

Committee: Strategic Development	Date: 28 th June 2017	Classification: Unrestricted
Report of: Place Directorate		Title: Applications for Planning Permission
Case Officer: Brett McAllister		Ref No: PA/14/02928
		Ward: Lansbury

1.0 **APPLICATION DETAILS**

Location:	116-118 Chrisp Street, Poplar London, E14 6NL
Existing Use:	116 Chrisp Street – Vacant Public House (Use Class A4) 118 Chrisp Street – Vacant Light Industrial Building (Use Class B1c)
Proposal:	Demolish Public House (Class A4) and Former Tyre and Exhaust Centre Building Class B1/B2), Erect Mixed-Use Development Comprising Part 5, Part 10, Part 13 Storey residential development comprising 53 Flats (Class C.3) with Ground Floor Commercial Unit (Flexible Permission - Classes A1/A2/A3/A4), and Associated Cycle and Refuse Storage Facilities, Lay Out Amenity Areas and Electricity Sub-Station, Stop Up Existing Accesses, Form New Vehicular and Pedestrian Accesses onto Chrisp Street, and Create 3 Accessible Parking Spaces on Chrisp Street
Drawings:	1233 (PL) 170, 1233 (PL) 171 Rev. A 1233 (PL) 172 Rev. A 1233 (PL) 173 Rev. A 1233 (PL) 174 1233 (PL) 175 1233 (PL) 176 1233 (PL) 177 1233 (PL) 178 1233 (PL) 179 1233 (PL) 180 1233 (PL) 181 1233 (PL) 182 1233 (PL) 183 1233 (PL) 171 1233 (PL) 270 1233 (PL) 271 1233 (PL) 272 1233 (PL) 273

1233 (PL) 274
 1233 (PL) 370
 1233 (PL) 371
 1233 (PL) 372
 1233 (PL) 470
 1233 (PL) 471
 Accommodation Schedule PL

Documents:

- Design and Access Statement by Stephen Davy Peter Smith Architects
- Air Quality Assessment by Hawkins Environmental
- Statement of Consultation and Community Involvement by The Planning and Design Bureau
- Planning Statement by The Planning and Design Bureau
- Noise and Vibration Assessment by Hepworth Accoustics
- Daylight & Sunlight Assessment by Malcolm Hollis
- Transport Statement by EAS
- Affordable Housing Policy Statement by Affordable Housing Solutions
- Interpretive Report by RSA Geotechnics Ltd.
- Energy Assessment by Robinson Associates
- Sustainability Summary by Mulalley
- Flood Risk Assessment by Sherrygreen Homes Ltd.
- Wind Environment Assessment by WSP

Applicant: Sherrygreen Homes
Ownership: Sherrygreen Homes
Historic Building: N/A
Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for demolition of a public house and vacant warehouse and redevelopment of the site to provide a residential-led development.
- 2.2 This application has been presented to members on two separate occasions on 28th July 2016 and 20th October 2016. On both occasions members were minded not to accept officer recommendation to grant planning permission for the redevelopment of the site. The first occasion a building up to 16 storeys was proposed comprising 71 units. This scheme was amended and a proposal for a 15 storey building with a reduced footprint comprising 63 units was presented on 20th October 2016. Concerns raised included height, bulk and massing, density and daylight/sunlight impacts.
- 2.3 The current proposal is a further amendment of the application, as the applicant has sought to work with officers to address the concerns raised by members. The current scheme proposes a building up to 13 storeys in height. The number of residential units now proposed is 53.

- 2.4 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.5 The proposed redevelopment of this brownfield site for a residential-led mixed-use development is considered to optimise the use of the land and as such, to be in accordance with the NPPF and development plan policies.
- 2.6 The development would provide a suitable mix of housing types and tenure and a significant affordable housing contribution (34% affordable housing by habitable room). Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.7 The residential quality of the scheme would be high. Out of the 10 affordable rented units 40% would be of a size suitable for families (4 units). All of the proposed affordable units would meet or exceed the floorspace and layout standards. The development would also include 2 larger affordable rented family units (4 bed 6 person). Lastly, 10% would be provided as wheelchair accessible.
- 2.8 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good 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 The impact from the development on residential amenity would be acceptable. The development has a significant adverse impact on the Equinox building opposite in terms of daylight and sunlight, development in particular; however this to be expected to a degree given the existing low rise nature of the application site. The design and massing of the development is considered to be appropriate for this urban site and as such, given the significant regenerative benefits of the proposal, the impact is considered acceptable.
- 2.10 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.11 The scheme would meet the full financial and non-financial contributions.

3.0 RECOMMENDATION

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

- a) Any direction by the London Mayor

- b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

- 3.2 Financial Obligations:

- a) A contribution of **£20,987.60** towards employment, skills, training for construction job opportunities
- b) **£2,000** towards monitoring fee (£500 per s106 HoT's)

Total £22,987.60

3.3 Non-financial Obligations:

- a) Affordable housing 34% by habitable room (15 units)
 - 71% Affordable Rent at Borough Framework rental levels (10 units)
 - 29% Intermediate Shared Ownership (5 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Car free agreement
- d) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
- e) Commitment to market the ground floor non-residential unit for Class A4 use (drinking establishments) for a period of six months, before marketing for any other permitted use.
- f) Any other planning obligation(s) considered necessary by the Divisional Director of Place

3.4 That the Divisional Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Divisional Director of Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 Conditions:

1. Three year time limit
2. Compliance with approved plans and documents
3. Samples and details of all facing materials
4. Details of any shopfront 1:50 including location of signage
5. Details of hard and soft landscaping, including boundary treatment and lighting
6. Details of play equipment
7. Details of green roof
8. Details of drainage and mitigation of surface water run-off
9. Details of all Secure by Design measures
10. Hours of construction and demolition
11. Demolition and Construction Management/Logistics Plan
12. Delivery and Servicing Management Plan
13. Details of any extract system serving an A3 use
14. Hours of operation for each of the commercial use
15. Travel Plan
16. Contaminated Land assessment and mediation strategy
17. Submission of Energy Statement
18. Details of cycle parking
19. Details of noise and vibration levels post completion testing
20. Details of piling, all below ground works and mitigation of ground borne noise
21. Scheme of highway improvement works as requested by LBTH Highways
22. Protection of DLR infrastructure
23. Car and Permit free agreement
24. Commercial unit to be Use Classes A1/A2/A3/A4
25. Details of wheelchair accessible units

26. Ventilation details for A3/A4 Use

27. Details of noise insulation between non-residential unit and residential premises.

3.7 Any other conditions considered necessary by the Divisional Director of Place.

3.8 Informatives:

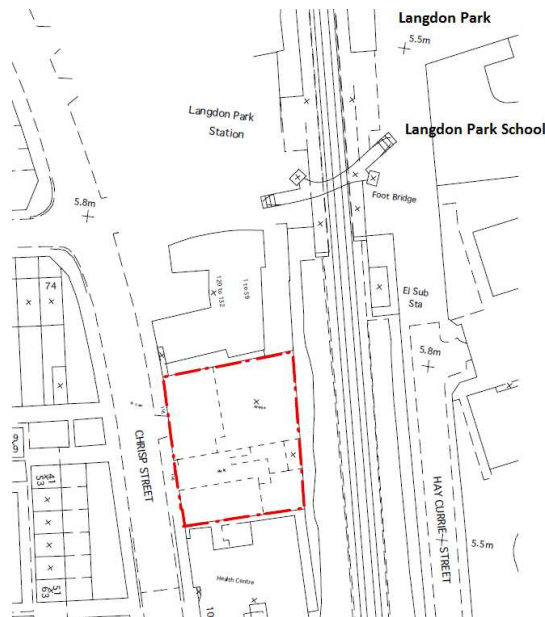
1. Subject to a S106 agreement
2. Thames Water standard informative
3. Building Regulations approval required
4. CIL liable

3.9 Any other informatives considered necessary by the Divisional Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site is a broadly rectangular plot that measures 0.102ha in size. It is situated on the eastern side of Chrisp Street and is to the west of the DLR line that runs from Lewisham to Stratford.
- 4.2. The site comprises two plots – 116 and 118 Chrisp Street. No.116 to the south is occupied by a two storey public house – the now vacant Royal Charlie and includes its rear outbuildings and car park. 118 Chrisp Street comprises a vacant 2 storey warehouse. This warehouse was previously used as a tyre and exhaust centre.
- 4.3. To the north of the site is Parkview Apartments (120-122 Chrisp Street). This is a 19 storey residential building with ground floor commercial uses (an A3/A5 use is closest to the application site). It occupies most of its site, and comprises a slim tower set towards the rear of the site, with lower wings projecting towards Chrisp Street.
- 4.4. To the north of Parkview Apartments, beyond a pedestrianised street that connects Langdon Park Station with Chrisp Street, is a construction site for a consented residential development comprising buildings that will range from 5 to 22 storeys high.
- 4.5. Approximately 40m to the north east of the site is a Langdon Park DLR Station and Landon Park. On the other side of the DLR tracks to the east is Langdon Park school. Immediately to the south of the site is a 1 and 2 storey Health Centre and associated car park.
- 4.6. To the west, across Chrisp Street, is a relatively recent residential development of between 3 and 9 storeys in height, which is part of the Equinox development. The 9 storey element of the development faces the application site. Moving north there is a 2 storey terrace of postwar housing which faces Carmen Street and further north from that there is another relatively recent residential development of between 4 and 9 storeys in scale, which is another phase of the Equinox development.
- 4.7. The following site plan shows the site in relation to its surroundings:



- 4.8. Further afield there exists a recently built 20-storey building tower – ‘The Panoramic’, located to the south east of the application site at the meeting point of Hay Currie Street, Willis Street and Bircham Street.
- 4.9. The site is located at the northern end of the Crisp Street Market District Centre.
- 4.10. The proposed development site has a good Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest. Langdon Park DLR station is located on the north-east and is approximately 100 metres walk from the site. The site therefore provides good connectivity. Bus stops exist on Crisp Street located just outside the site and 2 minutes walk away on Cordelia Street providing connections to Stratford, Canary Wharf, Bethnal Green and Canning Town.

Planning History

- 4.11. The two sites were previously in separate ownership and received separate planning permissions for buildings up to 10 storeys; however these consents were not implemented and have since expired.

118 Crisp Street - PA/08/00374

- 4.12. (1) Demolition of the existing single storey light industrial building with double pitched roof and redevelopment of the site by the erection of a part 5, part 8 and part 10 storey building for mixed use purposes.

(2) Provision of 128 sq.m of commercial floorspace falling within use classes A1, A2, B1 or D1 at ground floor level plus a total of 28 self-contained flats (12 x 1 bedroom; 9 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom) together with bicycle parking, refuse/recycling facilities and amenity space.

Permitted: 04.07.2008

Expired without implementation: 04.07.2011

116 Crisp Street – PA/09/00357

- 4.13. Demolition of existing Public House and redevelopment of site to provide 95sqm of A3 use on ground floor; 20 residential units (comprising 9 x 1 bed; 6 x 2 bed & 5 x 3

bed); associated amenity space and 30 cycle spaces. Part 5 part 10 storeys in height.

Permitted: 03.06.2009

Expired without implementation: 03.06.2012

Proposal

- 4.14. This application was considered by the Strategic Development Committee on 28th July 2016. Members were minded to refuse the application for the following reasons:
- Overdevelopment of the site
 - Height, bulk and massing
 - The density of the proposal and the impact this would have had on the daylight/sunlight of neighbouring buildings
 - Loss of a public house
 - Underprovision of child play space and communal amenity space
 - Quality of the design
 - The existence of a separate entrance for the affordable units
- 4.15. Following this meeting officers worked with the applicant's to seek to resolve the above issues with the following key amendments:
- The scheme's footprint was reduced in addition to reductions in the height and massing.
 - The number of units was reduced as a result from 71 to 63.
 - The quality and quantity of communal and child play space for residents was increased by 70sqm.
 - A4 (drinking establishments) which includes public houses and bars, was included in the range of potential uses for the ground floor commercial unit.
- 4.16. This amended version of the application was considered by the Strategic Development Committee on 20th October 2016. Members were again minded to refuse the application for the two following reasons:
- Excessive height, bulk and massing of the proposal
 - Symptoms of overdevelopment particularly the daylight/sunlight impacts on the Equinox building

The Revised Proposals

- 4.17. Full planning permission is sought for demolition of existing buildings and erection of a building between 5 and 13 storeys in height to provide 53 residential units (23 x 1 bed, 21 x 2 bed, 7 x 3 bed and 2 x 4 bed) and landscaped amenity space, cycle parking, electricity substation and associated works. The formation of new vehicular and pedestrian access onto Chrisp Street is also proposed.
- 4.18. The front of the ground floor would contain a single entrance lobby and a 90sqm commercial unit that would be flexible between retail, financial and professional, restaurant and drinking establishment uses (use classes A1/A2/A3/A4). The rear of the ground floor would contain cycle storage rooms, bin stores, plant rooms and a substation. The external area between the rear elevation and the boundary of the site with the DLR tracks would be a 206sqm area of dedicated child play space and a 64sqm area of communal amenity space.
- 4.19. Floors 1 and 2 would consist of the affordable rented units, the 3rd floor would provide a mix of the 4 intermediate units and private units and all of the floors above this would contain private units.

- 4.20. The building would be 5 storeys where it meets Chrisp St, and would be stepped in again at the 10th floor where a communal amenity area of 140sqm would be provided and would rise to a total of 13 storeys to the rear of the site. The scheme will be based on a simple palette of high quality materials.
- 4.21. The proposed development would be car-free. A car permit free agreement will be entered into with Tower Hamlets to restrict future residents from access to parking permits.

5.0 POLICY FRAMEWORK

- 5.1 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:

5.2 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan MALP 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 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
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 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
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling

- 6.10 - Walking
- 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
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 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
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- 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

5.5 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community Infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local Job Creation and Investment
- 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
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 Supplementary Planning Guidance/Documents and Other Documents

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2012)
- London Planning Statement - Draft (2012)

Other

- Planning Obligations SPD 2016

5.7 Tower Hamlets Community Plan objectives

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

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

External Consultees

Transport for London

6.3 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received:

6.4 Car Parking

Car free scheme is welcomed by TfL in principle. The applicant should therefore demonstrate whether 7 accessible car parking spaces can be feasibly achieved on site or within the local area.

6.5 Cycle Parking

93 cycle spaces are proposed internally at grade with access from the two cores, to serve the residential units an additional 8 spaces externally for visitors and commercial use. The external store should be covered and preferably covered by CCTV. Also, TfL request that the cycle parking is increased in conformity with the Further Alterations to the London Plan (FALP).

6.6 Walking

TfL has identified that this area suffers from poor wayfinding and therefore in accordance with London Plan policy 6.10 'Walking' TfL recommends that the applicant liaise with Tower Hamlets on the introduction of Legible London within the local area to help aid wayfinding in the area.

6.7 DLR

Langdon Park suffers from uneven loading, with some carriages busier than others, and this is exacerbated (particularly in poor weather) by the lack of full-length platform canopies at most stations. TfL requests a £75,000 contribution towards enhancements, including full length canopies, at Langdon Park station is secured. As this development includes the construction of a tall building adjacent to the DLR line TfL requests that conditions should be attached to the grant of any planning consent with the intention of protecting DLR infrastructure.

6.8 Buses

TfL considers that the impact of this development upon the bus network will be negligible and that there is sufficient capacity to cope in the minor uplift in bus passenger trips.

6.9 Freight

TfL understand that deliveries and servicing will occur on street however to ensure the smooth flow of traffic TfL's preference is for servicing to occur on site. The applicant should therefore demonstrate whether this would be feasible to provide on site. With consideration to the retail unit TfL would expect a Delivery and Servicing Plan (DSP) to be secured by condition.

Thames Water (TW)

6.10 TW do not have any objection to the above planning application in relation to sewage impact or Water Infrastructure capacity.

6.11 TW recommend a condition restricting impact piling.

Environment Agency (EA)

6.12 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received:

6.13 EA have reviewed the Flood Risk Assessment we agree with its findings that the site levels are above the in-channel levels of the River Thames for the extreme tidal surge. The site is not affected by fluvial flood risk and is under 1 ha therefore they have no objection to the proposal nor any conditions to recommend.

Greater London Authority

6.14 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received. The level of affordable housing offered in the previous version of the scheme was 37%. This has since been reduced to 29% following reductions in the number of units.

6.15 London Plan policies on the loss of local community asset (PH), affordable housing, density, design, energy and transport are relevant to this application. The application complies with some of these policies but not with others and reason and the potential remedies to non-compliance are set out below:

Affordable housing

6.16 Whilst the scheme is proposing affordable housing, the proportion is lower than the Council's minimum requirement of 35%. The Council may also opt to independently assess this scheme to ensure that the maximum amount of affordable housing is

being delivered, since new schemes within the Chrisp Street area are known to have achieved high provisions than the 24% proposed.

Housing

- 6.17 The residential housing mix appears to be appropriate.

Density

- 6.18 The Density is higher than the London Plan specification but the design quality is high.

Design

- 6.19 Design is generally supported. However the Council will need to be satisfied locally that there are no negative impacts to the uses to the southern elevation of the building and surrounding the site.

- 6.20 The sixteen-storey height (as originally submitted) of the proposal sits comfortably within the established and emerging context and is supported from a strategic perspective, given its location within the Chrisp Street Market district centre. The building height also responds to the scale of the taller development closer to Langdon Park Station, contributing to a gradual drop in scale further to the south along Chrisp Street.

Transport

- 6.21 Agreement for the enhancement of the DLR station required. CMP, Travel Plan, electric vehicle charging points, way-finding enhancements and more specific plans required.

Internal Consultees

Environmental Health – Contamination

- 6.22 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme.
- 6.23 The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Environmental Health - Noise and Vibration

- 6.24 The following comments were received for the original 16 storey scheme, following re-consultation no further comments have been received.
- 6.25 Noise should not be a material factor for refusal, although it is recommend that the design of the development is reviewed to accommodate the necessary measures to ameliorate noise, vibration and any likely groundborne noise, as some complaints are likely to be made after occupation.

Air Quality

- 6.26 The following comments were received for the original 16 storey scheme, no further comments have been received:
- 6.27 The Councils Air Quality Officer has advised that the submitted Assessment submitted is adequate.

Transportation and Highways

- 6.28 The following is a summary of the representations received from the Councils Transportation and Highways department. These comments were received for the 16 storey scheme, no further comments have been received.
- 6.29 Highways have taken on board the agreement of Parking Services to three on-street disabled parking bays. In this case it is recommended that the applicant enter into a legal agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges. Highways support the otherwise car-free approach. A 'Permit Free' agreement will be required, secured by the S106 agreement, which restricts all future residents (unless blue badge or those who qualify for the Permit Transfer Scheme) from obtaining a parking permit in the controlled parking zone.
- 6.30 Minimum of 90 cycle parking spaces is required without the additional for visitors and commercial use.
- 6.31 There are waiting restrictions in operation (as well as a bus stop on the frontage) and with these are inherent loading restrictions, which restrict loading to a 20 minute period, insufficient for a removals van for instance. With regards servicing, the pre-app advice given for on-street servicing is accepted.
- 6.32 The highway works surrounding this site are to be subject to a section 278 agreement

Sustainability

- 6.33 The following comments were received for the original 16 storey scheme, no further comments have been received:
- 6.34 The CO2 emission reductions proposed are anticipated to be policy compliant and deliver a 45% reduction against a Building Regulations 2013 baseline.

Waste

- 6.35 The following comments were received for the original 16 storey scheme, no further comments have been received:
- 6.36 The following is a summary of comments received.
- Residential and commercial bin stores must be segregated
 - require that the largest bin for residual waste is 1100 litres and recycling 1280 litres
 - require that the bin store is within 10 metres of the place where the refuse vehicle will stop and the area should have a dropped kerb

7.0 LOCAL REPRESENTATION

- 7.1 A total of 548 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.2 A further round of public consultation has taken place since the receipt of the amended plans.

- 7.3 The number of representations received in response to notification and publicity of the various version application is as follows:
- 7.4 July 2016 application – 4 Objection letters
- 7.5 October 2016 application – 12 objection letters
- 7.6 Current version – 4 Objection letters (of these 2 have objected previously)
- 7.7 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- Royal Charlie pub is a community asset
 - Royal Charlie pub is a viable business
 - Too many flats in the area
 - Adverse impact on local services
 - Unused warehouse should be redeveloped
 - Development would affect the view from the properties on the opposite side of the road
 - Royal Charlie pub is historic building that should be protected
 - Proposals would block light and heat to neighbouring dwellings and GP practice to south
 - Overlooking of GP practice to south impacting confidentiality and comfort of patients
 - Closure of pub may lead to people loitering and anti-social behaviour
 - Increase in new housing in the area may cause vandalism and anti-social behaviour due to traditional community feeling 'replaced' by new residents.
 - DLR does not have the capacity to cope with further residential development
 - Adverse impact on traffic
 - Is there a possibility of Section 106 funding for increased amount of patients at the GP practice
 - The tyre centre was formerly an HGV services and may have contaminated land
 - Traffic and noise disruption from construction
 - Dust generated from construction would impact vulnerable patients of the Health Centre.
 - Damage to southern party wall and rare plant during construction
 - Wind channelling from the development.
 - Loss of privacy

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee are requested to consider are:
- Land Use
 - Design
 - Housing
 - Amenity
 - Transport, Access and Servicing
 - Sustainability and Environmental Considerations
 - Planning Obligations

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:
- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
 - a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
 - an environmental role – protecting and enhancing the natural, built and historic environment.
- 8.3 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.6 The site is within the Chrisp Street district centre and the place of Poplar as set out in the Core Strategy SP12 Annex which seeks to create “a great place for families set around a vibrant Chrisp Street and a revitalised Bartlett Park”, with higher densities in and around the regenerated Chrisp Street town centre and lower densities around Bartlett Park.

Loss of public house

- 8.7 Public houses (Use Class A4) such as the Royal Charlie located at the site are considered to be community facilities. In line with Policy DM8 (3) of the Managing Development Document which manages the loss of such facilities the applicants were required to demonstrate that there is no longer a need for the public house within the local community including evidence of marketing effort at an appropriate rent.
- 8.8 The public house closed 30th January 2017. The applicant has advised that it was being subsidised by the applicant with a considerably lower than market rent in order to maintain a presence in the building to avoid squatters and vandalism. However, even with the very low rent, the applicant has advised that rent arrears built up and rooms were being let as accommodation in the building without the consent of the applicant. The condition of the building is very poor with areas of the roof having fallen in and the building in its current state was considered no longer fit for purpose by the applicant. A decision was made to terminate the lease and install on-site security instead.

- 8.9 Before the public house closed the applicant submitted a Viability Study by Christie & Co for the submission which suggested the public house suffers from a consistently poor trade performance considered to be linked to rising costs within the industry, a poor location, a low customer base, the poor condition of the property and a number of competing public houses in the local area. The study concluded that the Public house is not viable in the long term and it can be seen this has been borne out, with the pub in rent arrears before the lease was terminated.
- 8.10 It is also noted, that the Council has previously granted the loss of the public house in PA/09/00357. However, given this consent has expired limited weight is given to this point.
- 8.11 With many of the sites surrounding the site having been re-developed, the loss of the public house which is not considered to be of any townscape merit amongst the various new residential developments of area, is considered acceptable.
- 8.12 The Committee has previously raised concerns over the loss of the public house and hence the applicant has looked at the opportunity for the re-provision of a public house or similar use within the proposed development. The application was subsequently amended to extend the range of flexible uses that could be permitted for the commercial unit to include drinking establishments (use class A4). In order to encourage this a S106 legal agreement seeking marketing for this use exclusively for a 6 month period would be entered into.
- 8.13 As such, overall the loss of the existing public house needs to be balanced against policy aims to optimise the use of the site and achieve ambitious housing targets. With the potential for its re-provision within the scheme, officers consider the loss of the public house acceptable in this instance, when considering the benefits to be gained with 53 additional residential units including much needed affordable housing.

Loss/reduction of employment space

- 8.14 Policy DM15 states that employment uses should only be lost if they are not viable or they are unsuitable for continued use. Evidence of a marketing exercise for approximately 12 months is usually required to demonstrate that there is no demand for the existing employment use before a loss will be accepted. This has not been provided.
- 8.15 The applicant states that the tyre and exhaust centre building (B1c) on the site has been vacant since 2008. The building is in a poor condition which would take investment to be suitable to reuse. The building is an unsympathetic feature of the townscape in this residential/town centre location and is unlikely even with investment to generate a high level of employment. In this case and in light of the intense pressure outlined to provide new housing the loss of the warehouse is considered acceptable. Its replacement with high-quality residential with 90sqm of commercial uses at ground floor is considered by officers to be the most efficient and appropriate use of the site, taking into account the emerging residential context.

Principle of residential use

- 8.16 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (FALP 2015) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address

the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.

- 8.17 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.18 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

Proposed flexible commercial space

- 8.19 In terms of the proposed non-residential uses at the site, it is proposed that the single 90sqm unit on the ground level of the building would have a range of potential uses. At the July 2016 committee the range of uses included retail/professional/restaurant (Use class A1/A2/A3). Drinking establishment (Use class A4) was included in this range ahead of the October 2016 committee and this would be conditioned as such. As mentioned above, in order to encourage the re-provision of the public house a S106 legal agreement seeking marketing for this use exclusively for a 6 month period would be entered into.
- 8.20 It was considered that the proposed inclusion of office (Use Class B1), which was originally part of the range of potential uses, would not activate the street frontage and be unlikely to be occupied for office use, so this use was removed. Conversely officers consider financial and professional services (Use Class A2) to provide an active frontage which has therefore been included in the range of appropriate flexible uses for the commercial unit.
- 8.21 Regarding the proposed retail use, an increase in floorspace and units within the designated Crisp Street district centre is supported in accordance with the SP01 (4a) of the Core Strategy which looks to encourage additional comparison retail in town centres.
- 8.22 Restaurant/café/drinking establishment uses are also directed to designated town centres providing there is not an over-concentration of such uses and there is a separation of at least two non-A3/A4/A5 unit between each A3/A4/A5 unit in accordance with Policy DM1 (4) of the Managing Development Document. It is acknowledged that the neighbouring unit to the north is in use as a café/takeaway however there are no other A3/A4/A5 uses in the immediate surrounding area that would amount to an overconcentration. The restaurant/café use is therefore considered acceptable.

Design

- 8.23 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.24 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,

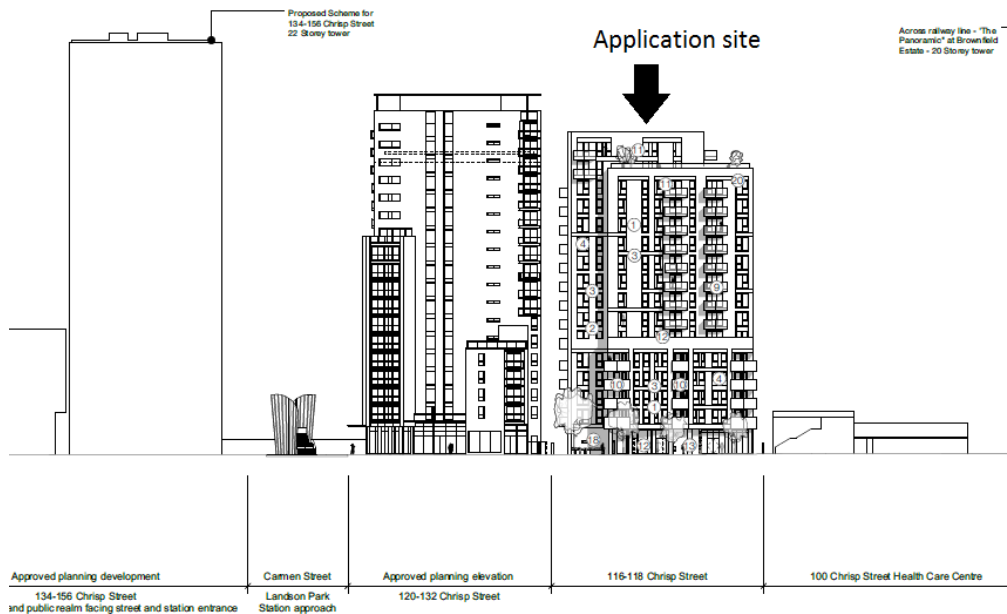
- create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.25 Chapter 7 of the London Plan places an emphasis on high quality design in new development.
- 8.26 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.27 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Height & Massing

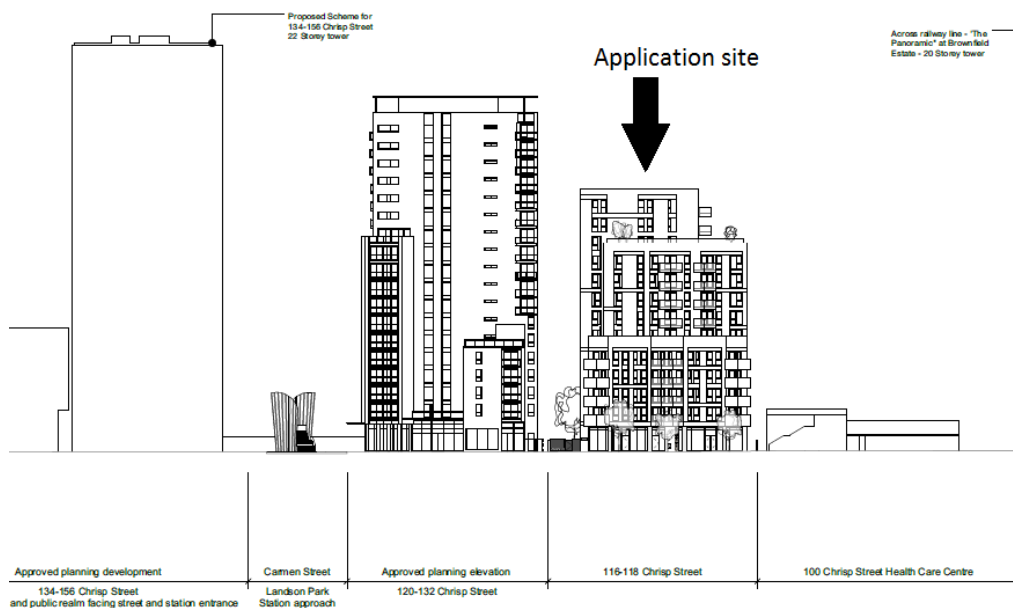
- 8.28 With regards to appropriateness of the development of tall buildings, this has been considered in the context of London Plan and Local Plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2016) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.29 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. Policy DM26 of the Managing Development Document supports the Core Strategy and states that building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.30 The building's tallest element was originally 16 storeys but following the July committee was reduced to 15 storeys and it has now been reduced to 13 storeys. The building is within the Chrisp Street Market district centre and is located close to Langdon Park DLR station where a number of tall buildings have been consented, built or are in the process of being built. As such, the principle of a 13 storey building at this location is supported as it would fall somewhere in the middle of the range of heights within the area.
- 8.31 The tallest element would be 4 storeys taller than the Equinox development immediately opposite (9 storeys) but would fall well below several recently built or consented schemes in the immediate surrounding area. These include: 'Parkview Apartments', (19 storeys) on the neighbouring site to the north; 134-156 Chrisp

Street, (22 storeys) currently being built further north on the other side of the DLR station and 'The Panoramic' south east of the site (20 storeys).

- 8.32 The following plans show the context street elevation from the originally proposed consented scheme to the current proposals.



Context street elevation showing the original scheme.



Context street elevation showing the current proposal.

- 8.33 In terms of massing, the proposal still follows similar principles to the Parkview Apartment with the building's tallest element positioned to the rear of the site closest to the DLR tracks. The height is then staggered as you move towards the front of the building. The central section of the building would now be 10 storeys, a reduction of 5 storeys from the original which is considered to significantly reduce the impression of the massing of the building. The building would still meet Chriss Street at 5 storeys in

height, providing a human scale at street level that corresponds with the surrounding buildings here.

- 8.34 Responding to members concerns, the bulk and massing was removed from the northern part of the building before the October 2016 committee by reducing the footprint and pulling a projecting part of the building away from Parkview Apartments. This resulted in a significantly larger visual separation between the proposed development and Parkview Apartments, to the north, increasing the separation distance from 4m to 7.8m.
- 8.35 The proposed height, bulk and massing of the development being applied for has been further reduced. The current form is considered to be a further improvement on the previous scheme in that it more appropriately relates to its surroundings. The scheme provides a clear visual separation to the adjoining tall building to prevent the perception of a wall of tall development emerging along the east side of Chrisp Street.

Elevation Design & Materials

- 8.36 The elevation treatment and detailing have been well thought through and the architects have employed architectural techniques to create articulation and interest. The elevation treatment consists of high-quality brick as the main external material. Contrast and a breakup of the massing would be created through the use of a combination of red-buff bricks and grey bricks. Bands of vertical stack bonded bricks would be used to add interest. In the same way visual interest has been achieved on the southern elevation, which would be exposed in relation to the low-rise Health Centre and has much less fenestration, with a contrast of brick colours and brickwork detailing. A small step in this southern elevation has also been to further break up this elevation.
- 8.37 The communal entrance would be constructed with full height glazing and glass swing doors to the residential entrance. This would be sheltered with colonnade entrance area. It is considered that the ground floor layout is well-conceived with a good level of active frontage on Chrisp Street. The entrance foyer has been re-designed from the original plans to remove the tapering edge providing a positive, direct relationship to the street. The same entrance would be used by all residents, irrespective of the tenure of their homes. A planning condition is recommended to secure details of the proposed shop front for the retail (Class A1-A4) unit.
- 8.38 The windows would have deep reveals with high-quality aluminium frames. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Further variation to the elevations would be provided by a combination of balcony types with perforated aluminium panelled balconies and projecting frameless glass balconies. At the front elevation, the balconies of the lower 5 floors would be inset. Officers consider that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.
- 8.39 To ensure the highest quality materials, all external materials would be reserved by condition.

Heritage

- 8.40 The site is not within a Conservation Area, however it would be visible in relation to the Langdon Park Conservation Area which is located approximately 100 metres to the north east of the site, on the opposite side of the DLR tracks.
- 8.41 The proposed development is considered to form part of an emerging cluster around Langdon Park DLR station of contemporary taller buildings. The design of the proposal has been subject to pre-application discussions between the applicant and Officers. Officers are satisfied that the buildings would form background buildings when viewed from the Conservation area and consequently preserve the appearance of the Langdon Park Conservation Area.
- 8.42 The Royal Charlie public house dates from the early 1870s, but appears to have been altered significantly since. It is not listed, locally listed or in a conservation area. There have been objections from local residents to its loss. Whilst it is possible to consider the public house as a non-designated heritage asset, the loss of the building would be outweighed by the significant public benefits of redeveloping a brownfield site to provide housing, including affordable housing with the potential for the ground floor to provide retail and drinking establishment uses.
- 8.43 Overall, officers are satisfied the proposal will preserve the character and appearance of neighbouring conservation areas.

Safety and security

- 8.44 The site has been design to high security standards. The site benefits from a prominent entrance on Chrisp Street. The proposed entrance and fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.45 A condition would be attached to the permission for secure by design standards to be secured should the application be recommended for approval.

Landscaping

- 8.46 The proposal would provide 206sqm of dedicated child playspace at ground floor to the rear of the building. This would be well-designed and include toddler play space with low height/impact timber and steel play equipment, stepping stones and wetpour coloured safety surfacing and raised planters among a range of other features. An acoustic green barrier would be erected along the eastern boundary in order to mitigate noise generated from the passing DLR trains. The area would include a range of planting for visual and seasonal interest. A low hedge would surround the child play space.
- 8.47 In addition to the ground floor child play space there would also be two areas of communal amenity space. There would be a 64sqm space to the south of the child play space and a terrace on the 12th floor which would provide a further 140sqm of communal amenity space. These would again be well-designed and feature a range of planting, benches and communal tables.
- 8.48 The constrained sites provide limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out, maximising

the opportunities in spatial terms and subject to final approval of details by condition, would be of a high quality.

Housing

- 8.49 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development” Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.50 As mentioned in the land use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.51 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.52 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4. The London Plan defines “Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a “Central” area given in the London Plan without being located within 800m walking distance of a major town centre, Canary Wharf Central Activities Zone being approximately 1,250m walking distance away.
- 8.53 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 650 to 1100 habitable rooms per hectare (hrph) and with an average of just over 3 habitable rooms per unit: 215 to 405 units/hectare (u/h).
- 8.54 Following reductions in the size of the proposed building since the original submission the proposed density has been fallen from 2,138hrph and 693u/h to 1,464hr/ha and 529u/h. This brings the density much closer to the guidance in the table.
- 8.55 It should be noted that density only serves as an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.

- 8.56 This report will go on to outline why officers consider that the scheme has limited symptoms of overdevelopment. Officers have sought to weigh up the applications impacts against the benefits of the scheme and in particular the provision of affordable housing.

Affordable housing

- 8.57 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.58 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.59 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.60 The number of units was reduced from 71 originally proposed to 63 units for the October 2016 committee. The scheme has now been further reduced to 53 units and the unit mix has also changed as a result. Despite the reduction in the number of units the applicants are still able to provide a significant affordable housing offer of 34% by habitable room. This equates to 14 affordable homes (43 habitable rooms).
- 8.61 This would be provided in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	10	19%	36	24%
Intermediate	5	10%	15	10%
Total Affordable	15	29%	51	34%
Market Sale	38	71%	101	66%
Total	53	100	152	100%

Table 2: Affordable Housing Provision

- 8.62 The proposed delivery of 34% affordable housing is below the Council's minimum policy target of 35%. The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. Given the further reduction of overall floor space within the proposals, the 34% affordable housing offered is the maximum reasonable amount of affordable housing that can be provided whilst ensuring the scheme is viable, as required by the London Plan. The viability assessment has been independently reviewed by the Council's own consultants who have demonstrated that the scheme cannot support in excess of 34% affordable housing.

- 8.63 Of the affordable accommodation all the rented units would be let in accordance with the Councils 2016/17 POD rents for this postcode area.
- 8.64 The proposed rents are 1 bed -£204.02pw, 2 bed -£214.12pw, 3 bed -£227.25pw, 4 bed -£266.64.
- 8.65 The applicants are providing an assessment, which will be included in an update report, of a 50/50 split between London Affordable Rent and TH Living Rent and how this would affect viability.
- 8.66 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.67 The tenure split between Rented and Intermediate, at 70:30, exactly meets the policy target.
- 8.68 There would not be separate access cores for affordable and private tenures but access by a single open-plan entrance lobby.
- 8.69 The proposal generally accords with policy targets and the tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

- 8.70 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.71 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.
- 8.72 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

8.73 The proposed dwelling mix for the revised scheme is set out in the table below:

Table 3: Dwelling Mix

		affordable housing						market housing		
		Affordable rented			intermediate			private sale		
Unit size	Total units	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0	0%	0	0	0%	0	0	0%
1 bed	23	4	40%	30%	2	40%	25%	17	45%	50.00%
2 bed	21	2	20%	25%	2	40%	50%	17	45%	30.00%
3 bed	7	2	20%	30%	1	20%	25%	4	10%	20%
4 bed	2	2	20%	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	53	10	100%	100%	4	100%	100%	38	100%	100%

8.74 In terms of affordable Rented Housing:- 40% of one bed units against our policy requirement of 30%, 20% of two bed units against our policy requirement of 25%. 20% of three bed units, against our policy requirement of 30%, 20% of four bed units against our policy requirement of 15%. The affordable family rented units are providing 43% family units by habitable rooms, which is slightly short of our policy 45% family rented homes.

8.75 In terms of intermediate/shared ownership 40% are one bed units, against our policy requirement of 25%, 40% are two bed units against our policy requirement of 50% and 20% of three bed units against our policy requirement of 25%.

8.76 Within the private element of the scheme 45% of one beds are provided against the Council's policy requirement of 50%, 45% of two bed units against the policy requirement of 30%, 10% of three bed units against the policy requirement of 20%.

8.77 In terms of the affordable rented tenure the larger family rented units (4 beds) that have a separate kitchen provided are strongly supported. There is an overprovision of one bed units and an under provision of 3 beds. However the provision of 2 bed units and 4 bed units is broadly in line with policy. There is also an overprovision of 1 bed units in the intermediate but this is skewed by the relatively low numbers within this tenure. The overprovision of 1 bed units within both of these tenures can also be attributed to the reduction of the footprint of the building which meant that 3 bed units that were on the north of the building have been reduced to 1 bed units.

8.78 Within the private element of the scheme there as an overprovision of 2 bed units. There is also an under provision of 3 bed units for the reason mentioned above. It is considered that although there is this divergence from the policy targets, the scheme achieves a good provision of family-sized units for rent and it is considered that the housing mix is acceptable on balance.

Standard of residential accommodation

- 8.79 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”
- 8.80 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements.
- 8.81 Eleven of the 23 1-bedroom units would be single aspect. All of the other units within the scheme would be at least dual aspect. The single aspect units would either be oriented east or west, none would be north facing.
- 8.82 In terms of privacy all of the units would benefit from at least 16.5m separation distance between primary habitable room windows and those of surrounding buildings, where that relationship exists, such as with the Equinox building on the opposite side of Chrisp Street.
- 8.83 The only windows of Parkview Apartments that face the scheme are secondary high-level windows or windows to the corridor and stair core that would not compromise the privacy of the units on the northern elevation of the building. The separation distance is considered to offer an acceptable level of outlook ranging between 7.5m and 10m. There would be a similar distance between the windows on the southern elevation and the Health Centre (10m). However as this health centre building is two-storeys in height it is only considered to have a privacy impact on the bedroom windows of the lower floors (1-3) and a limited impact due to the health centre operating only within office hours.
- 8.84 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 8.85 The Building Research Establishment (BRE) Handbook ‘Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice’ (hereinafter called the ‘BRE guidance’) provides guidance on the daylight and sunlight matters.
- 8.86 For calculating daylight to new developments, the BRE guidebook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- 8.87 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants’ perception of the light to the room as a result of that good sky visibility may be positive.
- 8.88 The application is supported by a revised Daylight and Sunlight Assessment (DSA). The robustness of the methodology and conclusions are being appraised by the

Council's independent daylight and sunlight consultants and their conclusions will be included in the committee update report.

- 8.89 The submitted assessment identified that 12 rooms in the proposed development would not achieve the recommendations for ADF. As such, 88% of the habitable rooms achieve the relevant BRE standards which is considered acceptable.
- 8.90 Of 103 rooms tested for Daylight Distribution (DD), 78 (75%) will meet the target values as set out in the BRE guidelines.
- 8.91 Of the 103 rooms assessed 60 (58%) would meet the BRE target values for internal sunlight, with 43 falling marginally short of the guidance. The BRE guide recognises that the sunlight criteria is difficult to be fully achieved in flats, because of orientation constraints and density. It is stated that the aim of the design should be for each unit to have a main room which receives a reasonable amount of sunlight. 29 of the affected rooms are oriented within 90 degrees of due north, limiting their ability to achieve higher levels of sunlight. However, despite this constraint, the submitted assessment shows the north facing rooms will achieve reasonable levels of annual APSH. A further 6 of the rooms are recessed within the west elevation of the building and positioned adjacent to projecting walls, preventing higher levels of achievable APSH. 14 of the affected rooms are positioned directly below overhanging balconies which also inhibits the availability of sunlight, particularly during the summer months. Furthermore, 35 of the affected rooms within the proposed development are bedrooms, which the BRE states are less important in terms of sunlight.
- 8.92 Overall, it is considered that the proposal would provide an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.93 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.94 Five wheelchair accessible homes are proposed which amounts to just under 10% of the total units. These would be located within the private tenure part of the scheme as these units would the use of two lifts.
- 8.95 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Three disabled accessible parking space would be provided on Chrisp Street in accordance with need. This is considered acceptable taking into the site constraints.

Private and communal amenity space

- 8.96 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.97 All of the proposed units would have a private balcony or terrace that is at least 5sqm in area and 1.5m wide and would meet the minimum standards set out in the MDD. The two larger family units would generously exceed the minimum standards.

- 8.98 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a total of 103sqm of communal amenity space is required within this development.
- 8.99 The scheme provides 64sqm of communal amenity space at ground floor for the affordable units and 140sqm of communal space on the roof of the 10th storey element of the building for the intermediate and private units. If you split the policy requirement of 93sqm proportionally by habitable room the requirement for the affordable part of the development would be 27sqm and the remaining part of the development 66sqm. The proposals generously exceed the policy requirement in both cases.
- 8.100 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.

Child play space

- 8.101 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' a benchmark of 10sqm of useable child play space per child is required.
- 8.102 The proposed scheme is anticipated to accommodate 24 children applying the GLA child yield. Accordingly, the scheme should provide a minimum of 240sqm of play space. This requirement is broken down as shown in Table 3.

Table 4 – Child Play Space

	GLA Child Yield	Required Space	Proposed within scheme
Under 5	6	60sqm	206sqm
5-11 year olds	6	60sqm	
12+ year olds	5	50sqm	
Total	24	170sqm	206sqm
Excess in play space			36sqm

- 8.103 The proposed development would provide 206sqm of dedicated child amenity space at ground floor level between the building and the eastern boundary. This scheme would therefore exceed the policy requirement for child play space by 36sqm.
- 8.104 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. Given the existence of facilities in nearby Langdon Park (140m walk away) and Bartlett Park (400m walk away), which fall within the above distances, the proposal would not include any dedicated on-site play space for older children. All of the space would be given over to children under 12 years. Officers are supportive of this approach.
- 8.105 Overall, it is considered that the proposal, subject to condition would provide a good play environment for children.

Amenity

- 8.106 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

Overlooking and privacy

- 8.107 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.108 Other than the ground floor which comprises the entrance lobbies and commercial unit the development has been designed with the primary aspects being east (across the DLR) and west (across Chrisp Street). A number of windows exist on the South elevation facing the Health Centre however it is considered that these would not result in any unacceptable privacy impact on this low rise community building as the windows in the lower floors of this elevation are bedroom windows which will tend not to be occupied as much during the office hours that the Health Centre will be open.
- 8.109 The Equinox development, to the west, on the opposite side of Chrisp Street would have a separation distance of more than 16 metres at the closest section to the application site (floors 1-4). This is considered an acceptable gap to maintain privacy within this urban location. Floors 5-9 would be 22.5m from the Equinox development providing a comfortable separation.
- 8.110 To the east there would be a large separation distance (45m) between the proposed building and Langdon Park School located across the DLR tracks.
- 8.111 The north facing windows of the flats in the section of the building facing Parkview Apartments would have a separation distance of between 7.5 and 10 metres. However, the only windows that would face the northern elevation of the scheme would be small high-level secondary windows. The other openings in this elevation serve a corridor and stair core. It is therefore considered that there would be no unduly detrimental privacy impact on Parkview Apartments.

Outlook and sense of enclosure

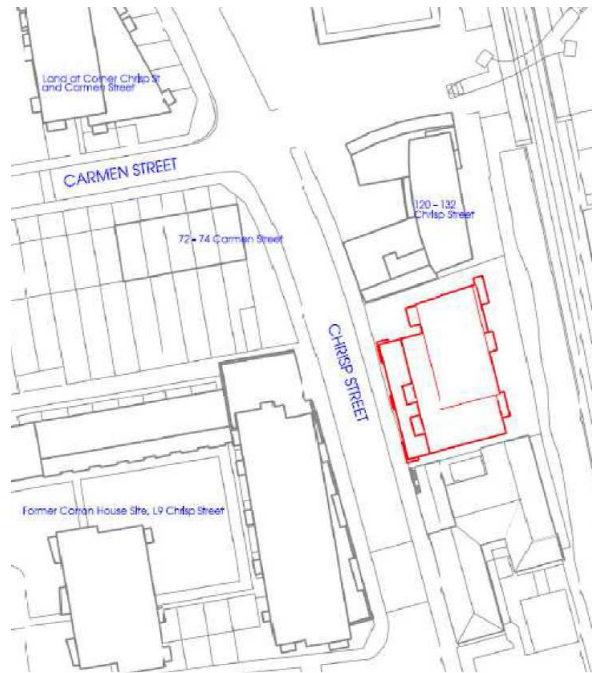
- 8.112 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure. The relationship of the proposed development with Parkview Apartments is most relevant here with a separation distance of between 7.5 and 10 metres. As mentioned in the above section, the windows in the southern elevation of

Parkview Apartments that directly face the development either serve circulation space within the building or are high-level secondary windows. The reduction in these windows outlook is not regarded as an issue. The outlook of the bedroom windows orientated east on floors 1-6 of Parkview Apartments would be considered acceptable.

Daylight, Sunlight and Overshadowing

- 8.113 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 8.114 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but advise that where reductions occur of more than 20% of the existing they will be noticeable to occupiers.
- 8.115 Member raised concerns with regards the daylight/sunlight impacts of the development at the July and October 2016 committees. The applicant has again submitted a revised Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the latest development on neighbouring properties.
- 8.116 The following closest surrounding buildings were tested in terms of how they would be impacted in terms of daylight, sunlight and overshadowing:
72-74 Carmen Street to the north-west,
Parkview Apartments to the north (120-122 Chrisp Street),
Equinox development to the west (Former Carron House Site L9)

The properties are shown in the following plan:



8.117 Of those windows tested in those buildings listed above only Parkview Apartments and the Equinox development had windows that did not pass the test for VSC. The following table shows a summary of the VSC results. The properties that fail VSC are discussed in more detail below.

Property Address	No. of Windows Analysed	BRE Compliant		Total Percentage BRE Compliant
		Yes	No	
Land at corner of Crisp Street & Carmen Street	30	30	0	100%
71 Carmen Street (Ballymore Scheme)	17	17	0	100%
120-132 Crisp Street	44	24	20	55%
Equinox, L9 Crisp Street	60	26	34	43%
72-74 Carmen Street	4	4	0	100%
Total	155	101	54	65%

Parkview Apartments

8.118 The windows which failed to achieve the guidelines in this building are the high level windows that run up the south elevation and 5 windows on the west elevation which are set back from the front elevation on floors 1-5.



Photo 1: Parkview Apartments – Southern Elevation

- 8.119 These high level windows on the southern elevation are secondary windows. The main windows to the rooms that they serve, achieve the BRE guidelines, and therefore large losses of light to these windows do not represent a failure to achieve the guidelines.
- 8.120 Five bedroom windows fail to achieve the guidelines on the west elevation at the lower levels, the development would result in their relative daylight being reduced by between 24.27% and 43.83%. The windows are shown on the white wall in the photo below:



Photo 2: Part West Elevation - Parkview Apartments

- 8.121 The wall adjacent to these bedroom windows already significantly limits daylight to these windows and makes them dependent upon daylight across the development site. A loss of light in a similar way to the south therefore results in the noticeable impact. It is considered that the specific design of the building with these windows set so far back from the front elevation leads to the impacts. The reliance of light across the application site unfairly compromises the development. Given the failures are isolated and the other windows within the development achieve the guidelines it is therefore considered acceptable.
- 8.122 In terms of the sunlight impacts on Parkview Apartments only 3 windows within this building would marginally fail to achieve the recommendations for loss of annual probable sunlight hours. These again would be the inset bedroom windows on the lower floors of the west elevation and again it is considered that the impacts are localised and the overall losses to sunlight to this building are acceptable.

Equinox Development

- 8.123 The Equinox development is a relatively recently completed nine storey residential development located to the west of the proposal site, on the opposite side of Chriss Street. The ground floor is in commercial use. The top three storeys are set back from the main elevation. On the first to sixth floors, many of the windows on this east facing elevation are under inset balconies enclosing the windows from above and on their sides. Many of the windows are also recessed into the building. This makes the windows very dependent upon light from directly in front of them. The following photograph shows this building.



Photo 3: Equinox Building – Chriss St Elevation

- 8.124 Of the windows tested at the Equinox building 34 would result in relative losses of daylight that fall outside of the BRE target values. A majority of the failures would be very significant resulting in VSC reductions of up to 85.59% in one case. 19 of the 34 windows would experience VSC reductions greater than 60%. The remaining 15 windows would be affected less significantly than these.
- 8.125 It is considered that the specific design of the Equinox building with inset balconies and the fact that the buildings opposite are presently low rise leads to these very large relative reductions in VSC.

- 8.126 The balconies significantly reduce the daylight received by the windows underneath them. BRE previously noted that losses would be increased by up to around 30% for the windows located under balconies in this case. It therefore can be seen that the self-design of the development leads to a reliance of daylight from directly in front of it and much greater losses of daylight than would otherwise be the case.
- 8.127 Moreover, the Equinox development was consented with the then two consented 10 storey developments (see Planning History) on the application site in mind. It should be borne in mind that the relative losses in VSC have been assessed against the context of two low-rise buildings opposite. It follows that if there was development of a similar size and scale to the Equinox development, such as the previously consented schemes on the application site, there then there would be a still less significant reduction in daylight caused by the currently proposed development. As a large development that blocks a significant amount of light itself, the applicant considers it is unreasonable for the Equinox development to rely on unimpeded light from the application site and which the design of the building with inset balconies exacerbates. Officers have some sympathy with this position.

Comparison with Impact of Previous Permissions

- 8.128 Within the applicants revised Daylight and Sunlight Assessment is a comparison between the daylight/sunlight impact of the previously consented 10 storey schemes and the proposal. The results indicate that the proposal would have slightly wider daylight/sunlight impact in some regards but less impact in others. In either case the impact would not be vastly different. In terms of VSC, 34 windows fail with the proposal compared to the 30 windows that would previously fail in the consented scenario. In terms of ADF the results show that there would be 10 windows that fall short of the guidance in the proposed scheme, this would be 2 less than the previously consented scenario. In terms of daylight distribution, the proposed scheme would result in 5 less windows failing short of the guidance than the 12 windows that would fail in the previously consented scenario which demonstrates a marginal improvement.
- 8.129 The most recent Daylight & Sunlight Assessment found that all windows within the Equinox building would receive adequate sunlight as defined by the BRE guidance.
- 8.130 Taking the above into consideration it is acknowledged that there would be impacts but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility. Especially given the existing buildings are low rise and redevelopment of the site is likely to have some impact.
- 8.131 Taking the above into consideration it is acknowledged that there would be certain daylight/sunlight impacts, in particular on the Equinox development but it considered that the internal daylighting to the Equinox development would still be acceptable within the context and the dense urban nature of the site. Given the existing buildings are low rise it is inevitable that redevelopment of the site at a similarly dense scale as the Equinox building will have a large impact.
- 8.132 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the nature of the area.

Noise and Vibration

- 8.133 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.134 The proposed development will experience high levels of noise from local road traffic along Chrisp Street which has a significant number of HGV and Bus movements and the DLR in close proximity to the development. Aircraft noise is also to a small degree a factor at this location, as flights from London City Airport regularly overfly this area.
- 8.135 A Noise and Vibration Assessment by Hepworth accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.136 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures would be secured by condition.
- 8.137 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.138 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of "low probability of adverse comment" as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.

Conditions have been recommended to ensure the hours of operation and servicing for any restaurant or drinking establishment (Use class A3/A4) use is controlled appropriately. Any A3/A4 use will be limited to opening hours between 09:00 and 23:30 on any day.

- 8.139 Overall, subject to conditions any adverse impacts on noise and vibration are suitable controlled and are acceptable.

Transport, Access and Servicing

- 8.140 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.141 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective

SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.

- 8.142 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments should be properly integrated with the transport network and should have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.143 The site benefits from good access to public transport, being located approximately 100 metres walk from Langdon Park DLR station to the north east. Bus stops are located on Chrisp Street just outside the site and 2 minutes walk away on Cordelia Street. The proposed development site has a Public Transport Accessibility Level (PTAL) of 4, with 6 being the highest.
- 8.144 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.145 The development would provide 90 covered secure cycle parking spaces with two main cycle parking stores. Bike Store 1 would have access from the entrance core from inside the building and Bike Store 2 would be accessed externally from the southern side elevation of the building. This arrangement is considered sufficiently convenient for cycle users. In addition to this 8 visitor spaces would be provided from 4 Sheffield stands at the front of the building. This complies with the London Plan (2016) standards

Car Parking

- 8.146 Policy DM22 sets out the Council’s parking standards in new developments.
- 8.147 The development would be subject to a ‘car free’ planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council’s permit transfer scheme.
- 8.148 Three on-street accessible spaces have been identified at the front of the development on Chrisp Street. This would be under the policy target of 5, representing 1 for each accessible unit within the development, however owing to the constrained site the provision of 3 spaces is considered acceptable. The Council’s Parking Services agreed on the location following a site visit with the applicant. Should planning permission be granted the applicant must enter into a S106 agreement to provide funding for three bays over a five year period (after first occupation) so that the bays can be installed as and when required by residents who hold registered blue badges rather than them all being installed from the outset. This approach is agreed by the Council’s Highways team.

Servicing and Refuse Storage

- 8.149 The Council’s Highway’s team have agreed that servicing can take place from Chrisp Street subject to a Service Management Plan that would be reserved by condition. It

is intended to conduct servicing within the constraints of the traffic controls along Chrisp Street. The latest controls show a single yellow line on-street with sign indicating restricted parking between 8.30 and 5.30 Monday to Saturday. This would allow maximum loading times during the restricted hours of 20 minutes and unrestricted loading outside of these limits. Deliveries or removals by HGV or equivalent that are likely to require longer than 20 minutes would be scheduled to take place outside of the restricted times.

- 8.150 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated is in accordance with current waste policy.
- 8.151 The scheme is proposed to have a management scheme where the bins will be positioned from their dedicated stores within the building, to sit within the 10m distance from the pavement to meet the policy guidance. These locations, along the southern elevation of the commercial unit and at the north western corner of the site would only be used on the day of collection and would not obstruct passing pedestrians, residents or other companies requiring access.
- 8.152 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.153 A pavement crossing to permit bins to reach the rear of vehicles would be secured as part of a wider S.278 agreement reserved by condition.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.154 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 NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.155 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) 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.
- 8.156 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.
- 8.157 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent 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.

- 8.158 The submitted Energy and Sustainability Statement has broadly followed the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy, delivering heat efficiently and integration of renewable energy technologies. The energy strategy that meets the above policy will be secured by condition.

Biodiversity

- 8.159 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP). A green roof is proposed, which is supported, and the detailed specification of the bio-diverse roof (substrate depth and type, species selection, bug habitats etc) can be agreed by condition.
- 8.160 With regards the landscaping proposed at ground level, trees have been chosen for their particular position in the landscape, i.e. tolerance of urban conditions, soil depths, confined space, shade tolerance, etc. The shrub and herbaceous planting includes a few good nectar rich plants which will also enhance biodiversity to an extent but a greater diversity of these plants is sought from the Council's biodiversity officer. A further condition relating to additional planting details will be attached to the permission.

Land Contamination

- 8.161 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Flood Risk

- 8.162 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.
- 8.163 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.164 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.

Health Considerations

- 8.165 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 while the Council's 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.
- 8.166 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.

- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.167 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

8.168 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

8.169 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) Fairly and reasonably related in scale and kind to the development.

8.170 Regulation 122 of 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.

8.171 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.172 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.173 The SPG also sets out the Borough's key priorities:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.174 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£20,987.60** towards training skills for construction job opportunities
- b) **£2,000** towards monitoring fee (£500 per s106 HoT's)

Total £22,987.60

8.175 The following non-financial planning obligations were also secured:

- a) Affordable housing 34% by habitable room (15 units)
71% Affordable Rent (10 units)
29% Intermediate Shared Ownership (5 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement
- e) Three blue badge parking spaces to be funded by applicant at request of potential tenants for a term of 5 years.
- f) Obligation to market the ground floor non-residential unit for Class A4 purposes only for a period of 6 months initially.

8.176 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

Local Finance Considerations

8.177 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provide. "In dealing with such an application the authority shall have regard to:

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

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

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.178 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use. The Community Infrastructure Levy liable would be the London CIL and Tower Hamlets CIL.

8.179 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £101,166 in the first year and a total payment £606,993 over 6 years.

8.180 Tower Hamlets CIL liability would be £117,150 and the London CIL liability would be £139,908.

The Committee may take these estimates into consideration when determining the application.

Human Rights Considerations

- 8.181 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:
- 8.182 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".
- 8.183 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.
- 8.184 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.
- 8.185 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.
- 8.186 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

8.187 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.188 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.0 CONCLUSION

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

10.0 SITE MAP

