

Committee: Development Committee	Date: 8 th January 2018	Classification: Unrestricted
Report of: Director of Place		Title: Applications for Planning Permission
Case Officer: Brett McAllister		Ref No: PA/17/01253
		Ward: Bow East

1.0 APPLICATION DETAILS

Location:	327-329 Morville Street, London
Existing Use:	Vacant Boiler House (Use Class B8)
Proposal:	Demolition of the existing building and chimney and redevelopment of the site with the erection of a new six storey building to provide 58 residential units (Use Class C3), together with associated landscaping, rooftop amenity area, child play space and cycle and refuse storage facilities.
Drawings:	3392_PL(20)001, 3392_PL(20)116 Rev. B, 3392_PL(20)002, 3392_PL(20)117 Rev. E, 3392_PL(20)003, 3392_PL(20)118 Rev. B, 3392_PL(20)004, 3392_PL(20)119 Rev. D, 3392_PL(20)005, 3392_PL(20)120 Rev. B, 3392_PL(20)006, 3392_PL(20)121 Rev. D, 3392_PL(20)100 Rev. B, 3392_PL(20)122 Rev. A, 3392_PL(20)101 Rev. A, 3392_PL(20)123 Rev. J, 3392_PL(20)102 Rev. A, 3392_PL(20)126, 3392_PL(20)103 Rev. A, 3392_PL(20)131, 3392_PL(20)104 Rev. A, 3392_PL(20)132, 3392_PL(20)105, 3392_PL(20)133, 3392_PL(20)106, 3392_PL(20)134, 3392_PL(20)107 Rev. B, 3392_PL(20)135, 3392_PL(20)108 Rev. B, 3392_PL(20)136, 3392_PL(20)109 Rev. C, 3392_PL(20)137, 3392_PL(20)110 Rev. A, 3392_PL(20)111 Rev. A, 3392_PL(20)112 Rev. A, 3392_PL(20)113 Rev. A, 3392_PL(20)114 Rev. A, 3392_PL(20)115 Rev. C,
Documents:	Design & Access Statement Daylight, Sunlight & Overshadowing and Addendums Transport Statement Planning Statement Air Quality Assessment Contamination: Desktop Study Energy Statement

Noise & Vibration Report
Statement of Community Involvement
SuDs Assessment
Sustainability Statement

Ownership/applicant: IPE Morville Limited

Historic Building: No listed buildings on site.

Conservation Area: Not in a conservation area.
Fairfield Road Conservation Area approx. 90m to the east

2.0 EXECUTIVE SUMMARY

2.1 This report considers revisions made to the planning application at 327-329 Morville Street, which was heard at committee on 8th November 2017. At committee members were minded not to accept officers recommendation to grant planning permission for the erection of a new six storey building to provide 62 residential units (Use Class C3). The concerns raised by members include:

- 1) Height bulk and massing of the proposal
- 2) That the density of the proposal exceeded the London Plan density range in view of the adverse impact on residential amenity particularly in relation to sunlight and daylight impact.

2.2 Following committee, officers have worked with the applicant and secured amendments to the planning application. These include:

- 1) The number of residential units proposed within the scheme has been reduced from 62 to 58.
- 2) The upper floor of the western block has been set back.
- 3) The massing of the eastern block has been significantly reduced with this element stepping down by a storey at its northern half and by 2 storeys at its southern half.

2.3 The application site is vacant and unallocated in the Local Plan. The current application has been assessed against the development plan for the area that comprises the London Plan 2016 and the Tower Hamlets Local Plan (jointly the Core Strategy 2010, the Managing Development Document 2013 & Adopted Policies Map), the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), and relevant supplementary planning documents including the Mayor's 'Housing' SPG 2016, and the Building Research Establishment's handbook – '*Site layout planning for daylight and sunlight: a guide to good practice.*'

2.4 The proposed redevelopment of this site for 58 residential units is considered to optimise the development potential of the site. As such, the development complies with policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development which seeks to ensure the use of land is appropriately optimised.

2.5 The development would provide an acceptable mix of housing types and tenure including the provision of 35% affordable housing that would be split 70% affordable rented (in line with Tower Hamlets preferred rent levels) and 30% intermediate. The

proportion of 35% affordable housing is strongly supported and would complement the range of accommodation provided within the area.

- 2.6 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.
- 2.7 The density of the scheme would not result in adverse impacts associated with overdevelopment and there would be no unduly detrimental impacts upon the amenity of neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with appropriate external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.8 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.9 The scheme would meet the full financial and non-financial contributions.
- 2.10 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£16,925** towards employment, skills, training for the construction phase
- b) A contribution of **£30,200** towards Carbon Off-Setting.
- c) **£3,000** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £50,125

- 3.5 Non-financial Obligations:

- a) Affordable housing 35% by habitable room (16 units, 50 habitable rooms)
 - 70% Affordable Rent at Borough affordable rental levels (10 units, 35 habitable rooms)
 - 30% Intermediate Shared Ownership (6 units, 15 habitable rooms)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - 20% Local Labour in End User Phase
 - 2 Apprenticeships
- c) Car-permit free agreement;
- d) Viability Review Mechanism

- e) Any other planning obligation(s) considered necessary by the Corporate Director of Place
- 3.4 That the Corporate Director, Place is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director, Place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 3.6 Conditions:

Compliance' Conditions

1. Permission valid for 3yrs;
2. Development in accordance with approved plans;
3. Withdrawal of permitted development rights for painting of brickwork and erection of fences & gates
4. Hours of construction
5. Refuse stores to be provided prior to occupation
6. Internal Noise Standards
7. All lifts operational prior to occupation of the relevant part of the development;
8. The accessible parking bay shall only be made available to a resident in possession of a blue badge and should be retained and maintained for the life of the development.
9. Compliance with Energy & Sustainability Strategy;

Prior to Commencement' Conditions:

10. Construction Environmental Management plan;
11. Site wide drainage scheme and surface water measures in consultation with Thames Water;
12. Ground contamination remediation and mitigation
13. Biodiversity mitigation and enhancements including biodiverse roof details;
14. Details of piling, all below ground works and mitigation of ground borne noise;

Prior to completion of superstructure works conditions:

15. Details of all plant and machinery including air quality neutral measures;
16. Details of all external facing materials including balcony details and screening details (both samples and design specification).
17. Details of public realm enhancements, landscaping (including soft & hard landscaping), street furniture and boundary treatment;
18. Child play space strategy including access arrangements, management and equipment.
19. Layouts of Part M wheelchair units
20. Details of all external lighting
21. Details of waste storage facilities
22. Details of Secured by Design measures
23. Detailed specification, tilt angle and location of photovoltaic panels;
24. Details of noise and vibration mitigation measures;
25. Scheme of highway improvement works;

Prior to Occupation' Conditions:

26. Details of cycle parking, access to cycle stores, design and associated facilities;

27. Post completion, prior to occupation, testing in relation to noise and vibration
28. Final energy calculations to show how the scheme has delivered the stated carbon emission reductions;

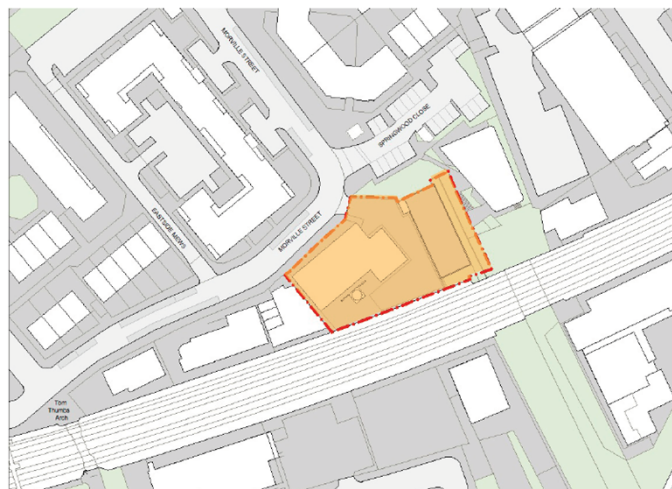
Informatives

1. Subject to s106 agreement
 2. CIL liable
 3. Thames Water informatives
 4. Fire & Emergency Recommendation for sprinklers
 5. Footway and Carriageway
 6. Building Control
- 3.8 Any other conditions or informatives considered necessary by the Committee or the Director of Place.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The application site is located on the south side of Morville Street on the corner just before the L shaped street bends northwest towards Tredegar Road. The site itself comprises of a redundant boiler house around 2 storeys in height, a 40m tall chimney and a small outbuilding previously used as a valve house that is excluded from the site. The east edge of the site used to contain oil storage cylinders and lies 1m below the rest of the site.



Existing Site Plan

- 4.2. To the south of the site there is an elevated railway line. The east of the site is bound by the curtilage of Olive Tree Court, a 5 storey residential block. To the west of the site there is a narrow 6 storey block, 331 Morville Street, which has recently been completed.
- 4.3. The surrounding area is residential in character with more recently completed residential blocks ranging from 4 to 6 storeys in height to the north of the railway line. To the south beyond the railway line there are predominantly 4 storey residential post-war blocks.

- 4.4. Bow Road (A11) is located 500m to the south and Roman Road 470m to the north of the site. Victoria Park and Queen Elizabeth Olympic Park are both within a 1200m distance from the site.
- 4.5. No part of the site is listed and it is not within a conservation area, although Fairfield Road conservation area is around 90m to the east of the site. The site is adjacent to an Archaeological Priority Area.
- 4.6. The site has good transport links reflected in a Public Transport Accessibility Level (PTAL) of 4. Bow Church DLR and Bow Road underground station are both located around 550m walk to the south of the site. These stations provide access to the DLR, District and Hammersmith & City lines with services to Canary Wharf, the City and West End. Bus stops are located on Tredegar Road and Bow Road 245m and 475m away. Transport for London have recently completed a large scale upgrade of the cycle infrastructure along Bow Road and Mile End Road providing separated lanes leading in and out of central London and there is a Cycle Hire docking station on Mostyn Grove a few minutes' walk away.

Planning History

Application site

PA/04/01786

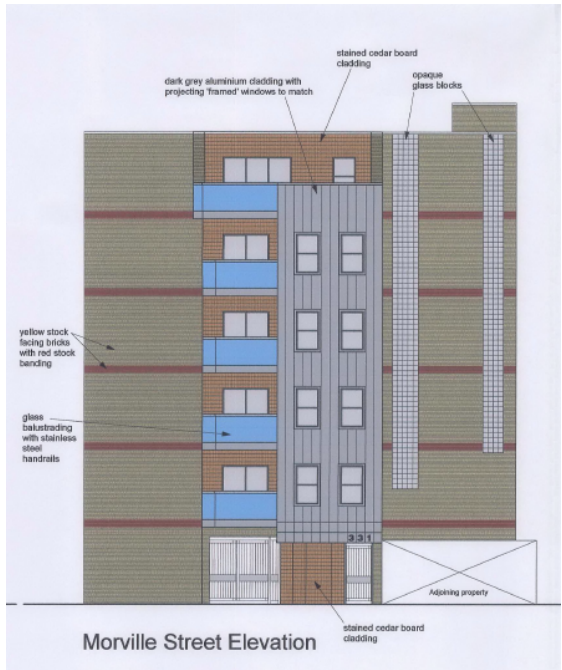
- 4.7. Change of use from a communal heating system boiler house to a depot for a general building contractor, carrying out responsive repair to LBTH housing properties. Includes ancillary office accommodation.
Permitted: 14.02.2005

Neighbouring sites

331 Morville Street

PA/09/00462 - 331 Morville Street, London

- 4.8. Erection of a six storey building to provide nine self-contained flats comprising one x four bedroom flat, four x two bedroom flats and four x one bedroom flats. Provision of 2 car-parking spaces, bicycle and refuse stores.
Approved 12/05/2009
- 4.9. The following is an approved elevation of the above consent.



ENF/16/00603

- 4.10. For information only, there is an open enforcement investigation for alleged amendments to the above consented scheme without planning permission.

Olive Tree Court

- 4.11. PA/12/02855- Land to the South of Springwood Close, Morville Street, London, E3 2DZ

- 4.12. The scheme provides eleven residential units within a single sculptural four - five storey building; with new landscaping, public and private open space and with associated plant, PV roof panels, cycle storage and car parking.



Plan showing approved elevation of Olive Tree Court

Proposal

- 4.13. Full planning permission is sought for the demolition of the existing buildings and chimney tower and the erection of a new six storey building to provide 58 residential units, with associated landscaping, cycle parking and refuse storage facilities,

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 FALP 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
- 7.8 - 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
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- 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
- 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)

- Sustainable Design and Construction (2013)
- All London Green Grid (2012)
- Housing (2016)
- Affordable Housing & Viability (2017)

Other

- Planning Obligations (2016)
- Fairfield Road Conservation Area Appraisal (2007)
- Development Viability SPD

5.7 Tower Hamlets Community Plan objectives

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

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

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

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

5.11 The document the Council are consulting on is the proposed submission version of the Local Plan.

5.12 Statutory public consultation on the ‘Regulation 19’ version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

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

Thames Water (TW)

6.3 No objections. Conditions and/or informatives are requested relating to the provision of a piling method statement, public sewers crossing or close to the development, surface water drainage and water/flow pressure.

Historic England Archaeology

6.4 No objections, having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, Historic England conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Therefore, no further assessment or conditions are necessary.

London Fire

6.5 Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

6.6 This Authority strongly recommended that sprinklers are considered for the new development, this will be included as an informative.

Crime Prevention

6.7 No objection to the scheme proceeding as outlined. SBD would recommend that the scheme should by means of a condition achieve Secured by Design accreditation which would be formally acknowledged upon a final inspection once all works are complete.

6.8 The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

Network Rail

6.9 No comments received.

Internal Consultees

Highways

Car Parking

6.10 Highways require a section 106 'car and permit' free agreement for this development as it is located in good PTAL area (PTAL 4).

Cycle Parking

6.11 According to the FALP, the applicant is required to provide at least 96 cycle spaces for this development (two of which are for visitors). LBTH's preferred option is the Sheffield stand (1 Sheffield Stand = 2 cycle space) or a similar hoop design which allows bicycles to be rolled into a horizontal ground level position effortlessly while at

the same time providing increased security. Transport and Highways does not support cycle storage in the basement level. All cycle storage must be located on ground floor level where user can have step free access.

Travel Plan

- 6.12 The applicant is required submit, this can be secured through Section 106 Agreement.

Highway Works

- 6.13 Transport and Highways require the applicant to confirm if there are 2m footpath width remaining after the introduction of disabled bay and loading bay. During the pre-app stage, Transport and Highways advised the client that we would only support the loading and disabled bay at this location if 2m footpath can be achieved. The applicant confirmed they would be willing to dedicate some of their land to achieve 2m footpath width if necessary.

- 6.14 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development.

- 6.15 Due to the location of the proposed development, Transport and Highways require the applicant to submit a Construction Management Plan (CMP) to the local planning authority and receive written approval for the CMP prior to commencement. This must be secure through a planning condition.

Biodiversity

- 6.16 There will be no significant adverse impact on biodiversity. However as the site was cleared of vegetation loss of some wildlife habitat should perhaps be taken into account in assessing the baseline against which the net biodiversity gains required by policy DM11 should be assessed.

- 6.17 The Landscape Design Strategy includes proposals for a number of biodiversity enhancements which will contribute to objectives in the local Biodiversity Action Plan (LBAP). Overall, these enhancements should be sufficient to ensure net gains for biodiversity, assuming the habitats which have been removed by site clearance were of low quality. The enhancements will be secured by a condition.

Waste policy and Development

Bin Store

- 6.18 The bin store's construction, security, ventilation, lighting and cleansing requirements should be designed in accordance with British Standard BS5906:2005 Waste management in buildings – Code of practice and Building Regulations 2000, Part H6. Ensuring there is 150mm distance between each container and that the width of the door is large enough with catches or stays. The bin store must also be step free. The two individual properties that have bins at the front should have a sheltered bin store for the bins.

Bins

- 6.19 The applicant needs to provide information on the volume of waste by litres, size and type of containers to be used. The two individual properties appear to be space for 2 bins, there needs to be additional storage space created to cater for food waste bin as future proof for the service. All bins must meet the British Standard EN 840 Waste Collection Service The applicant needs to ensure there will be a dropped kerb from bin store to collection point.

Residents
6.20 The carrying distance for all residents to the bin store must be a maximum of 30 meters. The applicant will need to provide all units with internal storage bins for refuse, recycling each with a minimum capacity of 40 litres and 10 litres for food waste.

Bulky Waste Storage
6.21 The applicant needs to provide storage area for bulky waste that is separate from the bin store.

7.0 LOCAL REPRESENTATION

Applicants own consultation

7.1 According to the applicants statement of community involvement, around 1000 letters were sent to local residents and the applicant consulted the following groups:

- CitizensUK
- Eastside Youth and Community Centre
- Roman Road Neighbourhood Planning Forum
- Roman Road Trust
- Fairfield Conservation Area Residents' Association
- Tredegar Community Centre
- Bow Quarter Tenants' and Residents' Association
- Local ward councillors

7.2 The public exhibition took place at Tredegar Community Centre on 8 March between 2pm and 8pm. The applicant has advised around 35 people attended with 28 providing feedback, and 11 of those positive, 1 not sure and it is not clear what the response of the remaining resident was.

Statutory Consultees

7.3 Letters were sent to occupiers of neighbouring properties, on the original 62 unit scheme - a total of 399 in all, 2 site notices were displayed outside the application site, and a press advert was published in a local newspaper. The following responses were received in relation to that scheme.

No of individual responses:	Objecting: 3 Supporting: 2
-----------------------------	-------------------------------

No of petitions received:	0
---------------------------	---

7.4 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:

Objections

Amenity

Noise during construction
Privacy impacts
Loss of light

Design

Disproportionate height
Positioned too far forward
Windows too large
Communal amenity space should be positioned to front
Land to the north will be neglected
More substantial intensive green roof should be provided
Parapet not level between blocks
Strict materials sample condition should be imposed
Entrances should be tenure neutral

Highways

More details are required for the cycle parking
No car parking

Other

Consultation was undertaken late in the process and ended too early for some at work to attend.

Support

Improved security
Provision of housing

- 7.5 Any further consultation responses resulting from the amended scheme will be reported within the update report.

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.

Loss of B8 (Storage)

- 8.6 The site is not within a Strategic Industrial Location (SIL) or Local Industrial Location (LIL). Policy DM15 of the MDD provides guidance for the development of land outside of these designations. Part 1 of this policy states that development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 8.7 The area surrounding the site is all residential. The site is the last remaining industrial site in the area and is currently vacant. The currently permitted storage use is not considered to optimise this brownfield site within this residential area. This and other industrial uses could be considered inappropriate in proximity to the surrounding housing owing to potential pollution, noise and traffic impacts. The existing building is rundown; it would take a lot of investment to re-establish an industrial use on the site and it is considered there are far more suitable industrial sites elsewhere in the borough for such investment. Therefore the loss of the existing use is acceptable.

Principle of residential use

- 8.8 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan 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.
- 8.9 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. The site was sold by the Council, with a view for it to come forward for a residential development.
- 8.10 Given the above and the residential character of surrounding area around the site, the principle of a housing development on this vacant brownfield site is strongly supported in policy terms.

Residential density

- 8.11 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.

- 8.12 Guidance on the implementation of London Plan Policy 3.4 is provided by the Mayor's 'Housing' SPG 2016. 'Optimisation' is defined as 'developing land to the fullest amount consistent with all relevant planning objectives.' (Para. 1.3.1).
- 8.13 The SPG states further that 'It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns' (Paragraph 1.3.9) and that 'Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.' (Paragraph 1.3.10).
- 8.14 The density ranges should be considered a starting point not an absolute rule when determining the optimum housing potential. London's housing requirements necessitate residential densities to be optimised in appropriate locations with good public transport access. Consequently, the London Plan recognises the particular scope for higher density residential and mixed use development in town centres, opportunity areas and intensification areas, surplus industrial land and other large sites. The SPG provides general and geographically specific guidance on the exceptional circumstances where the density ranges may be exceeded.
- 8.15 SPG Design Standard 6 requires development proposals to demonstrate how the density of residential accommodation satisfies London Plan policy relating to public transport access levels and the accessibility of local amenities and services, and is appropriate to the location.
- 8.16 Schemes which exceed the ranges in the matrix must be of a high design quality and tested against the following eight considerations:
- *local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;*
 - *the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;*
 - *the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with housing quality standards;*
 - *a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';*
 - *depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;*
 - *the residential mix and dwelling types proposed, taking into account factors such as children's play space provision, school capacity and location;*
 - *the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and*
 - *whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development including opportunity areas.*

- 8.17 As stated earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 of 6. The London Plan defines “Urban” areas as those with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. The site and surrounding area has a character that fits this definition of an “Urban” area given in the London Plan.
- 8.18 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics and transport accessibility of 200 to 700 habitable rooms per hectare (hrph) and with an average of under 3 habitable rooms per unit: 70 to 260 units/hectare (uph).
- 8.19 The proposed density as a result of the changes is 947hrph (from 1039) and 382uph (from 408). This is above the density ranges set out in this table, for both habitable rooms per hectare and unit’s per hectare and as such, particular care has been taken to ensure that this density can be appropriately accommodated on site.
- 8.20 The Housing SPG (2016) states that “in appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed.” Schemes that exceed the density matrix must be of a high quality design and should be tested against the following considerations:
- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan;
 - the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
 - the need for development to achieve high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards set out in Part 2 of this S PG;
 - a scheme’s overall contribution to local ‘place making’, including where appropriate the need for ‘place shielding’;
 - depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
 - the residential mix and dwelling types proposed in a scheme, taking into account factors such as children’s play space provision, school capacity and location;
 - the need for the appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and
 - Whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (e.g. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).
- 8.21 The following report will go on to demonstrate that the scheme, on balance, meets the above criteria. Officers have sought to weigh up the proposal’s impacts against the benefits of the scheme and in particular the significant provision of housing in a highly sustainable location.

Design

- 8.22 The National Planning Policy Framework attaches great importance to the design of the built environment.

- 8.23 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.
- 8.24 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.25 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 sensitive to the context of its surroundings. 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.
- 8.26 The place making 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.

Local Context

- 8.27 The surrounding area is predominantly residential in character, with the application site being the last of the former industrial sites to come forward for redevelopment in the area. The surrounding area to the north of the railway viaduct includes a limited number two to three storey terraced houses and flats dating from the mid to late twentieth century, although the majority of buildings are more contemporary residential developments that typically range between four and five storeys in height.
- 8.28 The buildings in the immediate vicinity of the site: 331 Morville Street (west), Eastside Mews Apartments (north), Briar Court (north east) and Springwood Close (east) are all between 4 and 6 storeys including the 6 storey scale of 331 Morville Street that abuts the site.
- 8.29 The proposals seek the demolition of existing buildings and the erection of a 6 storey building (plus a lower ground floor) providing 58 residential units.

Height, Scale & Massing

- 8.30 The proposed development comprises two elements formed together in an 'L' shaped arrangement, with building entrances on the more prominent western block that fronts Morville Street.

- 8.31 The proposed height of 6 storeys is considered to appropriately respond to the sites local context. Due to a change in gradient the eastern element has a lower ground floor.
- 8.32 At committee on 8th November members were minded not to support the proposal in relation to the height, bulk and massing.
- 8.33 The massing of the scheme is broken up by the substantial stepping back of the eastern block (by 7.8 metres) and the use of a lighter brick and lower parapet for this block. The massing has been further reduced in response to members concerns with the eastern element stepping down by 1 storey at the northern half and a further storey at the southern half. The upper level of the western block has also been set back, corresponding with the set back upper storey of the neighbouring 331 Morville Street. The western and eastern blocks are shown in the following elevations, the red line shows the previous height of the scheme. It can be seen that the amendments have allowed the lift overrun to be removed.



Plan showing amended northern elevation



Plan showing amended southern elevation.

- 8.34 The communal amenity space on the roof of the eastern block would now be provided in two areas on the stepped down elements. These areas would be set in from the edge and would negate the need for a lift overrun as access would be gained from the fourth and fifth floor respectively. The setback from the edge would mean these areas would not be readily visible from the streetscene.
- 8.35 Overall, officers are satisfied with the reduced height, scale and massing of the proposal is an acceptable design led solution.

Layout

- 8.36 The following plan shows the proposed ground floor.



- 8.37 The development contains three points of entry, serving three residential cores. These are all accessed from the primary frontage of Morville Street. Each core, also contains its own cycle spaces and refuse facilities.
- 8.38 As originally submitted there were some issues with the layout of the lower ground floor of the development. Bedroom 2 of the lower ground floor south eastern corner unit fell well below the minimum width required by the London Plan. The lower ground communal amenity space extended in a thin wedge shape behind the private gardens of the lower ground units creating a conflict in privacy. The shape of the space and its isolated position was not considered particularly usable in any case. These family units were also completely single aspect.
- 8.39 Officers managed to secure a reorganisation of the layout of the lower ground floor. Externally, the communal amenity space was reduced and the private gardens for both lower ground floor units were extended to create very generously sized outdoor spaces for these affordable rented units. A small area of the communal amenity space was retained to the north where there would be a tiered wildlife garden that is considered to soften the visual impact of the blank retaining walls.
- 8.40 Internally, both units were reorganised so that all bedrooms were of an appropriate width. Windows were added to the north and south elevations creating dual aspects and the living rooms were re-located to these corner positions to exploit the increased light and outlook that this would offer.
- 8.41 Following these amendments the layout of the proposed development is now considered acceptable.

Architectural Detailing

- 8.42 The building would be predominantly of high quality brick construction with a red brick used for the west block and a lighter buff brick used for the east block. The brickwork would be accentuated by contrasting mortar. Similar shades of brick are seen in the immediate surrounding area and this approach is considered appropriate. Responding to the members concerns the top storey has been further set back with a lighter brick softening its appearance within the streetscene.
- 8.43 The windows and doors would be powder coated aluminium. Articulation and interest would be provided with horizontal polished concrete spandrel panels (buff or grey), deep reveals to windows, brickwork feature panels, brickwork returns to recessed balconies and steel balustrading to balcony railings.
- 8.44 In addition to the different coloured brick, variation between the two blocks would be achieved with subtle variation in the architectural detailing. The west block would have more articulation in terms of the depth of columns and recessed sections, the use of soldier courses and a higher parapet. The east block would be designed more simply with a flatter elevation design. There would also be variation in the balcony design with the west block having vertical railings and the east block zig-zag railings. Both blocks are considered to complement each other. The simpler approach for the eastern block would help to focus the attention on the northern block that fronts Morville Street and break up the appearance of the massing of the scheme.
- 8.45 The proposed materials and elevation design are considered appropriate. A full schedule of materials and product specification would be secured by condition.

Safety and security

- 8.46 The site has been design to high security standards. The proposed scheme uses shared amenity space and children’s play facilities to generate activity, foster a sense of neighbourhood and encourage territorial responsibility amongst residents. Passive surveillance is provided throughout the scheme through the overlooking to public spaces and the surrounding roads provided from upper floor windows and activity and animation generated in communal amenity spaces embedded within the site.
- 8.47 An integrated lighting strategy is proposed for the scheme. This strategy will employ the Secured by Design principles in order to create a landscape that is well lit, avoids dark loitering spaces and allows safe passage through the site after dark. Overspill lighting from upper level residential uses, alongside passive surveillance, will enhance the security of the streetscape and illuminate the shared amenity podiums.
- 8.48 A condition would be attached to the permission for secure by design standards to be secured.

Housing

Affordable housing

- 8.49 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.
- 8.50 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).
- 8.51 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.52 The scheme would provide 58 units (35% affordable by habitable room) in the following mix:

	Units	% Units	Hab Rooms	% Hab Rooms
Affordable Rent	10	17%	35	24%
Intermediate	6	10%	15	10%
Total Affordable	16	28%	50	35%
Market Sale	42	72%	94	65%
TOTAL	58	100%	144	100%

Table 1 - Affordable Housing Mix

- 8.53 The proposed delivery of 35% affordable housing meets the Council’s minimum policy target. The tenure split within the affordable housing would be 70:30 rented to intermediate which meets the Council’s preferred tenure split.

- 8.54 Viability information was submitted with the application and scrutinised by viability consultants appointed by the Council and discussions were ongoing. The Affordable Housing and Viability SPG was published in August 2017 which sets out a 'Fast Track Route' for schemes that meet or exceed 35% affordable housing provision without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA.
- 8.55 Following publication of this the applicant agreed to bring the proposed rent levels from the POD rents to the Council's most up-to-date affordable rent policy at the required 50/50 split between London Affordable Rent and Tower Hamlets Living Rent. This brought the scheme in line with the above mentioned criteria for the Fast Track route and the Council considers this an appropriate approach. This process would require an early viability review in the event that the completion of demolition works to grade level, all ground preparatory works and the commencement of basement excavation works, along with a contract for the formation of the basement structure and above ground superstructure being in place is not achieved within 2 years of the date of consent. Such a requirement would be inserted as a clause within the S.106 agreement in the event that planning permission was to be granted.
- 8.56 The affordable rent levels are:

2017-18 Borough wide figs.	1 bed	2 bed	3 bed	4 bed
London Affordable Rent (excl. service charge)	144.26	152.73	161.22	169.70
TH Living Rent (inc. service charge)	202.85	223.14	243.42	263.71

- 8.57 The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.58 Overall, the provision of affordable housing has been maximised, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

- 8.59 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.
- 8.60 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.
- 8.61 Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes.
- 8.62 The proposed dwelling mix for the revised scheme is set out in the table below, the figures in brackets state the previous mix:

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	8	0	0	0%	0	0	0%	8	19%	0%
1 bed	23 (22)	1 (3)	10%	30%	4 (3)	66%	25%	18(16)	43%	50.00%
2 bed	19 (23)	4	40%	25%	1 (2)	17%	50%	14 (17)	33%	30.00%
3 bed	8 (9)	5	50%	30%	1	17%	25%	2 (3)	5%	20%
4 bed+	0	0	0	15%	0	0		0	0	
Total	58 (62)	10 (12)	100%	100%	6	100%	100%	42 (44)	100%	100%

Dwelling Mix

- 8.63 It can be seen that there is an overprovision of rented family sized units (3 beds and larger), which at 50% exceeds the Council's 45% target.
- 8.64 Within the intermediate, there is overall a small amount of units which means the percentages are skewed easily but an acceptable range of unit sizes within this tenure is proposed.
- 8.65 It can be seen that within the affordable rented and intermediate tenures of the proposed development the dwelling mix generally accords with the policy targets.
- 8.66 Within the private element of the scheme it can be seen that there is a slight under provision of 1 bed units and a slight overprovision 2 bed flats. A large percentage of studio units and an under provision of 3 bedroom units skews the percentages away from the policy targets for these sizes of units. This mix has been designed to maximise the viability of the scheme in order to provide more affordable housing. It is considered that although there is this divergence from the policy targets, having generally accorded with policy in the other tenures including providing 50% of affordable units as family-sized, it is considered that the housing mix is acceptable.

Standard of residential accommodation

- 8.67 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."
- 8.68 All of the proposed units would meet or exceed the baseline internal floorspace standard. 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.

- 8.69 The large majority of the proposed units would be double aspect and none of the units that would be single aspect would be north facing.

Daylight/Sunlight Impacts on Proposed Development

- 8.70 The application is supported by a Daylight and Sunlight Assessment (DSA) and subsequent addendums to this. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.

- 8.71 The Daylight Factor is used to assess if the amount of daylight entering a room through a window is sufficient. The BRE Guidance states that if a day-lit appearance is required the following daylight factors should be met as a minimum:

- Kitchens – 2%;
- Living rooms – 1.5%; and
- Bedrooms – 1%.

- 8.72 Originally the Kitchen/Living/Dining Room of the two lower ground floor units were the only units that failed this test, however the arrangement of these units has subsequently been amended locating the respective Kitchen/Living/Dining rooms on each corner where an additional window has been added in order to make them dual aspect. Following the amendments these would both meet the target Daylight Factor.

- 8.73 All the remaining units meet the ADF values which demonstrate the development has adequate daylight.

- 8.74 In terms of sunlight to the proposed development, the scheme is located within 90° due north of the railway line. The nearest surrounding buildings to the south, bar a single storey warehouse, would be located approximately 60m away on Malmesbury Road. It is therefore considered that there will be sufficient sunlighting at the proposed development.

- 8.75 It is considered that the proposal would meet and exceed the relevant design standards and would represent an acceptable standard of living accommodation and amenity to the future occupiers of the scheme.

Inclusive Access

- 8.76 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.

- 8.77 Six wheelchair accessible homes are proposed which amounts to 10% of the total units. These would be spread across all tenures with 2 units to be located within the affordable rented tenure, 1 within the intermediate tenure and 3 within the private tenure.

- 8.78 The 2 rented units will be "wheelchair accessible" as opposed to "adaptable". These 3 bed wheelchair units for rent will be generously sized and also benefit from a large private amenity space by way of 19 and 14.5sqm terraces respectively.

- 8.79 The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. An on-street disabled accessible parking space on

Morville street would be allocated next to the loading bay should there be demand within the scheme.

Private, Communal and Child Play Space

- 8.80 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.
- 8.81 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum space standards set out in the MDD. These would all have level access from the main living space.
- 8.82 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 98sqm of communal amenity space is required across the development.
- 8.83 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 child play space within new residential developments. The Mayor of London’s SPG ‘Shaping Neighbourhoods: Play and Informal Recreation’ sets a benchmark of 10sqm of useable child play space per child. The GLA child yield calculator is used to project the number of children for the new development. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within short walking distances. The proposed scheme is anticipated to accommodate 18 children using the GLA yield calculator, translating to a policy requirement of 180sqm.
- 8.84 The combined total space across the scheme to meet the policy requirement for communal and child play space would therefore be 278sqm. Outdoor space would be provided on the ground floor to the rear of the development (218sqm), on the roof of the eastern block (120sqm) in addition to a tiered wildlife garden on the east of the site (34.5sqm) that would combine to provide 372sqm. As such the scheme overall would exceed the policy requirement by 94sqm.

	GLA Child Yield	Policy Space Requirement	Proposed within scheme
Under 5	8	80sqm	80sqm
5-11 year olds	6	60sqm	60sqm
12+	4	40sqm	40sqm
Total	18	180sqm	180sqm
Shortfall in play space			0sqm

Child Play Space Provision

- 8.85 Dedicated child play space would be provided within the ground floor amenity space. The table above shows the breakdown of the GLA child yield by age group and the corresponding space requirement. 180sqm of child play space would be provided meeting the requirement for all age groups in an integrated and well-designed space.



The 4th and 5th floor plans of the eastern block showing the roof top amenity areas.

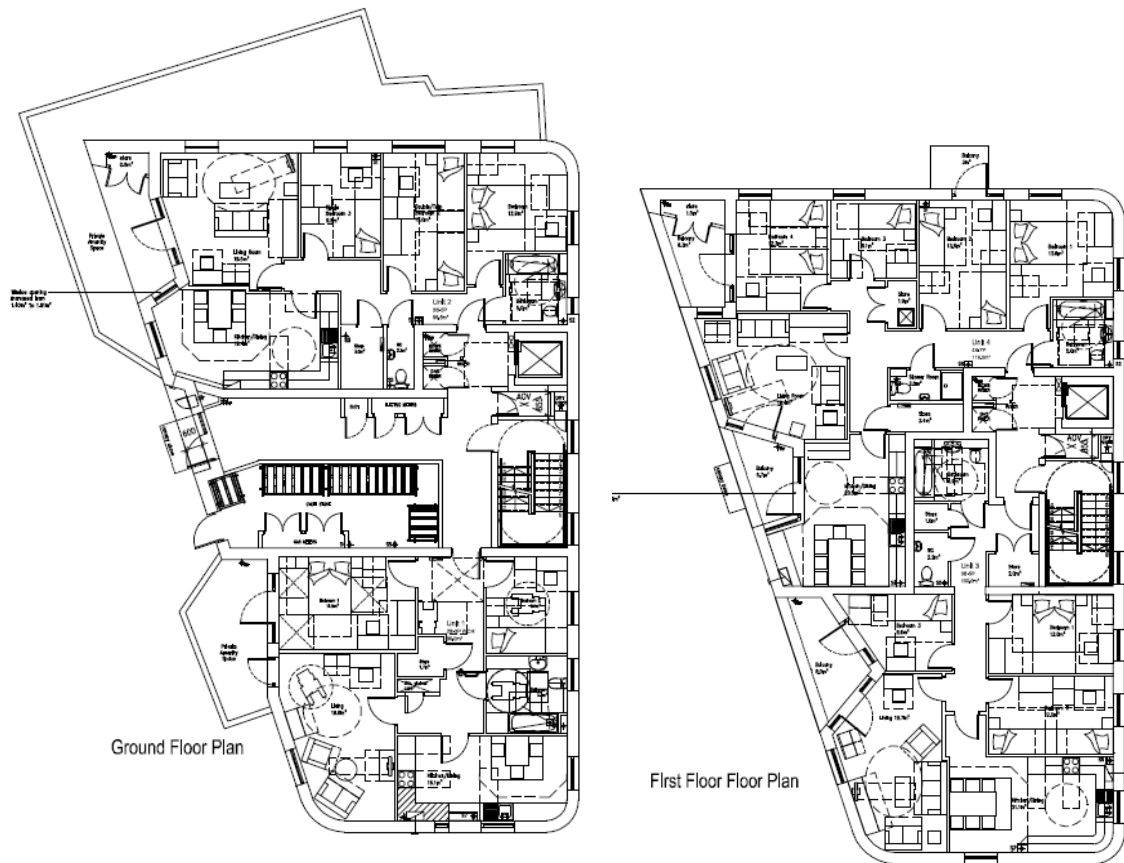
- 8.86 The proposed landscaping is considered to be well thought out and would be of a high quality. Overall, the proposed provision of private, communal and play space would make a significant contribution to the creation of a sustainable, family friendly and liveable environment.

Amenity

- 8.87 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

- 8.88 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 the lower distances could be acceptable reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.89 The aspects north across Morville Street to Eastside Mews and east to Olive Tree Court are relevant in this regard. The separation distance to Eastside Mews would be at least 17 metres at its closest point. This represents a typical street relationship and is considered acceptable.
- 8.90 The separation distances to Olive Tree Court would be tighter ranging between 13.5 metres and 17 metres. The closest relationships are experienced by the middle and southern units of this elevation. The following are the approved ground and first floor plans of Olive Tree Court.



- 8.91 It is clear the above site has been designed to avoid primary habitable rooms on the boundary wall to ensure the application site is capable of coming forward.
- 8.92 In many cases the angles and placement of the windows would be such that the windows do not directly face each other, helping to mitigate privacy impacts.
- 8.93 The following is the proposed first floor plan of the proposal and the separation distances to Olive Tree Court. It is clear the design has fully taken into account the neighbouring properties and for the urban context, it is considered the resulting separation distances are considered acceptable.



Outlook and sense of enclosure

- 8.94 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 undue sense of enclosure.

Daylight, Sunlight and Overshadowing

- 8.95 Guidance on assessment of daylight and sunlight is set out 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 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 8.96 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 recommends that where reductions occur more than 20% of the existing they will be noticeable to occupiers.
- 8.97 The applicant submitted a Daylight and Sunlight Assessment prepared by SLR Consulting Ltd in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties and the proposed development. This

was been reviewed by independent consultants appointed by the Council and their assessment is discussed below.

Daylight/Sunlight Impact on Neighbouring Properties

- 8.98 Based on the analysis presented, 331 Morville Street and Briar Court would be within the BRE guidelines for loss of daylight. Springwood Close and Eastside Mews would be impacted in terms of daylight and sunlight.
- 8.99 In terms of Springwood Close, the western elevation would be impacted by the proposal. Of the 20 receptors tested 19 of these would experience VSC losses greater than 20% of their former value and VSC figures that would fall below 27%. The varying level of VSC reduction is shown below, the figures in brackets show the impact of the previous scheme.

Springwood Close - % VSC Reductions		
% Loss		No. of Receptors
0-20% - Negligible		4 (1)
20-30% - Minor Adverse		7 (4)
30-40% – Moderate Adverse		6 (4)
40%+ Major Adverse	40-60%	3 (11)
	60-80%	0
	80-100%	0

- 8.100 Of the failures, it can be seen that the amended plans have reduced the major adverse impacts from 11 to 3 windows, and there has been a general shift upwards towards less pronounced impacts. There would now be 6 windows that would experience a moderate impact and 7 that would experience a minor impact. The impact would increase as you move towards the ground floor and the south of this elevation. Before the amendments 4 windows on the ground floor and 3 on the first floor would have had a VSC below 17%, now there would only be 2 windows on the ground floor that would be below 17%. Officers consider the improvements in daylight to Olive Tree Court to be significant.
- 8.101 It is considered that the design of Olive Tree Court with inset balconies and the fact that the buildings opposite are presently low rise contribute to the relative reductions in VSC set out above. Within this residential area, it should be a reasonable assumption that a scheme of a similar scale to Olive Tree Court would come forward. The comparison between a scheme of a similar scale that optimises the site and the predominantly low rise nature of the existing site would naturally lead to significant losses in VSC to the western elevation of Springwood Close.
- 8.102 In any case, the impacts would be mitigated by the fact that of the 11 units within Springwood Close, 8 are triple aspect and 1 is double aspect, meaning these flats would receive good levels of daylight/sunlight from other elevations. Sunlight received by the kitchens positioned on the southern elevation for example would be unaffected by the development. Of the 2 single aspect units, 1 is positioned on the east elevation so will be unaffected and the unit on the west elevation would now only experience minor VSC reductions and retain a total VSC of 25%.
- 8.103 In terms of Eastside Mews, the southern elevation would be impacted by the proposal. Of the 32 receptors tested, following the amendments 14 of these would

experience VSC losses greater than 20% of their former value and 19 would fall below 27% as a result of the development.

Eastside Mews - % VSC Reductions		
% Loss		No. of Receptors
0-20% - Negligible		18 (14)
20-30% - Minor Adverse		14 (10)
30-40% – Moderate Adverse		(0) 7
40%+ Major Adverse	40-60%	(0) 1
	60-80%	0
	80-100%	0

8.104 It can be seen from the table above that of the daylight losses to Eastside Mews; all windows would now experience losses of negligible or minor adverse. Following the amendments there would be no longer any windows that would experience moderate or major adverse reductions.

8.105 In order to provide a robust assessment the Daylight Factor has been calculated at locations there the VSC method has failed. The Daylight Factor is used to assess if the amount of daylight entering a room through a window is sufficient. The BRE Guidance states that if a day-lit appearance is required the following daylight factors should be met as a minimum:

- Kitchens – 2%;
- Living rooms – 1.5%; and
- Bedrooms – 1%.

8.106 When this test was applied, all of the windows met the above requirement.

8.107 In terms of sunlight, obstruction to sunlight can occur if part of the proposed re-development is situated within 90degrees due south of a main window wall of an existing building.

8.108 Table 3 of the originally submitted Daylight, Sunlight and Overshadowing Assessment submitted in support of the planning application indicated that individual windows at 331 Morville Street and Briar Court would all achieve the 25 degree rule (typically used to assess Daylight impact) and thus achieve acceptable levels of sunlight. However, individual windows of receptors Olive Tree Court and Eastside Mews do fail the 25 degree rule. Therefore, in these locations sunlighting has been considered further.

8.109 BRE Guidance states that if a reference point in the centre of a window receives at least a quarter of the annual probable sunlight hours (APSH), including at least 5% of the annual probable sunlight hours during the winter months of between 21st September and 21st March, then the room should receive sufficient sunlight.

8.110 Following the amendments, of all 52 windows tested on across Eastside Mews and Olive Tree Court all met or exceeded the guideline figure for APSH. All windows tested would meet the targets for sufficient sunlight.

8.111 The amendments have resulted in a significantly more favourable daylight impact on surrounding buildings. Taking the above into consideration it is acknowledged that there would still be certain daylight impacts, in particular on the Olive Tree Court

development but it considered that the internal daylighting and sunlighting to this development would be acceptable and is mitigated further by the number of triple and double aspect flats within this building.

- 8.112 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.

Sunlight/overshadowing to Gardens and Open Spaces

- 8.113 A sun-path analysis was undertaken to determine the proportion of any amenity areas which the development would cast a shadow over at 12:00 on the 21st March (i.e. the equinox). It should be noted that existing / proposed foliage was not included within the analysis. Periods when shadows are present may also be caused by trees rather than the proposals. The results presented provide a representation of the potential impacts associated within the development only as a worst-case.
- 8.114 Overshadowing was shown to occur as a result of the proposals, at some of the outdoor areas associated with the Olive Tree Court residential development, specifically the area to the north and east of the proposal. However, it is noted that there is further open space associated with the Olive Tree Court development located to the north and south– albeit locations which the Springwood Close development itself impacts on within its own development boundary.
- 8.115 Additionally, the outside areas associated with Eastside Mews are impacted upon to a minor extent. However, it is noted that the majority of this impact is as a result of the Eastside Mews development itself. The outdoor area associated with the proposals to the south, is not affected by the development and only receives some overshadowing as a result of the raised railway line to the south. For the above reasons, overshadowing impacts are considered acceptable.

Noise and Vibration

- 8.116 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.
- 8.117 The proposal could experience high levels of noise and vibration from the railway line to the south. This consists of 4 tracks and serves Greater Anglia National Rail line and TfL Rail between Stratford and Liverpool Street. Trains stop just after 01.00 and restart just after 05.00 and are frequent throughout the day. A Noise and Vibration Assessment by AIRO accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation from the high levels of railway noise. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined. In order to mitigate the high levels of noise, measures relating to glazing, ventilation, building fabric and vibration have been recommended for the proposed building.
- 8.118 All of these specialist mitigation measures will ensure that internal and external noise/ levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014 and meet vibration standards set out in BS 6472: 2008. To ensure that the railway noise and vibration is acceptable a condition will be imposed for an

updated noise and vibration survey to be undertaken and for the measures to be strictly implemented.

- 8.119 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.

Air Quality

- 8.120 An Air Quality Assessment by Bluecroft accompanied the application. The report notes that the London Air Annual Pollution maps indicate NO₂ concentrations at the application site and within the immediate locale are within the relevant AQO's and therefore unlikely to expose new receptors to high pollutant concentrations. As such, no further mitigation is required with regards to site suitability.
- 8.121 The proposed development has the potential to give rise to construction impacts of dust and emissions therefore the Council's Air Quality team recommend that included within the CEMP condition should be the requirement for dust mitigation & monitoring and that all Non-Road Mobile Machinery must meet the emissions standards as set out in the GLA's 'Control of Dust & Emissions from Demolition and Construction' SPG.
- 8.122 The Information on the proposed boilers was not available at the time of the assessment therefore the Air Quality Neutral Assessment for the building emissions has not been carried out. A condition is recommended that an Air Quality Neutral Assessment must be carried out once the relevant information is available to ensure that the development does not have a negative impact on the local air quality.
- 8.123 Provided the above recommended conditions are complied with, the air quality is considered acceptable.

Transport, Access and Servicing

- 8.124 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.
- 8.125 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 private vehicle 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.
- 8.126 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would 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.

- 8.127 The site benefits from good access to public transport. Bow Church DLR and Bow Road underground station are both located around 550m walk to the south of the site. These stations provide access to the DLR, District and Hammersmith & City lines with services to Canary Wharf, the City and West End. The area is also well served by buses which stop at Tredegar Road and Bow Road. The proposed development site has a Public Transport Accessibility Level (PTAL) of 4.
- 8.128 Transport for London (TfL) have also recently completed a large scale upgrade of the cycle infrastructure along Mile End Road providing separated lanes leading in and out of central London.
- 8.129 Overall, the proposal's likely highways and transport impact are considered to be acceptable by the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.130 The London Plan (FALP 2016) cycle parking standards require 85 cycle parking spaces to be provided for use by residents. The development provides 94 covered secure cycle parking spaces in 5 stores across the development, one store which would be in the basement. 8 cycle spaces would be provided as Sheffield stands, with the remaining 86 two-tier cycle racks.

Car Parking

- 8.131 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.132 One accessible space is proposed on Morville Street next to the loading bay. One accessible space would be under the policy target of 6, representing 1 for each accessible unit within the development, however owing to the site constraints the offer of one on-street space is considered acceptable.

Servicing and Refuse Storage

- 8.133 The servicing would be conducted from a proposed loading bay on Morville Street. A condition requiring a delivery and servicing management plan to be submitted and approved will be attached to the permission.
- 8.134 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.

Public Realm

- 8.135 Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development. This would secure a dropped kerb from the bin store to the collection point in addition to a 2 metre pavement width on Morville Street. The Council's Transport and Highways team advised the applicant that they would only support the loading and disabled bay at the location proposed if

2m footpath could be achieved. The applicant has dedicated some of their land to achieve this.

Construction

- 8.136 Condition securing a Construction Management Plan and the standard hours of construction would also be secured by condition. Hours of construction was raised in a neighbour representation. Construction will be limited to the hours of 08:00 and 18:00, Monday to Friday, and between the hours of 09:00 and 13:00 on Saturday. No works would be carried out at any time on Sundays or on Public Holidays. Any breach of this would be liable for enforcement action.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.137 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. 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.
- 8.138 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.139 From October 2016 LBTH Policy DM29 requires major residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution in accordance with our carbon offset solutions study. The study identifies the scope of the fund and types of projects to be delivered.
- 8.140 The submitted Energy Statement (XCO2 Energy -March 2017) has followed the principles of the Mayor's energy hierarchy, and focuses on the Be Lean stage to reduce energy demand and Be Green to integrate renewable energy technologies (Photovoltaic array (6.3kWp)).
- 8.141 The current proposals seek to minimise CO2 emissions through Be Lean and Be Green measures as follows:
- Be Lean – 12.2% reduction
 - Be Clean – 0% reduction
 - Be Green – 12.1% reduction
- 8.142 The cumulative CO2 savings from these measures are proposed to be significantly short of policy DM29 requirements and deliver approximately a 24.3% reduction. A carbon offsetting contribution has been proposed in the submitted Energy Statement of £30,200 to be paid through the adopted carbon offsetting procedures.
- 8.143 The CO2 emissions are:

- Baseline CO2 emissions: 22.1 Tonnes/CO2/yr
- Proposed design CO2 emissions: 16.78 Tonnes/CO2/yr
- Carbon offsetting payment to zero carbon: 16.78 (Tonnes/CO2/yr) x £1,800 = £30,200

8.144 In order to support the proposed scheme carbon reduction proposals, a S106 agreement for **£30,200** to be payable prior to commencement of development, should be incorporated to deliver carbon savings off-site. The applicant would need to submit the as built building regulations calculations (SAP) to demonstrate that the carbon savings have been delivered. This would be secured by condition. An additional carbon offsetting payment could be payable should the required CO2 emission reductions not be realised.

8.145 The proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 24.3% reduction in CO2 emission reductions. Subject to Conditions securing the energy and sustainability proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered acceptable in accordance with adopted policies for sustainability and CO2 emission reductions.

Biodiversity

8.146 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP).

8.147 The Landscape Design Strategy includes proposals for a number of biodiversity enhancements which will contribute to objectives in the local Biodiversity Action Plan (LBAP).

8.148 The most significant enhancement is the inclusion of 688 square meters of biodiverse roofs. The proposed design for these is good, and this will contribute to a LBAP target for new open mosaic habitat. Bat boxes and nest boxes for swifts and black redstarts will be incorporated into the buildings. The locations for these look acceptable, though the proposed inclusion of only two swift boxes is not ideal. Swifts are colonial nesters, and it is usual to include at least three boxes in a scheme. Swift boxes with multiple chambers are available, and if two of these are used instead of the proposed single boxes, that would be preferable. These will contribute to LBAP targets.

8.149 The proposed tiered wildlife garden is located to the north of the new building, where it will be shaded by the building for most of the day. That will restrict its value to butterflies, bees and other pollinating insects. Nevertheless, the log pole and insect wall will be of value to some species, and will contribute to LBAP targets.

8.150 If some nectar-rich planting could be included in the landscaped area to the south of the new buildings, that would contribute to a LBAP target to increase forage for bees and other pollinators. Overall, these enhancements should be sufficient to ensure net gains for biodiversity, assuming the habitats which have been removed by site clearance were of low quality.

8.151 The enhancements discussed above would be secured by a condition.

Land Contamination

8.152 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 identify potential contamination and remediate the land as appropriate.

Health Considerations

8.153 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.

8.154 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.

8.155 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

8.156 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.

8.157 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.

8.158 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.

8.159 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£16,925** towards employment, skills, training for the construction phase
 - b) A contribution of **£30,200** towards Carbon Off-Setting.
 - c) **£3,000** towards monitoring fee (£500 per s106 HoT's)
- Total £50,125**

8.160 The following non-financial planning obligations would also be secured:

- a) Affordable housing 35% by habitable room (16 units, 50 habitable rooms)
70% Affordable Rent (10 units, 35 habitable rooms)
30% Intermediate Shared Ownership (6 units, 15 habitable rooms)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
20% Local Labour in End User Phase
2 Apprenticeships
- c) Car free agreement
- d) Viability Review Mechanism
- e) Any other planning obligation(s) considered necessary by the Corporate Director of Place.

Local Finance Considerations

8.161 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:
“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.

8.162 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 would be the London Mayor’s CIL and Tower Hamlets CIL.

8.163 Using the DCLG’s New Homes Bonus Calculator, this development is estimated to generate approximately £91,648 in the first year and a total payment £549,886 over 6 years.

8.164 Tower Hamlets CIL liability would be £101,473 and the London CIL liability would be £101,473.

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

Human Rights Considerations

8.166 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:

8.167 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".

8.168 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.

8.169 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.

8.170 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.

8.171 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

8.172 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;

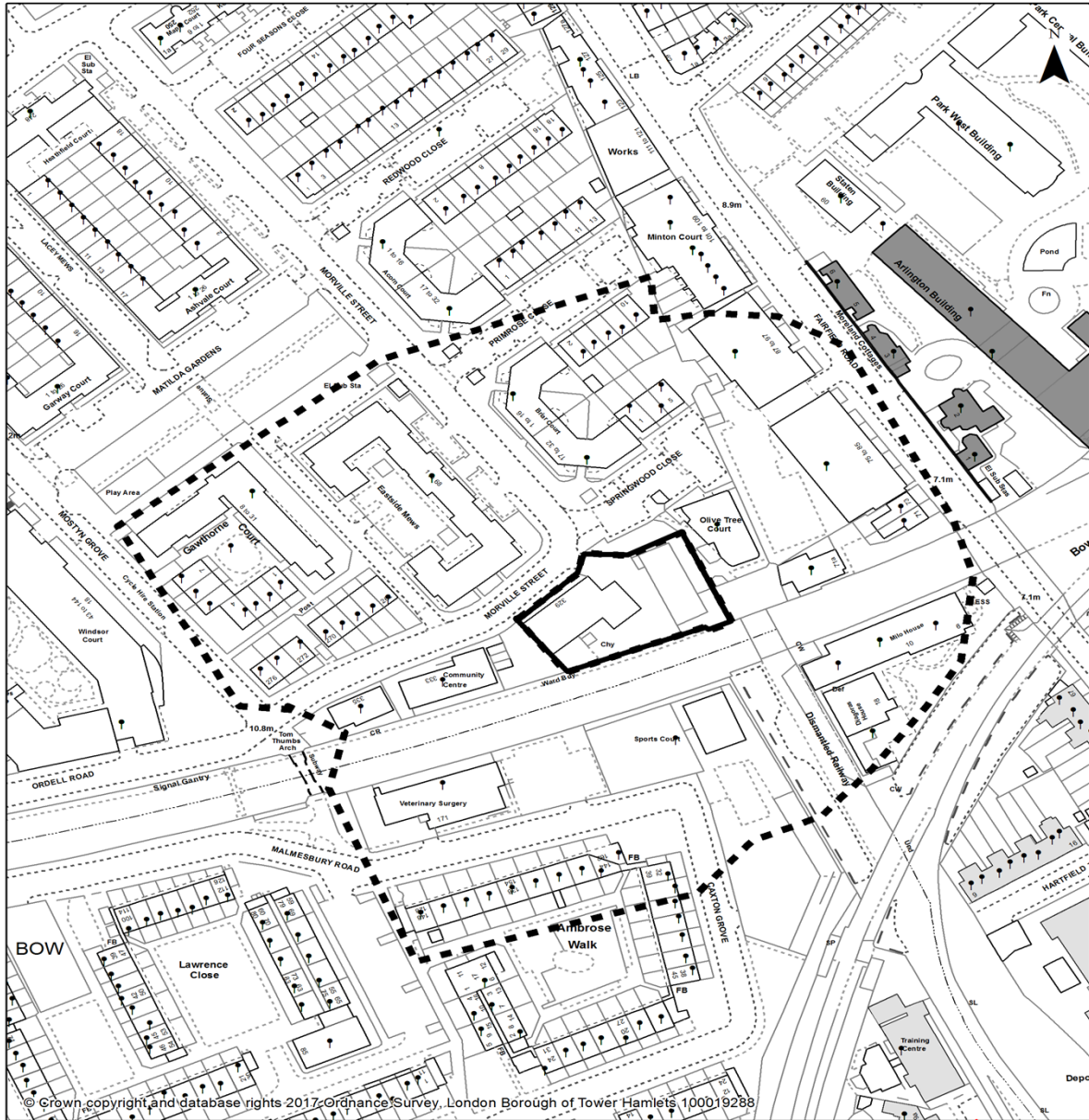
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.173 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

Appendix 1 SITE MAP



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

Scale @ 1:1,500
 20 10 0 20 40 60 Meters

Planning Application Site Map PA/17/01253

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



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 20/10/2017

