

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> December 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.
<b>Report</b> Corporate Director Development & Renewal		<b>of:</b>	<b>Title:</b> Planning Application for Decision
<b>Case Officer:</b> Mandip Dhillon			<b>Ref No:</b> PA/12/02107
			<b>Ward(s):</b> Blackwall and Cubitt Town

## 1. APPLICATION DETAILS

**Location:** Car Park at South East Junction of Preston's Road and Yabsley Street, Preston's Road, London, E14

**Existing Use:** Car park (surface level only)

**Proposal:** Full planning application for the erection of two buildings of 7 & 26 storeys comprising 190 residential units (78 x 1 bed; 58 x 2 bed; 50 x 3 bed; 2 x 4 bed; 2 x 5 beds), 134sq.m of gym space at upper ground level, 42 car parking spaces and 244 cycling spaces at basement level, communal open space and associated works.

**Drawing Nos:** Submission Documents

- Red line boundary plan - drawing no. 1317\_102, rev B;
- Site survey information - drawing no. 1317\_105, rev B;
- Site location plan - drawing no. 1317\_106, rev A;
- Proposed site plan/ landscaping - drawing no. 1317\_126, rev F;
- Proposed plans – lower ground/ basement - drawing no. 1317\_180, rev D
- Proposed plans – upper ground floor/ podium – drawing no. 1317\_0181, rev E
- Proposed plans – first floor - drawing no. 1317\_182, rev D
- Proposed plans – second & third floor – drawing no. 1317\_183, rev D
- Proposed plans – fourth & fifth floor – drawing no. 1317\_184, rev D
- Proposed plans – sixth & seventh floor – drawing no. 1317\_185, rev D
- Proposed plans – typical floors – drawing no. 1317\_186, rev D
- Proposed plans – penthouse floor plans (24<sup>th</sup>-25<sup>th</sup>) – drawing no. 1317\_187, rev C
- Proposed plans – roof plan - drawing no. 1317\_188, rev A
- Proposed elevation – east - drawing no. 1317\_200, rev G
- Proposed elevation – west – drawing no. 1317\_201, rev G
- Proposed elevation – north – drawing no. 1317\_202, rev G
- Proposed elevation – south – drawing no. 1317\_203, rev G
- Proposed contextual drawing – drawing no. 1317\_204, rev D
- Proposed sections A-A (drawing no. 1317\_210)
- Proposed sections B-B (drawing no. 1317\_211)
- Proposed sections E-E & F-F (drawing no. 1317\_212)
- Proposed plans – lower ground/ basement energy centre (drawing no. 1317\_0125)
- Planning Statement (July 2012) prepared by DTZ;

- Design and Access Statement (July 2012) prepared by RMA Architects;
- Townscape and Visual Assessment (July 2012) prepared by Montagu Evans;
- Transport Assessment and Draft Travel Plan (July 2012) prepared by TTP Consulting;
- Energy Assessment (July 2012) prepared by Hilson Moran;
- Environmental Assessment Addendum (July 2012) prepared by Hilson Moran;
- Sunlight/ Daylight Report (June 2012) prepared by Waterslade;
- Wind Environment Assessment (May 2012) prepared by WSP;
- Flood Risk Assessment prepared (June 2012) by Water Environment;
- Ground Conditions Assessment (June 2012) prepared by Card Geotechnics;
- Arboricultural Impact Assessment (May 2012) prepared by D F Clark Bionomique Ltd;
- TV and Radio Impact Assessment (June 2012) prepared by Leigh Systems;
- Statement of Community Involvement (July 2012) prepared by Telford Homes;
- Viability Assessment (July 2012) prepared by DTZ (Confidential).

**Applicant:** Telford Homes plc  
**Owner:** Baladine Properties Ltd  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

o The principle of redeveloping the site to provide a residential led development with ancillary ground floor D1 floorspace is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policies ID23 and ID24 of the Interim Planning Guidance (2007), SO25, SP12 and LAP 7 & 8 and the Blackwall Vision of the Core Strategy (2010) and DM8 together with the aspirations of site allocation No. ID18 of the Isle of Dogs Area Action Plan 2007.

o The proposal makes efficient use of the site with a mixed use redevelopment and as such accords with policy 3.3 and 3.4 of the London Plan (2011), policy S07 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

o The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the

Managing Development DPD (Submission Version 2012) and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.

- o Impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.

- o Subject to the imposition of conditions, the noise and ventilation mitigation measures proposed to be secured are considered to provide adequate measures to ensure the amenity of future occupiers of the proposed development. The proposal is therefore considered to accord with policies 7.14 and 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1889, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD (Submission Version 2012) which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.

- o On balance the quantity and quality of housing amenity space, communal space and child play space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission Version 2012) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.

- o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the Coldharbour conservation area, surrounding listed buildings and structures in the context of local and strategic views are considered to be acceptable, and accord with policies 3.5, 7.6, 7.7, 7.8 and 7.11 of the London Plan (2011), policies DEV1, DEV2, DEV8 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24, DM28 and DM27 of the Managing Development DPD (Submission Version 2012) and policies DEV1, DEV2, DEV3, DEV4 CON1, CON2 and CON5 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the boroughs heritage assets.

- o Transport matters, including parking, access, servicing and cycle parking provision are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.

- o Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (Submission Version 2012) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

- o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, transportation improvements, education

facilities and employment opportunities for residents, in line with the NPPF, policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Councils Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

### 3. RECOMMENDATION

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

A. Any **direction** by **The London Mayor**

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

#### Financial Obligations

- a) Employment Skills and Training
  - o £42,000 Employment and training during the construction phase
- b) Education
  - o £341,090 primary school places in the borough
  - o £245,817 secondary school places in the borough
- c) Health
  - o £75,000 towards the NHS Primary Care Trust
- d) TfL contributions
  - o £30,000 Contribution towards TfL Highways works
- e) Community Facilities
  - o £75,972.84 towards Idea Stores, Archives and Libraries and Sports facilities
- f) S106 monitoring at 2% of sub total (£16,528.16)

Total Financial Contribution **£826,408**

#### Non-Financial Obligations

- g) 35% affordable housing by habitable room
  - 68% Affordable Rent (POD Level)
  - 32% Intermediate
- h) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- i) On Street Parking Permit-free development
- j) Travel Plan
- k) Code of Construction Practice
- l) Electric Vehicle Charging Points- 20% active and 20% passive
- m) 8 parking spaces allocated to on site affordable family housing.
- n) On site gym to be provided as a free facility for all future residents of the development
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose

conditions and informatives on the planning permission to secure the following matters:

## **CONDITIONS & INFORMATIVES**

- 3.4
1. Three year time limit
  2. Compliance with approved plans and documents
  3. Submission and approval of samples and materials
  4. Details of "Good" (BS8233) glazing to bedroom and living rooms and details of noise insulation measures and ventilation systems
  5. Submission and approval of landscaping works and biodiversity enhancements, details to be agreed in consultation with LCY
  6. Submission and approval of Child Play Space
  7. Submission and approval of secure by design statement including details of security measures (CCTV)
  8. Submission and approval of Land Contamination details (and remediation works), details to be agreed in consultation with Environment Agency
  9. Details of piling and foundation methods, details to be agreed in consultation with Environment Agency and Thames Water
  10. Implementation of refuse and recycling in accordance with approved plans
  11. Implementation of cycle parking in accordance with approved plans
  12. Submission and approval of car parking layout and disabled parking bays
  13. Submission and approval of archaeological programme, details to be agreed with Environment Agency
  14. Submission and approval of Construction Environmental Management Plan, details to be agreed in consultation with TfL
  15. No building works outside of Considerate Construction Hours
  16. Hammer Driven Piling or Impact Breaking between 10am-4pm Mon-Fri only
  17. 100% of homes secured to Lifetime Homes Standard
  18. 10% Wheelchair accessible units
  19. Heat Network Energy condition
  20. Provision of 56sqm of Photovoltaic Panels- Energy condition
  21. Code For Sustainable Homes- Level 4- Energy condition
  22. BREEAM Excellent
  23. Air Quality Assessment to be undertaken in the opening year of the development
  24. Details of cranes and scaffolding heights to be submitted and approved in consultation with LCY
  25. Delivery and Servicing Plan, to be agreed in consultation with TfL
  26. Construction Methodology and impacts on the Blackwall Tunnel to be submitted and approved, details to be agreed in consultation with TfL
  27. Details to be submitted and approved of the foul and surface water, details to be agreed in consultation with environment Agency
  28. Surface Water Drainage conditions- Environment Agency
  29. Highway Improvement Works
  30. Bus Stop Audit as requested by TfL
  31. Seek to maximise the use of the waterways during the course of construction
- 3.5 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal
- 3.6 **Informatives:**
- S106 required
  - S278 required
  - Consultation with Building Control
  - Thames Water Advice
  - London City Airport Advice
  - London Fire and Emergency Planning Authority Advice

- 3.7 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Site and Surroundings**

###### The application site

- 4.1 The subject site comprises an area of 0.25 hectares. In the past, the site was used for a variety of industrial purposes and has since been cleared, with only sections of boundary wall still remaining. It is currently in use as a surface level car park.
- 4.2 The site is located on Prestons Road, with access to the site from Yabsley Street. The site boundaries are formed by Prestons Road to the west, Yabsley Street to the north, Raleana Road to the south and Northumberland Wharf, a Waste Transfer Station (WTS) to the east.
- 4.3 The area to the north of the site has seen numerous new developments over the years including New Providence Wharf, the White Swan Building and the recently completed Streamlight Tower.
- 4.4 The site is not located in a conservation area, nor does it contain any listed buildings. The closest conservation area is Coldharbour, which abuts the southern boundary of the site. The Poplar Dock which is situated to the west of the site (on the opposite side of Preston's Road) is Grade II listed as is the Accumulator Tower which lies to the southwest of the application site on Preston's Road.

###### Transport infrastructure and connectivity

- 4.5 The proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 being the highest. Blackwall DLR station is located only 7 minutes walk to the north of the site providing connections to the West End, the City, Stratford and City Airport whilst the Canary wharf Jubilee Line station and DLR station is located approximately 15 minutes to the west. Bus stops exist on Preston's Road, located within a 2 minute walk of the site and run in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town while the A1206 immediately to the west of the site forms part of the Transport for London Road Network (TLRN). The TfL Cycle Superhighway route network also runs along Preston's Road providing connectivity around the Isle of Dogs and down towards the Royal Borough of Greenwich.

##### **Proposal**

###### Context

- 4.6 An extant planning permission (ref: PA/11/01668) exists at the application site to provide a part 7 storey, part 17 storey development comprising 141 residential units and 43sqm of commercial use at ground floor level and basement car parking. Full details of the planning history are set out below. This information is highlighted by way of planning context as the principle of a residential development at the site has long been established.

###### Proposal

- 4.7

Full planning permission is being sought for the following:

- Erection of a part 7 storey, part 26 storey building;
- 190 residential units, including 35% affordable housing;
- 134sqm of D1 (Gym) floorspace at upper ground floor level;
- 42 car parking spaces provided at basement level (including 4 disabled bays); and
- 244 cycle parking spaces.

### Relevant Planning History

- 4.8
- PA/11/01668; Application for new planning permission to replace extant planning permission dated 10<sup>th</sup> October 2008, reference PA/05/1866 for erection of buildings between 7 and 17 storeys comprising commercial use at ground floor and 141 flats with basement car parking, communal open space including roof gardens and associated works – Approved 29<sup>th</sup> March 2012
  - PA/05/01866; Erection of buildings between 7 and 17 storeys comprising commercial use at ground floor and 141 flats with basement car parking, communal open space including roof gardens and associated works – Approved 10<sup>th</sup> October 2008
  - PA/04/01559; Redevelopment of site to create 147 residential units together with commercial use at ground floor level (Classes A and B1), basement car parking facilities, landscaping and other associated works – Withdrawn 7<sup>th</sup> April 2005
  - PA/02/01554; Erection of four buildings varying in height between 8 and 16 storeys comprising 96 flats, 50 semi basement car parking spaces, access off Preston's Road and associated landscaping – Withdrawn 22<sup>nd</sup> April 2005
  - PA/11/03485; Certificate of Lawful Use- Use of Land as Public Car Park – Approved 5<sup>th</sup> January 2012

## 5. 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:

### Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Archaeology
	DEV48	Strategic Riverside Walkways and New Development
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV64	Strategic Riverside Walkways
	DEV65	Protection of Existing Walkways
	DEV69	Efficient Use of Water

EMP1	Promoting Economic Growth & Employment Opportunities
EMP6	Employing Local People
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T3	Extension of Bus Services
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
T26	Use of the Waterways for Freight
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

### **Interim Planning Guidance (2007) for the purposes of Development Control (IPG)**

Proposals:		Area of Archaeological Importance or Potential Flood Risk Area - Combined Flood Zone 3 Isle of Dogs Area Action Plan
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	SCF1	Social and Community Facilities
	OSN2	Open Space
	CON1	Listed Building
	CON2	Conservation Areas
	CON3	Protection of WHS's, London Squares, Historic Parks and Gardens
	CON4	Archaeology and Ancient Monuments



CON5 Protection and Management of Important Views

### **Interim Planning Guidance – Isle of Dogs Area Action Plan 2007 (IOD AAP)**

Development Sites:	ID18	Preston's Road Site D
Policies:	IOD1	Spatial strategy
	IOD2	Transport
	IOD3	Health
	IOD4	Education
	IOD5	Open Space
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD9	Waste
	IOD10	Infrastructure and Services
	IOD23	East India South sub-area
	IOD24	Site allocations in east India South sub-area

### **Core Strategy Development Plan Document 2010 (CS)**

Policies:	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
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

### **Managing Development Plan Document - Submission Version May 2012 (MD DPD)**

Proposals:		Zone 2 (water space)
Policies:	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

**Supplementary Planning Guidance/Documents**  
Planning Obligations SPD 2012

**Spatial Development Strategy for Greater London (London Plan 2011)**

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 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
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.11 London View Management Framework
- 7.12 Implementing the London View Management Framework

- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 7.24 Blue Ribbon Network
- 7.29 The River Thames
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

#### **London Plan Supplementary Planning Guidance/Documents**

London Housing Design Guide 2010  
 Interim Housing SPG  
 London View Management Framework 2010  
 Draft London View Management Framework 2011  
 Housing  
 Sustainable Design & Construction 2006  
 Accessible London: Achieving an Inclusive Environment 2004  
 Shaping Neighbourhoods Play and Informal Recreation SPG 2012  
 Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012  
 Draft Housing 2011  
 Draft London World Heritage Sites – Guidance on Settings 2011  
 Safeguarded Wharves on the River Thames – January 2005  
 Safeguarded Wharves Review 2011/21012 – Further Consultation draft July 2012

#### **Government Planning Policy Guidance/Statements**

NPPF The National Planning Policy Framework 2012  
 PPS10 Planning for Sustainable Waste

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## **6. CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

#### **LBTH Accessibility Officer**

6.3 In principle no objections are raised. The proposal only seeks to deliver 19 x 2 bedroom units as disabled accessible and no family units, which would be preferable. Step free access should be incorporated to post areas, refuse and bike stores.

6.4 (OFFICER COMMENT: Notting Hill Housing Group (NHH) are the registered providers potentially seeking to deliver this development. NHH have advised that there is a current need for 2 bedroom accessible units. Whilst officers would prefer a mix of unit sizes, on balance, officers consider the provision of 10% on-site accessible units is supported. In addition, the applicants have also confirmed that the scheme is designed to provide inclusive and step free access in and around the site.)

#### **LBTH Biodiversity Officer**

6.5 No objections in principle and there are opportunities for biodiversity enhancements in the landscaping and on the building. A condition should be imposed to ensure biodiversity enhancements are submitted and approved.

6.6 (OFFICER COMMENT: A landscaping and biodiversity condition will be attached to the decision notice.)

**LBTH Ecology Officer**

6.7 No comments received to date.

**LBTH Parks and Opens Spaces**

6.8 No comments received to date.

**LBTH Aboricultural Officer**

6.9 No objections.

**LBTH Energy Officer**

6.10 The information provided in the energy strategy is principally in accordance with adopted climate change policies and follows the revised "Energy Hierarchy". The proposal seeks to provide a Communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the hotwater and a proportion of the heating. Photovoltaic cells are proposed to provide renewable energy. The total CO2 savings from the development are 34% through a combination of energy efficiency, a CHP power system and renewable energy technologies. The applicant is also achieving a Code for Sustainable Homes Level 4. Officers would request that these details are conditioned.

6.11 (OFFICER COMMENT: Conditions have been attached as requested.)

**LBTH Building Control Officer**

6.12 No comments received to date.

**Crime Prevention Officer**

6.13 Concerns are raised about the vulnerability of the proposed podium. Secure By Design standards should be secured as a condition to ensure good doors, windows and glass etcare used within the development.

6.14 (OFFICER COMMENT: Whilst concerns are raised about the proposed podium, the landscaping strategy and security/lighting details (which are conditioned) will seek to ensure the security of this space which is located within the application site. A condition will also be imposed to ensure the development is compliant with Secure By Design standards.)

**LBTH Housing Officer**

6.15 The following is a summary of the comments provided:

- The scheme provides 35% affordable housing (by habitable room)
- There is an overall provision of 53% family housing
- There is a 62%/38% split of affordable rent and intermediate housing which is broadly in line with Council policy
- The unit mix is broadly policy compliant
- Family sized wheelchair accommodation would be preferable

- Full consideration should be given to the acoustic ventilation of Block B (affordable block) with overlooks the WTS at Northumberland Wharf
- All affordable rent levels are set at LBTH POD levels, the viability assessment is seeking to assess whether social rented accommodation could be provided.
- Some car parking should be allocated to the family affordable rental units.

6.16 (OFFICER COMMENT: The 'Amenity' section of this committee report reviews the amenity and impact of Northumberland Wharf WTS on the proposed residential occupiers. The viability assessment, which is discussed in further detail within the body of this report has concluded that no social rented accommodation, or even proportion of social rented accommodation could be provided at the site without rendering the scheme unviable. The scheme is only therefore deliverable with affordable rented accommodation at LBTH POD levels. The applicants have advised that no car parking will be allocated to the affordable family units. Any existing LBTH residents moving into these units would still be eligible to take an existing parking permit to park a vehicle on-street in the local area.)

## **Environmental Health**

### Contaminated Land

- 6.17 No objections, subject to a condition to secure a site investigation and remediation.
- 6.18 (OFFICER COMMENT: A contamination and remediation condition will be included)

### Noise and Vibration

- 6.19 The development should meet the requirements of the "Good" standard of glazing for any bedroom or living room as conflicts of use may occur between the Gymnasium and the WTS. A condition requiring adequate noise insulation and noise ventilation measures should be incorporated.
- 6.20 (OFFICER COMMENT: A glazing and noise insulation condition will be included)

### Air Quality

- 6.21 The Combined Heat and Power system proposed in the energy strategy should be assessed in terms of its impact on the local air quality.
- 6.22 (OFFICER COMMENT: A condition will be attached requiring post completion testing.)

## **LBTH Highways Officer**

- 6.23 A summary of the Highway comments are provided below:
- The proposed level of car parking is acceptable
  - Cycle parking meets London Plan and LBTH standards
  - An additional 6 visitor cycle spaces are required
  - Planning obligations of £150,000 should be secured towards improvements to the highways and public realm within the vicinity of the site
  - Further obligations should be secured towards Smarter Travel as per the Planning Obligations SPD 2012
  - A Travel Plan should be conditioned/ secured through the S106.
- 6.24 (OFFICER COMMENT: An amended drawing has been received showing visitor cycle parking spaces. Due to the viability of the scheme, no financial planning obligations have been secured towards public realm improvements. Improvement works to the highway will be carried out under a separate s278 Agreement. Details of planning obligations are discussed in detail within the main body of this committee report.)

### **LBTH Policy Officer**

6.25 No comments received to date.

### **LBTH Employment and Enterprise Officer**

6.26 No objection, subject to the following obligations:

#### Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;
- A financial contribution of £42,000 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. In exceptional circumstances and with the prior agreement of the Council, the developer may deliver their own in-house training programme where appropriate. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

6.27 (OFFICER COMMENT: The planning obligations requested have been secured and will be secured through the S106 legal agreement.)

### **LBTH Communities, Localities and Culture**

6.28 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The proposed development of 190 units is calculated to result in 385 new residents. Accordingly, following review by the Council's Planning Contributions Overview Panel, the following financial contributions are requested:

- Idea Stores/Libraries/Archives: £48,460
- Sports Facilities: £27,332.84

6.29 (OFFICER COMMENT: The planning obligations secured are discussed in detail within the main body of this committee report.)

### **LBTH Children, Schools & Families**

6.30 No comments received to date.

6.31 (OFFICER COMMENT: The education contributions for this proposed development will be calculated using the Planning Obligations SPD 2012. Accordingly obligations of £586,907 are required towards education contributions and have been secured following review by the Council's Planning Contributions Overview Panel. Full details are provided within the main

body of this report.)

#### **LBTH Waste Policy and Development Officer**

- 6.32 No objection to the waste storage arrangements. Please ensure that there is clear access to wheel bins to collection vehicles and Raelana Road which will be used to collect refuse is accessible.
- 6.33 (OFFICER COMMENT: Raleana Road is an existing Refuse collection point for Arran House to the south of the application site and is therefore an established collection point for refuse vehicles.)

#### **LBTH EIA Officer**

- 6.34 A screening Opinion was submitted to the Local Authority for the proposed development. Officers however do not consider that this development is EIA development under the EIA regulations.

#### **Sport England**

- 6.35 No objections.

#### **Thames Water**

- 6.36 Thames Water have no objection with regard to sewerage infrastructure at the above site. It is requested that the applicant contact Thames Water to ensure the necessary makes the necessary provisions prior to the commencement of works.
- 6.37 Details of a piling method statement are requested to be submitted and approved in consultation with Thames Water prior to commencement at the site.
- 6.38 Informatives are requested regarding the following:
- The installation of petrol/oil interceptors in the car park
  - The installation of a fat trap on all catering facilities
  - Thames Water will aim to provide a 1 bar flow rate
  - No building works within 5 metres of the large water mains adjacent to the application site, with full access and maintenance required.
- 6.39 (OFFICER COMMENT: The requested conditions and informatives will be added to the decision notice. There is also no building work within 5 metres of the large water mains referred to by Thames Water within their consultation comments and therefore full access to these water mains will be available following the erection of this development.)

#### **London City Airport**

- 6.40 No objection is raised to the proposed development subject to the imposition of two conditions regarding the height of cranes during the construction phase and proposed landscaping.
- 6.41 (OFFICER COMMENT: The requested conditions will be added to the decision notice.)

#### **Royal Borough of Greenwich**

- 6.42 No objections raised.

#### **Greater London Authority (GLA - Statutory Consultee)**

6.43 In summary, the GLA advised that the proposal did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

Principle of development

The principle of the use of the site is acceptable, the main considerations are the increase in height from 17 to 26 storeys. In the context of the surroundings which comprise a number of tall residential buildings (Alberta House 25 storeys) alongside a number of consented (unimplemented) schemes including Quebec Tower, 44 storeys and Wood Wharf at 45 storeys. The principle therefore of the increase in height is not out of context with the surrounding area.

Housing

In principle the provision of 35% affordable housing and unit mix is supported as it complies with local and regional policy.

Child play space

The scheme is able to deliver on-site child play space alongside communal and meets London Plan and SPG requirements.

Tall Buildings/Views

The site is close to a number of existing and consented tall buildings. The scheme would be within the London Panoramaviewed from Greenwich Park as identified within the London View Management Framework SPG, but would form part of the emerging tall buildings cluster on the Isle of Dogs and would appear as an appropriate addition. The development would not detrimentally impact on the setting of the Greenwich Maritime World Heritage Site as viewed from the General Wolfe statue within the park.

Urban design

The overall principles of the scheme considered acceptable, and it is of high design quality. The proportion of dual aspect units is encouraging and all units meet or exceed the minimum floorspace standards.

Inclusive design and access

Information regarding the location and layout of the accessible units has been requested.

Transport

In principle the scheme is supported subject to the provision of on-site visitor parking facilities and provision of planning obligations- full comments set out with the 'TfL' section below.

Climate change mitigation and adaptation

Further details requested regarding connection to a future District Heating Network.

The Safeguarded Wharf- Northumberland Wharf (Amenity)

Noise mitigation should be incorporated via condition to provide adequate internal acoustic conditions and rapid ventilation via mechanical ventilation systems.

Community Infrastructure Levy

The applicant will need to include appropriate contributions relating to CIL.

6.44 (OFFICER COMMENT: Following these comments from the GLA, the applicant has submitted further clarification details with relation to the wheelchair adaptable units, the transport matters raised and energy. With regard to the acoustic and ventilation conditions within the proposed residential units, Officers and the LBTH Environmental Health department are minded to condition this matter.)



## **Transport for London (TfL)**

### **6.45 Car Parking**

The level of car parking is supported. Provision of 20% of all spaces to be fitted with active Electrical Vehicle Charging Points (EVCP) and a further 20% fitted with passive EVCP infrastructure to allow for future conversion. A permit free agreement should be secured to prevent future residents parking in the area.

6.46 (OFFICER COMMENT: The EVCP and permit free agreement will be secured through the S106 agreement. Officers have also been provided with a plan to show the electric charging locations.)

### **Cycle Parking**

6.47 The cycle parking provision for the residential and commercial unit complies with London Plan standards. However a further provision of visitor parking provision is required.

6.48 (OFFICER COMMENT: Further information has been provided to show the location of secure visitor cycle parking.)

### **Trip generation**

6.49 TfL have reviewed the submitted Transport assessment and the predicted number of trips. TfL does not consider the proposal will have a detrimental impact on the local highway or public transport network, as such no mitigation is requested.

### **Bus Stops**

6.50 TfL had initially requested a bus stop audit was undertaken at application stage, this has now been agreed to be undertaken following the grant of consent (by condition). A contribution of £10,000 is requested to bring bus stops in accordance with current accessibility standards.

6.51 (OFFICER COMMENT: Due to the financial viability of the scheme, a pooled sum of planning obligations have been secured towards strategic infrastructure improvements, for the sum of £30,000. Following completion of the bus stop audit, the contributions will be allocated by TfL according to priority.)

### **Walking**

6.52 A contribution of £40,500 is requested towards upgrading pedestrian links from the site to Blackwall Station. In addition, a further contribution of £15,000 towards signage for 'Legible London' initiative is requested.

6.53 (OFFICER COMMENT: : Due to the financial viability of the scheme, a pooled sum of planning obligations have been secured towards strategic infrastructure improvements, for the sum of £30,000. Following completion of the bus stop audit, the contributions will be allocated by TfL according to priority.)

### **Blackwall Tunnel**

6.54 The Blackwall Tunnel runs beneath the northern boundary of the site, any details of construction methodology should be approved in consultation with TfL to safeguard the operation of the tunnel.

6.55 (OFFICER COMMENT: A specific condition regarding any potential impact of the construction on the Blackwall Tunnel will be added to the decision notice.)

### **Servicing, Deliveries and Freight**

6.56 Deliveries and servicing is proposed from Yabsley Street and is considered in principle to be acceptable. A Delivery and Servicing Plan is requested by condition alongside a Construction Logistics Plan to minimise the impact on the Local Highway and TfL network.

6.57 (OFFICER COMMENT: The requested conditions will be added to the decision notice.)

#### Travel Planning

6.58 Full details of a Travel Plan should be secured through the S106 agreement.

6.59 (OFFICER COMMENT: This will be secured through the S106 agreement.)

#### CIL

6.60 The proposed development is liable to the Mayoral Community Infrastructure Levy (CIL) charged at £35 per square metre.

#### **Canal and River Trust**

6.61 No objections.

#### **Crossrail**

6.62 No objection, the site lies outside of the Crossrail safeguarded area.

#### **Environment Agency**

6.63 No objection to the development as proposed. There is a potential for the basement to flood in the event of a breach in the flood defences.

6.64 Conditions are requested to be attached regarding land contamination and remediation, surface water drainage and foundation designs.

6.65 (OFFICER COMMENT: The requested conditions will be added to the decision notice.)

#### **Port of London Authority (PLA)**

6.66 The PLA have objected to the proposed development:

6.67 Insufficient reference is made within the applicants submission to the safeguarded wharf status of Northumberland Wharf

6.68 (OFFICER COMMENT: Due consideration is given to all safeguarded wharf policies within this committee report.)

6.69 Highway works or new access points should not prejudice access to the Wharf

6.70 (OFFICER COMMENT: The existing access is proposed to be retained and no new access is proposed. It is not considered that the proposal will therefore prejudice access to the existing Wharf site.)

6.71 It is recognised that noise and air quality concerns are likely to arise and appropriate mitigation is necessary to prevent complaints.

6.72 (OFFICER COMMENT: As detailed elsewhere in the committee report, these details will be conditioned for later approval.)

6.73 A lighting assessment is requested to assess the impact of the wharf and its use on the proposed balconies and amenity areas adjoining the site.

6.74 (OFFICER COMMENT: Whilst a lighting assessment is requested, the principle of a residential development has been established and an extant consent exists at the site, it is not therefore considered that an assessment is required.)

- 6.75 A condition should be imposed to seek to maximise the use of the River Thames for the sustainable transportation of construction and waste materials.
- 6.76 (OFFICER COMMENT: A condition will be added to the decision notice.)
- 6.77 A general objection is raised with regard to not having been formally consulted on the previous extant consents on the site.
- 6.78 (OFFICER COMMENT: This is not a material consideration in the determination of the current application before members.)

**Commission for Architecture and the Built Environment (CABE – part of the Design Council)**

- 6.79 CABE are supportive of the principle of redeveloping the site and the rationale to provide two buildings of 26 and 7 storeys sharing a common aesthetic.
- 6.80 However, the CABE response points out two matters which the Council should have regard to in the determination of the application:
- The design of the tower block and lower block should be revisited; and
  - The nature of the uses at podium level should be reconsidered to ensure they complement the external communal spaces.
- 6.81 (OFFICER COMMENT: Matters relating to design have been revisited and amended materials are now proposed, this is discussed within section 8 of this report. Following a review of the layout of the development, it is considered that the uses at podium level make the best use of space and are not detrimental to the use of the external communal space, on balance the layout is considered acceptable.)

**London Fire and Emergency Planning Authority (LFEPA)**

- 6.82 No objections raised. It has been requested that an informative/advice note is added.
- 6.83 (OFFICER COMMENT: The requested informative will be attached to the decision notice.)

**LB Newham**

- 6.84 No comments received to date.

**Tower Hamlets Primary Care Trust**

- 6.85 No comments received to date.

**7. LOCAL REPRESENTATION**

- 7.1 A total of 2029 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 17      Objecting: 17      Supporting: 0  
No of petitions received: 0

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.3 In objection

7.4 Land Use

- Over-development of the site

(Officer comment: The density of the site is considered acceptable given the site's PTAL and lack of overdevelopment symptoms)

7.5 Design & Heritage

- Scale of development not in keeping with the surrounding

(Officer comment: It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site)

- The height dominates the skyline

(Officer comment: It is considered that the proposal sits comfortably within the backdrop of the skyline, local views, and other landmarks)

- Poor design quality/architectural treatment

(Officer comment: As discussed within section 8 of this report, it is considered by officers that the development is of a high design quality.)

- Detrimental impact on the Coldharbour conservation area

(Officer comment: The impacts upon the Coldharbour conservation area have been considered in the assessment of the application. It is considered that the proposal steps down appropriately to achieve a positive transition towards the conservation area and the use of materials as the site meets the conservation area boundary is appropriate.)

- Impact on streetscene

(Officer Comment: As discussed within section 8 of this report, the relationship of the proposal with the streetscene has been carefully considered as part of this application to ensure a positive street frontage is achieved with appropriate landscaping and treatments.)

7.6 Amenity

- Construction impacts – noise, air pollution and associated health risks;

(Officer comment: If planning permission is granted, a construction management plan would be secured in order to ensure that impacts during construction are appropriately controlled)

- Loss of daylight and sunlight to Lumina Building, located to the north of the site.

(Officer Comment: The impact of the proposed development is not considered to be unduly detrimental on the existing residential occupiers. An independent daylight and sunlight review has been undertaken and full details are set out within Section 8 of the report.)

- Overlooking/Loss of Privacy

(Officer comment: The separation distances between the application site and the proposed development are considered to be acceptable and will not lead to a substantial loss of privacy. This is discussed further within Section 8 of the committee report.)

- Enclosure of Poplar Dock and affect of wind movement and light/overshadowing in the area

(Officer Comment: As discussed within Section 8 of the report, the relationship of the application site is such that there would be no wind movement impacts on Poplar Dock)

- Impacts of the WTS are likely to cause disturbance to new residents, an alternative use should be found for the site.

(Officer comment: the site is designated for residential uses within the IOD AAP and also benefits from planning permission for a residential development. Mitigation is also proposed for the nuisance identified.)

- Insufficient child playspace

(Officer comment: on-site child play space is provided and is considered to be sufficient to meet local and regional requirements.)

- Noise and disturbance caused by more people accessing the Riverside walkway

(Officer Comment: The Riverside Walkway is a publicly accessible area and access to the Walkway is encouraged. Whilst it is noted that residents may experience some disturbance, the provision of and extension to the Riverside Walkway is a strategic objective and encouraged.)

- Impact upon local infrastructure/Lack of local Amenities

(Officer comment: Details of mitigations are sets out within Section 8 of the committee report)

- Construction hours of operation should be restricted, with no works at the weekend

(Officer comment: It is considered that no construction during the weekend is somewhat excessive. The considerate construction hours of operation allow limited working on a Saturday, between 8am and 1pm, with no working on Sunday or public holidays. It is considered appropriate to impose these limitations.)

## Housing

7.7

- Current proposal provides affordablerented housing whereas the extant scheme was able to deliver social rented, is the scheme able to deliver any social rented accommodation?

(Officer comment: An independent review has been undertaken of the viability appraisal submitted and the scheme is unable to deliver more than 35% affordable housing. The extant scheme is unviable due to the withdrawal of grant funding and the current economic climate.)

- The proposal only provides 28.4% overall family housing against a policy requirement of 30% family housing across all tenures

(Officer comment: Whilst this is a minor shortfall in the family housing provision, 45% of family housing is required within the affordable housing tenure however the scheme is providing 54% family housing which is exceeding the requirements and is supported.)

## Highways & Transportation

7.8

- The existing area is overcrowded with non-residents parking in the area
- Limited car parking proposed on-site impacting on local highway network.

(Officer Comment: LBTH and Highways have assessed the Transport Assessment submitted and consider the proposal to be acceptable subject to the imposition of a permit free agreement.)

- Proposal does not meet Council car parking standards.

(Officer Comment: The Councils car parking standards are maximum standards and therefore this proposal does accord with the Councils standards. No objection has been raised by TfL or LBTH Highways.)

- Impact on the London City airport flightpath

(Officer Comment: London City Airport have raised no objection to the proposed

development and the height of 26 storeys.)

- Impact on pedestrian and vehicular access and Yabsley Street traffic junction  
(Officer comment: TfL have sought a contribution towards improved pedestrian routes, however it is not considered that there is an impact on the local highway network which requires any further mitigation.)

- Impact of construction vehicle traffic  
(Officer comment: A condition will be imposed which required the submission and approval of a Construction Management Plan to ensure minimal impact upon the local highway network during the construction phase.)

- All new units should be secured as permit free  
(Officer Comment: This is proposed to be secured via planning obligation.)

- Will the gym be publicly accessible?  
(Officer comment: The gym is provided for use by the residents of the proposed block only. No provision is made for the gym to be publicly accessible for non residents.)

#### Other

7.9

- Impact on local biodiversity and birds  
(Officer comment: The LBTH Biodiversity Officer has not raised an objection with regard to the impact upon local birds. In addition a condition is proposed to seek to encourage increased biodiversity at the application site.)

7.10 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application:

- Loss of River Views;  
(Officer comment: The loss of an unprotected view is not considered to be a material planning consideration)

- Can a nursery be provided for local residents.  
(Officer comment: The Council are required to assess the application before them. Whilst a nursery facility is not proposed, Officers are aware that nursery/childcare facilities are available at East India and Canary Wharf.)

- Can local people rent shops to run their own business  
(Officer comment: The application proposes no business or SME space for local residents to rent business space/commercial units. The site is designated for residential use and not considered wholly suitable for office accommodation.)

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development and Land Uses
- Density
- Design
- Heritage and Conservation
- Housing
- Amenity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination

- Flood Risk
- Health Considerations
- Section 106 Planning Obligations
- Localism Act
- Human Rights Considerations
- Equalities Act Considerations

### **Principle of Development and Land Uses**

- 8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.4 The site allocation for the application site as detailed within the IOD AAP supports residential (Use Class C3) development at the site under the sites allocation reference ID18. The principle of residential development at the application has also been established through the grant of planning permission in 2008 and also 2012 for a part 7 storey part 17 storey residential led development with an ancillary ground floor commercial unit of 43square metres.
- 8.5 The principle of the delivery of a residential-led mixed-use development is therefore supported at strategic and local level. The key issues for consideration under this planning application are whether the current proposals meet current planning policies.

### **Northumberland Wharf – Safeguarded Wharf**

- 8.6 Northumberland Wharf abuts the eastern boundary of the application site and is a safeguarded wharf. Wharves were originally safeguarded by the Secretary of State however the role of safeguarding has now passed over to the Mayor of London by way of Part IV of the Town and Country Planning (Mayor of London) Order 2000.
- 8.7 Northumberland Wharf functions as a civic amenity site and transfer station through which waste from Tower Hamlets is containerised, loaded onto barges and transported to landfill sites down river.
- 8.8 Policy IOD23 of the IOD AAP seeks to ensure Northumberland Wharf will be protected for on-going wharf and waste related uses consistent with its Safeguarded Wharf status. This is further supported by London Plan policies 7.24 and 7.26 and local policies SP12 of the CS 2010.
- 8.9 Northumberland Wharf is an established WTS and has been operational for some time. Whilst concerns have been raised by the PLA that the Safeguarded Wharf status was not taken into consideration when determining the extant consent, reference is made to the WTS and its potential impact on future residents within the 2008 committee report and the renewal application.
- 8.10 Provision of residential accommodation alongside safeguarded wharves is not uncommon, there are a number of residential developments around the existing WTS of Northumberland Wharf and numerous examples of developments throughout London providing high density residential developments adjoining waste transfer facilities. The principle of residential development has been established under the extant consent at the application site. Full

consideration of the potential amenity impacts of the residential use alongside the WTS are set out below.

## **Density**

- 8.11 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.12 The NPPF stresses the importance of making the most efficient use of land and maximising the amount of housing. This guidance is echoed in the requirements of London Plan Policy 3.4, which requires development to maximise the potential of sites, and policy 3.5 which details design principles for a compact city. Policies S07 and SP02 of the CS and policy HSG1 of the Interim Planning Guidance 2007 (IPG) also seek to maximise residential densities on individual sites subject to acceptable environmental impacts and local context.
- 8.13 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5.
- 8.14 In terms of density characteristics, the GLA's stage 1 refers to the site as having a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 1,100 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 2,103 habitable rooms per hectare. In the simplest of numerical terms, the proposed density would appear to suggest an overdevelopment of the site. However, the intent of the London Plan and the Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design and public transport capacity.
- 8.15 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.16 Policy HSG1 of the IPG states that solely exceeding the recommended density range (on its own) is not sufficient reason to warrant refusing a planning application. It would also be necessary to demonstrate that a high density was symptomatic of overdevelopment of the site. Typically an overdeveloped site would experience shortfalls in one or more of the following areas:
- Access to sunlight and daylight
  - Sub-standard dwelling units
  - Increased sense of enclosure
  - Loss of outlook
  - Increased traffic generation
  - Detrimental impacts on local social and physical infrastructure
  - Visual amenity
  - Lack of open space; or
  - Poor housing mix
- 8.17 These specific factors are considered in detail in later sections of the report – and are found to be acceptable.



- 8.18 In the case of this proposal it is considered that:
- The proposal is of a particularly high quality and responds to the local context by delivering a positive relationship to the surrounding area.
  - The proposal does not result in any of the adverse symptoms of overdevelopment to warrant refusal of planning permission.
  - The proposal provides good quality homes, including larger family houses, of an appropriate mix with a policy compliant percentage of affordable housing.
- 8.19 In overall terms, officers are satisfied that the development makes the most efficient use of land. Furthermore, as discussed further below, it is not considered that the proposed scheme gives rise to any of the symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and meets the recommended guidelines.
- 8.20 The development does not present any symptoms of overdevelopment nor have any significantly adverse impacts on the amenity of existing and future residential occupiers as discussed further on within this report. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policies SP02 and SP10 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

### **Design**

- 8.21 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.22 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.
- 8.23 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimising the potential of the site.
- 8.24 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. CS policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.25 The planning application is a full planning application for the provision of a part 7 storey and part 26 storey development. The development is provided as a 7 storey block where the site adjoins the Coldharbour conservation area. This block would be provided in a mixed brick and composite finish. The scale of the proposed development is in keeping with the Arran House development which adjoins the site and the proposed materials would be in-keeping with the existing site and the materials of the local area.
- 8.26 The proposed 26 storey block is proposed at the northern end of the application site, in closer proximity to the higher rise developments of Blackwall. The proposed tower would be

finished with rainscreen cladding, white concrete panels and glass privacy screens within the balcony areas on all four elevations. The design of the tower block is a simple and contemporary building which relates well to the existing developments to the north of the site. The provision of concrete panels on both buildings provides an identity and relationship to link the two buildings on this single site whilst providing a relationship at street level to the differing areas of Arran House and Lumina Buildings.

### Assessment

- 8.27 At street level the proposal seeks to provide buffer zones/ground floor gardens for the residential units fronting Prestons Road and the proposed gym will be located at the junction of Prestons Road and Yabsley Street. There is a strong sense of animation at street level providing overlooking and natural surveillance which is supported.
- 8.28 The elevational detail is simple yet strong, with inset balcony stretching across the tower block providing clean lines and detailing.
- 8.29 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

### Building Heights and Tall Buildings

- 8.30 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.31 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life.
- 8.32 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.33 The proposed development provides a transition in scale between the high rise developments of Blackwall, both existing and consented and the residential scale of the area around the Coldharbour conservation area to the south of the site. The image below provides a proposed view of the site, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building at the application the site is considered acceptable in principle.



- 8.34 In terms of local views, the application is accompanied by a number of views and a full townscape analysis in which a full analysis of the extant scheme is considered against the current proposal. Following consideration, it is considered that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to the skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

### **Heritage & Conservation**

- 8.35 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.36 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved policies DEV1 and DEV34 of the UDP, policies DEV2, CON1 and CON2 of the IPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.37 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

### **Strategic Views**

- 8.38 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in GreenwichPark overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect.

### **Local Views and Impacts**

- 8.39 Views surrounding the site have been considered and assessed, although there are no

protected local views.

- 8.40 The proposal is not considered to have a detrimental impact on local views as demonstrated within the Townscape Assessment submitted. The impacts of the taller 26 storey development would be seen above the built form of existing development which lies to the north and would not therefore form a new and significant introduction to the skyline.
- 8.41 On balance it is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Greenwich Naval College (World Heritage Site), as well as the adjoining Coldharbour conservation area and surrounding listed buildings.

### **Housing**

- 8.42 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.43 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.44 The application proposal will deliver up to 190 residential units.

### Affordable Housing

- 8.45 As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable room, or 224 units.

	<b>Units</b>	<b>% of units</b>	<b>Habitable rooms</b>	<b>% Hab rooms</b>
Affordable Social Rent	0	0%	0	0%
Affordable Rent	30	15.8%	122	21.5%
Affordable Intermediate	29	15.3%	75	13.2%
<b>Total Affordable</b>	<b>59</b>	<b>31.1%</b>	<b>197</b>	<b>34.7%</b>
Market Sale	131	68.9%	371	65.3%
<b>Total</b>	<b>190</b>	<b>100%</b>	<b>568</b>	<b>100%</b>

**Table 1: The proposed tenure mix**

- 8.46 The proposed overall delivery of 35% affordable housing by habitable room meets the Council's minimum requirement of 35%, in accordance with policy SP02 of the Core strategy 2010. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing and planning obligations have been secured, whilst ensuring the scheme can be delivered.

### Housing Type and Tenure Mix

- 8.47 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.48 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit

sizes where appropriate, including a substantial proportion of family dwellings of 3 bedrooms and above.

8.49 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

8.50 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

8.51 Table 3 shows the applicant's unit and tenure mix:

	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	0	56	41	34	0	0	131
Intermediate	0	16	9	4	0	0	29
Social Rent	0	0	0	0	0	0	0
Affordable Rent	0	6	8	12	2	2	30
	0	78	58	42	2	2	190

**Table 2: Summary of tenure unit mix**

8.52 In order to assess the acceptability of the indicative mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed overall mix in the context of the Borough's preferred dwelling mix:

		Affordable Housing						Private Housing		
		Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	78	6	20%	30%	16	55.2%	25%	56	42.7%	50%
2bed	58	8	26.7%	25%	9	31.0%	50%	41	31.3%	30%
3bed	42	12	40%	30%	4			34		
4bed	2	2	13.3%	15%	0	13.8%	25%	0	26%	20%
5bed	2	2			0			0		
<b>Total</b>	<b>190</b>	<b>30</b>	<b>100%</b>	<b>100</b>	<b>29</b>	<b>100%</b>	<b>100</b>	<b>131</b>	<b>100%</b>	<b>100</b>

**Table 3: unit and tenure mix**

8.53 Within the Affordable Housing tenure, the application proposes affordable rented and Intermediate housing.

8.54 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.

- 8.55 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. Home Buy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.56 The Council's Housing team are supportive to the provision of affordable housing. As part of the independent review of the applicants viability toolkit, options to provide the larger family affordable accommodation as social rented accommodation were fully investigated, however it was found that the change in tenure provision would render the scheme unviable and undeliverable.
- 8.57 The affordable element is split 68:32 in favour of affordable rented, this is broadly in line with the Council's policy target of 70:30.
- 8.58 The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. There are two POD levels for the E14 area and given the location of the site, adjacent to the Canary Wharf area, the applicants have agreed to provide POD rent levels which fall between the two E14 levels as shown on the table below. The LBTH Housing team support this approach. The applicants rent levels shown below are inclusive of service charges.

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)	5 bed (pw)
(1) E14 POD Level (high)	£206.55	£231.00	£244.50	£271.04	£304.69
(2) E14 POD level (low)	£152.70	£168.17	£187.85	£250.04	£282.98
Proposed development POD levels	£179	£200	£216	£244	£244
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)	£187.57 (including estimated £30 service charges)

**Table 4: Proposed Rent Levels for Affordable Rented units.**

- 8.59 Though there is an under provision of one beds within the affordable rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 53.3% provision against a 45% target, including 4 and 5 bed homes.
- 8.60 There is an over provision of one beds and an under provision of two and three beds within the Intermediate tenure. However, given that the proportion of family housing within the rented and private tenures exceeds targets, officers consider the Intermediate mix acceptable.
- 8.61 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the provision of 35% on site affordable housing is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

#### Internal Space Standards

- 8.62 London Plan policy 3.5 seeks quality in new housing provision. London Plan policy 3.5, MD DPD policy DM4 and saved UDP policy HSG13 requires new development to make adequate provision of internal residential space.
- 8.63 The proposed development is designed to the Housing Design Guide standards and therefore is acceptable in terms of internal space standards.

Private and Communal Amenity Space

- 8.64 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor’s Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. Each residential unit within the proposed development provides private amenity space in accordance with the housing design guide and policy requirements, in the form of balconies and gardens.
- 8.65 For all developments of 10 units or more, 50sqm of communal amenity space (plus an extra 1sqm for every additional 1 unit thereafter) should be provided. For a scheme of 190 units the minimum communal amenity space required would be 90sqm. The overall indicative scheme should provide 230sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers approximately 200sqm of usable communal amenity space within a podium deck, whilst this provision does not fully accord with policy, it is a minor shortfall whilst providing a dedicated and quality usable communal space and on balance is considered acceptable.

Child Play Space

- 8.66 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London’s SPG on ‘Shaping Neighbourhoods: Play and Informal Recreation’ (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.67 Using the GLA SPG child yield calculations, the overall development is anticipated to accommodate 67 children and accordingly the development should provide a minimum of 670 sq.m of play space in accordance with the London Plan and the emerging MD DPD’s standard of 10sq.m per child. This requirement is broken down as follows:

	London Plan/SPG Policy Req't	%	Proposed within scheme
Child Play Space-Under 4	260 sq.m	39%	200sq.m
Child Play Space-Under 5-10	240 sq.m	36%	
Child Play Space-Under 11-15	170 sq.m	25%	
Total	670sq.m		
Shortfall Child Play Space	470sq.m		

**Table 5: Child Play Space Details**

- 8.68 The scheme delivers approximately 200sqm of on-site playspace for children aged 0 – 4, this playspace is also proposed to provide play equipment/furniture. There is an obvious shortfall of on-site playspace for children aged 5 and above.
- 8.69 The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Whilst there are limited play areas in the vicinity of the site, the East India Dock Basin provides a local area of designated amenity space for future residents, alongside pocket parks in and around the Virginia Quays development. On balance, the provision of on site communal and 0-4 child play space, alongside private amenity space for all future residents is considered to be acceptable.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.70 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.71 Across the development, 19 x 2 bed units are proposed to be provided as wheelchair accessible which is 10% of all units and accords with Council policy. Whilst the units are to be distributed across the proposed tenures, LBTH housing have suggested a mixed provision of dwelling sizes to be accessible. Whilst this has not been achievable, it is supported that the scheme has been able to deliver 10% wheelchair accessible units, for which there is a demand. On balance, the mix of wheelchair accessible units is considered acceptable. If planning permission is granted a condition would be attached to ensure that the 19 wheelchair accessible units are delivered within the scheme.

#### **Amenity**

##### Daylight, Sunlight and Overshadowing

- 8.72 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.73 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

##### Daylight

- 8.74 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 8.75 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.76 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties, as well as its impact upon itself.



### *Proposed Development*

- 8.77 The daylight assessment for the new blocks to be constructed has been carried out by testing regular points on the elevations of the proposed buildings.
- 8.78 Of the proposed development it is indicated that 97.5% of all habitable rooms would meet their daylight requirements (ADF). There are only 10 Living/Kitchen/Dining rooms which would fall below the minimum recommended ADF, with values of 1.5% and 1.99% compared to the target of 2%. It is not considered this is a significant shortfall and on balance, these figures are considered by officers to be acceptable.

### *Neighbouring Properties*

- 8.79 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried. The buildings tested include:
- Aurora Building
  - Nova Court East
  - Nova Court West
  - Lumina Building
  - Arran House
  - Michigan Building
- 8.80 Of the residential windows analysed on the Aurora Building, only one living room/kitchen on the ground floor fails to meet the VSC targets. Within Nova Court East, again there is one failure at ground floor level. The report submitted to the Council has been independently reviewed and it is found that both ground floor rooms experiencing a failure are located beneath an existing balcony which creates a comparatively low existing value and an overall loss of light. The BRE guide acknowledges that balconies over windows may cause larger relative impacts and as such, the overall impact is considered to be marginal above the existing situation at the site.
- 8.81 At Nova Court West, 8 out of 14 windows fail to meet VSC targets but all units accord with the daylight distribution targets. Of the 8 failures identified, 2 windows are beneath existing balconies and therefore, similarly to Aurora and Nova Court East, had an analysis of the window been undertaken without the existing balcony (which the BRE advises is acceptable) the VSC target would have likely been met. The remaining losses fall onto windows on the western elevation where windows will retain VSC values of 23.5%, compared to a BRE target of 27%, and these values are not considered to be unreasonable for an urban area such as this.
- 8.82 At the Lumina Building, on each of the eight floors, there are two living/kitchen areas and four bedrooms. The main window to the west living kitchen would all meet the VSC targets. The results for the secondary windows, which are located beneath balconies do not meet the VSC targets, however in essence as the primary window meets the recommendations, this does not result in a loss of daylight to these rooms. In addition, all of these rooms meet the NSL values.
- 8.83 The living/kitchen areas to the east comprise one unobstructed primary window and a secondary window sited below a balcony or projection. Although the main windows to these living/kitchen areas would retain more of their existing VSC values than the secondary windows, they would not meet the VSC targets in the BRE guide. The main windows at these levels retain 0.61 or 0.6 of their existing VSC values. The living/kitchen areas would meet the NSL targets. With regard to the VSC values, these results must be viewed in the context of the lack of any existing obstruction on the site, which is unusual in an urban context. The windows to these living rooms/kitchens are very nearly opposite the main tower but would still receive good levels of direct skylight and therefore the daylight conditions in these rooms in the proposed conditions is not considered to be unreasonable. ADF values for these rooms would be at least 2.94% compared to the target of 2%.

- 8.84 The remaining rooms tested are all bedrooms of which there are four on each floor. Of these rooms, 8 bedrooms fail to meet the VSC targets and do not meet the NSL targets in the BRE guide. A further 8 bedrooms fail to meet VSC targets but do meet the NSL targets in the BRE guide. The independent review carried out on the daylight and sunlight assessment submitted to the Council concluded that whilst there were failures as a result of the proposed development, it was necessary to exercise caution when considering the results as the site as existing provides no obstruction to this development. Anstey Horne undertook an independent review of the Daylight/ Sunlight report submitted and considered that the proposed development would have a marginal (unperceivable) impact over and above the extant scheme at the site for a 17 storey residential development.
- 8.85 Within Arran House, all windows met the BRE guidelines. At Michigan Buildings, whilst all units met VSC targets, 7 of the 42 rooms tested did not meet the NSL targets with results of between 0.7 and 0.78 compared to the BRE target of 0.8. These failures are marginal set against the BRE targets and on balance it is considered the impact of the proposal is acceptable.
- 8.86 Taking into account the existing layout and design of adjacent properties, which comprise balconies which cause existing loss of daylight, it is considered that there is a the low overall proportion of failures, and even less when taking into account the extant scheme at the application site. On balance it is considered that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.

### Sunlight

#### *Proposed Development*

- 8.87 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.88 *“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”*
- 8.89 Due to the design of the proposed blocks which provides balconies which create a shading effect, the results show units are likely to experience losses of daylight, however the independent review of the assessment has concluded that higher levels of sun would be available on the balconies. This would occur in summer months when residents are most likely to appreciate it and use these amenity areas.
- 8.90 On balance, the sunlight for the proposed development is considered acceptable.

#### *Neighbouring Properties*

- 8.91 The BRE report recommends that for existing buildings, sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.92 At the Aurora, Nova Court East and Nova Court West development three windows (one in

each block at ground floor level) does not meet the BRE targets, however all of these windows is located beneath an existing balcony which restricts access to summer sun. As a result, whilst these windows are able to achieve winter sunlight targets, the total APSH would be 12%, 21% and 25% respectively (compared with a target of 25%). Officers have been advised by the Independent consultants at Anstey Horne that were the balconies not overhanging these windows, the BRE targets would most likely be met.

- 8.93 The Lumina Building has a number of balconies and as a result, there are a number of windows which would not meet the APSH targets. However Anstey Horne have advised that the results of the proposed development are identical to those of the extant scheme.
- 8.94 Arran House was not tested for daylight in accordance with the BRE guide as it does not face within 90degrees of due south.
- 8.95 At the Michigan Building, all windows tested meet the BRE targets.
- 8.96 The results of the study show some losses of daylight and sunlight to neighbouring surrounding properties. However taking into account the consented scheme at the site, the results are likely to be very similar. In light of this and the existing urban context of the application site, on balance the impacts are not considered so significant as to warrant refusal of the planning application.

#### Overshadowing

- 8.97 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should received at least 2 hours of sunlight of 21 March”*.

#### *Proposed Development*

- 8.98 On the whole, the majority of the overshadowing results for the proposed amenity areas are acceptable, and are likely to meet the targets in the BRE guide.

#### *Neighbouring Properties*

- 8.99 Of the neighbouring areas tested, including Poplar Dock , overshadowing results show that the tower will cast some shadow on Poplar Dock in the early morning and on the Thames towards the end of the day, but these shadows will move quickly and the overall effect on overshadowing would be limited.

#### Noise and Vibration

- 8.100 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.101 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.102 As discussed above, the application site abuts the WTS and the site is also in adjacent to Prestons Road which is a busy through route. The impacts of the WTS were deemed to raise noise concerns for future residents and as such, noise mitigation measures are considered to be necessary. The applicants submission and the Councils Environmental Health team

consider that a combination of enhanced acoustic glazing treatments and mechanical ventilation systems to provide rapid ventilation would be sufficient to mitigate the impacts of the existing and future operations at the WTS and the noise impacts of Prestons Road.

- 8.103 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.
- 8.104 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD.

#### Sense of Enclosure, Outlook and Privacy

- 8.105 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.
- 8.106 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the north fronting Yabsley Street and to the south at Raleana Road. In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.
- 8.107 Along Yabsley Street separation distances between directly facing habitable rooms windows are between 20 and 24 metres, which accords with policy requirements. To the south of the site, the separation distance between the proposed development and Arran House is 28 metres.
- 8.108 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable and would not lead to overlooking between existing and proposed residential occupiers.

#### **Transport, Connectivity and Accessibility**

- 8.109 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.110 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.111 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). The site sits to the east of Prestons Road. Blackwall DLR station is located to the north of the site and can be accessed easily via the underpass route at the Prestons Road roundabout. The existing site is well served by 4 bus routes. The D3, D6, D8 and 135 connect with CanaryWharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

#### Car Parking

- 8.112 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and

Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

- 8.113 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels for the Isle of Dogs. These levels are 0 parking for units of less than 3 bedrooms, and 0.1 for 3 bedrooms plus.
- 8.114 The application proposes to utilise the existing vehicular access point from Yabsley Street. Car parking provision for 42 vehicles is proposed at basement level. It is recommended that the development would be secured as permit free to prevent future residents from gaining parking permits for the local area. Concerns have been raised about parking issues in the area.
- 8.115 Of the 42 basement car parking spaces proposed, the applicant has agreed to deliver 8 spaces which will be allocated and secured for the future family units within the affordable housing provision at the site. Officers welcome this provision in light of the parking stress in the area and the concerns raised by local residents.
- 8.116 A travel plan will also be secured for the new development to encourage future residents to use public transport and alternative modes for all journeys.
- 8.117 Considering the above, the Borough's Highways department support the proposed parking levels.
- 8.118 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed District Centre, whilst ensuring the free flow of traffic on the surrounding highway network.

#### Servicing and Deliveries

- 8.119 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 8.120 Deliveries and servicing are proposed from Yabsley Street and this is considered in principle to be acceptable. A Delivery and Servicing Plan is requested by condition alongside a Construction Logistics Plan to minimise the impact on the Local Highway and TfL network

#### Waste, Refuse & Recycling

- 8.121 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the development.
- 8.122 Notwithstanding the above, the scheme shows adequate storage facilities on site to serve the proposed development and indicative locations for refuse collection include YabsleyStreet and Raleana Road which are existing refuse collection routes.

#### Provision for Cyclists

- 8.123 In accordance with cycle parking requirements, 244 cycle parking spaces have been provided in 8 secure storage areas around the site. Additional visitor parking is also provided to serve the development. The proposal therefore complies with London Plan policy 6.13.

## Public Transport Improvements

- 8.124 CS policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.
- 8.125 Planning obligations have been sought by TfL for improvements to local bus shelters to provide DDA compliant shelters, monies towards the 'Legible London' scheme through the provision of new signs and a contribution towards upgrading the pedestrian links to Blackwall station.
- 8.126 Through the extant scheme, £30,000 planning obligations were secured towards the upgrading of pedestrian links and as a result of the viability of this scheme, only £30,000 could be secured under the current proposals towards strategic infrastructure improvements, TfL will prioritise the allocation of this contribution according to need at a later date.

## Energy & Sustainability

- 8.127 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.128 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 8.129 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.130 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:
- 2011-2013 = 35% CO2 emissions reduction;
  - 2013-2016 = 50% CO2 emissions reduction; and
  - 2016-2031 = Zero Carbon
- 8.131 The Low and Zero Carbon Energy Appraisal Report, submitted in support of the planning application, follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the space heating and hotwater requirements (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO2 emissions. The CO2 emissions achievable from this approach are noted as circa 30%. Whilst this falls short of the emerging DM29 policy requirements it exceeds the London Plan Policy 5.2 requirements and is considered acceptable for the first phase of the development proposals.
- 8.132 The current proposals to provide a communal heating scheme incorporating a Combined

Heat and Power plant alongside renewables which include photovoltaic panels are supported and would achieve a total of 34% CO2 savings.

- 8.133 Code (Level 4) ratings are currently proposed as minimum levels, and considered acceptable.

### **Contamination**

- 8.134 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD.
- 8.135 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.

### **Flood Risk**

- 8.136 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 8.137 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.138 The Environment Agency and Thames Water have raised no in principle objections to the proposal subject to the imposition of suitable conditions which would be attached if planning permission was granted.
- 8.139 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

### **Health Considerations**

- 8.140 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.
- 8.141 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.
- 8.142 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.
- 8.143 The applicant has agreed to a financial contribution of £75,000 to be pooled to allow for expenditure on health care provision within the Borough.
- 8.144 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.

- 8.145 The proposal also includes an onsite gymnasium which will be free and accessible to all residents of the future development at Yabsley Street. The retention of this unit as free and accessible to all residents would be secured through the S106 agreement.
- 8.146 It is therefore considered that the financial contribution towards healthcare, the gymnasium at ground floor level and podium level open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

- 8.147 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.148 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.
- 8.149 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.150 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education
- The Borough's other priorities include:
- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.151 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the maximum proportion of affordable housing which can be provided on site, is 35%%.
- 8.152 Within the submitted viability assessment the scheme was considered deliverable and viable with a 35% affordable housing provision with a mix of affordable rent and shared ownership units. Also factored into this was a maximum s106 package of **£826,408**, and in addition to this the application would be liable for a CIL charge of approximately **£564,305**, some of which would qualify for social housing relief.
- 8.153 Based on the Council's s106 SPD, the viability of the proposal and the need to



mitigate against the impacts of the development, LBTH Officers have negotiated a contribution request of **£826,408**.

8.154 This can be summarised as follows:

**Financial Obligations**

- Education: £586,907
- Enterprise & Employment: £42,000
- Community Facilities: 75,972.84
- Health: £75,00
- Transport for London: £30,000
- Monitoring & Implementation 2% of total

**Non-Financial Obligations**

- 35% affordable housing
- Access to employment initiatives
- Permit free agreement
- Travel Plan
- Code of Construction Practice
- Electric Vehicle Charging Points- 20% active, 20% passive
- 8 parking spaces allocated to on site affordable family housing
- On site gym to be provided as a free facility for all future residents.

8.155 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision for S106 contributions beyond the amounts specified above. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 35% by habitable room. The developer has agreed to the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigates against its impacts.

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

8.156 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.157 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.

8.158 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.

8.159 In this context “grants” might include the new homes bonus and payment of the community infrastructure levy.

8.160 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- 8.161 Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The Mayoral CIL applicable to a scheme of this size is £564,305 which is based on the gross internal area of the proposed development. The scheme is proposed to provide 35% affordable housing and will therefore qualify for social housing relief on a proportion of this sum.
- 8.162 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.163 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £334,244 within the first year and a total of £2,005,466 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

### **Human Rights Considerations**

- 8.164 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:-
- 8.165 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*".
- 8.166 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.
- 8.167 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and

justified.

- 8.168 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.
- 8.169 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.170 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.171 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**


- 8.172 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.173 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.174 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.175 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.176 The contributions to affordable housing support community wellbeing and social cohesion.

### **Conclusions**

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


Planning Application Site Map PA/12/02107




 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 15 m  




1:4,000

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

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