

Committee: Strategic Development	Date: 29 th August 2013	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Jane Jin	Ref No: PA/13/00384& PA/13/00386
	Ward: Bethnal Green North

1. APPLICATION DETAILS

Location: Former Queen Elizabeth Hospital, Hackney Road, London

Existing Use: Disused/vacant hospital building.

Proposal: PA/13/00384: Demolition of all buildings on the site apart from facades of the building fronting Hackney Road; erection of two courtyard buildings of part 5,6,7 and 9 storeys to provide 188 residential units (Use Class C3) and 90sq.m (GIA) of flexible commercial/community floorspace (A1 and/or A2 and/or A3 and/or A4 and/or B1 and/or D1 and/or 'Community Enterprise' Use); the creation of a new shared surface link between Kay Street and Haggerston Park; a shared surface street to the north of the development allowing access to basement parking for 30 cars; and associated highways and landscaping works.

PA/13/00386: Conservation Area Consent for retention of the facades of the building fronting Hackney Road and demolition of the remaining parts of the building.

Drawing Nos/Documents: Drawings:
 QEH-AL-001; 056.0035-S201; 056.0035-S202;
 056.0035-S203; 056.0035-S204; 056.0035-S205;
 056.0035-S206; 056.0035-S100 P1; L.01.01/S; 4885
 4TH; 4885 3RD; 4885 2ND; 4885 1ST; 4885 GFL;
 4885 B; G.27/307/A; QEH_AL_200; QEH_AL_201 A;
 QEH_AL_202 A; QEH_AL_203 A; QEH_AL_204 A;
 QEH_AL_205 A; QEH_AL_206 A; QEH_AL_207 A;
 QEH_AL_208 A; QEH_AL_209 A; QEH_AL_210;
 QEH_AL_220; QEH_AL_221; QEH_AL_222;
 QEH_AL_223; QUE_AL_300 A; QUE_AL_301 A;
 QUE_AL_302 A; QEH_AL_303 A; QUE_AL_304 A;
 QUE_AL_305 A; QUE_AL_306 A; QUE_AL_307 A;
 QEH_AL_320; QEH_AL_321; QUE_AL_400 A;
 QUE_AL_401; QEH_AL_500 B; QEH_AL_501 B;
 QEH_AL_502 B; QEH_AL_503 A; QEH_AL_504 B;
 QEH_AL_505 A; QEH_AL_506 B; QEH_AL_507 B;
 QEH_AL_508 B; QEH_AL_509 B; QEH_AL_510 B;
 QEH_AL_511 B; QEH_AL_512 B; QEH_AL_513 A;
 QEH_AL_514 A; QEH_AL_515 A; QEH_AL_516 B;
 QEH_AL_517 A; QEH_AL_518 A; QEH_AL_519 A;
 QEH_AL_520 A; QEH-AL-9110 A; QEH-AL-9111 A;

QEH Basement Ventilation Details;
056.0035-3011 Rev P1; Accommodation schedule
Revision F

Documents:

Planning Statement dated 7th Feb 2013;
Design and Access Statement by HTA;
Heritage Appraisal by KM Heritage dated Jan 2013;
Ecological Assessment by Middlemarch Environmental
Ltd with reference number RT-MME-112792-01 dated
Nov 2012;
Energy Strategy and Code for Sustainable Homes Pre-
Assessment by Calfordseaden LLP dated Jan 2013;
CHP Feasibility by Calfordseaden dated May 2013
with reference G6/K120056;
Initial Bat Survey by Middlemarch Environmental Ltd
with reference RT-MME-113252REVB dated Jan
2013;
Bat Species Natural England Method Statement
Document 1 and Document 2 with reference RT-MME-
114658-01 by Middlemarch Environmental Ltd dated
July 2013;
Report on Site Investigation by Structural Soils Limited
dated Feb 2013 with report number 727272;
Refurbishment Assessment Report by Potter Raper
Partnership dated February 2013 with reference
B6897;
Sustainability Statement by Calfordseaden dated Feb
2013;
Arboricultural Survey and Implications Report by
Middlemarch Environmental Ltd with reference RT-
MME-112792-02 dated Nov 2012;
Utilities Statement by Calfordseaden dated January
2013;
Air Quality Assessment by Phlorum dated Feb 2013;
Pre-Construction SHE Plan with Job Number 921;
Daylight and Sunlight Report by Savills dated Feb
2013;
Letter response to BRE dated 19th June 2013 by
Savills;
External Artificial Lighting Affects by Calfordseaden
dated Jan 2013;
Wind Environment Desktop Study by BMT Fluid
Mechanics dated 1st Feb 2013;
Site Noise Assessment and Noise & Vibration Criteria
by AAD dated 31st January 2013 with reference
12477/001/js/b;
Socio Economic Assessment by Savills dated Feb
2013;
Transport Assessment by Upton McGougan with
reference 056.0035/AAM/PB/GB/96494 REV A dated
Feb 2013;
Servicing Strategy by Upton McGougan with reference
056.0035/AAM/PB/GB/96147 REV E dated July 2013;
Travel Plan Framework by Upton McGougan with
reference 056.0035/AAM/PB/GB/96567 REV B dated
APR 2013;

Drainage Strategy Report by Upton McGougan with reference 056.0035/AAM/PB/GB/96496 REV A dated Jan 2013;

Applicant: Family Mosaic and Rydon Construction
Ownership: Greater London Authority Land and Property Limited
Historic Building: Grade II Listed: Adjacent buildings at 337-353 Hackney Road; and Telephone Kiosk located on the corner of Hackney Road and Goldsmiths Row.
Conservation Area: Hackney Road Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a residential development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment.
- 2.3 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing.
- 2.4 In urban design terms, the retention of the Hackney Road façades, layout, building heights, scale and bulk and detailed design of the proposal is considered to be of a high quality which would respect local character of the area including the Hackney Road Conservation Area and the adjacent Grade II listed buildings.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment.
- 2.6 The 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, given the urban nature of the site.
- 2.7 The quantity and quality of housing amenity space, communal space, child play space and open space are considered to be well designed and effectively meet the needs of the development.
- 2.8 Transport matters, including parking, access, and servicing are acceptable which promotes sustainable travel modes.
- 2.9 Sustainability matters, including energy, are acceptable and promote sustainable development practices.
- 2.10 Taking viability into account, the proposed development is considered to provide appropriate contributions towards health facilities, education facilities, employment opportunities, community facilities and improvements to the streetscene sufficient to mitigate the impact of the development.
- 2.11 The proposed re-use of the Hackney Road building through the retention of the facades would respect the character of the Hackney Road Conservation Area and the setting of the adjacent Listed Buildings and would therefore preserve and enhance the character

and appearance of the conservation area.

3. RECOMMENDATION

3.1 That the Strategic Development Committee resolve to **GRANT** planning permission and Conservation Area Consent subject to:

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

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

3.2 Financial Obligations

- a) A contribution of £415,240 towards education facilities to mitigate against the demand of the additional population on education facilities.
- b) A contribution of £39,897 towards employment and enterprise.
- c) A contribution of £49,879 towards community and leisure facilities.
- d) A contribution of £81,000 towards health facilities.
- e) A contribution of £47,112 towards streetscene improvements.
- f) £12,662 towards S106 monitoring fee (2%)

Total: £645,790

3.3 Non-Financial Obligations

- a) 43% affordable housing by habitable room
 - 68% Affordable Rent at POD levels
 - 32% Intermediate Affordable Housing
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
- c) Car-free agreement to restrict occupants applying for parking permits
- d) Code of Construction Practice
- e) Travel Plan monitoring
- f) Electric vehicle charging points to be provided to London Plan standards together with monitoring of their use to indicate when the passive provision of spaces is brought into operation.
- g) Public access through 'Muffin Lane' and 'Northern Lane'
- h) Management of commercial spaces by LBTH
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

- 3.5 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

Full Planning Permission PA/13/00384

1. Permission valid for 3yrs
2. Development in accordance with approved plans
3. External materials
4. Details of ground floor scale 1:20/1:50 (including details of the elevations of the 'storage units' on the 'Muffin Lane')
5. Details of building insulation and ventilation details to achieve 'good' internal rating for Hackney Road building and 'reasonable' internal rating along other street fronts.
6. Landscaping – and details of the refuse holding area and wind mitigation measures
7. Additional cycle parking spaces in Core KA and HA and details of visitor cycle spaces on Muffin Lane
8. Details of any mechanical and extraction plant
9. Bat mitigation strategy to be carried out in accordance with the Method statements and any additions or modification as required by Natural England
10. Energy
11. Code for sustainable homes – level 4
12. Scheme of highway works
13. Construction and Logistics Plan
14. Lifetime homes
15. A minimum of 10% Wheelchair housing in all tenures
16. Hours of construction
17. Demolition and Construction management plan
18. Archaeological works
19. Method Statement : No impact piling (Thames Water) and details of piling
20. Ecological assessment and mitigation measures during demolition and construction
21. Contaminated land – details remediation works
22. Car parking management plan which includes:- access strategy for affordable housing and wheelchair users in the affordable housing blocks to the basement level; details of the car parking layout, allocation of 3 spaces for affordable units, 9 for wheelchair units (which is also made available for wheelchair users of the affordable units)
23. In accordance with the submitted delivery and servicing plan (including refuse strategy)
24. CCTV and lighting strategy which rationalises impact to the ecology to the Park and the Farm
25. Method of façade retention
26. Details of D1/D2 use
27. Railings to Hackney Road building to be restored, retained and maintained and scheme of retention
28. Approval of detailed archaeological and historic building recording project design (EH).

Conservation Area Consent PA/13/00386

1. Permission valid for 3 years
2. No demolition works shall be carried out until a contract is in place for the redevelopment of the site.

- 3.6 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

3.7 **Informatives:**

- S106 planning obligation
- Advertisement consent required for any signage
- Requirement for a s278

3.8 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.9 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

4.1 The application site is broadly triangular shaped which is approximately 0.64 hectares, fronting onto Hackney Road to the south, Goldsmith's Row to the west and Kay Street to the east. The site has been vacant since the hospital's closure in 1997.

4.2 Goldsmith's Row forms the Borough boundary with London Borough of Hackney and it is a pedestrianised route for pedestrian and cyclists, linking the Broadway Market and Columbia Road Market. On Sundays, a Goldsmith's Row Book Market is open to the public which is located on the southern end of Goldsmith Row.

4.3 The original hospital building on Goldsmith's Row was built in 1874 and the Hackney Road building dates from 1904. The nurses home which is located behind the Goldsmith's Row building is of 1906 construction and the Hayward Building (which is the tallest building on site) on Goldsmith's Row was constructed around 1969-73.

4.4 The main building on Hackney Road frontage is within Hackney Road Conservation Area and the rest of the application site does not form part of any designated heritage asset. Immediately adjacent to the site, Nos. 337-353 Hackney Road are Grade II Listed buildings as is the telephone kiosk (red telephone box) located on the corner of Hackney Road and Goldsmith's Row. Haggerston Park (including Hackney City Farm) to the west of the application site is also within Hackney Road Conservation Area and administered by the London Borough of Hackney.

4.5 The prevailing character of the area is mixed, with open space to the west, and flatted developments to east, south and north. There are commercial activities along Hackney Road within close proximity. The building heights generally range from 2 to 6 storeys.

4.6 The site has a Public Transport Accessibility Level of 3 to 4 (in a range of 1 to 6 where 6 is excellent). Bethnal Green station is the closest Underground station being 1.2km away from the site and providing access to the Central Line. Hoxton London Overground Station is located 700m west from the site and Cambridge Heath rail station is 600m east from the site. Three bus routes (Nos. 26, 48 and 55) currently operate on Hackney Road providing services into Central London.

Proposal

4.7 The proposal is to demolish existing buildings apart from the facades of the building fronting Hackney Road (which includes the front and side returns) to erect buildings varying in heights to provide 188 residential units and 90.6sq.m of commercial/community floor space (A1/A2/A3/A4/B1/D1/D2 and/or community enterprise use). The proposal also includes a basement car park for 30 car parking spaces and associated landscaping works.

- 4.8 The proposal includes two access routes through the site which would connect Kay Street and Goldsmith's Row, providing direct access to Haggerston Park. The main pedestrianised access is proposed through middle of the site. The access is proposed to be landscaped and would be approximately 13-15m wide. The access proposed to the north of the application site would be mainly for vehicular access into the basement car park, although safe pedestrian movement would be possible.
- 4.9 The proposal includes a total of 90.6sq.m of commercial space divided into 10 separate units, three units fronting onto Goldsmith's Row and smaller units located along the proposed pedestrianised access. The application is for a flexible use to allow small businesses to start up their businesses. These three units, ranging in size of approximately 14sq.m to 22sq.m, would complement existing commercial activities to the north of Goldsmith's Row and the book market on Sundays. Each of the other smaller units would be around 4sq.m. and would be designed primarily for the book market stall holders who require storage/ancillary space.
- 4.10 The proposed basement car parking area would be located in the existing basement area of the Hayward Building and it would provide 30 car parking spaces of which 9 are allocated for wheelchair users and 3 spaces for affordable rented units. It would also provide 6 motorcycle parking spaces.
- 4.11 The proposed buildings would be arranged as perimeter blocks around two private courtyards. The buildings along Goldsmith's Row would be 6, 8 and 9storeys in height. The building on Hackney Road with façade retention is 4 storeys although the physical height of the building would be equivalent to the 6 storey component on Goldsmith's Row. The proposed building fronting Kay Street would be 5 storeys. Other parts of the building fronting the newly created pedestrian access routes and new access road would be 4 and 5 storeys in height.
- 4.12 The proposal provides 72 affordable units which represents 43% by habitable room. The affordable rent units are mainly located on the block fronting Kay Street and the intermediate blocks are within the block fronting Goldsmith's Row. The proposed tenure split is 68:32 in favour of Affordable Rent. All of the proposed units would meet Lifetime Homes standards and 19 units are designed to be wheelchair accessible.

5 RELEVANT PLANNING HISTORY

- 5.1 Whilst there is no relevant planning history for the application site it is important to review the history of neighbouring sites.
- 5.2 PA/01/01256: Former Hospital Car Park (site bounded by Goldsmith's Row and Kay Street)
An application for the erection of 4, 5, and 6 storey building to provide 46 residential units and retail/coffee shop unit together with new vehicular access from Kay Street and public footpath along south edge of the site was approved on 24/01/03. This site, which lies immediate north of the application site and it was developed by Telford Homes.
- 5.3 PA/00/01718: 337-339 Hackney Road
Application for change of use from health premises to two houses. No planning decision was issued.
- 5.4 PA/08/00437: 337-339 Hackney Road
Application for conversion of the buildings for residential use comprising 12 flats. This was approved on 9/10/08. Listed building consent was also approved for the works (ref: PA/08/00467). This development has been implemented.
- 5.5 PA/02/00903: 1a Kay Street and Land at rear of 339-355 Hackney Road

An application for the erection of three storey building to create 5 houses and 8 flats was approved on 6/11/03. Listed Building consent was also issued for works (ref PA/02/00991). This development has been implemented.

6. POLICY FRAMEWORK

- 6.1 Following the adoption of the Managing Development Document on 17th April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011. The following policies are relevant to the application:

Core Strategy Development Plan Document 2010 (CS)

Policies:	SP01	Refocusing on our town centres
	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
Annexe 9:		Shoreditch and Bethnal Green Vision, Opportunities and Growth

Managing Development Document (Adopted 2013)

Proposals:		Hackney Road Conservation Area
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
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

Supplementary Planning Guidance/Documents and Other Documents

Planning Obligations SPD 2012

The Hackney Road Conservation Area Appraisal 2009

Spatial Development Strategy for Greater London (London Plan 2011)

- 2.1 London
- 2.9 Inner London
- 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
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 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
- 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
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

London Plan Supplementary Planning Guidance/Documents

- London Housing Design Guide 2010
- Housing Supplementary Planning Guidance Nov 2012
- Sustainable Design & Construction 2006

Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)

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

7. CONSULTATION RESPONSE

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

7.2 The following were consulted and made comments regarding the application:

7.3 LBTH Environmental Health

Contaminated Land

LBTH Environmental Health has reviewed the submitted site investigation report and agrees with the remedial recommendations contained within the report. Therefore, it is requested that the inclusion of condition relating to remediation works to render the site suitable for residential use.

[OFFICER COMMENT: An appropriately worded condition is recommended]

Noise

The development fronting Hackney Road will be exposed to a high degree of noise and vibration from Hackney Road. Therefore the development will be required to meet 'good' design standard of BS8233. The submitted noise and vibration assessment concludes that a 'reasonable' design standards of BS8233. This is not acceptable and new dwellings within areas of high noise level should meet 'good' standard.

The noise insulation of the glazing is not defined and specification should be approved so as to ensure the dwellings meet the 'good' design standards.

Details of any mechanical and extraction plant including kitchen extract and air controlling systems, deliveries and waste management, external areas should also meet the requirements of World Health Organisation standard.

Construction activities should also be controlled in accordance with the council policy working hours and the method of piling should be agreed, as any impact piling should be avoided at this particular location.

Conditions should be imposed for details of building insulation including glazing and acoustic ventilation to be submitted and approved.

[OFFICER COMMENT: Following concerns raised by the Environmental Health Officer, the applicant has confirmed that the proposed flats within building fronting Hackney Road will meet 'good standard'. Other flats which are not be expose to high noise levels from

Hackney Road will meet 'reasonable' standard. The required conditions will be imposed and this is discussed further in paragraphs 9.134 – 9.138 of the report.]

7.4 LBTH Communities Leisure and Culture

Cultural Services consider that there will be an increase in permanent population generated by the development which will increase demand on community, cultural and leisure facilities. Therefore, a request has been made for financial contributions towards:

- Leisure.
- Open space.
- Library/Idea Store Facilities
- Public Realm

[OFFICER COMMENT: Planning obligations have been negotiated in response to these requests].

7.5 LBTH Biodiversity

The main hospital building and brick building connecting to the Hayward Building has been identified by the Initial Bat Survey as having potential to support roosting bats. Bat emergence and re-entry surveys were carried out. This report confirms the presence of a bat roost in the main hospital building. The applicant has also submitted a method statement.

The development will result in the destruction of a non-maternity summer roost of a small number of Common Pipistrelles. This is a common and widespread species of bat and even without mitigation, the loss of the roost would not have a major impact on the population or conservation status of the species in the area. With the mitigation set out in the method statements, it is considered that there would not be any impact on the population or conservation status of the species.

A condition should be imposed to ensure that all proposed mitigation measures are implemented as set out in the Method Statements (subject to any additions or modifications required by Natural England).

[OFFICER COMMENT: An appropriately worded condition will be recommended]

7.6 LBTH Energy Efficiency

Energy

The Energy Strategy (dated January 2013), follows the London Mayor's energy hierarchy. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO2 emissions by 16%. The integration of a communal heating scheme incorporating a Combined Heat and Power is proposed to deliver CO2 savings to meet Policy DM29 requirements (35%).

The current proposals for delivering the space heating and hotwater are supported and it is recommended that the strategy is secured through an appropriately worded Condition which specifies the minimum CHP sizing of 110kWth/65kWe.

[OFFICER COMMENT: Conditions will be attached to secure the details]

7.7 LBTH Highways

Car Parking

The site is located in an area of good public transport accessibility and connectivity (PTAL

rating of 3/4). Thus, in accordance with the Managing Development Document (MDD) DM22, Highways requires s106 agreement to be attached to any permission prohibiting any residents of the new units from obtaining a residential on-street car parking permit from the LBTH.

The proposals include basement car parking area for 30 vehicles and six motorcycle spaces. 12 of the car parking spaces are of a standard suitable for disabled parking. The level of car parking proposed is within the MDD maximum parking standards and thus is compliant with policy for the scale and location of this development. The forecast car trip rates generated by the development supplied in the Transport Assessment show that the development would have a minor impact on traffic levels on the local road network. On this basis, the level of on-site car parking is acceptable.

The forecast trip rates also show the development would have a more pronounced impact on the roads immediately providing access to the on-site parking (Kay Street and Coate Street). As both these streets have narrow carriageway widths, the management of vehicles accessing the on-site car park should be as such to minimise the likelihood of vehicles waiting on the public highway (and in turn congestion) to enter the site. To this end there should be space on the northern access road (Northern Lane) for two way vehicle operation or at the very least a layby to allow vehicles to pass one another.

Parking provision includes 3 parking spaces for affordable family homes and therefore complies with MDD Policy DM22.3 which requires a proportion of on-site parking to be allocated to affordable family homes.

Cycle parking

The minimum cycle parking requirement as per MDD for this development is 244 spaces for the residential units (132 for 1 or 2 bedroom units and 112 for the 3+ bedroom units). The applicant has confirmed that this requirement will be met using several cycle stores across the site which is welcomed. A full detail of how 244 spaces are achieved across the site is required, together with the details of the cycle stand.

Servicing

Servicing arrangement on a development of this scale and footprint would require service vehicles to enter and exit the site in a forward gear. A loading area for all servicing vehicles and area for service vehicles whose size is up to 4.6 tonne to turn around has been provided on site which is accessed off Kay Street. Furthermore, servicing strategy has been provided which address this issue and measures are put forward to reduce the impact on the local highway network.

Travel Plan

A draft Interim Travel Plan has been submitted which outline the measures that will be taken to encourage the use of more sustainable forms of transport. The developer has indicated that a full Travel Plan will be submitted at a later for comments/approval and this would be acceptable.

Construction

Given the constraints on highway access to the site, a Construction Logistics Plan (CLP) should be secured by condition to any planning permission. The CLP will be expected to demonstrate that safe access to and from the site can be achieved with the minimum amount of disruption to the normal operation of the nearby public highway.

Public Realm

The development proposal includes two east-west shared surface routes which will increase pedestrian permeability and connectivity in the area and are welcomed. The development proposal may require works to upgrade crossovers or instate where crossovers are made redundant. A Section 278 agreement is required for the provision of

works to the public highway necessary to facilitate the proposed development.

Planning Contributions

Highways request a s106 contribution towards works to the public realm improvements to fund repaving of the footway adjacent to the site on Hackney Road. The materials used on the Hackney Road frontage should reflect the conservation area setting.

[OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested planning obligations and conditions/informatives have also been recommended, as detailed within paragraphs 9.97 – 9.120 of this report].

7.8 LBTH Housing

The proposal would deliver 43% quantum of affordable housing on the site. This is above the Council's minimum target of 35%. The proposed tenure split within the affordable is 68:32 in favour of affordable rented. This is broadly in line with the Council's 70:30 target and therefore acceptable.

The proposed unit mix within the affordable rented is 33% one bed against our target of 30%, 21% two beds against a target of 25% and 38% provision of three beds against a target of 30%. 8% of 4 bed units against a target of 15%. Overall the scheme is providing 46% affordable rented family housing which is in line with policy.

Within the intermediate tenure there is 25% of one bed units against a target of 25%, 54% of two bed units against a target of 50% and 21% of three bed units against a target of 25%.

The proposal will deliver 19 wheelchair accessible units, which will meet 10% requirement. The proposal will provide 10 of these units within the larger family sized affordable rented unit which there is a high demand for, and therefore this is welcomed.

[OFFICER COMMENT: The delivery of the affordable housing will be captured by the s.106 Agreement].

7.9 LBTH Waste

The waste storage arrangements as described in waste strategy of design and access statement is satisfactory. The wheeling distances for the bins should be no more than 10m. If the distance could not be maintained then arrangements should be made for the bins to be pulled out to collection points on collection days.

[OFFICER COMMENT: The proposed refuse stores are located appropriately within each cores of the building. However some of the refuse stores are located more than 10m away from the collection points as all refuse will need to be picked up from Kay Street and Hackney Road. The applicant has submitted a servicing strategy for the bins to be located close to Kay Street and Hackney Road on Collection days and bin holding areas have also been provided.]

7.10 LBTH Employment and Enterprise

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We 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.

The Council will seek to secure a financial contribution of £39,897 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase and end 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.

[OFFICER COMMENT: The financial obligation towards employment and enterprise has been secured, and the applicant has agreed for the Council to manage the commercial space, which will also be secured through the s106 Agreement.]

7.11 **Tower Hamlets Primary Care Trust (PCT)**

PCT have confirmed the HUDU model requires:
A Capital Planning Contribution £134,826

[OFFICER COMMENT: The application is accompanied by a viability report which has identified only a limited capacity to meet the required financial obligation. It has been 9.152 – 9.161 that £81,000 can be made available for health facilities.]

7.12 **English Heritage**

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

7.13 **English Heritage Archaeology**

The Greater London HER records a find of Palaeolithic animal remains just north of the site at Teale Street and the underlying Hackney Gravels geology has a general potential for early pre-historic material. Further flint tool finds are recorded to the south, close to the projected line of the Roman Road which runs east-west around 280m away.

The proposed demolition of the site buildings raises the loss of historic fabric that has potential to provide archaeological information on the development of healthcare in the nineteenth and twentieth centuries.

Should LBTH determine to permit this development, it would be appropriate to secure mitigation of the loss of the historic fabric of the hospital and to secure archaeological field evaluation of the site and any appropriate mitigation work.

[OFFICER COMMENT: Appropriately worded conditions as suggested by English Heritage Archaeology will be imposed which will secure details of programme of archaeological works and an archaeological and historic buildings recording project design which is in accordance with EH guidelines]

7.14 **Greater London Authority (GLA)**

The GLA have provided a Stage I response. Their summary of the key issues are as follows:

Principle of the development

The loss of the hospital use of this site is acceptable in strategic planning terms as the hospital use of the site ceased in 1996 having been declared as surplus the NHS requirements. This was reconfirmed in both 2006 and 2010. Therefore the proposed reuse of the site for residential is acceptable as it supports delivery of new homes where an

annual average of 32,210 net additional homes across London of which 2,885 is the annual target for Tower Hamlets has been identified.

Level of affordable housing

The Council should review whether it is satisfied that the proposal delivers the maximum reasonable amount of affordable housing would be provided in accordance with London Plan policy 3.12.

Mix of uses

The principle of introducing additional uses into the development is supported

Urban Design

The retention and reuse of the main building fronting Hackney Road is welcomed as is the broad design approach, but clarification in relation to the single aspect units which fall below the recommended minimum Average Daylight Factor is required before the scheme is referred back to the Mayor at Stage 2.

Density

The proposed density of 277 units per hectare is slightly above the London Plan's indicative range. However subject to resolution of design matters the proposed density is acceptable.

Play space

The quantum of play space is acceptable from strategic planning perspective as the proposal will provide shared provision which exceeds the GLA's benchmark.

Inclusive Design

The number of wheelchair accessible or easily adaptable units accords with the London Plan but some of the proposed wheelchair units should be located at upper floors to increase choice and inclusivity. The applicant should also demonstrate adequate provision of blue badge parking bays in their future management.

Sustainability

The submitted detail environmental documentation in respect of ecology, contamination, air quality, construction, micro-climate and noise and vibration is welcomed and considered satisfactory from a strategic perspective with exception of impact on Haggerston Park which should be fully addressed and appropriate mitigation agreed before the application is referred back to the Mayor at Stage 2.

Flood risk

The principle of the proposed development is acceptable but the applicant should confirm the details of the surface water attenuation.

Climate Change mitigation

The CO2 savings exceed the targets set within the London Plan but the applicant should provide an estimate of the CHP size proposed in kWe.

Transport (Transport for London)

The proposal generally comply with the London Plan subject to satisfactory resolution of the following: -

- The future residents should be ineligible for resident parking permit
- Six active and six passive Electric Vehicle Charging Points (EVPs) will need to be provided and monitored within the Travel Plan.
- A minimum of five residential visitor cycle parking spaces should be provided
- Travel Plan has passed ATTrBuTE assessment and would need to be secured, monitored and delivered through a s.106 Agreement.

- A Pedestrian Environmental Review System (PERS) survey that assesses the condition of the pedestrian environment in relation to the nearest public transport nodes and other places of interest was undertaken by the applicant. The Borough should seek contributions from the developer to provide dropped kerbs together with tactile paving and maintenance of footways and crossings where identified in the report.
- A Delivery and Servicing Plan (DSP) and Construction Logistic Plan (CLP) should be submitted to the Borough to be in line with London Plan Policy 6.14.
- The proposed development is in the Borough of Tower Hamlets and its charging schedule for Community Infrastructure Levy is £35 per square metre.

[OFFICER COMMENT: In relation to the ADF levels, GLA sought clarification on how many single aspect units fail ADF. The applicant has submitted further information and has confirmed that all single aspect units are fully compliant with current guidance. In relation to the potential impact to the Haggerston Park, a condition will be imposed to require details of lighting strategy to ensure that there are no significant adverse impacts arising from light spills. In addition, further details will be secured through planning conditions to ensure appropriate mitigation strategy is submitted and agreed to be implemented to minimise any impact to the ecology of the park.

In relation to wheelchair housing, these are proposed to be located on ground and first floor levels and this is considered to provide choice and inclusivity.

In relation to the size of the CHP, the applicant has confirmed that the minimum CHP sizing of 110kWth/65kWe. The Council's Energy Officer is satisfied with the sizing.

The details of the surface water attenuation have also been provided to GLA and the Council.

The works on the highway such as dropped kerbs and tactile paving will be secured through a s.278 Agreement and contributions towards highway works will also be secured through a s.106 Agreement.

All matters in relation to transport issue have been resolved.]

7.15 London Fire and Emergency Planning Authority

Further information was requested regarding fire service access and water supplies. Following this, applicant has submitted further information to the LFEPA demonstrating how the access can be provided.

[OFFICER COMMENT: No further comments have been raised by the LFEPA]

7.16 Natural England

The proposal is unlikely to affect any statutory protected sites or landscapes. However, further work is required to assess the impact on bats. Further information should be requested from the applicant before determination of the application.

Following this comment, the applicant has submitted a bat emergence and re-entry survey.

Natural England has not raised objections to the proposed development and are satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report.

A licence from Natural England will be required in order to carry out any works.

[OFFICER COMMENT: A condition will be imposed for the development to comply with the mitigation strategy submitted and any subsequent amendment/request by Natural England as a result of issuing the license.]

7.17 Conservation and Design Advice Panel.

Conservation and Design Advice Panel (CADAP) have raised concerns to:

- The proposed 39% of the units being single aspect units.
- The sunlight availability to the proposed communal courtyards
- There would be more overshadowing by the proposed development than the existing buildings
- The design approach to Kay Street building should incorporate more vertical structural piers and horizontal banding
- Projecting balconies on the 'pavilion' level increases the visual mass
- Proposed high level pavilions in relation to the parkland setting
- The proposed design forms a relatively quiet backdrop to the park for a building of its scale however, there is a concern that the overall results in a blank and placeless. Greater personality and quality could be achieved through materiality and detailing of facades.
- Visual impact when seen from the farm and the park.
- Further details on landscaping should be provided.
- Details of materials are not clear.

[OFFICER COMMENT: The design details and residential quality is expanded upon in paragraphs 9.59 – 9.69 of this report. Officers consider that the proposed design is adequately balanced which addresses all constraints of the site. The projecting balconies on the taller elements of the building have been removed which reduces the overall bulk. In addition, the taller elements are proposed to be setback from the parapet level of the main buildings which would further reduce the visual mass. It is considered that these provide visual interest to the building that is predominately in brick. Conditions will be imposed to secure the details of all materials which are a key element in delivering high quality development and applicants have submitted a materials palette which achieves suitable design quality.]

7.18 Thames Water

Surface Water drainage – With regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Service will be required.

A condition should be imposed on no impact piling, until a piling method statement has been received.

[OFFICER COMMENT: An appropriate worded condition will be imposed, and informatives added to inform applicant regarding surface water.]

7.19 London Borough of Hackney

London Borough of Hackney raises objection on the following grounds:

- It is considered that, in the absence of a detailed assessment of the impact of the proposed development on sunlight availability for Haggerston Park and Hackney City Farm, the proposal would result in harm to the ecological and amenity value of the park.

[OFFICER COMMENT: Since this objection, the applicant has submitted further shadowing diagram and this demonstrates only a small increase in the area of the park would be shaded by the new building. The LBTH Biodiversity Officer has commented that unless this part of the Park contains particularly important ecological features that would be adversely affected by shade (such as flower-rich meadows or ponds), the small increase in overshadowing would not be significant. Whilst there is a pond in Haggerston Park, it is not impacted by the overshadowing from the proposed development and there are no flower-rich meadows. The applicant's ecology consultant has also confirmed that that the overshadowing of Haggerston Park and Hackney City Farm, by the proposed development, would not vary drastically from the overshadowing by the existing structure.

Haggerston Park and Hackney City Farm would not to be overshadowed for the majority of the day, either by the existing structure or proposed development, and critically not when the sun is at its strongest. The ecology of the park and city farm does not appear to be affected by the current overshadowing and therefore it is not expect the ecology (including the trees) to be altered or affected by the proposed development.]

- In order to ensure that the works of demolition and construction do not have a detrimental impact on ecological value of Haggerston Park and Hackney City Farm, it is considered necessary to require an additional detailed ecological assessment to be carried out in line with the recommendation made in the Ecological Assessment submitted by the developer. The further ecological assessment should be reserved by a condition that must be discharged before any works of demolition or construction commence and Hackney should be notified of any application to discharge the condition.

[OFFICER COMMENT: Appropriately worded condition will be imposed]

- The light fittings on the Goldsmith's Row elevation of the proposed building should be required to be designed so that they do not permit light spill onto Haggerston Park or Hackney City Farm, in the interest of protecting ecological value of the park.

[OFFICER COMMENT: A condition requiring detailed lighting strategy will be requested for submission and approval prior to works commencing on site]

- The design detail of the proposed boundary treatment to Goldsmith's Row with integral ventilation for the basement car park should be reserved by condition, and Hackney should be notified of any application to discharge the condition.

[OFFICER COMMENT: Details of the integral ventilation treatment have been submitted which is detailed in the design section of the report. Nonetheless an appropriately worded condition will be imposed seeking detail of the materials.]

- The Council as the local highway authority for Goldsmith's Row wishes to make it clear that the development should not include any vehicular traffic on Goldsmith's Row, or any works to that highway.

[OFFICER COMMENT: The proposal will not rely on Goldsmith's Row for servicing and does not propose any vehicular entrances or exits on Goldsmith's Row. All vehicular movement associated with the proposed development would be on LBTH streets.]

- The Council is concerned that the design of the roof-top pavilions is not in keeping with the rest of the proposed building nor with surrounding development, and would prefer a more coherent design.

[OFFICER COMMENT: Since the consultation, the projecting balconies have been removed from the 'pavilions' and therefore it considered to be designed to create visual interest and this is discussed further in paragraph 9.47 of the report]

- The Council is concerned with the impact of the proposed scheme on the heritage value of the original hospital building on Hackney Road and would prefer to see a scheme that retained more of the original fabric of the building rather than the façade-retention scheme being proposed.

[OFFICER COMMENT: The design detail of the proposal, including façade retention is discussed in detail in paragraph 9.53 of this report]

7.20 The Victorian Society

The Victorian Society raises objection to the application and is summarised as follows:

- The proposed alteration to the top storey of the 1904 Hackney building is an entirely unnecessary change which would make this characterful façade plainer.
- Demolition of the Goldsmith's Row building would mean the loss of the earliest part of the structure. This forms an important part of the streetscape, forming an attractive backdrop to the weekly book market held on site. The loss of such a substantial historic building is regrettable.
- Loss of internal structures and fine interior details such as red and black tiling, doors, fire places, cornices etc.
- The demolition of the majority of the structures on this site would have a negative effect on the conservation area.

[OFFICER COMMENT: The design detail and heritage implications are dealt with in paragraphs 9.38 – 9.58 of this report.]

7.21 Health and Safety Executive (HSE)

HSE does not advise on safety grounds, against the granting of planning permission.

8. LOCAL REPRESENTATION

8.1 A total of 898 neighbouring properties (in LBTH and LBH borough boundaries) 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..

8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses:	56	Objecting:	56	Supporting:	0	Neither:	0
No of petitions received:	None						

8.3 The hospital building is a local landmark and part of the character of the area and does not include retention of the existing building. The existing buildings should be reused.

[OFFICER COMMENT: Apart from the building on Hackney Road, the hospital buildings are not designated heritage assets and therefore no protections are afforded to them. With regards to the Hackney Road building, the proposal includes retention of facades and is considered to be acceptable.]

8.4 Over development

[OFFICER COMMENT: The proposal, as outlined in this report, does not possess symptoms of overdevelopment and therefore the proposed density is considered to be acceptable which maximises the brownfield site for housing.]

- 8.5 Potential nuisance due to the location of the City Farm in relation to the proposed residential buildings. The animals within the farm are likely to make noise and the usual farm yard 'smell' and therefore a consideration should be given to ensure that this existing operation will not become subject to nuisance claim from residents and other occupier.

[OFFICER COMMENT: In planning terms, the proposed land use as residential is acceptable in this location and any future occupier would be aware of the existing farm nearby and its associated activities. The applicants have also stated they will seek legal advice to the potential option of using a covenant in the lease/rental to prohibiting nuisance claims against the Farm in relation to normal Farm activities]

- 8.6 Building work and disruption from the essential works should not affect the essential access to the Farm which is located on the corner of Goldsmith's Row and Hackney Road. Appropriate measures should be in place to minimise noise, dust etc from the site which may affect the running of the Farm and welfare of the animals.

[OFFICER COMMENT: The application is accompanied by a Code of Construction Practice Statement which outlines that the construction vehicle entrances would be accessed via Kay Street. Therefore it is not anticipated that the access to the Farm would be affected by the proposed development. In relation to the noise and dust etc. the statement further states that assessments will be made where noisy activities are carried out and regular monitoring would be carried out. Hours of construction would be restricted and conditioned. Further condition will be imposed to secure details of construction methods and mitigation strategies to minimise any impact arising from the construction process to the Park and the Farm.]

- 8.7 Daylight levels to the Farm

[OFFICER COMMENT: As detailed in the paragraphs 9.84 –9.96 of the report, the daylight levels will be within the BRE guidelines]

- 8.8 Change of street name from Goldsmith's Row to Muffin Lane

[OFFICER COMMENT: This is not the case, and the road name Goldsmith's Row will remain. The Muffin Lane is indicated on the application submission for the proposed internal pedestrianised access route.]

- 8.9 Impact of the proposed development on sunlight availability for Haggerston Park and Hackney City Farm

[OFFICER COMMENT: As detailed in the paragraphs 9.94 of the report, the daylight levels will be within the BRE guidelines]

- 8.10 Additional ecological assessment carried out to assess the impact on the ecological value of the Park and the Farm during construction process.

[OFFICER COMMENT: An appropriately worded condition will be added to secure Construction Management Plan and Ecological Assessment]

- 8.11 The light fittings on the Goldsmith's Row elevation of the proposed building should be designed so they do not permit light overspill on to the park.

[OFFICER COMMENT: Appropriately worded condition will be added to secure details of lighting]

8.12 The proposed change to the west facing gable end of the Hackney Road building is unacceptable.

[OFFICER COMMENT: This is discussed in paragraph 9.53 of the report]

8.13 The proposed pavilions on the building fronting Goldsmith's Row with metal cladding is a concern in townscape terms. The proposed design is generic and un-ambitious.

[OFFICER COMMENT: The design detail is expanded in paragraph 9.47 of this report]

8.14 Too high ratio of residential to non-residential units

[OFFICER COMMENT: The proposed quantum of residential is considered appropriate in context of the proposed non-residential uses. The site is not within a town centre or district centre and therefore high proportion of residential uses is appropriate in this location.]

8.15 The consultation period was during school holidays when majority of people are away. Site notices were not erected on the day it said it was erected.

[OFFICER COMMENT: The consultation was carried out in accordance with Article 13 of the Town and Country (Development Management) Order 2010; Section 73 of the Planning (Listed Buildings & Conservation Areas) Act 1990; and Regulation 5 of the Planning (Listed Building & Conservation Areas) Regulation 1990. In accordance with relevant sections of the Act mentioned above, the site notices were placed three different places: Goldsmith's Row, Hackney Road and Kay Street with relevant dates when they were displayed.]

8.16 Disappointed that the façade is not being retained

[OFFICER COMMENT: The proposal includes façade retention of the Hackney Road building]

8.17 Mulberry Tree within the site is not being protected

[OFFICER COMMENT: The Mulberry Tree was once located behind the Hackney Road building, but it was removed a long time ago.]

8.18 More commercial/retail units should be proposed along Goldsmith's Row connecting Broadway Markets and Columbia Road Market.

[OFFICER COMMENT: The site is not within a town centre or district centre and therefore introducing commercial activities will undermine nearby town centres. In addition, introducing high proportion of retail/commercial along Goldsmith's Row would require high level of servicing and deliveries which would alter the character and the use of Goldsmith's Row as a pedestrianised route.]

8.19 More cars and traffic will worsen

[OFFICER COMMENT: The proposal includes 30 car parking spaces. The access to the basement car park is to and from Kay Street. The submitted transport assessment identifies that the additional trips generated is unlikely to significantly impact the local highway network. Transportation and Highway issues are discussed more in detail in paragraphs 9.100 – 9.113 of this report.]

8.20 Planning obligations will not benefit the local population.

[OFFICER COMMENT: Appropriate planning obligations have been sought in line with the

Council's Planning Obligation SPD. This is discussed further in paragraphs 9.152-9.161 of this report]

8.21 The scale seems out of context with surrounding buildings

[OFFICER COMMENT: The design detail is expanded in paragraphs 9.38 – 9.52 of this report]

8.22 Impact to schools and doctors

[OFFICER COMMENT: Appropriate amount of s106 is being sought to mitigate impact from the proposed development which is detailed paragraphs 9.152 – 9.161 of this report.]

8.23 Too many parking spaces (including wheelchair spaces) are provided

[OFFICER COMMENT: The proposal accord with planning policies in relation to on-site parking spaces and this is detailed further in paragraphs 9.100 – 9.113 of this report.]

8.24 The access should be from Hackney Road and not from Goldsmith's Row

[OFFICER COMMENT: No vehicular access is proposed off Goldsmith's Row]

8.25 Lack of justification in the transport assessment

[OFFICER COMMENT: Highway issues are dealt fully in paragraphs 9.100 – 9.113 of this report]

8.26 Reduce light into flat and garden

[OFFICER COMMENT: Sunlight and daylight assessment is detailed in 9.84 – 9.96 of this report]

8.27 Overlooked by occupants of the proposed development

[OFFICER COMMENT: Amenity issues are dealt fully in paragraphs 9.79 – 9.83 of this report]

8.28 Security and noise from the car park entrance

[OFFICER COMMENT: The proposal enhances the natural surveillance and permeability through the site through the introduction of the 'Northern Lane'. The existing pedestrian path along the northern side of the application site is very narrow and itself has some security issues and therefore, the proposal is likely to improve this existing situation.]

8.29 Clear communication should be set out with the residents during construction stage and general nuisance from construction activity such as noise, dust, vibration

[OFFICER COMMENT: Code of Construction Practice will need to be entered into by the contractors which will be secured through a s.106 agreement and such include details of the site manager during construction phase.]

8.30 Impact on public transport (buses)

[OFFICER COMMENT: TfL have not raised any concerns in relation to the impact to the public transport network as a result of this development.]

8.31 Family Mosaic is a poor landlord and the current house the objector lives in is not maintained

properly.

[OFFICER COMMENT: Family mosaic have provided a response and states that the example being provided had an unfortunate instance with contractors. In any event, Family Mosaic have record of good management and the they are one of the Council's preferred RSL partners.]

9. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use.
- Housing
- Design
- Amenity
- Transport
- Energy and Environmental considerations
- Development viability / planning obligations

Land Use

9.2 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets.

9.3 Loss of the hospital Use

At a strategic level, Policy 3.17 'Health and social care facilities' recognises that London's growing population will need additional health care facilities and states that where local health services are being changed, the London Mayor will expect to see replacement services operational before the facilities are they replaced are closed, unless there is adequate justification for the change.

9.4 At a local level policy DM8 of the Managing Development Document 2013 states that health, leisure and community facilities will be protected where they meet an identified need and the buildings are considered suitable for their use. The loss of the facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being re-provided elsewhere in the borough.

9.5 In the case of the application site, the hospital use ceased in 1997 and was declared as surplus to NHS requirements. This has been re-confirmed in both 2006 and 2010 by PCT. The loss of the hospital use of this site is therefore acceptable.

9.6 Residential Use

In terms of residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885.

9.7 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types

and tenures, to help create sustainable communities

- 9.8 The subject site is a vacant brownfield site with no specific designations and is located within a predominantly residential area. In light of the above policies it is considered that the site is suitable for a residential development which provides sufficient level of affordable housing. The application seeks to provide 188 new homes of which 43% (by habitable room) would be affordable and would contribute to the Boroughs annual housing target and delivery of affordable housing.

Commercial/small enterprise units

- 9.9 Core Strategy SP01 part 5.b promotes areas outside of town centres for primarily residential use, as well as other supporting uses that are local in nature and scale.
- 9.10 The proposal includes 90.6sq.m. of floorspace, which will act as a flexible use unit to encourage business opportunities, in particular small and medium enterprises (SMEs). The site is not located within a town centre; therefore the proposed uses should be carefully considered in accordance with the following policies.
- 9.11 In relation to A1 Use, MDD policy DM2 only supports local shops outside town centres where; there is a need; to scale with surrounding context; does not affect the character and amenity of the area and; does not undermine the nearby town centre. The proposed three units fronting Goldsmith's Row range in size 14sq.m and 22 sq.m. The smaller units along the pedestrianised access 'Muffin Lane' is approximately 4.6sq.m each and 7 units are proposed. Small scale A1 use would complement existing commercial activities to the north of Goldsmith's Row and the book market on Sundays and is not likely to undermine the nearby town centre.
- 9.12 In relation to A2, A3, A4 Uses: To ensure vitality and viability of town centres MDD policy DM1 part 4 seeks to direct these uses to town centres. Again, the sizes of the units are small so that the impact to the town centre would be minimal. A3 and A4 uses are likely to have issues such as installation of extractor duct and associated smell and therefore a planning condition is proposed to control any installation and to ensure appropriate filters are installed.
- 9.13 B1 Use, the Core Strategy SP06 and MDD policy DM15 promotes a sustainable and diverse economy by ensuring a range and mix of employment uses in the borough, with a particular focus on SMEs. This use is acceptable in principle
- 9.14 D1 and D2
It is difficult to assess the application without knowing specific details of the D1 and D2 uses.
- 9.15 However, MDD policy DM8 directs these community facilities to town centres. Nonetheless, if a small scale community based activity which can be carried out in the proposed small units, these will be welcomed and as such, submission of the details of the D1 and D2 uses will be conditioned.
- 9.16 The applicant has offered the spaces for the Council to Manage it, to allow for affordable commercial units which will encourage small start-up businesses and/or community groups. The Council's Asset Management and the Employment Enterprise Team welcome the proposal and this can be secured as a non-financial obligation to the s.106.
- 9.17 Therefore, due to the proposed layout and size of the units, small scale activity would be welcomed in this location which may support community uses and/or complement the book market. It is noted that many residents have objected to the proposal in relation to the lack of commercial spaces as part of the re-development however, any large scale commercial activity would not be appropriate in this location. This is due to the application site location not being in a town centre and the associated servicing requirement would be difficult to facilitate due to the nature of Goldsmith's Row.

Housing

Policy summary

- 9.18 At the national level the NPPF seeks to ensure that wide choices of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities
- 9.19 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that Boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.20 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites.
- 9.21 Paragraph 3.74 of the London Plan states that affordable housing is normally required on-site.
- 9.22 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable rent to 30% intermediate housing provision.
- 9.23 A total of 188 residential units are proposed, of which 72 units would be affordable housing, which represents a total affordable housing provision of 43% based on habitable rooms.
- 9.24 Of the 72 affordable housing units, 48 units would be Affordable Rent and 24 units would be intermediate provision. This represents a split of 67% affordable rent and 33% intermediate housing provision. The scheme proposes to deliver the Affordable Rents, with rent levels in line with research POD undertaken for the Council to ensure affordability. The LBTH Housing team supports this approach.
- 9.25 Table 1: Affordable Rent levels (POD) for E2

	1bed	2bed	3bed	4bed	5bed
E2 POD rent levels inclusive of service charges	£203.56 per week	£224.52 per week	£270.85 per week	£298.67 per week	£332.90 per week

- 9.26 The proposal exceeds the minimum required affordable housing units on-site and provides split which closely reflects 70:30 in favour of rented accommodation and therefore the proposal would be acceptable and complies with policies mentioned above.

Housing Mix

- 9.27 Pursuant to Policy 3.8 of the London Plan, the development should '*... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups*'.
- 9.28 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the

most up-to-date housing needs assessment.

9.29 The following table summarises the proposed housing mix against policy DM3 of the Managing Development Document 2013 which seek to reflect the Borough's current housing needs.

9.30 Table 2: Housing mix

		Affordable Housing						Market Housing		
		Affordable Rent			Intermediate			Private Sale		
Unit Size	Total Units in Scheme	Units	%	MDD %	Units	%	MDD %	Units	%	MDD %
1bed	58	16	33	30	6	25	25	36	31	50
2bed	74	10	21	25	13	54	50	51	44	30
3bed	52	18	38	30	5	21	25	29	25	20
4bed	4	4	8	15	0			0		
Total	188	48	100	100	24	100	100	116	100	100

9.31 The unit mix for affordable rent sees a 33% provision of one beds against a policy target of 30%, a 21% provision of two beds against a policy target of 25%, a 38% provision of three beds against a policy target of 30%, and a 8% provision for four beds against a policy target of 15%.

9.32 The unit mix for the intermediate units sees a 25% provision of one bed against a policy target of 25%, a 54% provision of 2 beds against a policy target of 50%, and a 21% provision of three beds against a policy target of 25%.

9.33 Within the market housing provision, the scheme proposes a 31% provision for one bed against a policy target of 50%, a 44% provision for two beds against a policy target of 30%, and a 25% provision of three beds against a policy target of 20%.

Density

9.34 Whilst the proposed dwelling mix does not strictly accord with the Council's policy, it is only a very minor departure. In addition, the proposal seeks to provide higher proportion of 2 bed and three beds rather than 1 bed and the overall the scheme is providing 46% affordable rented family housing and therefore this is acceptable.

9.35 In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 2-3 the anticipated density range is 200-450 habitable rooms per hectare or 70-170 units per hectare; and urban areas with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260units per hectare. The applications site lies in PTAL 3 and 4 and has a density of 928hr/ha or 297u/ha and therefore would be above the recommended density range.

9.36 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;

- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.37 As detailed within this report, officers consider that the subject site can accommodate the proposed density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

Design

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

9.39 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 (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).

9.40 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 complement the local character, quality adaptable space and optimising the potential of the site.

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

9.42 The application is supported by a Design and Access Statement. The proposal is based on the principles of providing active street frontages through arranging the site with perimeter blocks reinforcing and creating new links through and adjacent to the proposed site. The perimeter block creates central communal courtyards and maximises the active street frontages allowing front doors of the dwellings to face onto the streets.

9.43 The new access links provide permeability through the site and pedestrian access from Coates Street to the entrance to Haggerston Park and vice versa. The central pedestrianised access link is proposed to be landscaped which would provide a visual corridor to the Park.

9.44 The proposed northern link improves the current narrow pedestrian access, improving security and permeability.

Scale and materials

9.45 The surrounding scale of buildings in the locality is varied from generally two to six storeys in height. There are also examples of stand-alone tall residential towers of the post-war period nearby which can reach up to 16 storeys.

9.46 This development comprises of a part 4, 5, 6, 8 and 9 storey building. The general scale of the development follows the Hackney Road building along Goldsmith's Row however this elevation has taller elements on the roof level reaching up to 9 storeys.

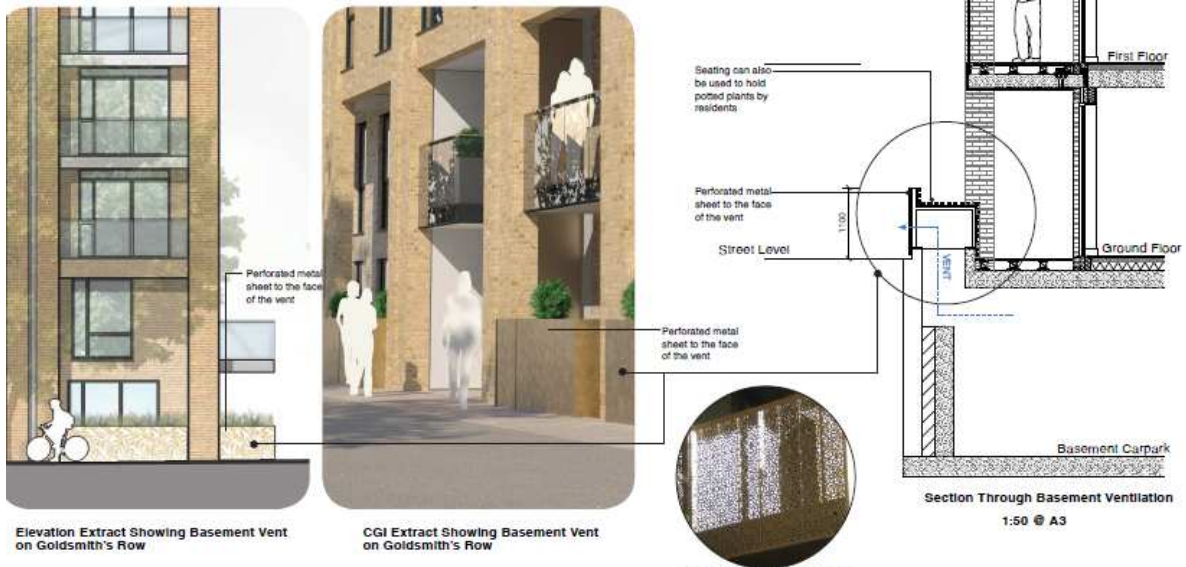
9.47 The proposed taller elements on Goldsmith's Row are not continuous façade on the roof top level of the main building, rather they are proposed to be broken up into four separate elements and the applicant has referred to these elements as 'pods' and/or 'pavilions'. Since the submission, the taller elements has been amended to omit projecting balconies following concerns raised from London Borough of Hackney, CADAP and objection raised by residents.



The removal of the projecting balconies on this level is supported and reduces the overall bulk of the taller additions. The taller elements are also set back from the parapet level which would appear less domineering. These features are also proposed to utilise more modern materials including glazing and aluminium rainscreencladding panels and therefore sample materials have been sought and officers consider the chosen material be acceptable. The combination of these design features reduce the overall bulk and scale in its appearance and provide visual interest and therefore it is supported.

- 9.48 The proposed building heights along the internal access roads are generally four and five storeys in height. Along Kay Street, the height of the building is at 4 storeys with 5th storey set back. This provides height transition from 3-7 storey Telford Homes residential development located north of the site to 3 to 4 storey residential buildings on the south which front onto Hackney Road.
- 9.49 The buildings are proposed to be constructed from a buff brick to complement the existing Hackney Road building and lighter coloured brick to the reveals. The proposal will also have stone banding which would provide visual termination of the building. The inset balconies would be glazed balustrades which would emphasise the deep reveals and shadow lines, articulating the building mass.
- 9.50 The ground floor of the Goldsmith's Row façade includes ventilation from the basement car park however the ventilation is proposed to be covered up with perforated metal sheets. The proposed metal sheeting will continue along the Goldsmith's Row (outside the ventilation area) to continue the uniformity. This approach is acceptable and details of this material will be conditioned.
- 9.51 It is considered that predominate use of the brick material would be in keeping with the character of the area and complement the Hackney Road Building.
- 9.52 The overall design approach is considered to be appropriate in the context of the area, and is considered to be designed sensitively around designated heritage assets.
- 9.53 In relation to the Hackney Road building, it is the only building within the application site which lies in a conservation area. The facades of the building are proposed to be retained with some extensions and alterations. The proposed extension and alteration would include enlargement

and addition of front dormer windows and an infill extension on the third floor and the roof level on the western side of the building. The front dormer windows together with the infill third floor extension provide symmetry to the building. The original Hackney Road building was designed in such a way to address a historic Rights of Lights issue and therefore the existing building appears to have a 'cut out' appearance on the third floor on the western elevation. The most notable alteration is the proposal to remove of the winter gardens on the front elevation. This is supported as it would revert the building back to its original appearance and it would also reveal much of the brick work and detailing which is hidden away from the streetscene by the covered balconies. The proposed alterations and extensions would not alter the overall scale of the building and would therefore respect the character of the conservation area.



9.54 *Hackney Road conservation area*

Policy DM27 of the MDD states that developments are required to protect and enhance the borough's heritage assets. Development should not result in any adverse impact upon the character, fabric or identify of the heritage asset and it should be appropriate in terms of design, scale, form, detailing and materials.

9.55 The application is accompanied by a Heritage Appraisal which assesses the historic significance of the former hospital site. It finds that the building of greatest heritage significance on the site is the 1904 building on Hackney Road by virtue of its intactness and its architectural quality. It finds that other buildings on the site are less significant and of little merit due to the later additions and alterations. Therefore, it concludes that the proposal to replace a number of existing buildings and the intended retention of the 1904 building on Hackney Road would fully satisfy policies for listed buildings and conservation areas, and strikes the correct balance between change and conservation that those policies seek. Officers have reviewed the appraisal and concur with the conclusions as outlined in the report.

9.56 The application is also accompanied by a Refurbishment Assessment Report which provides assessment of each building on site for its suitability of its re-use. It finds that the dilapidated condition of the buildings has severely compromised their refurbishment potential. Major remedial works will be required to address this and to stabilise the building for residential use. Further, the layout of the building and its conditions would result in inefficient use of the space and therefore it would reduce the site development potential by approximately 108 units. This will raise significant issues such as viability and in turn, affordable housing delivery and financial contributions. Given that none of the buildings, with the exception of the building on Hackney Road, are listed or in a Conservation Area the demolition of the buildings is considered acceptable.

9.57 It is also noted that the railing fence within the site along the frontage of the Hackney Road building is of character and presents the former use the building which is recognised locally. Therefore it will be conditioned for the front railings to be retained to preserve and recognise the historic use.

9.58 It is considered that the façade retention and improvements works associated with the Hackney Road building; predominant use of brick as the construction material for the development would reflect the materials used in the conservation area. The scale of the development is also considered appropriate in the context of the designated heritage assets, which would preserve the character and appearance of the conservation area and the listed buildings nearby. Therefore, the proposal to demolish the buildings (apart from the facades of the Hackney Road Building) on the application site to allow for a redevelopment is acceptable.

Quality of residential accommodation

9.59 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

9.60 In relation to the design of the open spaces, the proposed communal areas would be overlooked by the residents of the flats. The northern communal area would receive sunlight. The proposed southern courtyard would receive less direct sunlight however all the residents of the application site will have access to the northern courtyard which provides sufficient space standards for all residents of the development.

- 9.61 The proposal has been designed and laid out in such way that the individual and main entrances to the buildings would be highly visible from the surrounding streets and pedestrian access roads and therefore approaches to the dwellings would be satisfactory.
- 9.62 The design guide says internal corridors should have natural light, they should be a minimum of 1200mm wide, and properties at fourth floor and above should be served by at least one lift. The development meets all of these criteria apart from the Hackney Road building which does not provide natural light to the corridor. The stair core in the Hackney Road building is generally internal allowing the habitable spaces to make best use of the light and outlook available utilising the existing facades.
- 9.63 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development meets or exceeds the required standard.
- 9.64 The document also provides a baseline standard and a good practice standard for the size and layout of each room. The development complies with the good practice guidance for all aspects relating to living rooms, bedrooms and bathrooms. Storage cupboards are also provided within each dwelling. 38 of the 48 Affordable rented units have separate kitchen/diners and living rooms. All of the family sized units in the affordable rented units have separate kitchen/diners which are all appropriately sized (12sq.m +). The units without separate Kitchens/diners are mainly one beds and are provided with open plan kitchen/living rooms which are all above the minimum space standard 23sq.m. Meeting each of the good practice criteria is an indicator that this would be a high quality development that would provide a good standard of amenity for the future occupants of the dwellings.
- 9.65 The proposed development provides 64% dual aspect homes and where single aspect homes are proposed these are one and two bedroom flats. All of the affordable rented homes are dual aspect with the exception of 8 x 1bedroom units. None of the units are single aspect north facing dwellings.
- 9.66 As well as having a good internal space it is important to consider whether the occupants of the unit would be unduly overlooked to a degree where their privacy would be compromised. Policy DM25 of the Managing Development Document sets out that a distance of 18m between habitable room windows reduces inter-visibility to a degree acceptable to most people. This figure is a guideline and depends on the design and layout concerned.
- 9.67 For the ground floor units, the building is set back and designed around defensible space. This is sufficient to provide privacy to the occupants of these units. Within the application site where the central access road is proposed, the buildings are approximately 11m to 15m apart. In addition, the northern elevation which would face the neighbouring residential block at 45-58 Goldsmith's Row is 15m apart. Where habitable rooms face habitable rooms, windows have been designed to have oriole windows or off set to prevent direct overlooking. In all other cases, windows are either looking over streets or provide over 18m separation distances.
- 9.68 The proposal provides 19 units in total which are wheelchair accessible and this equates to 10% as required by the GLA's supplementary planning guidance note. The majority of the proposed wheelchair units are located on the ground floor with three being provided at 1st floor level which is considered to provide choice and inclusivity.
- 9.69 The proposed residential accommodation complies with the standards as set out in the GLA's Supplementary Planning Guidance Note, and the standards which are repeated in the Council's Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

Amenity space

9.70 The for all major developments it is anticipated that areas of public open space and communal amenity spaces are provided in addition to the requirement for private amenity space.

9.71 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. These spaces can be provided in the form of balconies, private gardens, and terraces. All of the proposed units, with the exception of 6 units in the Hackney Road building, have private amenity spaces which exceed the minimum standards as set out in the said policy. The six units of the total 24 units within the Hackney Road building have limitations due to the re-use of the existing façades and therefore introducing new balconies for the proposed flats would not be appropriate in design terms. Nonetheless, these units are provided with more than the minimum required internal dwelling area by 10sq.m or more and therefore it is considered that the flats are provided with sufficient internal amenity. These units will also have direct access to the communal amenity space and therefore, on balance, the overall proposal is satisfactory and provides adequate provision of private amenity space.

9.72 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, a provision with a minimum area of 223sq.m is required. The proposal provides in excess of the policy requirements, by providing two courtyard areas. The northern courtyard which receives some sunlight and is approximately 538sq.m of which 128sq.m would be children's play area. The southern courtyard is approximately 340sq.m of which 52sq.m is dedicated to children's play area. In total, the communal amenity space area equates to approximately 879sq.m on the site which is accessible to all the residents of the proposed development.

9.73 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and informal recreation SPG' provide guidance on acceptable levels and quality of children's play space. Policy DM4 of the Managing Development Document requires 10sq.m of play space per child. This policy is further expanded through its leading paragraphs which state that child play space provision for under 5s should be provided on site. The required quantum of play space is 160sq.m for the proposed development. The proposal provides two children play spaces in each court yard and in total provides 180sq.m which is in excess of the minimum requirement. These spaces are proposed to be mounded and play trails within sensory garden created with textured and colourful low shrubs for children under 5s.

9.74 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. An analysis of the existing play provision within 400m and 800m of the site has been carried out to understand whether there is suitable provision for the over 5s within easy walking distance from the site. Within 400m there are two parks; Haggerston Park (LB Hackney) which is immediately opposite to the application site and Ion Square Open Space which is located south of Hackney Road (100m). Within 800m there are several parks within the London Borough of Tower Hamlets. These parks have a variety of facilities including playgrounds, BMX trails, sporting facilities, a farm and café.

9.75 Therefore, the proposed on-site provision is considered to be an acceptable level of play space and adequate existing provision exist within the vicinity for older children for the proposed development.

Policy DM10 of the Managing Development Document 2013 seeks developments to provide

9.76 or contribute to the delivery of open spaces. Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.

9.77 The proposed development would require a 4,740sq.m on site provision, or a financial contribution towards public open spaces. Whilst technically not an open space, the proposal provides 515sq.m area of publicly accessible pedestrian route which is to be landscaped, tree lined with seating areas. This wide route would provide a pedestrian access and connectivity to Haggerston Park which has potential to contribute to the existing Green Grid. It is considered that the area would provide some benefit and amenity to the public and future occupiers of the development. The application is supported with a financial viability assessment which concludes that the development can only afford a limited amount of financial contributions. Given this, the financial contributions have been sought towards borough's priorities which are education provision, community facilities and employment. The details of the viability assessment and planning obligations are expanded later in this report. Therefore, on balance, given the viability constraints and the proposed public accessible route provided on site, the nil provision of public open space or contributions towards is considered to be acceptable in this instance.

Amenity

9.78 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD require developments to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

Privacy

9.79 Any loss of privacy which may occur to the neighbouring residents needs to be considered. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.

9.80 The proposed buildings have been designed appropriately to avoid directly facing habitable rooms. There are two areas of the proposal which breach the minimum 18m distance. The distance between the northern elevation of the proposed development of the northern perimeter block and the neighbouring block at 45-58 Goldsmith's Row is approximately 15m. All habitable room windows which have direct overlooking into the habitable rooms windows have been designed to have oriel windows which are windows with a splayed angle designed to avoid direct overlooking. Where balconies are proposed, it is proposed to have winter gardens which will have obscured glazing. Same design solution would be applied to windows within the development site along the proposed central access route.

9.81 The remainder of the proposal would provide sufficient separation distances. Therefore it is considered that the proposal minimises its impact on any overlooking and any loss of privacy.

Outlook / sense of enclosure

9.82 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.

9.83 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the surrounding residential occupiers.

Daylight and sunlight

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

9.85 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document 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.

9.86 The accompanying sunlight and daylight assessment considers the impacts of the development with respect to availability of daylight and sunlight into habitable rooms and/or windows and this has been independently reviewed by a specialist consultant.

9.87 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 a daylight distribution 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.

9.88 British Standard 8206 recommends ADF values for new residential dwellings, these being:

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

VSC

9.89 The reduction in VSC has been measured for 338 windows which surround the site. This includes the properties on Seabright House, 45-58 Goldsmith's Row, 337-355 Hackney Road, 338-340 Hackney Road, and Wyndham Deeds House. Of the 338 windows tested 36 (11%) do not meet the minimum VSC criteria in that the VSC figure is less than 27 and is less than 0.8 times its former value once the development is constructed.

9.90 According to the BRE guidelines reductions of more than 20% would have a noticeable effect to the occupants. The greatest loss of VSC occurs to 14 windows of Seabright House which are located on the ground and first floors, and 14 windows to 45-58 Goldsmith's Row. These are considered to have moderate impact.

Daylight Distribution (No Sky Line)

9.91 A further test has been carried out to understand how the daylight is distributed within the dwellings, this is known as the 'No skyline test' (NSL). This is an assessment which looks at an area of a room in a neighbouring property that can see the sky from the working plane (0.85m above the floor). Again, the results show that Seabright House and 45-58 Goldsmith's Row are the most affected properties with the rooms on the ground floor and first floors failing NSL. In the case of the rooms to 45-58 Goldsmith's Row, there are existing balconies above the rooms affected and therefore presents 'self-harm'. In addition, the current existing situation is that these two buildings do not have any obstructions at present as there are no buildings on the part of the application site which affects the properties at Goldsmith's Row and Seabright House. Therefore, any proposed buildings on this part of the application site would need to be substantially low in order not to have any impact to these neighbouring properties. In any event, 5 rooms in 45-58 Goldsmith's Row and 18 rooms in Seabright House would not meet the guidelines losing more than 20% of their area that can see the sky.

Sunlight (Average Probable Sunlight Hours)

9.92 The BRE Guideline uses Average Probable Sunlight Hours (APSH) as methodology for calculating sunlight levels. This considers the amount of total and winter sunlight. The BRE recommends that the APSH in the proposed situation should be at least 25% of the annual total of which 5% should be from the winter months. Only residential properties that face 90 degrees of due south are taken into account. The properties which fall within the testing parameters are windows in Seabright House, 45-58 Goldsmith's Row and 337 and 341

Hackney Road. All windows tested retain good level of APSH and any reductions are within the BRE Guidance.

Sunlight to gardens

- 9.93 The BRE guideline suggests a target of 50% of the open spaces to receive 2 or more hours of sunlight on March 21st. The proposal includes two communal amenity spaces in the southern and the northern courtyard. 33% of the northern courtyard would receive 2 or more hours of sunlight on 21st March. The southern courtyard will not receive 2 or more hours of sunlight on 21st March. The proposal would therefore not meet the BRE guidance in this instance.

Sunlight to open spaces – Haggerston Park and Hackney City Farm

- 9.94 The assessment shows that the areas of Hackney City Farm and the playground would receive 2 or more hours of sunlight for the proposed and existing conditions. There is no change from the existing to the proposed and 100% of both areas would receive two or more hours of sunlight and therefore the BRE guidelines are comfortably met.

- 9.95 A transient overshadowing diagram has also been submitted which shows overshadowing from the proposed throughout the day during December, March, September and June. The results show that there is a slight increase in the areas overshadowed by the proposed development in the mornings. Since the proposed development is to the east, from midday the situation is the same as the existing conditions therefore the impact is very minor.

- 9.96 Overall it is considered that the impact of the development on the neighbouring windows is acceptable, whilst there is a loss of light which would be noticeable to some of the surrounding occupants, the loss is not considered to be significantly detrimental enough to warrant a refusal of the site. Any redevelopment of the application site which seeks to maximise the housing potential it can offer would lead to a reduction in daylight when compared with a largely vacant/low dense site, in particular to the northern end of the application site. It is also regrettable that only 33% of the communal amenity area receives direct sunlight during the winter months however the site is located close to several parks nearby which can be enjoyed by the future occupants. It is the officer's opinion that the loss of daylight to a small number of properties compared to the provision of much needed family housing, that on balance, the development is acceptable in this regard.

Transport

- 9.97 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.
- 9.98 CS Policy SP08 & SP09 and Policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on safety and road network capacity; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 9.99 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 3/4 (1 being poor and 6 being excellent) which is a moderate/good rating.

Highways

- 9.100 The application proposes a basement car park which would be accessed via the proposed access road to the north of the site, accessed off Kay Street. Within the basement, 30 car parking spaces are proposed of which 9 would be disabled spaces and 3 spaces allocated to the affordable rented family units. An area for motorcycle parking is also included. Other deliveries and refuse collection will occur at surface level. On the eastern side of the proposed pedestrianised access road off Kay Street would be an area dedicated for larger delivery vehicles to stop and turn.

- 9.101 The forecast car trip rates generated by the development supplied in the Transport Assessment show that the development would have a minor impact on traffic levels on the local road network. On this basis, the level of on-site car parking is acceptable.
- 9.102 The forecast trip rates also show the development would have a more pronounced impact on the Kay Street and Coates Roads which would provide access to the on-site parking. As both these streets have narrow carriageway widths, the management of vehicles accessing the on-site car park should be as such to minimise the likelihood of vehicles waiting on the public highway (and in turn congestion) to enter the site. The proposal has been designed to provide a space on the northern access road (Northern Lane) for vehicle to pass each other which will limit any cars waiting on the highway.

Servicing / Deliveries and Refuse

- 9.103 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.
- 9.104 The site is bounded by three roads, Kay Street, Hackney Road and Goldsmith's Row. However Goldsmith's Row which is the site's largest frontage is a cycle and pedestrian route only. London Borough of Hackney who is the highway authority via agreement for this road objects to the use of this road for any vehicles. Therefore, the refuse collection will take place on Hackney Road and Kay Street only. There would be eight bin stores in total of which all have been appropriately located for occupiers of the proposed flats however 5 of the bin stores would be more than 10m from the collection point. A management strategy is proposed to be in place for the bins to be located in the on-site holding areas on the collection days. This is considered to be acceptable approach given the limitation on the use of Goldsmith's Row. The submitted servicing strategy outlines this approach which is acceptable.
- 9.105 In relation to the delivery vehicles, an area on the eastern side of the proposed pedestrianised route would be allocated for servicing vehicles to load and unload. As the proposal is predominately residential it is anticipated that large delivery vehicles would be very infrequent. The submitted servicing strategy states that abanksman will be provided with larger vehicles associated with residents moving in during the first phase of occupation of the proposed units. Thereafter larger delivery vehicle to the site is likely to be infrequent and associated with residents moving in and out. Given that an area of the eastern end side of the proposed pedestrianised route can accommodate loading areas for larger vehicles and turning area for transit vehicles is provided, the proposal is considered to be acceptable.
- 9.106 For the proposed commercial premises, due to the size of the commercial properties, it is not anticipated that a large service vehicles will be accessing the site. Rather, smaller transit vehicles or vans are anticipated. There are loading vehicles on the northern end and southern end of Goldsmith's Row which is outside of the dedicated cycle and pedestrian route, which can be utilised for the proposed commercial units.
- 9.107 It is considered that adequate servicing strategy is in place which would not significantly hinder the existing conditions of the local highway network. The Council's Highway officer is satisfied with the approach given the site constraints.

Car Parking

- 9.108 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 9.109 The proposed car parking of 30 spaces for 188 units (0.15 per unit) is below the London Plan and Tower Hamlets maximum standards. This has been found acceptable by both the Council's highways team and Transport for London. In order to minimise the impact of development on the surrounding highways in terms of parking stress the application would be

permit free which would ensure that the only car parking available to residents is that which is on-site.

- 9.110 In relation to the MDD Policy DM22.3 which requires a proportion of on-site parking to be allocated to affordable family homes, three spaces have been dedicated to affordable family homes. The basement car parking is not located directly accessible from the affordable units and therefore a fob key access arrangement is required which will be secured through a planning condition.
- 9.111 The proposal provides 9 wheelchair parking spaces which is more than the minimum required 10% of the total parking space. The wheelchair spaces will need to be made available for any occupiers of the wheelchair flats which can include affordable housing tenure.
- 9.112 In accordance with policy 6.13 of the London Plan 20% of the parking spaces should also be electric vehicle charging points with an additional 20% passive provision for possible future connection. This is proposed to be secured through a s.106 agreement.
- 9.113 The access into the car park is located on the western side of Kay Street. The applicant has demonstrated that there is sufficient visibility for drivers and also a layby for three cars to ensure that there would be no waiting cars on the highway (leading to congestion) and the highways department have confirmed that this is a satisfactory arrangement.

Provision for Cyclists

- 9.114 The development provides a total of 236 cycle spaces in separate cores of the building. The site also provides 8 visitor cycle spaces within the proposed pedestrianised access route. There are a total of 8 communal cycle stores in each core, and all provide Sheffield stands. The Council's standards require a minimum of 1 space per 1 or 2 bedroom flat and 2 spaces for 3 bedroom plus. These standards are mirrored in the London Plan. When each core is assessed, all of the cores provide relevant amount required for the amount of residential units in each core in the exception of two cores. These two cores are short of 4 and 6 spaces. It would be appropriate to condition for Core KA and Core HA to provide additional 4 and 6 cycle parking spaces, respectively.
- 9.115 Subject to a condition requiring additional cycle stands in two cores, the level of cycle parking and type of stands provided is considered to be acceptable and would help to promote cycling for the residents of the development.

Pedestrian Environment

- 9.116 As previously mentioned, the proposal includes two east-west access routes through the site. To the southern end of the site, a landscaped pedestrianised access route is provided which would be approximately 15m wide. The proposed northern end route will widen the existing pedestrian access route which current exists. However, this route would be mainly for private vehicle access for the development accessing the basement car parking area from Kay Street. Nonetheless, due to the nature of the access route being 6m wide it would be appropriate for pedestrians and cyclists. Public accessibility will be secured through a s.106 Agreement.
- 9.117 A financial contribution of £47,112 has been secured towards public realm improvements within the vicinity of the site. This mainly includes improvements to the footway of Hackney Road to improve local walking conditions

Inclusive Access

- 9.118 Policy 7.2 of the London Plan (2011), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.119 A growing awareness of the importance of creating environments that are accessible for all

people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind. Step free access is proposed to all communal areas allowing accessibility to wheelchair users or people with limited mobility. All of the wheelchair units proposed were assessed and have been designed satisfactorily to accommodate a wheelchair user.

- 9.120 The difference in hard landscaping treatments between the application site and the public footway would assist in indicating that a person has moved from the public realm to a semi-private space. Such details will be secured through a landscape condition.

Energy and Environmental Considerations

Energy

- 9.121 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.122 The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 9.123 The London Plan 2011 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).
- 9.124 The Managing Development Document Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a minimum Code for Sustainable Homes Level 4 rating.
- 9.125 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 reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.126 The Energy Strategy (dated January 2013), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean) and reduce CO2 emissions by 16%. The integration of a communal heating scheme incorporating a Combined Heat and Power is proposed to deliver CO2 savings to meet Policy DM29 requirements (35%).
- 9.127 The current proposals for delivering the space heating and hotwater are supported and it is

recommended that the strategy is secured through an appropriately worded Condition which specifies the minimum CHP sizing of 110kWth/65kWe.

- 9.128 There are no renewable energy technologies currently proposed for the scheme. As the CO2 savings (35%) are purported to be achievable from the first two elements of the energy hierarchy, it is accepted that in this specific instance no renewables are required for the site.
- 9.129 In terms of sustainability, the London Borough of Tower Hamlets requires all residential schemes to achieve a Code Level 4 rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document.
- 9.130 The submitted information commits to achieving a Code 4 rating, and a pre-assessment demonstrating this level is deliverable has been submitted. It is recommended that achievement of the excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council prior to occupation.

Air quality

- 9.131 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.132 In this case the development provides a minimal level of car parking, placing a reliance on more sustainable methods of transport.
- 9.133 The air quality assessment identifies that there will be a negligible effect on air quality resulting from this development. This is a result of the above, positive measure, combined with the impact of the construction process. It should also be noted that measures to control dust from the site during construction would be considered as part of a construction management plan.

Noise and Vibration

- 9.134 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.
- 9.135 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.
- 9.136 The development will mainly be exposed to external noise and vibration from vehicles movements on Hackney Road. Therefore, the new residential dwellings fronting Hackney Road will be exposed to a high degree of noise and vibration and would be required to meet 'good' design standards of BS8233. The applicant has confirmed that the dwellings within the Hackney Road building will meet a good standard. Such details of meeting good standards such as glazing and ventilation will be required and is secured through planning condition.
- 9.137 Details of any mechanical and extraction plant including kitchen extract and air controlling

systems should also meet the requirements of World Health Organisation standard and details are requested through planning condition.

- 9.138 Construction activities should also be controlled to normal council policy working hours and the method of piling should be agreed, as any impact piling should be avoided at this particular location.

Contamination

- 9.139 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Land Contamination Assessment which assesses the likely contamination of the site.
- 9.140 The Council's Environmental Health Officer has reviewed the documentation, and noted that the assessment provides results of intrusive investigation works. Therefore, a condition requiring remedial works to render the site suitable for its proposed end-use.

Biodiversity

- 9.141 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings. Bats are protected pursuant to the Conservation (Natural Habitats &c.) Regulations 1994 ('the Habitats Regulations'), which prohibit deliberate disturbance of a European Protected Species. Disturbance as a result of major development can be licensed by Natural England provided it meets the three tests - Will there be a significant impact on the population or conservation status of bats in the area; Is there a satisfactory alternative; and are there imperative reasons of overriding public interest why the licence should be granted.
- 9.142

The application was accompanied with an initial bat survey and further bat surveys were undertaken. The survey has found that the development will result in the destruction of a non-maternity summer roost of a small number of Common Pipistrelles. This is a common widespread species of bat and therefore the loss of the roost would not have a major impact on the population or conservation status of the species in the area. In addition, the mitigation strategy as have been submitted which include works being carried out outside active season, roosting boxes being made available during and post construction works. The Council's biodiversity officer has reviewed the proposal and considered the mitigation set out in the method statement is satisfactory and considers that there would not be any impact on the population or conservation of the species. The need for housing, especially social housing in the area provides the imperative reason for overriding public interest required to permit the disturbance of a European protected species. Therefore, subject to condition requiring the mitigation measures to be carried out, the proposal is would not have a detrimental impact of the protected species. A condition is required for all proposed mitigation measures to be implemented as set out in the Method Statements (and subject to any additions or modifications required by Natural England).

9.143

Natural England has not raised object to the proposed development and are satisfied that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report. A licence from Natural England will be required in order to carry out any works.

- 9.144 Through the provision of a landscaping scheme that includes the creation of a biodiversity area including native planting at ground level such as trees, scrubs and ornamental planting the proposed development provides an ecological enhancement to the local area.
- 9.145 The proposal also seeks to incorporate a range of biodiversity measures including planting of trees, plants and grasses throughout the site and installation of brown roofs.

Health Considerations

- 9.146 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.
- 9.147 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.
- 9.148 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.
- 9.149 The applicant has agreed to a financial contribution of £81,000 to be pooled to allow for expenditure on health care provision within the Borough.
- 9.150 The application will also propose public accessible routes, which provide connectivity with Haggerston Park; children play areas and communal amenity space provisions 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.
- 9.151 It is therefore considered that the financial contribution towards healthcare and new access routes 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.

Planning Obligations and CIL

- 9.152 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.153 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.
- 9.154 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.
- 9.155 Securing appropriate planning contributions is further supported by 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.
- 9.156 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

- 9.157 In order to ensure that the proposed development was deliverable and viable, a financial appraisal which assesses the 43% affordable housing and a contribution of £645,790 was submitted by the applicants. This was independently assessed on behalf of the Council. The appraisal concluded that the proposed development is not viable. A sensitivity test was carried to review if the development would be viable with 35% affordable housing and associated financial contributions. However, it was found that this is also not a viable option.
- 9.158 The joint applicant, Family Mosaic, consider this as an opportunity site to provide high level of affordable housing in this location and therefore whilst it may not be viable, the applicant have stated the 43% of affordable housing will be delivered through cross-subsidies from other business activities (which may be internal subsidy or social housing grant funding). Also, the applicant is providing a financial contribution of £645,790 to mitigate the impacts arising from the development as they recognise the need for mitigation measures.
- 9.159 It is a unique opportunity to seek higher proportion of affordable housing and given the borough's priority, and on balance, the proposal is considered to be acceptable in this instance. Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document 2013with Modifications and Planning Obligations SPD (2012).
- 9.160 In line with the Council's SPD, the proposal would have required a total of £1,554,567 financial contributions. This high amount is reflective of the proposed affordable housing numbers which generates a higher child yield and population.
- 9.161 Having regard to the viability of the scheme and the Council's priorities, the monies have been allocated to and proportioned as set out below. These planning obligations have been discussed and agreed by the Planning Contribution Overview Panel.
- A contribution of £415,240 towards Education facilities to mitigate against the demand of the additional population on education facilities.
 - A contribution of £39,897 towards employment and enterprise.
 - A contribution of £49,879 towards Community and leisure facilities.
 - A contribution of £81,000 towards health facilities.
 - A contribution of £47,112 towards streetscene improvements
 - £12,662 towards S106 monitoring fee (2%)

Total: £645,790

Non-Financial Obligations

- 43% affordable housing by habitable room

- 68% Affordable Rent at POD levels
 - 32% Intermediate Affordable Housing
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction)
 - c) Car-free agreement to restrict occupants applying for parking permits
 - d) Code of Construction Practice
 - e) Travel Plan monitoring
 - f) Electric Vehicle Charging points to be provided to London Plan Standards together with monitoring of their use to indicate when the passive provisions of spaces are brought into operation.
 - g) Public access through 'Muffin Lane' and 'Northern Lane'
 - h) Management of commercial spaces by LBTH (Employment and Enterprise)

Local Finance Considerations

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

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

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

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

9.163 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.; Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

9.164 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £442,520 (which is based on application for CIL relief/exemption for the affordable housing units.

9.165 With regards to the New Home Bonus. 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 un-ring-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.

9.166 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 £293,819 in the first year and a total payment £1,762,912 over 6 years. 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

9.167 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:-

9.168 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".

9.169 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.

9.170 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.

9.171 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.

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

9.173 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.

9.174 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

- 9.175 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.
- 9.176 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.
- 9.177 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.178 The community related uses and contributions (which will be accessible by all), 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.
- 9.179 The contributions to affordable housing support community wellbeing and social cohesion.

10 Conclusions

- 10.1 The proposal represents a high quality, well designed residential scheme which would provide much needed affordable housing, a substantial proportion of which is social rented family homes. The proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.