

Committee: Development Committee	Date: 13 th February 2019	Classification: Unrestricted
Report of: Place Directorate		Title: Application for Planning Permission
Case Officer: Daria Halip		Ref No: PA/16/02806
		Ward: Stepney Green

Special Circumstances and Reasons for Urgency

- The report was unavailable for public inspection within the standard timescales set out in the Authority's Constitution; and because of a scheduling issue the document was published 24 hours after set date.
- The applications cannot be deferred to a later meeting as the decisions are time sensitive and involve consultees external to the Council and all parties were expecting the applications to be heard on this date.

1.0 APPLICATION DETAILS

Location:	2 Jubilee Street, London E1 3HE
Existing Use:	Vacant office building (B1)
Proposal:	Demolition of part of the existing buildings (to the north) containing 517sqm of floor space; retention and refurbishment of remaining existing office (665sqm) building (on southern part of site) and single storey roof extension (195sqm) to create new B1 office floor space; creation of a new build six storey (with setback top floor) residential block to the north to provide 37 dwellings (6 x studio, 15 x 1 bed, 12 x 2 bed, 2 x 3 bed, 2 x 4 bed) together with amenity areas, cycle parking and refuse/recycling stores.
Drawings and Documents	Refer to Appendix 2
Ownership/applicant:	IPE Jubilee Limited
Historic Building:	No listed buildings on site; however, the application site neighbours the Grade II Listed, The George Public House and the Commercial Road Conservation Area.
Conservation Area:	Abuts Commercial Road

2.0 EXECUTIVE SUMMARY

- 2.1 Officers have considered the particular circumstances of this application against the provisions of the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in addition to the London Plan MALP (2016) as well as the National Planning Policy Framework (2018) and all other material considerations including the Equalities Act as set out in this report, and recommend approval of planning permission subject to conditions.
- 2.2 The application site is vacant and unallocated in the Local Plan.
- 2.3 The proposal is for redevelopment of the site to provide 37 residential units, in accordance with policy requirements under policy 3.4 of the London Plan (2016), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development Document (2013). These policies seek to ensure that the use of land is appropriately optimised.
- 2.4 The development would also make provision of quality office space for local businesses which is also policy compliant and supported.
- 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 75% affordable rented (with the rented units split between London Affordable Rent and Tower Hamlets Living Rent) and 25% intermediate. The proportion of 35% affordable housing is strongly supported and would complement the range of accommodation provided within the area.
- 2.6 The design of the scheme in terms of height, scale, general layout and appearance set within its immediate site context is appropriate and would deliver good quality homes in an appropriate location. All units would be served by either private balconies or small urban gardens that meet or exceed minimum London Plan SPG requirements for private amenity space.
- 2.7 The density of the scheme is considered acceptable. There would be no undue detrimental impacts upon the amenities of neighbouring building occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure which would be indicative of overdevelopment. The high quality accommodation provided, along with appropriate external amenity spaces would create a good living environment for the future residents of the scheme and future occupiers of the employment space (B1 use Class) within the scheme.
- 2.8 The proposal would allow the grass root music venue, The George Public House, to continue to operate as it has been for many years including operate live music events that on occasion emanate significant levels of noise. The detailed design of the scheme has been carefully adapted to ensure any noise breakout from the George Public House would not present amenity issues for future residents of the scheme. The necessary design measure and acoustic safeguards would be secured by planning condition. In addition a mechanism is put into place to limit the opportunity for future residents of the proposed scheme to lodge a complaint on noise grounds, through a Deed of Easement. This would ensure that future operation of the Public House and the events take place within it would not be jeopardised by this scheme. The content of the Deed of Easement was agreed by all subject parties (the pub landlady, the developer and the Council) ensuring that the vitality of the Public House

is safeguarded and the Deed would be signed by relevant parties prior to Decision Notice being granted, if there is a resolution to grant consent for the proposal.

- 2.9 The development is policy compliant in terms of transport and highways, including parking provision, access and servicing arrangement such that the scheme will incur no detrimental impact upon highway safety or congestion on the surrounding highways network..
- 2.10 The scheme would meet the full financial and non-financial contributions required by policy.
- 2.11 Subject to the recommended conditions and obligations, the proposal is considered to 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 **£12,472.00** towards employment, skills, training for the construction phase
- b) A contribution of **£5,469.75** towards the training and development of unemployed residents in Tower Hamlets
- c) **£2,500** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £20,441.75

3.5 Non-financial Obligations:

- a) Affordable housing 35% by habitable room (9 units, 32 habitable rooms) of which:
 - 75% Affordable Rent (6 units, 24 habitable rooms):
 - 4 units at Tower Hamlets Living Rent 3x 2bed 4person and 1x 2bed 3 person;
 - 2 units at London Affordable Rent (both of which are fully accessible wheelchair accessible /c units to part M4(3)2B at: 2x 4bed units 6 person;
 - 25% Intermediate/Shared Ownership (3 units, 8 habitable rooms)
 - 2x 2b 3 person and
 - 1x 1b 2 person
- b) Access to employment
 - 20% Local Procurement
 - 20% of the construction phase workforce will be local residents
- c) Car-permit free agreement;
- d) Two disabled parking spaces
- 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 informative to secure the following matters:
- 3.6 Conditions:

Compliance Conditions

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. Hours of demolition and construction
4. Refuse stores to be provided prior to occupation
5. Internal Noise Standards
6. All lifts operational prior to occupation of the relevant part of the development
7. 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.
8. Compliance with Energy & Sustainability Strategy
9. Access to roof top amenity space for all the office users

Prior to Commencement Conditions:

10. Construction Environmental Management Plan
11. Ground contamination remediation and mitigation
12. Details of piling, all below ground works and mitigation of ground borne noise

Prior to commencement of 1st upper floor slab structure

13. Biodiversity mitigation and enhancements including biodiverse roof details
14. Child play space details including access arrangements, management and equipment
15. Detailed specification, tilt angle and location of photovoltaic panels
16. Scheme of highway improvement works

Prior to commencement of works on superstructure conditions:

17. Site wide drainage scheme and surface water measures in consultation with Thames Water
18. Details of all plant and machinery including air quality neutral measures
19. Details of all external facing materials including balcony details and screening details (both samples and design specification)
20. Details of all windows, doors and all acoustic enhancement
21. Layouts of Part M wheelchair units
22. Details of waste storage facilities

Prior to Occupation' Conditions:

23. Details of cycle parking, access to cycle stores, design and associated facilities
24. Final energy calculations to show how the scheme has delivered the stated carbon emission reductions;
25. Details of public realm enhancements, landscaping (including soft & hard landscaping), street furniture and boundary treatment

26. Details of all external lighting prior to occupation
27. Secured by Design accreditation
28. Details of privacy screening measures to windows in south elevation
29. A scheme for the attenuation of externally generated noise post completion and prior to occupation. The scheme to include the sound attenuation of the building envelope, the acoustic performance of any ventilation system and the detailed layout of the building.

Informative

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

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1. The site lies to the south-eastern end of Jubilee Street and is close to the junction with Commercial Road. The building on site is a 1960s/70s structure consisting of three storeys office use with associated car parking and servicing. The site is currently vacant, but was previously owned by the Council as offices and meeting rooms. The plot of land was sold to a private developer in May 2016. The office accommodation extends to 1182sqm of floor space and the overall site adds to 0.115ha.

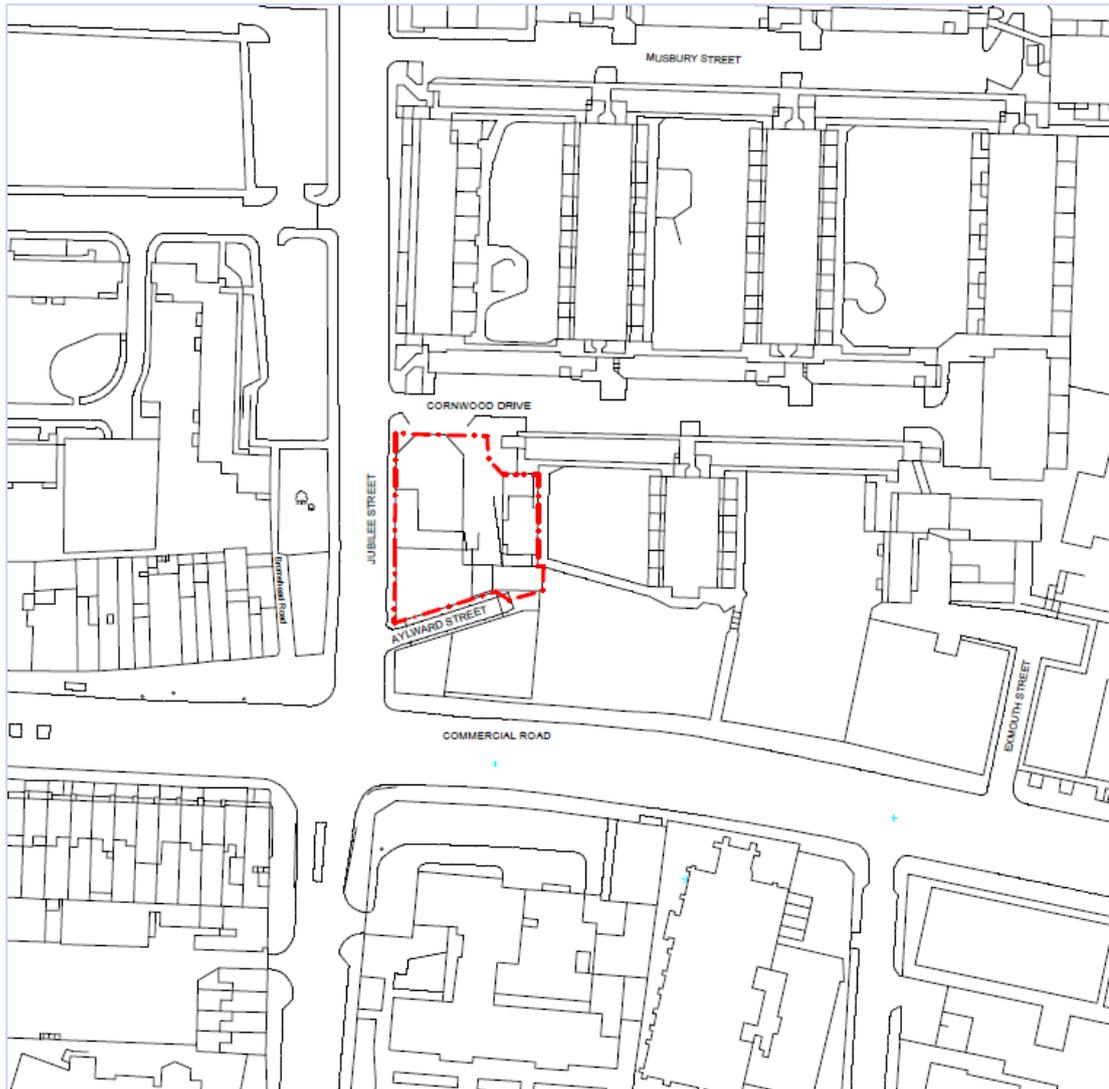


Figure 1: Existing Site Plan

- 4.2. The surrounding area is predominantly residential and buildings range from 3 to 7 storey high. Commercial Road in contrast is an arterial road and attracts more commercial/retail uses interspersed with residential mostly at upper levels. The nearest District Shopping Centre is Watney Market located approximately 320m to south west of the site.
- 4.3. The site has its main frontage on Jubilee Street with a side return on Cornwood Drive to its north. To its south, the site adjoins Aylward Street which is now blocked off and used by the owner/occupiers of the George Public as a beer garden. The site adjoins (to the east) Exmouth Estate, a large 1960s social housing development.
- 4.4. The site does not lie within a conservation area but falls just outside of the Commercial Road Conservation Area, as shown on the map (Figure 2) below. The building further south of the site and fronting Commercial Road is the Grade II listed The George Tavern. Other Grade II Listed buildings can be seen along Commercial Road to the south west of the site (highlighted blue in Figure 2).



Figure 2: Map showing conservation area (in pink) and listed buildings (in blue)

4.5. Jubilee Street lies within an area of good public transport capacity and enjoys a PTAL level 6a. A number of buses run along Commercial Road leading to Canary Wharf, Canning Town and further east, as well as to the City; Shadwell DLR station lies 560m south west of the site. To the north are Mile End Road and Whitechapel Road lying approximately 670m away; these roads are hosts to several bus routes serving east and west of the borough. Whitechapel and Stepney Green underground stations lie a short distance away along Mile End and Whitechapel Roads. The site lies approximately 690m south east of Whitechapel Station and 440m north east of Shadwell DLR and Overground station.

Planning History

Application site

4.6. None relevant to the current planning application, other than extensive pre-application discussions which were held between the applicant, their design team and LBTH planning officers (beginning in April 2014) culminating in the planning application that is the subject of this report.

Neighbouring sites

Car park between Jubilee Gardens and Jubilee Street (PA/16/02296)

4.7. Removal of existing car park and erection of new 5, 6 and 7 storey building providing 24 dwellings for affordable rent. New vehicular access from Jubilee street and conversion of Jubilee Gardens into a one way road, relocation of the existing bus stop and the removal of seven car parking spaces on Jubilee Street. Approved 01/11/2016

Former Stepney's Nightclub, adjacent to The George PH (PA/11/03301)

- 4.8. Demolition of existing/vacant single-storey building adjacent to the George Tavern (PH) and erection of a 3 storey mixed use building to provide new commercial floor space falling within use classes A1, A2 and/or B1 together with 6 new flats (3 x 1 bed & 3 x 2 beds) on upper floors including cycle parking, refuse/recycling facilities and amenity provision. Scheme refused and Appeal dismissed 03/05/2017

Proposal

- 4.9. Full planning permission is sought for the part demolition and part retention of existing building on site.
- 4.10. Retention and refurbishment of remaining three storey existing office (665sqm) building on the southern part of the site and creation of a single storey roof extension (195sqm) to create new B1 office floor space (860sqm).
- 4.11. Construction of a new build six storey (with setback top floor) residential block to the north to provide 37 dwellings (6 x studio, 15 x 1 bed, 12 x 2 bed, 2 x 3 bed, 2 x 4 bed), with associated landscaping, cycle parking and refuse storage facilities.
- 4.12. It is noted that the proposal was amended in November 2017 following discussions on design and control of noise. The number of residential units was reduced from 38 to 37 to accommodate the design changes.

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 (2018)

5.3 London Plan FALP 2016

- 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
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 3.16 - Protection and Enhancement of Social Infrastructure
- 4.1 - Developing London's Economy
- 4.2 - Offices

- 4.3 - Mixed Use development and offices
- 4.7 - Retail and Town Centre Development
- 4.8 - Supporting a successful and diverse retail sector
- 4.10 - New and Emerging Economic Sectors
- 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
- 5.17 - Waste Capacity
- 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
- 7.9 - Access to Nature and Biodiversity
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 8.2 - Planning obligations
- 8.3 - Community Infrastructure Levy

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 place making
- 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
- DM16 - Office Locations
- 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
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 **Mayor of London Supplementary Planning Guidance**

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Sustainable Design and Construction (2014)
- Housing SPG (2016)
- Affordable Housing & Viability (2017)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Social Infrastructure SPG (May 2015)
- London's Grassroots Music Venues, Rescue Plan (October 2015)
- Culture and the Night Time Economy SPG (November 2017)

5.7 **Other Relevant Documents**

- National Planning Practice Guidance
- LBTH Planning Obligations SPD (2016)
- Commercial Road Conservation Area Appraisal (2007)
- LBTH Development Viability SPD (2017)
- Site Layout Planning for Daylight and Sunlight, BRE 2011

5.8 **Tower Hamlets Community Plan objectives**

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

5.9 Emerging Planning Policy

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.

The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and has closed. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has recently undergone its Examination in Public, its weight remains limited.

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 informative 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.

The Night Czar, Greater London Authority (GLA)

6.4 No objections subject to a Deed of Easement being secured by all parties, to ensure that new residents and the existing venue can co-exist in harmony.

Transport for London

6.5 Car free development with blue badge parking available in the vicinity is welcomed. The overall quantum of cycle parking provision for both the residential and office element on site is supported. Clarification over the type of cycle stands to be adopted including location of the cycle stores to be provided. 5% of cycle spaces provision should accommodate larger cycles. The applicant to clarify details of the 10 cycle spaces for the office element on site. These should be designed in line with London Cycle Design Standards and secured by condition in consultation with TFL.

Historic England

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Internal Consultees

Highways

- 6.7 Car Parking - Highways require a section 106 'car and permit' free agreement for this development as it is located in a good PTAL area (PTAL 6a). 2 accessible parking bays would be secured for this proposal. The two bays would be on private land and therefore would be implemented and enforced by the applicant and Swan Housing. The applicant would be responsible for all the works as part of their development and agree any payments privately, with the land owner.
- 6.8 Cycle Parking - an internal residential cycle storey with 44 spaces, all double stacked is being provided; furthermore, an external residential store with 10 spaces, all Sheffield Stands is also being provided. For the commercial space, an internal commercial cycle store containing 10 spaces with double stacking is proposed. 2 short stay spaces for the office and 1 short stay space for the residential are also required which would be conditioned as would the entire cycle parking provision. 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.
- 6.9 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.
- 6.10 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 secured through a planning condition.

Biodiversity

- 6.11 A landscape plan for the proposed biodiverse roof and play area at ground floor to be secured by condition. The landscape plan to ensure that the development would provide a net increase in biodiversity value, in line with the planning policies and objectives in NPPF and DM11 in the MDD.

Tree officer

- 6.12 No objections.

Waste policy and Development

- 6.13 Details on the volume of waste by liters, size and type of containers to be used for both residential and commercial units to be submitted for approval. All bins must meet BS Standards.
- Bin Stores: should be step free accessed with all containers with 150mm distance between each container; the width of the door should be sufficiently large with catches or stays. Internal access to the main residential bin stores should be considered.
 - Commercial bin stores: should be step free accessed directly from the public highway.
 - Waste collection service: dropped kerb should be secured to ensure step free access from the bin store to collection point. Bins for individual and commercial units appear beyond the 10m trolleying distance.
 - Internal storage requirements: all residential units should be provided with internal waste storage, preferably within the kitchen units, with the following capacity: refuse 40l, recycling 40l and food waste 10l

LBTH Appointed Noise Consultant

- 6.14 The proposed development site is adjacent to a long established licensed premise known as the George Tavern Public House (The George) which is a grass root music venue. Consequently, in line with the advice of Government Policy in paragraph 182 of the Revised National Planning Policy Framework (NPPF) it is important to ensure that should the mixed-use proposal go ahead that it incorporated adequate mitigation measures to prevent the new residents suffering from noise nuisance because of this existing business. So that the George would not be required to put in place unreasonable noise control measures in response to complaints by the new neighbours/residents.
- 6.15 The proposal would include noise mitigation in the design, layout and construction of the new scheme, including a buffer of offices between the residential parts and the George, including upgrading the noise insulation of the building envelope. This approach complies with the principles of national planning practice guidance to help avoid conflicts between residents of new housing and existing businesses. This is regarded as a practical demonstration of Good Acoustic Design incorporating the 'Agent of Change' principle.
- 6.16 The submitted noise assessment and proposals for incorporating noise mitigation into the scheme demonstrates that adequate control of noise can be achieved so that unacceptable adverse effects would be prevented. Significant adverse effects would be avoided and adverse effects suitable mitigated and minimised in the context of government and local policy. Furthermore, noise mitigation and control measures can be incorporated into the proposed scheme so that complaints by future residents would be unlikely and in the improbable event that complaints arise, it is considered that they would be highly unlikely to result in unreasonable restrictions being imposed to the George.
- 6.17 The circumstances of the urban nature of the location the mitigation proposed within the scheme, including using the building envelope with windows closed to provide noise insulation along with alternative means of ventilation and control of overheating so that windows do not have to be open, is satisfactory.
- 6.18 In coming to the view that the principle of the scheme is acceptable, weight has been given to the fact that the site is within a central urban area with an already robust noise environment from multiple noise sources other than the George. It is therefore recommended conditions are imposed onto the said decision notice requiring provision of appropriate noise mitigation and alternative means of ventilation and cooling other than opening windows, as described in the submitted assessments and reports.

- vii. Sustainability and Environmental Considerations
- viii. 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 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. It is a core planning principle within the NPPF 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. Paragraph 80 states that the central government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth. The NPPF stresses that significant weight should be placed on the need to support economic growth through the planning system.
- 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. London Plan policy 4.1 seeks to promote and enable the continued development of a strong, sustainable and diverse economy, ensuring the availability of sufficient workplaces in terms of type, size and cost. Policy 4.2 seeks office provision for small enterprises, including that of affordable office space. The Council's Core Strategy policy SP06 seeks to maximise and deliver investment in the borough by supporting the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces with a particular focus on the small and medium enterprise sector, and through ensuring job opportunities are provided in each place and at the edge of town centres.

Principle of B1 office use

- 8.6 The site comprises a vacant former office building on three storeys with an established B1 office use class. The total floor space as stated within the application proposal is approximately 1180sqm. Jubilee Street is predominantly residential. The site does not lie within a town centre but is very close to Commercial Road. The nearest District Shopping Centre is Watney Market located some 320m west of the site.

- 8.7 Policy SP06 of the Core Strategy provides the basis to support the growth of existing and future businesses across the borough through maximising and delivering investment and job creation.
- 8.8 DM15 of the MDD outlines how new development can and will contribute to delivering growth in locations outside designated employment policy areas. Policy DM15 (1) is particularly relevant in this case with regards to loss and re-provision of employment spaces. The first part of DM15 states that *“the upgrading and redevelopment of employment sites outside of spatial areas will be supported”*.
- 8.9 The second part of DM15 (1) 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”*.
- 8.10 The current area of the entire (vacant) building is about 1180sqm and this is in the form of very outdated and not fit for purpose employment floor space. The proposal would retain B1 use on site which in policy terms is acceptable. A total of 665sqm would be retained and refurbished within the new development including 40sqm of office space in the form of a mezzanine and a further 195sqm would be provided within the new fourth floor level at roof level of the existing building. The scheme would result in a net loss of 320sqm of employment space. However this loss is considered acceptable as the current building has stood vacant for some years, is not fit for modern office employment and the new reduced quantum of office floorspace would provide a ready opportunity for realising greater employment density on the site given it would be fit for purpose. The scheme would not be providing ‘premium grade office space’ but spaces catering to the needs of start-up businesses and small and medium sized enterprises (SMEs).
- 8.11 The principle of regenerating the building is supported. It is currently in a state of disrepair with little prospect of finding future tenants. The proposed employment space is capable of providing accommodation for 41 full time employees. As such the development will bring much needed life and economic investment to the site and will increase employment opportunities within the area. Tower Hamlets hosts a significant financial services sector and also a large number of small and medium enterprises (SMEs). Maximising employment for local people is a major priority for the Council, and employment opportunities arising from development in the borough should be made accessible to its residents to increase employment levels and help to tackle poverty and social exclusion.
- 8.12 The scheme would deliver employment spaces well suited for occupancy by small and medium enterprises. It is considered the redevelopment of the site is consistent with land use policies SP016 and DM15 of the Local Plan together with policies 2.9, 2.13, 4.1, 4.2 and 4.3 of the London Plan.

Principle of residential use

- 8.13 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.

- 8.14 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the borough. The site was sold by the Council, with a view for it to come forward for a residential development.
- 8.15 Given the above and the residential character of surrounding area around the site, the principle of a housing development on this brownfield site is strongly supported in policy terms.

Residential density

- 8.16 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.
- 8.17 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).
- 8.18 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).
- 8.19 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.
- 8.20 Housing SPG (March 2016) 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.
- 8.21 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.

HOUSING SPG

TABLE 3.2 - DENSITY MATRIX (HABITABLE ROOMS AND DWELLINGS PER HECTARE)

	SETTING	PUBLIC TRANSPORT ACCESS LEVEL (PTAL)		
		0 TO 1	2 TO 3	4 TO 6
INDICATIVE AVERAGE DWELLINGS SIZE	SUBURBAN	150 - 200 HR/HA	150 - 250 HR/HA	200 - 350 HR/HA
	3.8 - 4.6 hr/unit	35 - 55 u/ha	35 - 65 u/ha	45 - 90 u/ha
	3.1 - 3.7 hr/unit	40 - 65 u/ha	40 - 80 u/ha	55 - 115 u/ha
	2.7 - 3.0 hr/unit	50 - 75 u/ha	50 - 95 u/ha	70 - 130 u/ha
	URBAN	150 - 250 HR/HA	200 - 450 HR/HA	200 - 700 HR/HA
	3.8 - 4.6 hr/unit	35 - 65 u/ha	45 - 120 u/ha	45 - 185 u/ha
	3.1 - 3.7 hr/unit	40 - 80 u/ha	55 - 145 u/ha	55 - 225 u/ha
	2.7 - 3.0 hr/unit	50 - 95 u/ha	70 - 170 u/ha	70 - 260 u/ha
	CENTRAL	150 - 300 HR/HA	300 - 650 HR/HA	650 - 1100 HR/HA
	3.8 - 4.6 hr/unit	35 - 80 u/ha	65-170 u/ha	140 - 290 u/ha
	3.1 - 3.77 hr/unit	40 - 100 u/ha	80 - 210 u/ha	175 - 355 u/ha
	2.7 - 3.0 hr/unit	50 - 110 u/ha	100 - 240 u/ha	215 - 405 u/ha

Source: Greater London Authority

Figure 3: London Plan Residential Density Matrix

- 8.22 The site has a good public transport accessibility level (PTAL) of 6a. The London Plan defines "Central Areas as those with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre. The site and surrounding area has a character that fits the definition of a "Central" area given in the London Plan. The site is located within 500m walking distance of the London Central Activities Zone. The surrounding area is characterised by a mix of building typologies ranging from 4 stories to large tower blocks. Watney Market Town Centre is within walking distance of the site.
- 8.23 For a proposal with these characteristics, the table indicates that 650 to 1100 habitable rooms per hectare (hrph). Taking due account of non-residential floor space the proposal would be 1074 hrph, albeit the number of residential units at 421u nits per hectare would lie just above the density matrix

- 8.24 The Mayor of London's 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. The 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.

Heritage and Design

- 8.25 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that great weight should be paid to the desirability of preserving or enhancing the character or appearance of designated heritage assets. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) of the Planning (LBCA) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "*special attention the desirability of preserving or enhancing the character or appearance of that area*".
- 8.26 This statutory obligation is reflected within the policies set out in the NPPF. The implementation of legislation concerning the proper approach for assessing impacts on listed buildings and conservation areas has been addressed in Court of Appeal and High Court Judgments. The key outcome of these Court decisions for local planning authorities is the emphasis for decision makers in that when balancing the benefits and impacts of a proposal, the preservation of heritage assets should be given "special regard / attention" and therefore great weight and importance in the determination of applications.
- 8.27 The NPPF is the key policy document at national level, relevant to the formation of local plans and to the assessment of individual planning applications. The parts of this document relevant to 'Heritage, Design and Appearance' are Chapter 12 'Achieving well-designed places' and Chapter 16 'Conserving and Enhancing the Historic Environment.'
- 8.28 Chapter 12 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 8.29 Chapter 16 of the NPPF relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the ways in which any impacts should be considered, and how they should be balanced with the benefits of a scheme. Paragraph 185 of the NPPF states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.30 The NPPF is clear in its statement that the setting of a heritage asset comprises *‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.’* Paragraph 187 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.31 Policy 7.8 of the London Plan (MALP 2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (MALP 2016) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.32 The Tower Hamlets Conservation Strategy offers a clear understanding of the Tower Hamlets historic environment and the issues facing it and is intended to manage change and development within the Borough. It sets out a clear vision for ensuring that the historic environment is preserved and enhanced, and offers a positive strategy for the conservation and enjoyment of the Borough’s historic environment to ensure that it continues to be appreciated and enjoyed by current and future generations.
- 8.33 The Council’s Core Strategy 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. Policy DM24 of the Managing Development Document seeks high quality design in development, sensitive to the character of the surrounding area in terms of its use of materials, design details and building lines. This is supported by Policy SP10 of the Core Strategy and Policy 7.4 of the London Plan.
- 8.34 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.
- 8.35 Policy DM27 (1) of the Managing Development Document states that development will be required to protect and enhance the Borough’s heritage assets, including Listed Buildings and Conservation Areas. Policy DM27 (2) specifies that development within a heritage asset will only be approved where it does not have an adverse impact on the character, fabric or identity of the heritage asset, and requires development to be appropriate in terms of design, details and materials in the local context.

Assessment of existing building on-site

- 8.36 The existing building is modest in scale and height and is in a poor state of repair, which cannot be ignored. The front elevation is relatively nondescript and lacks distinctive quality or character in terms of architectural value. The building provides minimal positive townscape contribution to the street scene. Its architectural and

historical significance is low and as such there is no objection to the loss of the building. The building does not represent a non-designated heritage asset.

Impact of the new building on Commercial Road Conservation Area and the neighbouring the George Public House



Figure 4: Map showing Commercial Road Conservation Area and Statutory listed buildings.

8.37 The application site lies just to the north of the listed Public House and the Commercial Road Conservation Area. The Conservation Area appraisal describes the townscape of the conservation area as “not outstanding architecturally but does have some fine examples of mid and late Victorian terraced buildings. These form a homogenous and cohesive group, largely intact despite war damage and redevelopment”.

8.38 The Conservation Area Appraisal describes the Grade II listed pub, The George, as follows:-

“The mid-19th century George Tavern Public House, established 1654, is set prominently at the corner of Jubilee Street and Commercial Road (No 373) with 2a Aylward Street. This handsome, three storey building has three facades with 4 windows facing south, 3 facing west and 1 on the Aylward Street façade. It features a stucco face to its two frontages, arches to the ground floor, a central pediment at first floor and a parapet roof level, providing this corner with great presence”.

8.39 Given the application site’s location, Council is required to assess what, if any, impact the scheme would have upon the setting of the George Public House (PH) and to what degree the setting contributes to the significance of the George PH as a

designated heritage asset. Council is also required to assess what degree the site contributes to the setting of the Commercial Road Conservation Area.

- 8.40 The surrounding area within this part of Jubilee Street is predominantly residential in character and neutral in its impact upon the aforementioned neighbouring designated heritage assets. However given the application site's close location to Commercial Road it is considered to give it an interesting position in the street scene. This is further heightened by the presence of the George PH. The PH building has a majestic presence on the street scene and is renowned for its architectural appearance and its use as a grassroots music venue. As stated already, the existing office building on the application site is of relatively recent construction and has little, if any, architectural merit. It has been vacant for some time, is in poor condition and detracts from the setting of the listed building and the character and appearance of the conservation area.
- 8.41 The replacement building would be a contemporary design and would respect the building lines of neighbouring buildings. The building height would be six storeys with the sixth floor stepped back from the parapet. The retained office would be extended to reach the height of the parapet of the George Tavern which would complement the prevailing coherent built form of the terraces within the conservation area. The windows at the first floor of the office would be designed to reflect the dimensions of those at the third floor of the pub which would achieve a much desired coherence. In addition to this, the proposal seeks to once again provide active frontages along Jubilee Street. The eastern portion of the site would be occupied by a number of contemporary terraces that would provide an attractive and active frontage to the open land found to the east. The use of recessed brickwork and white glazed ceramic cladding would reflect the palate of materials prevalent within the conservation area, including brick and stucco found at the George Tavern, as well as the nineteenth century terraces.
- 8.42 Furthermore, by setting back the roof storey, the mass and bulk of the building has been reduced so that the building would not appear overbearing within the context of its surroundings nor to the setting of listed Public House. Finish materials would be primarily brick, which is considered to be in keeping with the historic character of the area. In order to ensure that the facing materials are of satisfactory quality and finished appearance, samples and details of finishes shall secured by condition.
- 8.43 Overall, the development would relate well and enhance the setting to the George Public House. The proposed development provides an improvement to the overall townscape, through the partial demolition of the existing building on site. The proposed building, by virtue of its height, stepped roof profile, design and materials, would not adversely affect the significance of the setting to the neighbouring the George PH.
- 8.44 The development would provide a sympathetic transition along its Jubilee Street elevation between the more coherent character of the Commercial Road Conservation Area and the taller more modern housing developments that characterise the area to the north of the site. The proposal has been carefully designed to complement its sensitive location and it is considered that the choice of finish architectural materials and detailing would enhance the streetscene.

Height, Scale & Massing

- 8.45 As stated above, the proposed building height would be in line with other buildings in this area and would respect the George PH on its south elevation by retaining the

office building and adding one storey above, to appear coherent with the listed building. This part of the development would be four storeys high and would contain the office element. The rest of the building would be up to 6 storeys, with a recessed top level storey.

- 8.46 The massing of the scheme is broken up by the lower office block and the substantial stepping back of the roof top element on the residential element. Furthermore, the stepped up approach as seen from the south elevation, first from the amenity area of the office block and stepping up to the amenity area of the residential element, would help give the building block a balanced scale in line with the listed building and the residential block to the west.



Figure 5: View of the northern and western elevations



Figure 6: View of the office block/south-west elevation

- 8.47 Overall, officers are satisfied with the height, scale and massing of the proposal which has been subject to much negotiation and discussion between officers and the applicant, particularly during pre-application stage. The Urban Design and Conservation Team have reviewed this proposal and found the proposed scale and massing acceptable. Buildings rising up to 6 storeys are prevalent in the area and the additional set back storey set away from the listed building is welcomed. The top level setback successfully mitigates the impact of an additional floor upon the street scene.
- 8.48 The balconies located on the north-east corner of the building are considered acceptable and would provide welcome additional amenity space. To the rear, the fully projecting balconies add visual interest to the overall composition of the elevation. From the street the balconies are slightly recessed and this move is welcomed in order to reduce their impact on the street scene and to add a greater perception of depth to the façade.



Figure 7: View of the east elevation including The George PH

- 8.49 The proposed additional massing compared to the existing office building is not considered to have a detrimental impact on the setting of the neighbouring listed building, nor on the character and appearance of the adjacent conservation area. Subject to condition, it is considered that the proposed development would incorporate the principles of good urban design and would take into account and respect the surrounding built form and public realm in terms of scale, height and massing and finished appearance. The proposals would therefore accord with Policies 7.8 and 7.9 of the London Plan (MALP 2016) Policy SP10 (4) of the Council's adopted Core Strategy (2010) and Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013).

Layout, Architectural Appearance, Materials and Landscape

- 8.50 Most of the original building and rear yard would be demolished except for the southern part which would be retained and refurbished to use as B1 offices. The new building would occupy the entire site and would sit close to its perimeter lines. The office and residential blocks would have their own separate entrances, lifts and stair cores. The following plan, Figure 8, shows the proposed ground floor layout.



Figure 8: View of the ground floor layout, including 2 accessible car parking spaces on Cornwood Drive.

- 8.51 Pedestrian access to the development would be from Jubilee Street for both the office and residential elements. All the ground floor residential units would be duplexes with their own private entrances from either the street or off a communal garden area, in the case of the 3 east facing duplexes. Cycle and refuse stores would be located within the main building for the residential units located on the upper floors. The office would have its own cycle and refuse storage internally within the ground floor. The two 4 bed units to the north of the site would have their own private refuse storage; the three rear units would be given a dedicated bin area at rear near the communal area. Further bin storage and cycle parking would also be located at rear and accessed via Cornwood Drive.
- 8.52 The proposal would provide three separate private amenity spaces, one for the office block at roof level, the second one on the ground floor to the east and the third one on the roof of the residential part of the building. The ground floor amenity space would consist of a communal amenity area and dedicated child play space. The fifth floor external amenity area would be space exclusive for use of the office tenants. The ground floor units would have small front gardens. All residential units on the upper floors would benefit from private amenity space provided by balconies.

- 8.53 In terms of layout, it is considered that the proposal would capitalise on and gainfully use the green space to the east of the site. The proposal would open up to this green space and would create a more inviting appearance to the east where currently this is just an unused green space to the rear of the public house and derelict office building. The rear elevations would be enclosed by a low wall alongside the communal area but a gate would give access to the green open space which also leads to Commercial Road. The rear area of the building elevation will also benefit from natural surveillance and activity gained from upper floor balconies overlooking the green open space.
- 8.54 Overall, it is considered that the proposed building in terms of layout and design would respect the urban grain of the surrounding area including the traditional medium rise historic character found within the neighbouring conservation area. It is considered that the resultant scheme would overall enhance the appearance of neighbouring designated heritage assets. The proposal would be in line and respectful to the requirements of Policies SP02 and SP10 and SP12 of the Core Strategy 2010, Policies DM24 and DM27 of the Managing Development Document 2013 and the NPPF.

Architectural Detailing

- 8.55 The building would be predominantly finished in brickwork which is considered an appropriate choice of material that is durable, will stand the test of time and weather well. A white glazed ceramic cladding and a bronze coloured anodised aluminium cladding shall add visual interest and add contrast to the brick facades. The white cladding would be limited to the roof set back storey while the aluminium cladding would feature mostly on the east, west and south elevations, around the base of the office block. The brickwork would be accentuated by contrasting light coloured mortar. It is considered that the white ceramic bricks for the top storey would be acceptable as a lighter brick would soften its appearance within the street scene. A planning condition would secure further details in respect of the choice and handling of the finish external materials.
- 8.56 The windows and doors would be powder coated aluminium. Articulation and interest would be provided with bronzed coloured frame and soldier coursing to the window heads. Deep reveals to windows, brickwork feature panels, brickwork returns to recessed balconies and simple steel balcony railings in the same bronze to match windows frames would add to the overall finish of the building. The building would have a strong vertical emphasis supported by the vertical windows in a crittal type window frames. The soldier coursing and corbelling brick detailing and pattern would add some relief between the ground floor and upper floors.
- 8.57 The Urban Design Officer reviewed the materiality of this proposal and found it appropriate, subject to further details secured by planning condition. The Urban Design officer also noted that the buildings' facades would be composed of a subtly delineated two storey base, the three storey high core and set back top floor. Although there would be little symmetry or consistency between these sections, the scheme would possess an overall coherent architectural composition derived from the choice of materials, the heights of the openings, the glazing details and from the detailing to the balconies. The differing widths of the openings shall help to break down the long elevation and reduce the horizontality.
- 8.58 There is considered to be scope for further adjustments to the parapet details through use of patterned brickwork or a brick stringer much like at first floor level to subtly break it down further. The applicant has accepted this approach and as such further

refinements to the brick detailing shall be secured by conditioned. At ground floor level, the main residential entrance would be acceptable and would be clearly discernible from the bin store door. The office block would also appear in an acceptable contrast to the residential block which is supported. In terms of windows, the added window openings to the southern elevation of the residential building are welcomed, as this would break up and add visual interest to the otherwise blank façade. Further details would be required via a condition to ensure that these are non-openable windows. Obscured glazing and high level windows on the south elevation would be welcome as well; the obscure glazing can be dealt with by condition. The architectural detailing of the office block is considered acceptable and the handling of the glazing to street is considered a positive feature.

- 8.59 Overall, the proposed palette of materials and detailing of the elevations are considered appropriate.

Secured by Design

- 8.60 Policy 7.3 of the London Plan (MALP 2016) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy DM23 (3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.61 The proposal has been developed in accordance with the principles of Secured by Design. The scheme would deliver significant benefits in terms of safety and security by providing active frontages at front, around (Cornwood Drive) and to the rear of the site. The design, layout and landscape strategy of this scheme lend itself well to the aims of Secured by Design. At present, the site is vacant, unused, derelict and in a poor state of repair. The main and active frontage is along Jubilee Street. Cornwood Drive takes in a small part of the site which is boarded up and the rear (off Cornwood Drive) is an opened alley between the application site and the neighbouring estate. The rear of the building is currently accessed via Commercial Road and through a cut through a green area set behind the housing estate and the George PH. These areas are all highly accessible. The lack of activity on the application site limits the opportunities for natural surveillance of the street and surrounding areas, which in turn can encourage anti-social behaviour.
- 8.62 The site has therefore been designed to high security standards, at front, side and rear. The building on site would occupy almost the entire site with access to the rear via the side/rear elevation of the new building from Cornwood Drive. This would lead to the private entrances for 3 duplexes and their front gardens together with a private communal space and child play space. Cornwood Drive itself forms the north elevation of the building and would be an animated area compared to the existing situation with the private entrances to two 4 bedroom duplex units. The east/rear elevation would be separated from the rest of the estate and green space by a small fence/wall. 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.

- 8.63 An integrated lighting strategy is proposed for the scheme. This strategy would 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.
- 8.64 The proposals have been assessed by the Metropolitan Police Designing Out Crime Officer, who raised no objections but have asked to be involved further in this proposal and recommended a necessary condition to achieve Secured by Design accreditation. A condition would be attached to the permission for secured by design standards to be met.

Housing

Affordable housing

- 8.65 In line with section 5 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.
- 8.66 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). Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.67 The Affordable Housing and Viability SPG was published in August 2017 which sets out a 'Threshold Approach' for schemes that meet or exceed 35% affordable housing provision without public subsidy can follow a "Fast Track Route". This means applicants are not required to submit viability information at the application stage, and applications are subject to review mechanisms only if an agreed level of progress on implementation has not been achieved within two years of consent being granted or as agreed with the LPA. Schemes that do not meet this threshold are required to follow 'Viability Tested Route', under which applicants must submit detailed viability information which will be scrutinised and treated transparently.
- 8.68 The 35% threshold would also take into account a range of affordable housing sizes including family sized units and local tenure mix policies. It is considered appropriate to use the "Threshold Approach" for this scheme. However, as this application was originally submitted in 2016, Viability Appraisal was submitted and scrutinised by an independent viability consultant, appointed by the Council. The review of the appraisal concluded that the proposed offer of 35% would maximise the affordable housing that can viably be achieved within this scheme.
- 8.69 In terms of the Council's preferred rent levels, new guidance has been adopted which is referred to in the adopted Housing Strategy 2017-2021 and would be inserted in the draft Local Plan. The new rent levels also form part of the Mayor of London's

Affordable Housing and Viability SPG 2017. In summary, the rent levels consist of the following for affordable rents:

- Tower Hamlets Living Rent which is inclusive of service charges
- London Affordable Rent which is exclusive of service charges;

8.70 In the rented tenure, the Council would typically wish to see a 50/50 split between two products: London Affordable Rent (LAR) and Tower Hamlets Living Rent (THLR). Values for LAR are close to the old Social Target rents and are not inclusive of service charges. THLR rents are inclusive rents, set at borough-wide levels, to represent an expenditure of one third of median local household incomes, currently established for 2017-18 as £31,645 p.a. The 50:50 split should be applied as closely as possible to all sizes of rented units and the different rents should be contained within the same cores as each other.

8.71 The affordable housing is being offered at a 75:25 split (by habitable rooms) between affordable-rented units and intermediate units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy, in the context of this scheme, is considered relatively minor and the tenure split is supported with the provision of two larger family affordable units at London Affordable Rent.

8.72 The applicant would be providing the affordable units under the London Affordable Rent and Tower Hamlets Living Rent levels as follows (35% affordable by habitable room, 9 units - 32 habitable rooms):

- 75% Affordable Rent (6 units):
 - 4 units at Tower Hamlets Living Rent (£211.09pw including service charge): 3x2bed and 1x 2bed
 - 2 x 4 bedroom units at London Affordable Rent (both of which are fully accessible w/c units adapted to meet M4(3)2B at £176.49pw excluding service charge)
- 25% Intermediate/Shared Ownership (3 units, 8 habitable rooms): 2X 2B/3P, 1X1B/2P,

8.73 Notwithstanding the slight skew towards more Tower Hamlets Living Rent units over London Affordable Rent, officers consider that the affordable housing provision would be consistent with the above mentioned viability criteria for the threshold approach to be applied.

8.74 Overall, it is considered that 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 as policy requires.

Housing mix

8.75 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. 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. Policy DM3 (part 7) of the Managing Development Document requires a balance of housing types including family homes.

8.76 The proposed tenure mix for the scheme is set out in the table below.

Tenure mix/ unit	MARKET PROPOSED	POLICY TARGET	AFFORDABLE RENT PROPOSED	POLICY TARGET	INTERMEDIATE PROPOSED	POLICY TARGET
STUDIO	16%	0	0%	0	0%	0
1 BED	38%	50%	0%	30%	11%	25%
2 BED	16%	30%	44%	25%	22%	50%
3 BED	5%	20%	0%	30%	0%	25%
4 + BED	0%		22%	15%	0%	0%

Table 1: Tenure mix per unit

Affordable housing %	UNITS	UNIT %	HABITABLE ROOMS	HABITABLE ROOMS %
MARKET	28	76%	60	65.2%
AFFORDABLE RENT	6	16%	24	26.1%
INTERMEDIATE	3	8%	8	8.7%
TOTAL UNITS	37			
TOTAL HABITABLE ROOMS	32			
TOTAL ROOMS	92			

Table 2: Affordable Housing Provision

The development would provide an over provision of 2 bed affordable rented and 4 bed affordable rent against policy targets whilst all other unit types would fall under the policy targets. The scheme would not match the Council's Core Strategy targets in terms of housing mix, however officers note that this is a small scheme which would offer 35% affordable housing by habitable room. Furthermore, the scheme would also offer 2x4b wheelchair affordable rented units at London Living Rent and 4 homes at Tower Hamlets Living Rent inclusive of service charges (3x2bed and 1x2bed).

8.77 It is noted that this mix would have been designed to maximise the viability of the scheme in order to provide more affordable housing. It is considered that although there would be a divergence from the policy targets, with a 35% affordable housing provision on a small scheme, it is considered that overall, the housing mix would be acceptable.

Standard of residential accommodation

8.78 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."

8.79 All of the proposed units would meet or exceed the baseline internal floor space 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.

- 8.80 14 units would be double aspect, 21 single aspect (none facing north), and 2 triple aspect.

Inclusive Design and Wheelchair Adaptable/Accessible Homes

- 8.81 London Plan Policy 3.8 'Housing Choice', the Mayor's Accessible London SPG, and MDD Policy DM4 'Housing Standards and amenity space' require that 10% of new housing to be wheelchair accessible or easy adaptable for residents who are wheelchair users. London Plan Policy 3.8 'Housing choice' and Core Strategy Policy SP02 (6) requires all new housing to be built to Lifetime Home Standards. 13.44 On 14th March 2016, Minor Alterations to the London Plan (MALP) were published to bring the London Plan in line with the Government's national housing design standards. Accordingly, the requirement for all new dwellings to meet Lifetime Homes Standards and 10% to be wheelchair accessible or easily adaptable is now be interpreted as requiring 90% of new housing units to meet the Building Regulations optional requirement Part M4 (2) 'accessible and adaptable dwellings'; 10% of new housing within the market sales to meet the optional requirement M4(3)(2)(a) (adaptable); and 10% to meet the optional requirement M4(3)(2)(b) (accessible) within the rented affordable housing.
- 8.82 The scheme would provide for 3 wheelchair accessible homes out of the 37 units, which would amount to 10% of the total units by habitable rooms. Two of these wheelchair accessible units would be within the affordable rented tenure and 1 within the private tenure. The 2 affordable units would be four bedroom units and fully adapted to part M4(3)2b, to meet the identified needs of two individual families from the Borough 'Project 120' Team.
- 8.83 The 2 affordable rented units would have their own private entrances and are duplexes each with their own internal stairs and lift. These 2 four bed wheelchair units would be generously sized and also benefit from a small front garden and private terraces.
- 8.84 The detailed floor layouts have been assessed by the Occupational Therapists Team who are satisfied with the designs and have requested that final design details are conditioned. Two secured accessible parking spaces are proposed on Cornwood Drive on private land. The 2 accessible parking spaces would be secured for the development by legal agreement and would be integrated in place-making terms into the scheme via an approved landscape plan secured by planning condition.

Private, Communal and Child Play Space

- 8.85 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.
- 8.86 Private amenity space: 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.
- 8.87 Communal amenity space: For all developments of 10 units or more, 50sqm of communal amenity space for first 10 residential units plus 1sqm for every additional unit should be provided. As such, for 37 residential units, a total of 77sqm of communal amenity space is required across the development.

- 8.88 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 Tower Hamlets 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 15 children using the Council's child yield calculator, translating to a policy requirement of 156sqm.
- 8.89 The combined total space across the scheme to meet the policy requirement for both communal and child play space would therefore be 233sqm. Outdoor space would be provided on the ground floor to the rear of the development (160sqm) and on the roof at 5th floor level (95sqm) amounting to a total of 255sqm. This would be above the policy target in terms of provision of communal and child space and as such policy compliant in this regard.
- 8.90 Dedicated child play space would be provided within the ground floor amenity space and details of the child play equipment including overall landscape strategy be secured by way of condition.
- 8.91 The nearest public park lies approximately 220m walking distance to the north west of the application site and could cater for structured play and sports area for children over the age of 12.

Neighbours' Amenity

- 8.92 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 all 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.
- 8.93 More specifically, Policy DM25 requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. This should be by way of:
- (a) Protecting privacy, avoiding an unacceptable increase in sense of enclosure;
 - (b) Avoiding an unacceptable loss of outlook;
 - (c) Ensuring adequate level of daylight and sunlight for new residential development;
 - (d) Not resulting in an unacceptable material deterioration of sun lighting and daylighting conditions including habitable rooms of residential dwellings, community uses and offices nor result in unacceptable levels of overshadowing to surrounding open space development; and
 - (e) Not result in an unacceptable level of overshadowing to surrounding open space and create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction phase or operational life of the development.

Noise nuisance: Impact on the viability of the George Tavern

- 8.94 Government Guidance on noise advises that the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and be subject to enforcement action. In the case of an established business, Paragraph 182 of the NPPF states that planning policies and decision should aim to recognize that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. London Plan policy 7.15 states that “*Development proposals should seek to manage noise by mitigating and minimizing the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses*”.
- 8.95 The Mayor’s adopted Culture and Night-Time Economy SPG references the Agent of Change principle that is also detailed in emerging development plan policies both in new draft Local Plan and London Plan. The SPG states “*development proposals should seek to manage noise without placing unreasonable restrictions on development or add unduly to the costs or administrative burden of existing businesses. Furthermore “Cultural venues should remain viable and continue in their resent form, without the prospect of neighbour complaints, licensing restrictions or the threat of closure.”*
- 8.96 The George Public House (PH) or Tavern as it used to be known is one of Tower Hamlets most cherished, popular and long standing grass roots music venues. It operates seven days a week, from 4pm to 12am Sunday to Thursday and from 4pm to 3am, Friday and Saturday with regular live music events and movement of customers between the bar area and beer garden/smoking area. The PH lies to the south of the application site separated only by the previous Aylward Street which is now serves as the beer garden/smoking area to the pub.
- 8.97 In line with the above policies and the NPPF, it is recognised that the George Tavern should not have unreasonable restrictions put on them because of the proposed development. This view is shared by the Night Czar of London and the Music Venues Trust (MVT) which is a UK charity dedicated to preserving, improving and protecting grassroots music venues for the benefit of communities, venues and upcoming artists. In a study carried out by the Mayor’s office, it was revealed that 35% of London’s grassroots music venues have been lost since 2007. The Mayor and London’s Night Czar are leading the city-wide strategy to support and protect London’s important grassroots music venues. Alongside this, the new “Agent of Change” bill which has been making good progress since its introduction to Parliament in January 2018, is also seeking to safeguard the viability and longevity of such music venues. In simple words, the “Agent of Change” principle operates on the understanding that the person or business responsible for the change is responsible for managing the impact of the change. The Agent of Change principle puts the responsibility for noise management measures on the “agent of change” i.e. the incoming individual or business. Therefore, in this case, it is the developer who is responsible to ensure that the George PH does not suffer from the impact of having a residential building next to its existing and established business.

- 8.98 When the planning application was first submitted the owner of the Public House expressed deep concerns that noise complaints from the new residents of the proposed scheme would detrimentally impact on the viability of her business. This opinion was echoed in a large number of representations objecting to the proposal and providing written support to the George Tavern. The PH is a facility highly valued by the local community as well as by those living further afield. All the letters received from the local community mentioned this establishment and urged the Council to ensure that the George is not forced out of business because of the proposed development. The applicant submitted a Noise report by RBA Acoustics, when the application was first submitted in 2016. Following requests from the Night Czar, MVT, the landlady of the PH further tests were carried out last year on two occasions. It was agreed that a noise survey would seek to capture a number of elements, including noise from the pub itself, noise from the beer garden/smoking area, noise from people leaving the pub and noise from deliveries to the pub. As a result, the George PH were to supply suitable dates for the joint survey to be undertaken and the Council would (as a matter of course) get all the acoustic reports independently tested. Representatives of the various interested groups would then agree that the levels measured were representative of a reasonable worst case.
- 8.99 The results of these tests are summarised in RBA's report of 30 October 2017, on pages 4, 5 and 6. In summary, the following general design principles were proposed in order to protect the dwellings from external noise sources:
- Retaining the existing office building on Aylward/Jubilee Street to screen dwellings from noise
 - Increasing the height of the office building to further protect dwellings
 - Increasing the acoustic specification of the building
 - External wall construction will be enhanced to reduce the possibility of noise transfer through the building fabric.
 - High quality double glazing will be fitted throughout the residential scheme.
 - In addition, secondary glazing is proposed for the closest residential facades.
 - Mechanical ventilation is proposed for background ventilation.
 - Windows will be openable, however, comfort cooling will be provided in order to reduce reliance on opening windows and hence reducing possibility for complaints.
- 8.100 A further protection was also proposed by the applicant in the form of a Deed of Easement and conditions. The procedure has been successfully implemented in other parts of London notably for new developments neighbouring the Ministry of Sound venue. The applicant has accepted planning conditions on the development whereby prospective residents would be told about the noise from the George Tavern via marketing materials and leases, and another condition would require all noise mitigation measures to the new development would be kept in place in perpetuity and that no planning mechanism such as S73 should be used to alter stipulated noise mitigation measures.
- 8.101 An independent assessment on behalf of the Council was carried out by Temple Group who issued their initial review report on 01 January 2018. Further review reports were prepared following additional technical acoustic representations prepared by a noise consultant appointed by the George with support from MVT. The Council's independent consultants at the end of various iterations of noise reports prepared by the applicant and revised iterations of the appropriate control acoustics metrics (used to assess noise and limit noise experienced by future residential residents of the scheme, all controlled by planning condition) concluded the proposed

measures incorporated into the scheme for mitigation and management of the identified potential impacts would be practical, robust and grounded in established principles and methods. The draft Deed of Easement prepared sets out a series of measures that address the complaints in respect of the George taking into account the 'Agent of Change' principle through appropriate mitigation measures incorporated in the design, layout and construction of the scheme.

8.102 Noise mitigation measures to future residential occupants will be secured by way of condition to the said decision notice and would include:

- a. A scheme for the attenuation of externally generated noise submitted to and approved by the council. The scheme to include the sound attenuation of the building envelope, the acoustic performance of any ventilation system and the detailed layout of the building. The scheme to be designed to ensure that noise levels from sound emitted from the George Tavern premises at 373 Commercial Road, would not be experienced any higher than NR L10,5 min 20dB to be experienced within any of the habitable rooms with windows shut, together with provision of acoustically protected ventilation in an 'open' position to permit free flow of air and cooling to avoid overheating as defined by the relevant CIBSE guidance. The acoustic measures would be required to be implemented as approved prior to occupation of any of the dwellings and maintained thereafter.
- b. Noise from mechanical ventilation and cooling system to be below NR Leq, 5minute 25dB in any bedroom. The noise from the George would be below and therefore to a degree masked by this level.

8.103 Officers consider that the likely noise level emanating from the Public House and its beer garden have been more than adequately mitigated so the prospect of complaints from future residents of the development with respect to the activities associated with the Public House are limited. Critically, the noise complaints would unlikely to provide a basis for a reasonable ground to prohibit the George from operating as a music venue and in the manner it presently operates. The detailed acoustic design of the scheme (secured by planning condition) shall avoid the aforementioned planning conditions being breached, also avoid the risk of the scheme triggering a statutory noise nuisance complaint from future residents of the development and help avoid complaints from residents of the development that would reasonably trigger the venue's music licence being revoked. To conclude officers consider the scheme provides the necessary opportunity for the Public House/ music venue business to continue to flourish and prosper whilst simultaneously providing adequate amenity to future residents: such that both can co-exist in this urban locality.

Acoustic Measures – implications for future residents

8.104 With regard to the implications to the future residents of the development, the submitted noise assessment indicates that internal target noise levels can only be practically achieved with windows closed. The detailed design of the scheme will nevertheless be able to achieve good levels of ventilation and thermal comfort without recourse to opening windows which would thereby breach target noise levels.

8.105 The Council appointed independent expert noise consultants (Temple Group) to review the noise assessment and acoustic mitigation strategy submitted by the applicant and are satisfied subject to a series of noise protection measurements to serve future residential occupants secured by planning conditions (as above listed). The acoustic measures shall also provide adequate acoustic protection to future

residents from ambient noise resulting from road traffic or customers entering or leaving the George Public House.

- 8.106 In addition to the control measures secured by way of condition, the proposal would include noise mitigation in the design, layout and construction of the new scheme, including a buffer of offices between the residential parts and the George and upgrading the noise insulation within the proposed retained building envelope. The proposed mitigation measures would comply with the principles of national planning practice guidance to avoid conflicts between residents of new housing and existing businesses. This is regarded as a practical demonstration of good acoustic design incorporating the 'Agent of Change' principle.
- 8.107 In assessing the noise impact onto the future residents, consideration had been given to the urban nature of the location with an already robust noise environment from multiple noise sources (such as A12, a heavily trafficked road to the south of the site) other than the George.
- 8.108 In line of the above and subject to planning conditions, the proposal is not likely to give rise to potential noise complaints from future residents and in the improbable event that such complaints arise, it is considered that they would be highly unlikely to result in unreasonable restrictions being imposed on the George.

Overlooking and privacy, outlook and sense of enclosure

- 8.109 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 minimum 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 lower distances could be acceptable reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.110 The closest distance between habitable room windows within the development and existing flats is to the east of the site at approximately 11 meters. However, the 4 small windows in question appear to serve bathrooms and potentially small kitchens (with at least 2 of the windows obscured glazed) and as such the relationship is not considered to raise undue privacy or overlooking issues to main habitable rooms. With regard to potential overlooking from the 2 non-obscured existing windows to directly facing windows within the 3 proposed development the rooms within the application development are dual aspect rooms so there remain an opportunity for future occupier to draw blinds should there be deemed to be a privacy issues, whilst still maintaining good outlook and daylight from the other windows serving these rooms.
- 8.111 With respect to the west and north facing elevation the separation distance to habitable room windows opposite are approximately 15m and 13.5m (respectively) but these relationships exist across streets where there is an reduced expectation of privacy given their inherent public aspect. With regard to the south elevation the scheme is maintaining sections of the existing building and windows and as such introduces no new accentuated overlooking/privacy issues to upper floor habitable room windows facing that elevation from the George PH.

8.112 With regard to sense of enclosure the scheme, as set out previously in the report, seeks to respect surrounding building heights and benefits from three street frontages giving an open character to these edges. With regard to the 4th eastern edge the green amenity space of the development and the neighbouring green space minimise any issues of undue sense of enclosure.

Daylight, Sunlight and Overshadowing

8.113 DM25 and SP10 of the Local Plan seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.

8.114 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'

8.115 **Daylighting** is the volume of natural light received by a room to provide satisfactory illumination of internal accommodation within 24 hours and the method of assessment is through applying the 25 degree rule, Vertical Sky Component (VSC) method and daylight factor.

8.116 Suitable daylight for habitable rooms is achieved when a **25 degree** vertical angle taken from the centre of the lowest window is kept unobstructed.

8.117 In cases where windows fail the 25 degree test a more detailed assessment is necessary. The BRE Handbook outlines a two-part test. The first part assesses the effect on the total amount of light reaching the window, the VSC, and the second part assesses the effect on the daylight distribution inside the room (the No-Sky Line/Contour, otherwise known as the no skyline test NSL test). The latter NSL test is applied where internal room layouts are known or can be reasonably estimated and where VSC figures would be reduced materially so that there is a better opportunity to understand the adverse impacts on daylighting conditions.

8.118 BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers as a result of development occurs when the VSC figure falls below 27 and is less than 0.8 times its former value. BRE Guidance also states that the amount of daylight a room needs depends on what is being used for.

8.119 **Sunlighting** is the amount of light received by a room directly from the sun (direct sunshine) and the primary method of assessment is through calculating the annual probable sunlight hours (APSH).

8.120 The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours (APSH) 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%.

8.121 It can be helpful to categorise impacts that exceed the BRE guide's numerical guidelines. The following categories have been used to describe the magnitude of loss of both daylight and sunlight:

- 0-20% reduction – Negligible
- 21-30% reduction – Minor loss
- 31-40% reduction – Moderate loss
- Above 40% reduction – Major loss

8.122 The application is supported by a daylight and sunlight assessment and overshadowing assessment by SLR and subsequent addendums to this assessment. The report assessed the windows to neighbouring properties that are most liable to be adversely affected by the proposed development.

Daylighting

8.123 Of all the windows tested and reported in the submitted Daylight Sunlight Assessment, the following appear to be materially affected by the proposed development:

- 367 Commercial Road: R1.2, R1.3, R1.4, R1.8
- The George Tavern: R6.1 through to R6.5.
- Stepneys Night Club: R7.1 through to R7.4
- Exmouth Estate: R8.1 through to R8.4



Figure 9: Receptor Locations

	Window no	Existing VSC	VSC post development	% change reduction	
367 Commercial Road	R1.2	32.4	24.8	23.46	study
	R1.3	32.7	24.1	26.30	bedroom
	R1.4	33	23.4	29.09	bedroom
The George	R6.2	13.3	8.3	37.59	Public House
	R6.3	26.9	16.8	37.55	habitable room
	R6.4	26.4	15.6	40.91	habitable room
	R6.5	36.5	27.3	25.21	habitable room
	R7.1	12.9	8.12	37.05	bathroom
	R7.2	12.7	8.01	36.93	bathroom
	R7.4	25.9	15	42.08	not known
Stepneys Nights Club	R7.3	16.4	11.6	29.27	bathroom
Exmouth Estate	R8.1	5.5	0.17	96.91	Kitchen or bathroom
	R8.2	6.1	0.17	97.21	Kitchen or bathroom
	R8.3	26	8.63	66.81	Kitchen or bathroom
	R8.4	19.9	5.48	72.46	Kitchen or bathroom

Table 3: Existing windows identified that failed 25 degree rule and experience VSC loss greater than 20%

No 367 Commercial Road

8.124 The results show that three windows affecting 1 bedroom (two windows) and 1 study would experience reductions in VSC between 23% and 29.1% and as such experience minor adverse impacts. Given the affected rooms are a bedroom and a study and not main living spaces the impacts are considered on balance acceptable. The main habitable room, the living room, to the adversely affected flat benefits from a triple aspect and an additional daylight assessment shall be provided to this room in the updated committee report; including NSL testing given the window facing the development is set behind a deeply recessed balcony. A west facing window serving this main habitable living room will be entirely unaffected by the proposed development.

The George

8.125 With regard to the George PH there are 8 north facing windows directly facing the development of which 6 windows would experience more than negligible daylight impacts. On the ground floor 2 of these affected windows would experience 1 moderate adverse and 1 major adverse. 1 of these windows serves the main public bar area and would experience a VSC loss of 37.5% (moderate loss). However, this window has tinted obscured glazing and given the public bar area is served by large windows on 3 street frontages facing south, west and north the overall impacts to this non-habitable space are considered acceptable. It is considered that windows serving this public bar would be unaffected in daylight terms by the proposed development.

- 8.126 Of the 3 other affected windows, which are on the first floor, 2 serve (Windows R6.3 and 6.4) a large shared kitchen/dining room and these windows would experience reported moderate and major adverse impacts 37.5% and 41%, albeit these reported losses do not factor in any existing loss that is experienced from an evergreen external wall planter that already partially obscures daylight to this room. The use of the third affected room on the 2nd floor (R7.4) is unknown but is not understood to be a habitable room. The impact to this room would be a major adverse VSC loss of 42%. The residential accommodation to the public house serves one residential unit and is set over 2 upper floors. The residential unit as a whole benefits from a number of dual aspect rooms, including good natural day light from the south, west and east aspect, and in this context the reported impacts to habitable room windows are considered on balance acceptable, notwithstanding the reported significant impacts to the kitchen/dining room.
- 8.127 It is acknowledged there is a shortcoming in the prepared daylight/sunlight report as there are east facing windows within the George PH that do not directly face the proposed development, including two windows serving a landing and staircase that are used like other upper floor spaces for hired out by the Public House landlady for commercial fashion and photo shoots. As a previous Planning Inspector's decision acknowledged (APP/E5900/A/14/2211978RD) the quality of the natural light that penetrates the interior of the building is considered an important factor by those that hire the George Tavern for filming and photography. As these are not habitable rooms the BRE Handbook does not provide specific guidance on what levels of light should be received, however preliminary analysis by officers indicates that any detrimental impacts are not liable to be of a magnitude such that there would be harm overall to the attractiveness of the premises as a venue for film and photographic shoots. Notwithstanding this conclusion, taking a precautionary approach officers have instructed the applicant to provide additional information with respect to daylight/sunlight to these east facing windows and whether the development would breach 25 degree rule and what any associated VSC and sunlight impacts and these shall be set out in the committee update report.
- 8.128 Officers conclude that the overall degree of material deterioration of sunlight/daylight is consistent with Policy DM25 of the Council's Managing Development Document in regards to any impacts to habitable rooms within the George Public House.

Former Stepneys Night Club

- 8.129 The impacts on daylight to Stepneys Night Club are limited to a non-habitable room, specifically a bathroom. Given the impacts do not impinge upon a habitable room window and the site has been empty for some time and at some stage there is expectation the site will be redeveloped, the impacts are not considered to provide for a reason for refusal.

Exmouth Estate

- 8.130 Turning to Exmouth Estate, results show that four windows would experience VSC losses in excess of 70% and as such should be treated as major adverse impacts. However as all these 4 windows are understood to serve either bathrooms or small kitchens the reported daylight losses whilst significant are on balance considered acceptable. It is also noted that kitchens beneath 13sq.m not usually treated as habitable room windows.

Summary on daylight impacts

- 8.131 As Table 3 sets out there are 17 tested windows that would be more than negligibly adversely affected as assessed against BRE guidance. Of which 6 of these windows would be moderate adversely impacted and 4 major adversely affected. However it is important to note of these 10 moderate and major adversely affected windows only a maximum of two of these windows are understood to serve main habitable residential room spaces as opposed to serving kitchens or possibly bathrooms.
- 8.132 In assessing internal daylight and sunlight results, the urban location and site constraints are important considerations. The Mayor of London's Housing SPG emphasises the need to apply the guidelines with an appropriate degree of flexibility and sensitivity to higher-density housing development, given the need to optimise housing capacity. In an urbanised borough such as Tower Hamlets with pressure being placed to optimise the potential of development sites some daylight infringements below the BRE Guidelines are a regular occurrence and therefore it is fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidance itself
- 8.133 However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations including the delivery of new homes and overall public benefits arising from scheme. In light of the above officers consider daylight impacts to neighbouring occupants are on balance broadly acceptable in this instance.

Sunlighting

- 8.134 The only neighbouring properties that need to be assessed for sunlight are those that have elevations facing the development that also face within 90 degree of due south. This would be Exmouth Estate. The 25 degree test has been applied to this property and the results indicate that this property would be unaffected by the development in terms of sunlighting conditions.

Overshadowing

- 8.135 The BRE target guidance seeks for outdoor spaces that serves as amenity space at least 50% of the area receives at least 2 hours direct sunlight on 21st March. A submitted sun-path analysis within the submitted daylight/ sunlight assessment indicates that the proposed communal amenity space at the ground floor would not meet the BRE guidance test with as shadow being cast over its entire footprint. However the report indicates the communal amenity space at 5th floor would benefit from over half the area benefiting from direct sunlight for at least two hours.
- 8.136 Given the good direct sunlight received by the rooftop amenity space and the overall benefits of the scheme of setting the new building away from Exmouth Estate to the east and establishing an otherwise attractive green amenity space to the development at ground level sheltered from the ambient noise and air pollution of the main streets the overshadowing in this instance is considered acceptable to future residents and as such consistent with the overall policy objectives of DM25 for providing good levels of amenity for future residential occupants of the development.
- 8.137 An existing community amenity space set to the east of the application site serving no 67 to 74 Cornwood Drive (part of the Exmouth Estate) would partially be experience overshadowing as a result of the development. However taking account

of existing overshadowing experienced from existing building on the application site that will be demolished and No 67 to 74 Cornwood Drive benefiting from a large area of open space that will continue to receive direct sunlight officers are satisfied the scheme raises no unacceptable issues in this respect.

Noise and Vibration as a result of the development

- 8.138 Paragraph 170 of the NPPF states that planning policies and decisions should aim to avoid noise, giving rise to significant adverse impacts on health and quality of life as a result of new development; they should also mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 8.139 Policy 7.15 of the London Plan (MALP 2016), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek, where possible to improve the amenity of existing and future residents and building occupants and aim to not create unacceptable level of noise during the construction and end phases of the development, as well as protect the amenity of the surrounding public realm with regard to noise as a result of new developments.
- 8.140 The proposal is for a mixed use development comprising of office and residential usage. Neither of these uses is alien in this location and surrounding areas. Commercial Road is home to mixed uses already and Jubilee Street is predominantly residential. The proposal would consist of B1 office which is not normally a noisy activity and would be maintained within controlled office hours; the residential element would also be a use that is itself no noisier than activities that take place along Commercial Road and road traffic noise. The applicant has submitted a noise assessment with the scheme. Officers have reviewed the details of the scheme and are satisfied that noise at both construction phases and at end phases can be consistent with protection of the neighbours' residential amenity, subject to appropriate planning conditions. Submission of full details of noise insulation measures including acoustic glazing would be a requirement for the residential element and office units.
- 8.141 To conclude, it is considered that as a result of the loss of the existing derelict building, noise levels and air quality should be significantly improved. The proposed residential dwellings and the development as a whole would not be a major or significant source of noise. Construction works are of a temporary nature and officers would as a matter of course, condition the working hours and noisy activities to be done within an acceptable time rather than early morning or late afternoon. Saturday working would be capped till 1pm and Sunday and public holidays would be non-construction days. Subject to conditions, it is considered that the proposed development would adequately protect future residents from undue noise disturbance, in accordance with Policy SP10 (4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Air Quality

- 8.142 An Air Quality Assessment by SLR Consulting Ltd for Bluecroft – IPE Jubilee Limited accompanied the application. The Air Quality Assessment shows that the pollution levels at the development will be exceeding the annual objective for NO₂ in the opening year. Therefore mitigation is required to reduce the residential exposure. This would be conditioned.

- 8.143 The Information on the proposed boilers/heating plants was not available at the time of the assessment; therefore, the Air Quality Neutral Assessment for the building emissions has not been carried out or submitted. 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. The ventilation strategy has been reviewed and found acceptable.
- 8.144 Provided the above recommended conditions are complied with, the air quality is considered acceptable.

Transport, Access and Servicing

- 8.145 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. Policy SP09 (4) of the Council's adopted Core Strategy (2010) and Policy DM22 (2) of the Council's adopted Managing Development Document (2013) require developments located in areas of good public transport accessibility to be secured as 'car free'. Policy 6.13 of the London Plan (MALP 2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.
- 8.146 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.
- 8.147 The site benefits from good access to public transport as has been detailed already in this report. The proposed development site has a Public Transport Accessibility Level (PTAL) of 6a, which is considered to be excellent.

Cycle Parking

- 8.148 The proposal would make provision of 67 cycle parking spaces of which 54 cycle parking spaces located internally and 10 Sheffield stands located outside the application site off Jubilee Street corner with Cornwood Drive. Separate short and long stay cycle parking is proposed for the office units.
- 8.149 The proposed cycle parking provision meets the London Plan standards and supported.

Car Parking

- 8.150 The development would be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits.
- 8.151 The development is required to allow for two accessible car parking spaces. Owing to the site constraints, these spaces would be provided on Cornwood Drive that is un-adopted highway under the ownership of Swan Housing. The applicant has received assurances the aforementioned land owner is willing to provide these parking spaces

for the scheme and the Section 106 legal agreement to this scheme would require the applicant secures these 2 spaces prior to commencement of development on the scheme.

Servicing and Refuse Storage

- 8.152 Residential development: Three bin store areas are proposed. Bin store A is located on Jubilee Street, serving 32 flats, Bin Store B serves the four bedroom duplexes on Cornwood Drive which have their own individual stores adjacent to the front doors, and Bin Store C serving the three duplexes to the rear. These units share the bin store which is located within 10m of the refuse vehicle collection point.
- 8.153 The size and bin's capacity accord with the London Plan and supported. The majority of the residents would travel less than 30m to carry refuse, however some flats on the upper floors would exceed this slightly. Whilst not ideal, given that all other requirements in terms of waste storage are met, this element alone does not constitute a reason for refusal and therefore, on balance and on this occasion, it is supported.
- 8.154 Commercial refuse: British Standards require that 50l of storage capacity per employee is provided on a weekly basis. The proposed B1 units are expected to generate no more than 100 employees at a given time, and as such the proposal is deemed to ensure adequate waste storage of 5000l per week, total volume of waste and recycling.
- 8.155 A designated refuse store is allocated at ground floor within the office building to store the waste bins. These would be collected daily off Jubilee Street. A waste collection strategy to detail the commercial bin's capacity, collection arrangements and waste collection operative would be conditioned as part of the approved development.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.156 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) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions. From October 2016 the Managing Development Document Policy DM29 includes carbon reduction targets for new development and identifies that residential development should be zero carbon and that for non-residential developments the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations.
- 8.157 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).

- 8.158 This application was received in September 2016 and as such, policies require developments to minimise carbon dioxide emissions. The assessment of energy efficiency standards for this proposal has been based on the previous calculations.
- 8.159 The general principles of the proposed energy strategy are supported as carbon savings are being focused at the Be Lean stage with the use of high efficiency fabric and energy efficiency measures to reduce the energy demand by 29.1%. Additional CO2 emission reductions are proposed through the integration of PV array and ASHPs (to serve the office space). The anticipated CO2 emission reductions are 45.6% from the proposed measures.
- 8.160 Additional detail within the energy strategy should include identification on the plans where the proposed individual gas boilers will be located and also the location for the ASHPs to serve the office element. This information would be conditioned and must be submitted prior to commencement on site to ensure that the energy strategy is deliverable. The delivery of the CO2 savings should be secured through the submission of the as built energy calculations.
- 8.161 Based on current policy, the residential element would be subject to the zero carbon policy requirements and a contribution sought for any residual CO2 emissions following integration of energy efficiency measures and renewable energy technologies. The non-residential element would be subject to the 45% CO2 emission reduction requirements. However, as the proposals were submitted to the Council in September 2016 and the zero carbon requirements were set to be applicable for schemes submitted from October 2016 onwards, the Planning Obligations SPD, which includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects, is not considered applicable for this scheme.
- 8.162 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential development to achieve BREEAM Excellent. The proposals identify that a BREEAM Excellent rating will be achieved for the office element of the development. This is supported and should be secured via a condition with the final BREEAM certificate submitted to the council.
- 8.163 To conclude, the overall approach to reducing carbon dioxide is supported by the Energy Officer and is in accordance with relevant policies. Subject to Conditions securing the energy and sustainability proposals, the development would be considered acceptable. Specifically, it is recommended these are secured via appropriate conditions:
- Submission of the as built energy calculations to demonstrate the anticipated 45% CO2 emission reductions are delivered
 - Details of the proposed individual boiler solution showing proposed locations within the dwellings
 - Location of the proposed ASHP
 - Roof plan showing PV array
 - BREEAM Final Certificate demonstrating the delivery of a BREEAM Excellent office development

Biodiversity

- 8.164 Policy DM11 of the MDD requires developments to provide net benefits for biodiversity in accordance with the Local Biodiversity Action Plan (LBAP).
- 8.165 It is unlikely that there is any significant existing biodiversity value on the site. However, there are some shrubs remaining which therefore indicate that any vegetation clearance should take place outside the nesting season if possible, or surveys for nesting birds will be required immediately before clearance. This would be secured by a condition. The loss of shrubs (if they are currently there) would be a very minor adverse impact on biodiversity, easily mitigated within the new development. The proposals include green roofs with photovoltaics which if designed in line with best practice guidance published by Buglife, would be sufficient to ensure net gains for biodiversity, and will contribute to a LBAP target to create new open mosaic habitat. This would be conditioned.
- 8.166 The amenity areas include planting which should include a good diversity of nectar-rich flowers, chosen to provide nectar for as much of the year as possible; this would in turn contribute to a LBAP target to provide increased forage for bees and other pollinators. Other biodiversity enhancements which would be appropriate include nest boxes for birds such as swifts and house sparrows. A condition would be attached to request details of biodiversity enhancements to be agreed before commencement of works.
- 8.167 The enhancements discussed above would be secured by a condition.

Land Contamination

- 8.168 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

- 8.169 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.
- 8.170 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.
- 8.171 The application satisfies policy test in respect of air quality and the proposal would result in the delivery of much needed affordable housing. A proportion of housing (3)

on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

8.172 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.

8.173 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.

8.174 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.

8.175 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£12,472.00** towards employment, skills, training for the construction phase
- b) A contribution of **£5,469.75** towards the training and development of unemployed residents in Tower Hamlets
- c) **£2,500** monitoring fee (£500 per individual S.106 Heads of Terms)

Total £20,441.75

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

- f) Affordable housing 35% by habitable room (8 units, 32 habitable rooms) of which:
 - 75% Affordable Rent (6 units):
 - 4 units at Borough Tower Hamlets Living Rent (estimated £211.09pw including service charge): 3x2bed and 1x 2bed
 - 2 units at London Affordable Rent (both of which are fully accessible wheelchair accessible units to part M4(3)2B at £176.49pw excluding service charge): 2x4bed units
 - 25% Intermediate/Shared Ownership (2 units, 8 habitable rooms)
- g) Access to employment
 - 20% Local Procurement
 - 20% of the construction phase workforce will be local residents
- h) Car-permit free agreement;
- i) two disabled parking spaces
- j) Any other planning obligation(s) considered necessary by the Corporate Director of Place

Local Finance Considerations

8.177 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.

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

8.179 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.

8.180 The estimate of CIL liabilities are indicatively over £100,000 each and are not yet index linked. These would be confirmed following the granting of planning permission as the case.

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

Human Rights Considerations

8.182 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:

8.183 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".

- 8.184 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.
- 8.185 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.
- 8.186 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.
- 8.187 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

- 8.188 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.
- 8.189 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 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