrate appropriateness for the development should be secured via Condition to ensure the CHP is sized correctly for the development and minimising risk of oversizing the system which could result in heat dumping.

10.231 The above would result in a 30.7% reduction in CO2 emissions. Whilst this is below the policy target of 45%, the applicant is proposing to fulfil the shortfall through a carbon offsetting contribution. The calculation for this is set out below:

For the residential element:

- Baseline – 69.2 Tonnes/CO2/yr
- Proposed design – 48.73 Tonnes/CO2/yr
- Carbon offsetting payment to zero carbon – 48.73(Tonnes/CO2/yr) x £1,800 = **£87,714**

For the non-residential element:

- Baseline – 23.26 Tonnes/CO2/yr
- Proposed design – 15.4 Tonnes/CO2/yr
- LBTH 45% Policy requirement – 12.79 Tonnes/CO2/yr
- Carbon offsetting payment to 45% carbon – 2.61Tonnes/CO2/yr) x £1,800 = **£4,698**

Total carbon offsetting for the scheme is **£92,412**

10.232 Subject to Conditions securing the delivery of the approved energy strategy and the CO2 emission reduction shortfall being met through a carbon offsetting contribution (secure by S106 agreement), the proposals would be considered in accordance with adopted policies for decentralised energy, integration of renewable energy technologies and emission reductions.

- Sustainability

10.233 The proposals identify that a BREEAM Excellent rating will be achieved with a score of 73 for the non-residential element of the development. This is supported and should be secured via a condition with the final BREEAM certificate submitted to the council.

10.234 It is proposed that the delivery of BREEAM Excellent is secured by planning condition.

Biodiversity

10.235 Core Strategy Policy SP04 'Creating a green and blue grid' promotes and supports new development that incorporates measures to green the built environment, including green roofs and green terraces. The policy also seeks to ensure that development protects and enhances areas of biodiversity value.

10.236 Policy DM11 'Living buildings and biodiversity' of the Managing Development Document requires developments to provide elements of 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value to be retained or replaced by developments.

- Existing biodiversity value

- 10.237 The Council's biodiversity officer has had regard to the Preliminary Ecological Appraisal (PEA) report submitted by the applicant. The report has recorded a potential for bats roosting at the existing site, albeit negligible potential.
- 10.238 On the basis that it is unlikely that bats are roosting at the existing site/building and that there is no potential for high value roosts, officers are satisfied that further investigation/ emergence surveys are not required. Should the proposed development be approved, a planning condition to ensure that demolition does not harm any bats, in the unlikely event that they may be present will be imposed.
- 10.239 Officers are otherwise satisfied that the proposal would not give rise to significant impact upon biodiversity.

- Enhancements

- 10.240 The proposed development includes a green roof at roof level. No details of the proposed green roof have been submitted, however, it is recognised as a contribution to the objectives of the Local Biodiversity Action Plan (LBAP). Should the proposed development be approved, the submission of details of the green roof would be required by planning condition. The planning condition would require the green roof to be a biodiverse roof designed in accordance with best practice guidance (Bug life).
- 10.241 The PEA also recommends the delivery of nest boxes for swifts and house sparrows and nectar rich planting on any accessible roof terraces. It also proposed that this is secured by condition, if approved.
- 10.242 Subject to the conditions, the proposed development is considered to be acceptable in this regard.

Air Quality

- 10.243 Policy 7.14 of the London Plan (2016) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 'Creating healthy and liveable neighbourhoods' and SP10 'Creating distinct and durable places' of the Core Strategy (2010) and Policy DM9 'Improving air quality' of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 10.244 The borough is a designated Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 10.245 The application submission is supported by an Air Quality Assessment; this provides an assessment of potential air quality impacts arising from the construction and operation of the proposed development. It is also has regard to the impact of existing emissions, resulting from traffic, upon the future occupants of the proposed development. The report has been reviewed by the Council's air quality officer.

- Impact during construction

10.246 The Assessment demonstrates that during the construction phase, the site has the potential to generate dust nuisance beyond the application boundary. It is however stated that through the implementation of a Dust Management Plan, the impacts can be effectively minimised and are unlikely to be significant.

10.247 On this basis, if the proposed development is approved, the submission of a Dust Management Plan will be secured by condition.

- Impact through operation of proposed development

10.248 The proposed development includes a centralised CHP plant and supplementary boilers to provide heat and hot water to the residential units.

10.249 The specific plant has not yet been determined; it must however comply with the NO₂ emissions standards as set out in the Mayor of London's Sustainable Design and Construction SPG. If the proposed development is approved, this will also be secured by condition.

- Impact air quality on future occupiers

10.250 The report has also had regard to the air quality at the proposed development in order to assess its suitability for residential purposes. The assessment shows that, due to the elevated background concentration, the NO₂ concentrations at the site are likely to exceed the annual mean air quality objective. It has therefore been recommended that whole house ventilation is installed throughout the development to provide a source of fresh air to residents, without the need to open windows.

10.251 If approved, this will also be secured by planning conditions.

- Summary

10.252 Subject to the submission of the above details and implementation of the identified mitigation measures, the proposed development is considered to be acceptable in this regard.

Land contamination

10.253 In response to Policy DM30 'Contaminated land and development and storage of hazardous substances' of the Managing Development Document (2013), the application submission includes a Phase I Geo-Environmental Assessment.

10.254 The report concludes that the overall environmental sensitivity of the site is considered to be low to moderate. An intrusive ground investigation is however recommended.

10.255 The Council's contaminated land officer has had regard to the details submitted. Based on the details submitted, a full site investigation is recommended, including a desk study report, an intrusive investigation, a risk assessment and proposed remedial works. Therefore, if the proposed development is approved, this will be secured by planning condition.

Health Considerations

- 10.256 Policy 3.2 'Improving health and addressing health inequalities' of the London Plan (2016) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 10.257 Policy SP03 'Creating healthy and liveable neighbourhoods' of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 10.258 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 10.259 As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children that are in the under 5 age group.
- 10.260 It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Core Strategy.

Impact upon local infrastructure / facilities

- 10.261 Policy SP13 'Planning obligations' of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 10.262 The Council's Planning Obligations SPD carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in Policy SP13. This identifies the Council's priorities as affordable housing, sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.
- 10.263 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 10.264 Regulation 122 of the CIL Regulations (2010) brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

10.265 Securing appropriate planning contributions is further supported Policy SP13 which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. The planning obligations sought will be considered in conjunction with the Council's CIL Regulation 123 list. This sets out the type of infrastructure projects that the Council intends will be, or may, be wholly or partly funded by CIL. This includes:

- Community facilities
- Electricity supplies to all Council managed markets
- Employment and training facilities
- Energy and sustainability (including waste) infrastructure
- Flood defences
- Health and social care facilities
- Infrastructure dedicated to public safety
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Open space, parks and tree planting
- Public art provision
- Public education facilities
- Roads and other transport facilities

10.266 The development would generate additional population within the local area, including a yield of 17 children. It is therefore expected that the development would generate some additional demand upon local infrastructure and facilities, including local schools, health facilities, leisure and sport facilities, transport facilities and public open space. The CIL payment (referred to in the financial contribution section of this report) would therefore contribute to the mitigation of the above impacts.

10.267 For any other site specific mitigation measures will be secured by S106 agreement as a planning obligation. The following planning obligations are sought in respect of the proposed development. They have been referred to and justified throughout the report.

- 28% affordable housing contribution (by habitable room)
- Viability review mechanism, to ensure the maximum contribution is secured
- Enterprise and employment skills and training
- Carbon off-set initiative
- Monitoring

Financial Considerations

Localism Act (amendment to S70(2) of the TCPA 1990)

10.268 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

10.269 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “grants” might include New Homes Bonus.

- 10.270 These are material planning considerations when determining planning applications or planning appeals.
- 10.271 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

Human Rights Considerations

- 10.272 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members.
- 10.273 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 10.274 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.275 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

- 10.276 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.277 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.278 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.279 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

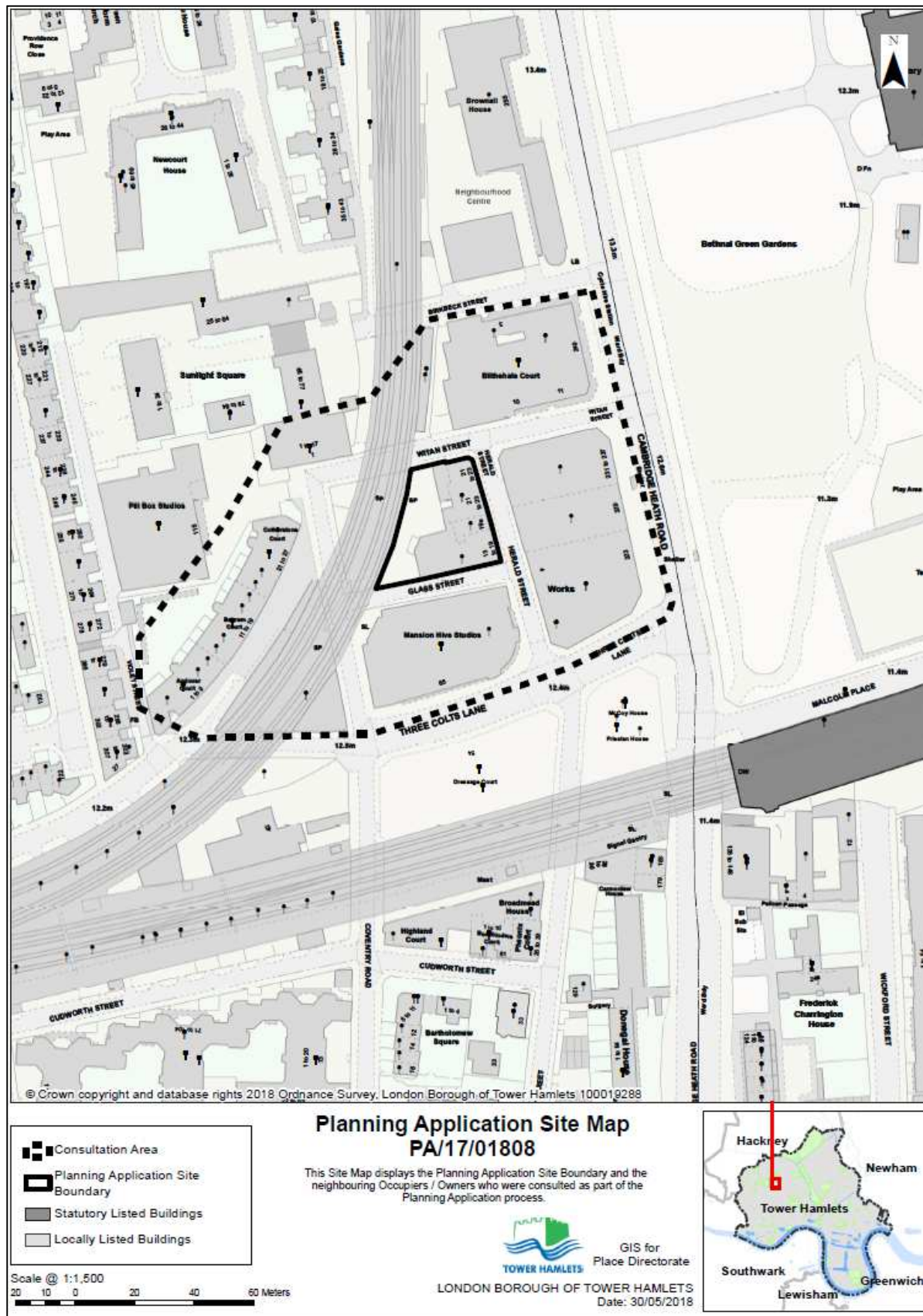
- 10.280 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.281 It is considered that the proposed development would not conflict with any of the above considerations. It is also considered that the proposal would foster good relations and advancing equality with regards to sex, race, religion and belief.
- 10.282 The proposed commercial floor space and at least 10% of the residential development would be wheelchair accessible.
- 10.283 The housing section of this report sets this out in greater detail. The absence of a second lift in the affordable core of the proposed building is considered to compromise the accessibility of the one wheelchair unit within the affordable residential element. Officers however do not currently have the policy basis to object on this basis. Greater choice in wheelchair unit type within the private tenure has however been negotiated to improve the quality of the building from an accessibility perspective. If the proposed development is approved, at least 10% of the development would be secured as wheelchair accessible, with the remaining 90% secured as wheelchair adaptable.
- 10.284 The communal amenity space and on-site child playspace provision are also accessible to both the affordable and private occupiers. This is therefore considered to promote social cohesion across the site.

- 10.285 The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. Of the residential units proposed within the development, 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 10.286 In light of the above, officers are satisfied that the proposed development would not adversely impact equality or social cohesion.

Conclusion

- 10.287 All relevant policies and material considerations have been considered. It is concluded that planning permission should be **GRANTED** for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

APPENDIX 1: Site map (showing consultation area)



APPENDIX 2

List of documents and plans for approval

EXISTING DRAWINGS

SITE LOCATION PLAN	PL-001 REV B
SITE PLAN	PL-001 REV B
EXISTING PLAN	PL-010 REV B
EXISTING ELEVATION – EAST	PL-011 REV B
EXISTING ELEVATION – NORTH	PL-012 REV B
EXISTING ELEVATION – SOUTH	PL-013 REV B
EXISTING – AERIAL PHOTOGRAPH	PL-020 REV B
EXISTING – MASSING VIEWS	PL-021 REV B

PROPOSED DRAWINGS

PROPOSED BASEMENT PLAN	PL-099 REV D
PROPOSED GROUND FLOOR PLAN	PL-100 REV G
PROPOSED FIRST FLOOR PLAN	PL-101 REV F
PROPOSED SECOND FLOOR PLAN	PL-102 REV E
PROPOSED THIRD TO FOURTH FLOOR PLAN	PL-103 REV E
PROPOSED FIFTH FLOOR PLAN	PL-104 REV F
PROPOSED SIXTH FLOOR PLAN	PL-105 REV D
PROPOSED SEVENTH FLOOR PLAN	PL-106 REV E
PROPOSED EIGHTH FLOOR PLAN	PL-107 REV D
PROPOSED SECTION – 01	PL-130 REV C
PROPOSED SECTION – 02	PL-131 REV C
PROPOSED ELEVATION – 01	PL-150 REV E
PROPOSED ELEVATION – 02	PL-151 REV E
PROPOSED ELEVATION – 03	PL-152 REV D
PROPOSED ELEVATION – 04	PL-153 REV D

DOCUMENTS

Daylight and Sunlight Report dated September 2016, prepared by BVP

Transport Statement dated July 2016, prepared by Odyssey Markides LLP

Air Quality Assessment dated December 2016, prepared by XCO2 Energy

Energy Statement dated December 2016, prepared by XCO2 Energy

Sustainability Statement dated December 2016, prepared by XCO2 Energy

Phase I Geo-Environmental Assessment dated November 2015, prepared by Delta-Simons

Vibration Assessment dated July 2016, prepared by RBA Acoustics

Archaeological Desk-Based Assessment dated October 2015, prepared by CGMS consulting

Preliminary Ecological Appraisal dated May 2016, prepared by Urban Edge Environmental Consulting

Unit Area Schedule DOC-PL-002 dated 3rd July 2018, prepared by dga architects