

DEVELOPMENT COMMITTEE

Thursday, 15 December 2016 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor Andrew Cregan
Councillor Sabina Akhtar, Councillor John Pierce, Councillor Suluk Ahmed, Councillor
Gulam Kibria Choudhury and Councillor Chris Chapman

Substitutes:

Councillor Denise Jones, Councillor Candida Ronald, Councillor Helal Uddin, Councillor
Harun Miah, Councillor Mahbub Alam, Councillor Andrew Wood and Councillor Julia
Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 13 December 2016**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 14
December 2016**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: zoe.folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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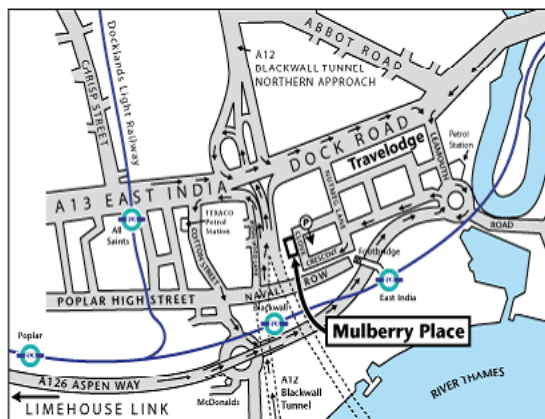
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 23rd November 2016.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

None.

5.	PLANNING APPLICATIONS FOR DECISION	17 - 18	
5 .1	Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital) (PA/15/02774)	19 - 32	Whitechapel
	<p>Proposal:</p> <p>Application for variation of condition no. 1 (temporary time period) of planning permission dated 16/11/2012, ref: PA/12/01817 for the retention of a temporary car park until 31st December 2017.</p> <p>Application:</p> <p>That the Committee resolves to APPROVE the grant of planning permission for the variation of condition no. 1 (temporary time period) subject to the conditions in the Committee report.</p>		
5 .2	42-44 Aberfeldy Street, E14 0NU (PA/16/01213 and PA/16/01214)	33 - 42	Lansbury
	<p>Proposal:</p> <p>PA/16/01213 (Full planning application) The retention of an existing ATM (in an alternate location), including re-placing part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround, security mirrors, a privacy zone and no illumination.</p> <p>PA/16/01214 (Advertisement application) The retention of an existing ATM (in an alternate location), including re-placing part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround, security mirrors, a privacy zone and no illumination.</p> <p>Recommendation:</p> <p>That the Committee resolve to GRANT both planning permission and advertisement consent subject to the conditions in the Committee report.</p>		

5.3 (Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London (PA/16/02295)

43 - 76

Mile End

Proposal:

Residential development comprising 20 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from six storeys to nine storeys.

Recommendation:

That the Committee resolve to GRANT planning permission subject to conditions and informatives as set out in the Committee report

6. OTHER PLANNING MATTERS

None

Next Meeting of the Development Committee

Wednesday, 11 January 2017 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Graham White, Acting Corporate Director of Law Probity and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 23 NOVEMBER 2016

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Marc Francis (Chair)
Councillor Andrew Cregan
Councillor Sabina Akhtar
Councillor John Pierce (item 5.1)
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Chris Chapman
Councillor Candida Ronald (Substitute for Councillor John Pierce items 1 – 4.2)

Other Councillors Present:

Apologies:

None

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Marcus Woody	(Legal Advisor, Legal Services, Directorate Law, Probity and Governance)
Tim Ross	(Team Leader, Planning Services Development and Renewal)
Jennifer Chivers	(Planning Officer, Development and Renewal)
Hannah Connell	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of interest were reported

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 26 October 2016 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street (PA/15/03561)

Update report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated works.

He reported that the application was previously considered at the 28 September 2016 meeting of the Development Committee where Members deferred the consideration of the application for a site visit. Following which, the application was brought back the Committee on 26th October 2016 where Members were minded to refuse the application for the reasons in the updated Committee report.

Officers have since considered the Committee proposed reasons and had drafted suggested detailed reasons for refusal as set out in the updated report.

Tim Ross, (Planning Services) gave a brief presentation on the application and the suggested reasons for refusal. He advised that since the October Committee meeting, comments had been received from objectors about the

impact of the development on the nearby Tasman House and the properties adjacent to Site C. The objectors considered that the impact on which should be included in the Committee reasons for refusal. However, Officers considered that the properties in Tasman House would not be significantly affected by the application given the level of BRE compliance in relation to daylight and sunlight, so did not consider that these issues should be included in the Committee's reasons.

In response, Members supported the suggested reasons for refusal and concurred with Officers views regarding Tasman House, as reported above.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 6 against and 0 abstentions, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 23 November 2016 and on a vote of 6 in favour, 0 against and 0 abstentions, the Committee **RESOLVED**:

That planning permission be **REFUSED** at Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street for Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses (PA/15/03561) for the following reasons as set out in the Committee report, dated 23 November 2016:

Impact of highway network

1. The existing narrow streets and lack of dedicated drop-off provision will result in a detrimental impact upon the safety and free-flow of traffic in the surrounding street network due to the servicing requirements and vehicle movements generated by the proposal, contrary to policies SP09 of the Core Strategy 2010 and DM20 of the Managing Development Document 2013 which seeks to ensure that new development does not have an adverse impact upon the safety and capacity of the road network.

Impact of neighbour's amenity

2. The proposed development will have unacceptable adverse impact on the amenity of occupiers of nearby properties due to a detrimental reduction in daylighting and sunlighting conditions of neighbouring residential properties located within Ross House and 10-12 Clave Street. The proposals are therefore contrary to Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of

existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

Impact of heritage assets

3. The proposed development, by way of the design, scale, height, and profile, compared to the buildings to be demolished, would appear as a visually incongruous to the local area and fails to respect the scale, proportions and architecture of the former buildings. As a result, the development would cause less than substantial harm to the character and appearance of the Wapping Wall Conservation Area and would fail to preserve the character of this heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.

As a result the proposal is not considered to be sustainable development, contrary to paragraph 14 of the National Planning Policy Framework (2012), and fails to meet the requirements of Policy SP10 of the Council's adopted Core Strategy (2010), Policies DM24 and DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012) as well as the Wapping Wall Conservation Area Appraisal and Management Guidelines (2009).

Councillor Gulam Kibria Choudhury did not vote on this application having not been present at the meeting on 28th September 2016 when it was previously considered

4.2 Harley House and Campion House, Frances Wharf, London (PA/15/03433)

Paul Buckenham (Development Manager, Development and Renewal) presented the application for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit.

He reported that the application was previously considered at the 28 September 2016 meeting of the Committee where Members were minded to refuse the application for the reasons set out in the updated Committee report. Officers had since assessed the Committees reasons and had drafted detailed reasons for refusal as set out in the report.

Mr Buckenham summarised the suggested reasons. He also explained the reasons why Officers felt that the reason relating to incremental development could be sustained at appeal given the findings of a recent appeal case and the precedent set by this.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 5 against and 1 abstention, the Committee did not agree the Officer recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be refused for the reasons set out in the Committee report dated 23 November 2016 and on a vote of 5 in favour, 0 against and 1 abstention, the Committee **RESOLVED**:

That planning permission be **REFUSED** at Harley House and Campion House, Frances Wharf, London for roof extensions at 7th floor and 9th floor levels to provide 6 new residential units along with the reconfiguration of 1 existing unit (PA/15/03433) for the following reasons as set out in the Committee report, dated 23 November 2016

Density

1. The proposed development by reason of its excessive density constitutes overdevelopment of the site, which is exhibited by the resulting inadequate access to sunlight and daylight for neighbouring residential properties. There is no exceptional circumstance to justify exceeding the advised density range for this development site. The development is contrary to the NPPF, policies 3.4 of the London Plan (MALP 2016), SP02 of the Core Strategy (2010) and the London Plan Housing SPG (2016).

Amenity

2. The proposed additional storeys at 7th and 9th floor levels, by reasons of their siting, form and mass would result in unacceptable sunlight and daylight failures to existing residential units and the construction of the development would result in an unacceptable level of noise, vibration and dust pollution for existing residents and building occupiers. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policy DM25 in the Managing Development Document (2013), along with the objectives set out in the National Planning Policy Framework (2012), which seek to ensure that development safeguards the amenity of surrounding existing and future residents and building occupants.

Incremental Development

3. The absence of a policy compliant affordable housing provision for this incremental development would fail to ensure the development contributes to the creation of socially balanced and inclusive communities. As a result the proposal is contrary to policy SP02 (3) which requires housing development to provide 35%-50% affordable housing on all sites providing a total of 10 or more residential units.

Design

4. The proposed additional storeys to the existing building at 7th and 9th floor levels, by reasons of its scale, bulk and appearance; and when considered in conjunction with the overall character of its immediate environs, would have a detrimental effect on the appearance and

character of the surrounding area and the adjacent Limehouse Cut conservation area. The proposal is therefore contrary to Policy SP10 of the Adopted Core Strategy (2010) and Policies DM24 and DM27 in the Managing Development Document (2013), along with the objectives set out in the National Planning Policy Framework (2012), which seek to ensure that development is appropriate in terms of design, is sensitive to and enhances the local character and its setting, and protects and enhances the borough's heritage assets.

Councillor Gulam Kibria Choudhury did not vote on this application having not been present at the meeting on 28th September 2016 when the application was previously considered

4.3 Holland Estate, Commercial Street, London (PA/16/01628)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, for a proposed minor material amendment to the approved development comprising –

- the introduction of a new security gate between No.16 and No.36 Goulston Street,
- the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and
- the omission of the approved pedestrian access route between Herbert House and Jacobson House.

The Committee noted that the application was previously considered at the 26 October 2016 meeting of the Development Committee where Members were minded to grant the application for the reasons in the Committee report, contrary to the Officers recommendation to refuse the application.

Officers have since drafted suggested reasons for approving the application as well as detailed conditions as set out in the update report.

The Committee were also advised of a recent development in respect of a planning appeal for an almost identical application, (PA/16/00254) that had been determined by the Council under delegated powers.

It was reported that on 31st October 2016, the Council received notification of the appeal decision. The Inspector dismissed the appeal and upheld the Officers decision to refuse the application. The appeal decision was a material consideration in considering this application. A copy of the appeal decision was attached to the Committee report.

Jennifer Chivers (Planning Services) presented the report summarising the key features of the scheme and the appeal decision. In response to questions about the appeal decision and the implications of this, Officers stressed that the Committee may still reach their own decision on the application and that

they ultimately had the power to determine the application. They should however have regard to the appeal decision in reaching the decision. The Committee noted this advice.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 4 against and 1 abstention, the Committee did not agree the Officer recommendation to refuse planning permission.

Accordingly, Councillor Marc Francis proposed a motion that the planning permission be granted and on a vote of 4 in favour, 0 against and 1 abstention the Committee **RESOLVED:**

1. That the Application for variation of Condition 29 (approved plans) of planning permission reference PA/08/02347, dated 1st April 2010, be GRANTED for a proposed minor material amendment to the approved development comprising the introduction of a new security gate between No.16 and No.36 Goulston Street, the removal of the existing security gates to the courtyards of Herbert House and Jacobson House, and the omission of the approved pedestrian access route between Herbert House and Jacobson House, for the reasons set out in the 23rd November 2016 Committee report subject to:
2. The conditions and informatives set out in the 23 November 2016 Committee report.
3. The prior completion of a legal agreement to carry over all of the obligations relating to the section 106 agreement required for the original planning permission, taking account of the revised conditions.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

Councillor Andrew Cregan left the meeting for the consideration of this item, having declared a prejudicial interest in the item when it was previously considered at the 26th October 2016 Development Committee meeting. This was on the basis that the Councillor was a Council appointed Board Member of East End Homes.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Site at corner of Buxton Street and Spital Street, London (PA/16/01832)

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for the demolition of the existing store building, substation and workshop and boundary wall to Buxton Street and Spital Street

up to the Cooperage Building and the erection of a 3 storey high Data Centre with mixed used accommodation and associated works.

Hannah Connell (Planning Services) presented the detailed report, being brought to the Committee as the planning permission for the application had now expired. The Committee were advised of the site location, the surrounding area and the key features of the application. It was reported that the land use remained acceptable. It was also considered that the height scale, bulk and design responded satisfactorily to the area, with set backs in the design to enable the provision of pavement on Buxton Street. Whilst the proposal would result in the loss of buildings, it was not considered that this would harm the setting of the Conservation Area. An objection had been received about the impact on air quality, views, the loss of light and height of the building. Officers did not consider that plans, subject to the application of the conditions, would have any undue impact in terms of these issues. The application also included energy efficiency and sustainability measures. Officers were recommending that the application was granted planning permission.

In response to questions about the cycle parking, Officers explained the differences between the TFL and the London Plan requirements. The scheme would provide 10 cycle spaces that fell short of the relevant policy requirements. However, more would be provided if needed. In response to questions about the loss on the trees, it was reported that a tree protection plan would be secured by condition. In addition, the application would deliver a number of public realm improvements. Given this, Officers considered that the proposal would preserve the biodiversity value of the site.

In response to further questions, Officers provided reassurances about the design of the proposal and the impact on the character of the area. Officers also answered questions about the number of jobs that would be created by the proposal, the proposed sum for employment initiatives that accorded with the provisions of the Planning Obligations SPD.

The Committee also requested that more images should be included in the Committee reports in the future.

On a vote of 6 in favour 0 against and 1 abstention, the Committee **RESOLVED:**

1. That the planning permission be **GRANTED** at Site at corner of Buxton Street and Spital Street, London for the Demolition of the existing store building, substation and workshop and boundary wall to Buxton Street and Spital Street up to the Cooperage Building and erection of a 3 storey high Data Centre with basement accommodation (Use Class B8) including provision of Use Class B1 enterprise / D1 training floorspace, provision of rooftop satellite dishes, roof mounted mechanical plant, security fencing and bollards, cycle parking and provision of two electric charging car parking spaces (PA/16/01832) subject to:

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
4. That if, within three months of the date of this committee meeting the legal agreement has not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report
6. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

5.2 Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital) (PA/15/02774)

Application deferred for consideration at the 15th December 2016 Development Committee.

6. OTHER PLANNING MATTERS

None

The meeting ended at 7.50 p.m.

Chair, Councillor Marc Francis
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 <p>Council’s Constitution</p>

Agenda Item 5

Committee: Development	Date: 15 th December 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 5.1

Committee: Development Committee	Date: 15 th December 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Applications for Planning Permission Ref No: PA/15/02774
Case Officer: Adam Hussain	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Site at South East Junction of Whitechapel Road and New Road, Whitechapel Road (Royal London Hospital)

Existing Use: Temporary Car Park (Use Class: Sui Generis)

Proposal: Application for variation of condition no. 1 (temporary time period) of planning permission dated 16/11/2012, ref: PA/12/01817 for the retention of a temporary car park until 31st December 2017.

Drawing and documents: Drawing ref. RLH-L52-TPExt-002-DWG-001; Site Location Plan. AE/LN/00/00/07.

Letter titled 'Decant Strategy' - dated 26th September 2016.

Applicant: Barts NHS Health Trust

Ownership: Barts NHS Health Trust

Historic Building: Grade II Listed Terrace adjoins to South

Conservation Area: London Hospital

2. EXECUTIVE SUMMARY

2.1 The officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Core Strategy (2010), Tower Hamlets Managing Development Document (2013) the London Plan (2015) and National Planning Policy Framework (2012) and has found that:

2.2 The proposal for an extension of time of the temporary car park raises concerns. This is in the context of the number of extensions of time that have been sought previously. It is also in the context of the impacts of the proposal on the provision of open space and on the character, setting and appearance of the identified heritage assets.

- 2.3 During the life of the application the applicants have responded to these concerns in writing. The applicants have acknowledged that the use has been in place far longer than originally anticipated. The applicants have stated that this is the final time they intend to seek an extension of the approved time for this use. The applicants have submitted a timetable for decant of the site and restoration to green landscaped public realm
- 2.4 In the context of this response Officers consider the applicants are now fully aware of the planning policy assessment of the continued use of the car park. In the context of the intentions for decant set out by the Trust and the reinstatement of the site to public realm, Officers consider the proposal for an extension of time until 31st December 2017 is acceptable.

3. RECOMMENDATION

- 3.1 That the Committee resolves to **APPROVE the grant of planning permission for the** variation of condition no. 1 (temporary time period) to read as follows:

1. The use hereby permitted shall be retained for a temporary period only until 31st December 2017 on or before which date the use shall be discontinued.

Reason: The car park is detrimental to the character and appearance of the London Hospital Estate Conservation Area, and to the provision of public open space, and is unacceptable other than for this period.

- 3.2 The following existing conditions shall continue to apply to any consent:

2. For the duration of the use of the land as a car park, a temporary traffic barrier shall be maintained across Mount Terrace for the use of residents and the utility and emergency services and to prevent other vehicles from using Mount Terrace other than at the entrance to the car park.

Reason: In the interests of security and to protect the amenity of residents in Mount Terrace in accordance with policy SP10 (4) of the Tower Hamlets Core Strategy 2010, policy DM25 of the Tower Hamlets Managing Development Document (2013).

3. For the duration of the use of the land as a car park, a traffic barrier shall be maintained across the entrance to the car park and operated in accordance with the BARTS Health NHS Trust parking permit process.

Reason: In the interests of security and to protect the amenity of residents in Mount Terrace in accordance with policy SP10 (4) of the Tower Hamlets Core Strategy 2010, policy DM25 of the Tower Hamlets Managing Development Document (2013).

4. On the discontinuance of the use, the site shall be landscaped in accordance with the details approved by the council on 13 June 2008 under Ref. PA/08/771 pursuant to Condition 14 of Planning Permission PA/04/00363 or any alternative details that may be approved by the local planning authority. The landscaping shall be completed by the end of the first planting season following the cessation of the use. Any trees or plants which within a period of 5 years from the completion of the approved landscaping scheme die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure the reinstatement and satisfactory appearance of the grounds of the Royal London Hospital is acceptable in accordance with the requirements of policy SP04 of the Tower Hamlets Core Strategy 2010.

5. CCTV camera surveillance of the car park and its entrance together with the lighting bollards shown on the plan hereby approved shall be maintained for the duration of the use.

Reason: In the interests of security and to protect the amenity of residents in Mount Terrace in accordance with policy SP10 (4) of the Tower Hamlets Core Strategy 2010, policy DM25 of the Tower Hamlets Managing Development Document (2013).

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The continued use of the existing temporary car park up until 31st December 2017. The car park consists of 34 spaces for staff of the hospital. The car park is hard landscaped at ground level.



Fig.1: Application site.

Site and Surroundings

- 4.2 The application site is a car park roughly rectangular in shape with an area of approximately 0.097ha. The car park is located immediately to the east of the junction of Whitechapel Road and New Road. It is accessed from New Road, via the western end of Mount Terrace.
- 4.3 The car park is located adjacent to 22-34 Mount Terrace, to the south. This is a terrace of Grade II listed late 18th century/early 19th century three-storey residential properties. The application site is located within the London Hospital conservation area.

4.4 Prior to the implementation of the temporary car park the application site was a green open space with mature trees, although it is understood it was not open to the public. The 2005 redevelopment consent for the Royal London Hospital includes this as a green landscaped space. The application subject of this report was first approved in 2005 to provide temporary facilities on this site during the hospital construction works. The temporary consent includes a condition to secure the reinstatement of the site as a green landscaped space following the cessation of the temporary use.



Fig. 2: Hospital Redevelopment Consent: Application site outlined in red.

Background

- 4.5 The application seeks to vary condition 1 of the planning permission PA/12/01817. This condition controls the period in which the temporary use can be in place. The use was first approved in 2005. This consisted of a temporary restaurant and car park and was permitted until November 2010. A subsequent application for extension of this use until November 2012 was approved. After this the restaurant element was no longer needed. An application for extension of the car park use until December 2015 was approved. The application subject of this report seeks to extend the car park use until December 2017.
- 4.6 The original application was approved subject to a number of conditions. Condition 14 requires submission and approval of details of the reinstatement scheme for the site. Details pursuant to this condition were submitted by the Barts NHS Trust in 2008 and subsequently approved. The approved treatment is a green landscaped space with a number of new trees. The condition requires the approved reinstatement treatment to be implemented by the end of the first

planting season following the cessation of the use.

- 4.7 The redevelopment consent for the hospital includes permission for a permanent solution to car parking. The consent provides for a purpose-built multi-storey car park to accommodate 322 spaces, to be built on the corner of New Road and Stepney Way. The previous extensions of time for the temporary car park have been considered on the premise of the multi-storey car park being built. The current application was also accompanied by a planning statement that referred to this being a temporary extension until the permanent parking solution was implemented. The Trust have now acknowledged that they no longer intend to build the multi-storey and are looking at redevelopment options for the wider site.

5 Relevant Planning History

- 5.1 PA/04/00363: Erection of a temporary restaurant (with 200 covers, ancillary kitchens and preparation areas) with car park and service access, together with the removal from site of any hazardous material that may be identified. Approved: 31st March 2005.

This was a temporary permission until 1st November 2010.

- 5.3 PA/08/00771: Reinstatement of front lawn upon cessation of use of temporary staff restaurant and car park pursuant to condition 14 of planning permission dated 31st March 2005, reference PA/04/00363. Approved: 13th June 2008.

This application is for approval of details of how the application site will be reinstated after the temporary use has vacated.

- 5.4 PA/09/02608: Variation of condition 2 of Council's planning permission dated 31st March 2005, reference PA/04/363 to permit temporary restaurant and car park to remain until 1st November 2012. Approved: 26th January 2010.

This was a temporary permission until 1st November 2012.

- 5.5 PA/12/01817: Variation of condition 1 of planning permission granted on 26th January 2010, reference PA/09/2608 to enable the retention of a temporary car park for a further limited period until 31st December 2015. Approved: 16th November 2012.

This was a temporary permission until 31st December 2015.

Tree Works and Applications for approval of details related to the Temporary use

- 5.6 PA/04/00366: Tree works comprising removal of 10 trees, in connection with works to construct a temporary restaurant, together with car park and service access. Approved 15th June 2004.

- 5.7 PA/05/00104: Tree works to London Plane (situated at the end of Mount Terrace, near No. 34) consisting of crown reduction by 30%, crown lift to 5m and prune roots to allow for new access road, in connection with temporary restaurant. Approved 18th April 2005.

- 5.8 PA/05/00850: Approval of details pursuant to Conditions 5a (materials), d (tree protection), e (walls, fences and railings), f (storage and collection of

rubbish), g (noise mitigation), h (external lighting), i (signage), 7 (archaeological investigation), 8 (land contamination) & 12 (disabled access). of Planning Permission ref. PA/04/00363 dated 31st March 2005 for a temporary restaurant and car park. 29th June 2005.

- 5.9 PA/05/01000: Approval of details pursuant to Condition 5b (details of vehicular access and gates), c (temporary landscaping) and 11 (details of CCTV) of Planning Permission PA/04/363 dated 31st March 2005. Approved 26th July 2005.
- 5.10 PA/05/02143: Submission of details for the temporary restaurant pursuant to condition 5a (materials) of planning permission dated 31st March 2005, reference PA/04/363. Approved: 25th January 2006.
- 5.11 PA/08/00771: Approval of details pursuant to condition 14 (scheme for reinstatement of site) of planning permission dated 31/03/05, reference PA/04/00363. Approved: 13th June 2008.
- 5.12 PA/08/02073: Approval of details pursuant to condition 5a (external materials) of planning permission dated 31st March 2005, reference PA/04/363. Approved: 23rd February 2009.

Main Hospital Redevelopment Consent

- 5.13 PA/04/0611: Redevelopment and refurbishment of the Royal London Hospital.
Approved: 31st March 2005.

6. POLICY FRAMEWORK

- 6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

6.2 Government Planning Policy

National Planning Policy Framework (NPPF) 2012
National Planning Policy Guidance (NPPG) 2013

6.3 London Plan (Minor Alterations 2016)

7.18 Protecting Open Space and Addressing Deficiency
7.19 Biodiversity and access to nature
7.8 Heritage assets and Archaeology

6.4 Tower Hamlets Core Strategy 2010

SP04 - Creating a Green and Blue Grid
SP10 - Creating Distinct and Durable Places
SP12 - Delivering placemaking

6.5 Managing Development Document 2013

DM10 - Delivering open space
DM23 - Streets and the public realm
DM24 - Place-sensitive design

DM25 - Amenity
DM27 - Heritage and the historic environment

6.6 Whitechapel Vision Masterplan SPD (2013)

Key Place transformation 4: Med City Campus

7. CONSULTATION

The statutory consultation period was commenced on 19/10/15. A second consultation period was commenced on 14/10/16. The second consultation took place following the receipt of an additional letter by the applicant's agent regarding the proposed decant strategy for the site.

- 7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Transport for London

- 7.2 First and Second Consultations: No objection.

Tower Hamlets Highways and Transportation

- 7.3 First Consultation – The proposal is for a further extension to the temporary planning permission allowing an at grade car park for staff whilst the permitted multi-storey car park is built. However, many years have passed since the original application and work hasn't begun on the multi-storey car park. If this is unlikely to be built then the applicant should, in the view of Highways and Transportation, be applying for full-planning permission rather than continuing to apply for extensions to the temporary use.

Second Consultation – The applicant states that this extension will be the last application for such use. There is no objection to one further extension.

8. LOCAL CONSULTATION.

- 8.1 The two consultation periods each involved a total of 50 planning notification letters sent to nearby properties as detailed on the attached site plan. A site notice was displayed and a press notice was advertised.

In respect of the **first** consultation 3 letters of representation and a petition with 28 signatures have been received in objection.

A summary of the comments received are as follows:

- This development was intended to enable the works on the new buildings for the Royal London Hospital to be carried out. These works have been completed.
- The original planning application in 2005 was only for 6 years until 2011 and included a condition that it would be turned back to green space at the end of this period. Object to the disregard of this agreement.

- Multiple applications have been made to extend its use. Have been without the green space for 10 years.
- The applications have been granted despite the fact that many of the original conditions have not been complied with.

In respect of the **second** consultation 4 letters of representation have been received in objection.

A summary of the comments are as follows:

- Object to the way the NHS Trust are maintaining the temporary car park and the spirit in which the Trust are extending the ‘temporary’ car park’s use.
- The original application includes a commitment to provide a barrier to the temporary car park (Condition 5b) to “control access, and avoid disturbance to adjoining residents”. The gates to the temporary car park are broken and have been in a state of disrepair for a number of years.
- Experience late night noise and disturbance from cars in the car park by people who argue, occasionally fight and drive around. This might not be a problem if the gates to the car park were maintained.
- Flooding and litter on the access road to the temporary car park currently causes an unsightly environment. There is a drainage problem that has been neglected by the Trust.
- The applicant’s letter is open about the continual applications for extension of use over the past 13 years. We request that the extending of the temporary car park land use is now given a definitive deadline at which point the agreed reinstatement is enforced by the planning department.

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are:

- Principle of extension of time
- Visual Amenity and Heritage Impacts
- Compliance with Conditions
- Highways Impacts

Principle of extension of time

9.2 Core Strategy (2010) policy SP03 seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhances people’s wider health and well-being. This includes providing a hierarchy of accessible, high-quality health facilities, services and premises to meet the needs of the existing and future population.

- 9.3 Core Strategy (2010) policy SP04 (Creating a green and blue grid) sets out the Council's objective of creating a high-quality, well-connected and sustainable natural environment of green and blue spaces. This includes protecting and safeguarding existing open space and promoting publically accessible open spaces as multi-functional spaces that cater for a range of activities, lifestyles ages and needs.
- 9.4 The application for the temporary use in this location involved the loss of the previously existing green space. This was considered acceptable on a temporary basis, in part because the site is not designated as open space reflecting the fact it had not historically been accessible to the public. Notwithstanding this the biodiversity and visual amenity impacts of the proposal were noted including the loss of 6 mature trees. In this context the permission is subject to a condition to return the site to a green landscaped space for cessation of the temporary use. Officers are cognisant that it is approximately 11 years since the permission for the temporary use was first granted. In this context Officers consider the representations by local residents stating objection to a further extension of time as reasonable.
- 9.5 The length of time the temporary use has been in place and absence of any meaningful progress on implementing the approved permanent parking solution raise substantial concerns. As part of the discussions during the life of this application these concerns have been expressed to the Trust in particular Officers' considered view that the proposal appears to depart from the understanding for the first application of a use that is temporary in nature.
- 9.6 Following submission of the application subject of this report the Trust acknowledge the concerns raised regarding the number of applications there have now been. The Trust have stated this is to be the final application of an extension of time for this site, irrespective of the progress or otherwise of permanent parking solutions for the hospital estate.
- 9.7 A letter has been provided by the Trust's agents dated 26th September 2016. The letter states that *"it is acknowledged that the temporary use has been on site far longer than originally anticipated"*. It states that *"the applicant confirms that this will be the final temporary use extension application on the Front Green"*. The letter then sets out a Decant Strategy with specific dates for specific actions. The key dates are Oct 2017 – Commence decant of Front Green Park, Dec 2017 – Temporary use removed and discontinued, March 2018 – Approved Front Green Landscaping (PA/08/00771) complete. The letter concludes:
- "I trust this letter and decant strategy provides the Council enough confidence that they can support application PA/15/02774 and confidence that this will be the final application to extend the temporary use of the Front Green site"*.
- 9.8 The letter has been subject of a fresh public consultation with local residents given the opportunity to review the decant strategy set out. The Barts Trust clearly plays a substantial role in respect of the Royal London Hospital and the health and community functions it serves. Notwithstanding this, as one of the largest landowners in the local area the management of its estate has the potential for impacts.
- 9.9 Officers consider the letter provided by the Trust avoids further doubt about the acknowledged intentions of the future of the temporary car park. Subject to the approval of the current application the Trust commits to decanting the site by December 2017 and implementing the approved reinstatement treatment by

March 2018. The Council cannot prevent a further application for extension of time being submitted. If such a use were to continue this would be a matter for the Council's planning enforcement team to consider.

Visual Amenity and Heritage Impacts

- 9.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of Listed buildings, in considering whether to grant planning permission there shall be 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
- 9.11 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect to any buildings or other land in a conservation area, in considering whether to grant planning permission 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
- 9.12 Managing Development Document policy DM27 (Heritage and the Historic Environment) states that 'development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places''.
- 9.13 The application site has an immediate adjacent relationship with the Grade II Listed properties to the south 'Mount Terrace'. The application site forms part of the London Hospital Conservation Area. The original application involved the loss of a number of previously existing trees and the green landscaped nature of the space. The replacement of this with a temporary restaurant and car park is considered to cause harm to the setting of the adjacent listed buildings and to the character and appearance of the conservation area. The restaurant element has gone. The retention of the hard landscaped car park is considered detrimental to the setting and character and appearance of the heritage assets.
- 9.14 In accordance with the original consent the identified harm is considered acceptable. This is in the context of the public benefit of ensuring the Hospital can maintain its functions during the implementation of the estate wide redevelopment consent. This is also in the context of this being for a temporary period, and subject to a planning control to reinstate the site. Officers consider in respect of impact on visual amenity and heritage assets the continued use of the site until December 2017 should be acceptable. Officers consider a further use beyond this time would be contrary to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy DM27 to an extent that would not be justified.

Compliance with Conditions

- 9.15 Representations in response to the public consultation allege that condition 3 to the existing consent has not been complied with. Condition 3 states that "*For the duration of the use of the land as a car park, a traffic barrier shall be maintained across the entrance to the car park and operated in accordance with BARTS Health NHS Trust parking permit process*".
- 9.16 The representations from residents state that the barrier to the car park is broken and that this is allowing use of the car park by people not associated with the hospital, causing noise and disturbance. The barrier is in place, however, for each site visit by officers it has been open and not appearing to be operational.

This issue was also raised in respect of the 2012 application for an extension of time. The Development Committee report in respect of that application states:

“Residents have complained that the BARTS Health NHS Trust has failed to maintain the traffic barrier across Mount Terrace, the subject of the legal agreement with the council in 2005. Since the car park use commenced, Skanska have provided two types of system following consultation with the neighbours (initially a hydraulic barrier, followed a swing barrier). Barriers have been vandalised and a third was installed in September 2012 and appears to be operating satisfactorily.”

- 9.17 The Council received further complaints on this matter shortly after the 2012 consent. Correspondence with the Trust was sent in January and February 2013. In response to the current objections and apparent continuation of this issue the Trust has written to the Council and states that there will be a *‘focused deployment of security patrols and a targeted approach to re-implementing the car park barrier/gates...the Metropolitan police...will now also ensure this area is minded with the local partnership patrolling.’*
- 9.18 The requirement for a barrier to be maintained across the entrance to the car park is a condition of the previous consent and would not change under the current application. This matter has been passed to the Council’s planning enforcement team to investigate.

Highways Impacts

- 9.18 Notwithstanding the above issues in respect of compliance with condition 3 the continued use of the site until December 2017 as a temporary car park is unlikely to generate additional impacts on the public highway.

10. Human Rights Considerations

- 10.1 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:-
- 10.2 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 (“ECHR”). Certain parts of the “Convention” here meaning the ECHR, are incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant to the development proposal including:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the 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’s interest (Convention Article 8); and
 - Peaceful enjoyment of possession (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 competing interests of the individual and of the community as a whole”

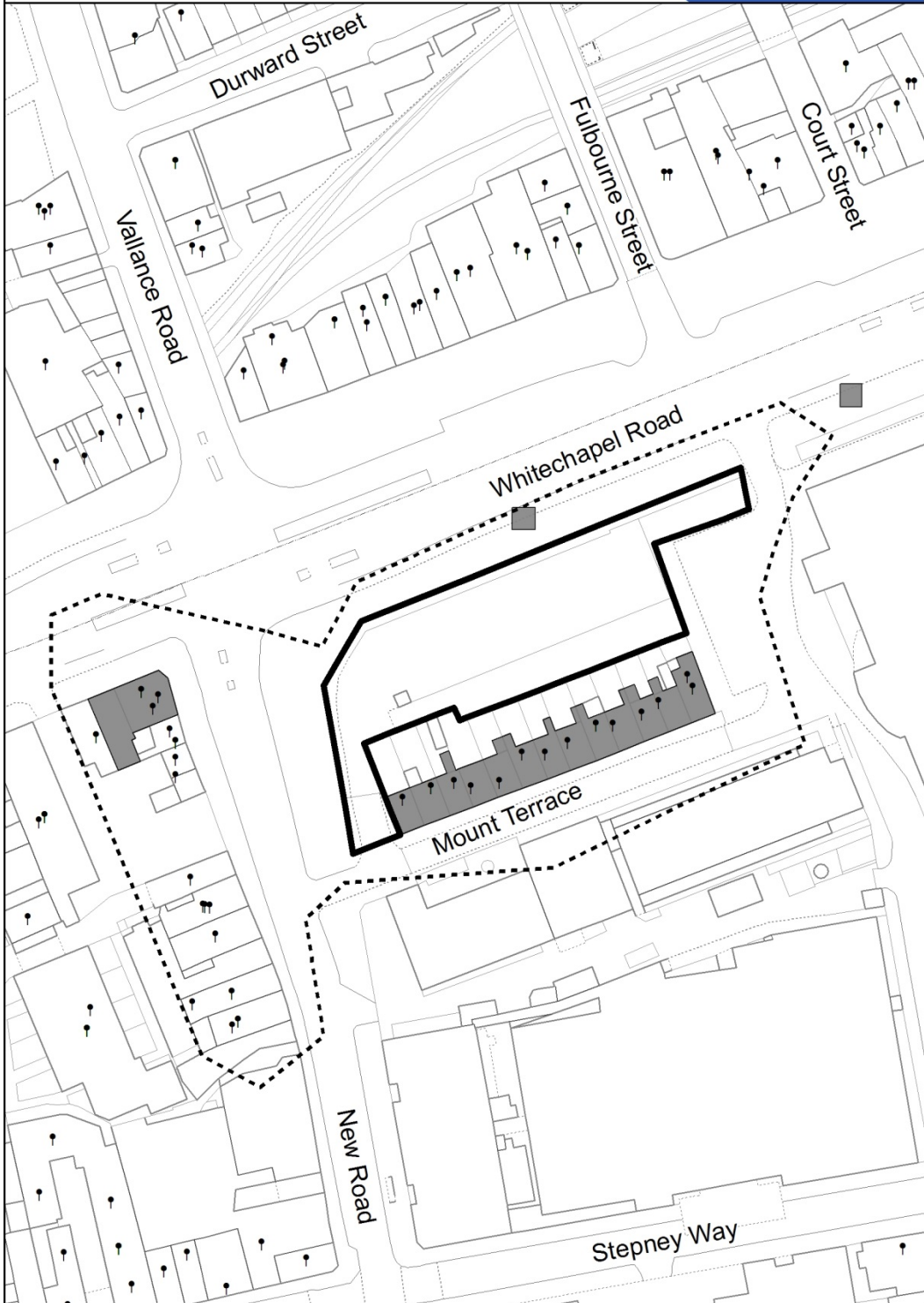
- 10.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, 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.
- 10.5 Both public and private interests are to be taken into account in the exercise of the Council’s planning authority’s power and duties. Any interference with a Convention right must be necessary and proportionate.
- 10.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.7 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.
- 10.8 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.

11. Equalities

- 11.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 11.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

12. CONCLUSION

- 12.1 All other relevant policies and considerations have been taken into account. Variation of Condition 1 should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections as set out in the RECOMMENDATION at the beginning of this report.



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings		

0 40 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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Agenda Item 5.2

Committee: Development Committee	Date: 15 December 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Corporate Director of Development and Renewal	Title: Planning Application and Advertisement Consent
Case Officer: Chris Stacey-Kinchin	Ref No's: PA/16/01213 and PA/16/01214
	Ward: Lansbury

1.0 APPLICATION DETAILS

Location: 42-44 Aberfeldy Street, E14 0NU

Existing Use: Retail (A1 Use)

Proposal: **PA/16/01213 (Full planning application)**
The retention of an existing ATM (in an alternate location), including re-placing part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround, security mirrors, a privacy zone and no illumination.

PA/16/01214 (Advertisement application)
The retention of an existing ATM (in an alternate location), including re-placing part of the existing glazing with a white laminate composite security panel incorporating the ATM fascia with black bezel surround, security mirrors, a privacy zone and no illumination.

Drawing & Documents: Site Location Plan, Ref. 3462021
NM-05-2015-29-1, Rev A (Existing Elevations)
NM-05-2015-29-2, Rev A (Proposed Elevations)
Design & Access Statement
Planning Statement

Applicant: Notemachine UK Ltd

Site Ownership: Poplar HARCA

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers two separate retrospective applications, one for planning permission for the retention of an existing ATM within a shop front (in an alternate location) and the second application is for advertisement consent for the associated non-illuminated fascia serving the ATM and lettering sign set above the ATM keyboard.
- 2.2 The proposed development has attracted a petition. The main concerns relate to the increase in noise nuisance caused by people using the machine during the evening/night and aggravating the existing noise situation. Associated anti-social behaviour was also raised as a concern by nearby residents.
- 2.3 Officers consider the proposal to be acceptable for the following reasons:
- a) The location of an ATM on an established shop frontage in the context of a locally designated shopping parade is considered acceptable in principle and would help support the general activity and vitality of the local shopping parade to the benefit of local community, in accordance with adopted Local Plan policies.
 - b) Any noise and other disturbance affecting the amenity of surrounding residential properties from public usage of the ATM is considered to be limited. The ATM is located on a street within a shopping parade that has a number of food takeaways in close proximity (all of which are open in the evening), and it is considered that these uses collectively are likely to result in greater noise and potential congregation of people outside their premises than an ATM cash machine.
 - c) The site is well lit and therefore, benefits from good levels of natural surveillance.
 - d) The applicant has provided evidence which shows that appropriate security measures to safeguard against criminal gangs seeking to target the wholesale theft of the cash machine from the street have been put in place.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT both planning permission and advertisement consent subject to the following conditions:
- 3.2 Conditions on planning permission
- (a) Three year time limit
 - (b) Development to be built in accordance with the approved plans
- 3.3 Conditions on advertisement consent
- (a) Consent expire after 5 years
 - (b) Development to be built in accordance with the approved plans

- (c) Standard set of five conditions imposed on all advertisement consent Permit-free condition

3.4 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL

4.1 The proposal is for the retention of an ATM within the shop front (in an alternate location), an associated non-illuminated fascia screen to the ATM, and a non-illuminated sign set above the ATM keyboard stating the words 'Free Cash withdrawals'. It is also proposed to attach security mirrors to the ATM fascia and install a privacy zone around the ATM (in the form of ground markings).

4.2 The works include the replacement of some glazing within the shop front and its replacement with a laminate security panel and modifications to the existing shutters.

4.3 The ATM is 0.865m (width) x 1.256m (height). The ATM machine is set 0.9m above pavement level.



Fig.1 – Proposed Front Elevation

5.0 SITE AND SURROUNDS

5.1 The application site of the cash machine opening is a small grocery/convenience store selling fresh vegetables located in the centre of the designated Aberfeldy Street Local Shopping Parade. The shop was originally in two parts and hence has two shop fronts.

5.2 The Aberfeldy Street local shopping parade serves the residents of Aberfeldy Estate and surrounding residential properties located in Poplar Riverside which is bounded by the A13 to the east and A12 to the south of the site.



Fig.2 – Existing Shop Front

5.3 The Aberfeldy Street local shopping parade is situated on Aberfeldy Street between the junction of this road with Blair Street to the south and Dee Street to the north. The application site shares with its neighbours (on both sides of the street) small retail premises at ground floor with 2 storeys of residential set above. The ground floor retail premises at No 42-44 is set slightly forward of residential floor space located above, as is the case with all the shops on this side of the road, with a balcony located on the roof of the projecting ground floor element. The balcony serves the individual residential flat located above the shop.

6.0 RELEVANT PLANNING HISTORY

- 6.1 PA/15/01444 - Retrospective planning application for installation of ATM (Cash Machine) installed through a white laminate composite security panel replacing part of the existing glazing, incorporating the ATM fascia with black surround and white illuminated lettering Free Cash Withdrawals out of black background. Blue LED halo illumination to ATM surround.
- 6.2 PA/15/01445 - Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated CASH sign set immediately above the cash (ATM) machine.
- 6.3 PA/15/03434 - Retrospective planning application for the retention of an ATM (Cash Machine).

- 6.4 PA/15/03435 - Retrospective advertisement consent for integral illumination and screen to the ATM fascia and internally illuminated 'Free Cash Withdrawals' sign set above the cash (ATM) machine.

7.0 POLICY FRAMEWORK

- 7.1 For details of the status of relevant policies, see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

7.2 Government Planning Policy/ Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance

7.3 London Plan (March 2016)

7.5 – Public Realm

7.4 Tower Hamlets Core Strategy (adopted September 2010)

SP09 – Creating Attractive and Safe Streets and Spaces
SP10 – Creating distinct and durable places

7.5 Managing Development Document (2013) (MDD)

DM1 – Development in the town centre hierarchy
DM23 – Streets and the public realm
DM24 – Place Sensitive Design
DM25 – Amenity

8.0 CONSULTATIONS

Local Representations

- 8.1 A total of 21 planning notification letters were sent to nearby properties for each of the applications.
- 8.2 No written representation has been received in respect of the advertisement application for display of advertisements associated with the ATM.
- 8.3 A petition has been received with 39 signatories from local residents in Aberfeldy Street in respect of the planning consent for the installation of an ATM.
- 8.4 The petition states:

"A 24 hour cash machine proposes that there will be an increase in the amount of noise caused by people passing through to use the machine throughout the late hours of the night, which will be heard through our single glazed window. A problem which already exists is the noise caused by three food outlets in street which close quite late in the evening (Indian take away, Chinese takeaway and a Chicken and Chip Shop). Having a 24 hour cash machine will add to the noise, not to mention the anti-social behaviour that will arise due to having many people driving by to use the cash machine very late at night. Unfortunately, this will produce much more distress for the local residents.

Also there is already an available cash machine in Costcutter Supermarket which provides the service to the local community.

We all totally oppose to the above proposal”

Internal/External Consultation Responses

8.5 LBTH Highways and Transportation Team:

- Highways have no objection to the application.

8.6 Metropolitan Police Crime Prevention Design Advisor

- No response received.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The planning considerations to consider with the advertisement consent are limited to:

- Amenity
- Public/Highway Safety

9.2 With respect to the planning application these two considerations also apply alongside the consideration of:

- Principle of land use
- General security and the development not unnecessarily attracting criminal activities by its design

9.3 When making a decision about whether to grant advertisement consent, the Council is restricted to considering the effects on amenity and public safety. The 2007 Control of Advertisement regulations 3(i) states an LPA should take development plan policies in so far as they are material.

9.4 Part 4b of policy DM23 of the adopted Managing Developing Document (2013) states that it will be necessary for advertisements and hoardings in the public realm to demonstrate that:

1. they do not harm the character, appearance and visual amenity of the site and the surrounding area;
2. they do not intrude into the outlook of nearby residents;
3. they do not have an adverse impact on public or highway safety; and
4. they enhance the visual amenity of vacant sites and building sites and the surrounding area.

Land Use

9.5 The principle of the installation of an ATM into a shop front is accepted in land use terms as it does not impact on the underlying use of the site; and in the absence of an alternative free cash withdrawal machine in the vicinity of the local designated shopping parade, it is considered in principle acceptable and indeed would help support the general activity and vitality of the local

shopping parade to the benefit of local community, in accordance with adopted Local Plan policies. A town centre location is considered to be an appropriate location for cash machines as town centres by their very nature are defined as being accessible locations.

Amenity

- 9.6 The existing shop front on the premises is unprepossessing and is located in a shop parade of diverging shop fronts often of indifferent quality. The installation of the ATM is not considered to detract from the visual appearance of this shop front or the general appearance of the premises in the street scene more generally.
- 9.7 The ATM machine and associated signage is of a crisp design, avoids lettering of undue size and is built of robust materials that should be suitably durable and should weather well.
- 9.8 Any noise and other disturbance resulting from the use of the ATM are considered to be limited. The ATM is located on a street that has three fast food takeaways in close proximity (all of which open late into the evening). As such, it is not considered that the presence of the ATM will result in any increase in noise to residents living above the shopping parade or lead to an unwelcome congregation of people outside the site premises.
- 9.9 The activity generated by the ATM is unlikely to significantly impact on the amenity of residents within the residential block above. As such, the proposal accords with Policy SP10 of the Core Strategy (2010), policy DM25 in the Managing Development Document (2013) which seek to ensure that new development does not compromise the residential amenity of neighbouring properties through unacceptable noise impacts. The ATM and signage as built is visually appropriate within the shop front context and as such this accords with Policy SP10 of the Core Strategy (2010) and Policies DM23 and DM24 in the Managing Development Document (2013). The above policies seek to ensure that new developments respect the visual appearance of the host building including the site context.

Public Safety/Highways considerations

- 9.10 The general design of the signage and the fact that it is non-illuminated means it is unlikely to impair the vision or cause a distraction to drivers. Aberfeldy Street is a side road without direct access from nearby arterial roads (notably the A12 and A13). As such, there are no prospects of the usage of the ATM giving rise to a marked rise in dangerous unauthorised parking from future users of the ATM arriving by motor vehicle.

Crime Prevention

- 9.11 The application is accompanied by a design and access statement which details crime prevention measures with regards to the installation and design of this ATM. The ATM would be located in a shopping parade, on a street with reasonable footfall levels that is well lit and with good levels of natural surveillance from both sides of the streets, from residents living above the retail units. Security mirrors are to be attached to the fascia of the ATM and a privacy zone will also be installed around the ATM (in the form of ground markings). The pavement is set above the carriageway which makes the

ramming of the machine by a vehicle not possible. Additional engineering has been added to the shop front to further secure the machine and CCTV cameras with digital recording are installed within the shop.

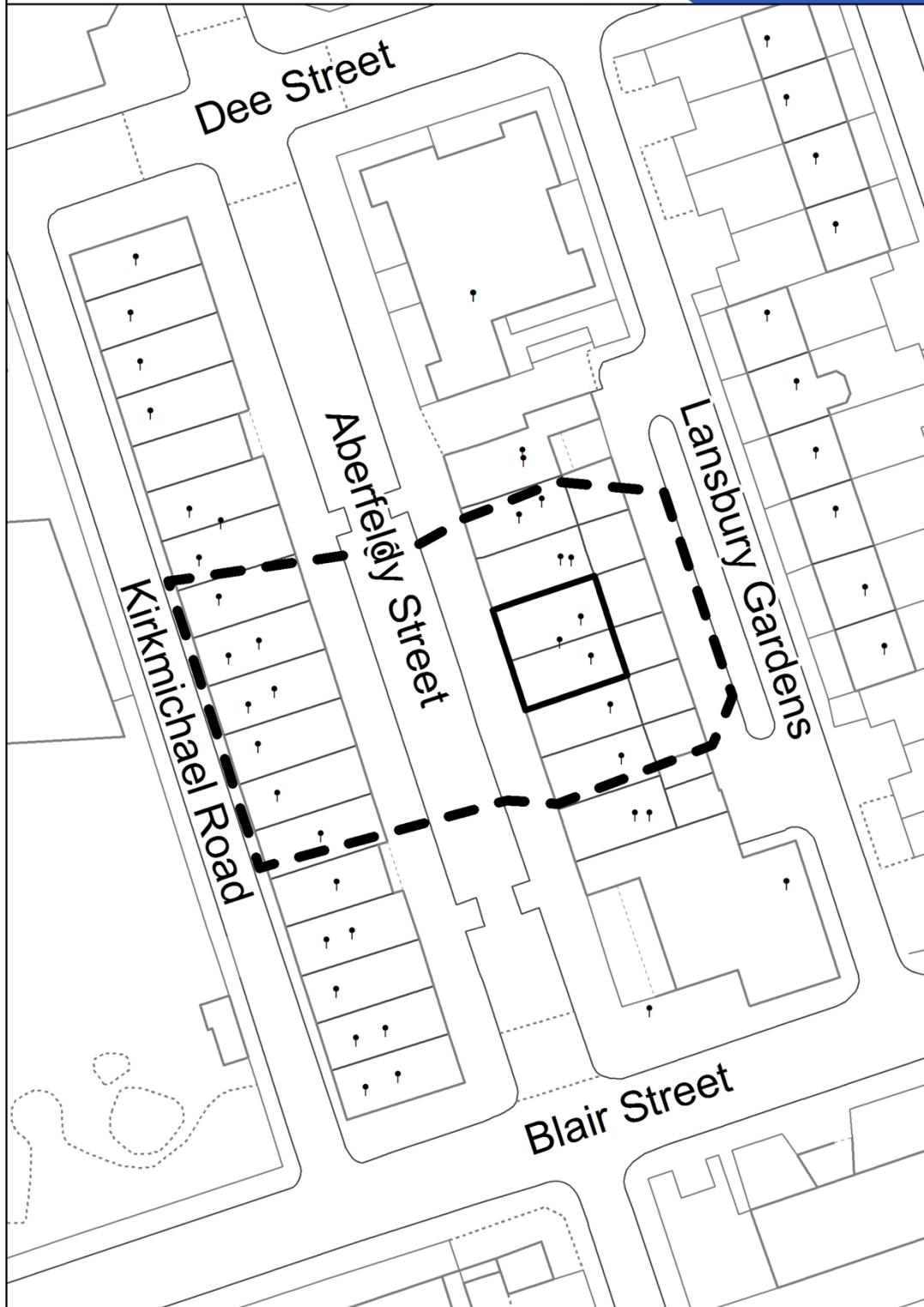
- 9.12 In addition, from an anti-social behaviour point of view, it should be noted that the Met Police has offered advice under previous applications on this site (PA/15/01444 and PA/15/01445) confirming that they would not normally have any issues with an ATM unit as this alone does not normally draw a group together around the unit as they are usually used in a 'visit and go' fashion. As such, the proposal is considered to have made the necessary measures to safeguard against criminal behaviour and complies with policy SP09 of the Core Strategy (2010).







10.0 CONCLUSION

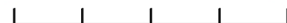
- 10.1 For the reasons set out earlier in this report and with regards to relevant planning policies, the two applications are not considered to give rise to undue amenity issues to neighbours from noise or other forms of disturbances nor impact adversely on the visual appearance of the premises and the shopping parade more generally; in the absence of other negative material planning considerations, the retrospective applications are recommended for approval.

11.0 RECOMMENDATION

- 11.1 All other relevant policies and considerations have been taken into account. Planning permission and advertisement consent should be granted for the reasons set out in the report



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0	



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

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Agenda Item 5.3

Committee: Development Committee	Date: 15 th December 2016	Classification: Unrestricted
Report of: Director of Development and Renewal	Title: Applications for Planning Permission	
Case Officer: Brett McAllister	Ref No: PA/16/02295	
		Ward: Mile End

1.0 APPLICATION DETAILS

Location:	(Locksley Estate Site D) Land at Salmon Lane and adjacent to 1-12 Parnham Street, London
Existing Use:	Green open estate land.
Proposal:	Residential development comprising 20 one, two, three and four bedroom flats available for affordable rent. The height of the building ranges from six storeys to nine storeys.
Drawings:	P1000, P1001, P1002 P1, P1100 P1, P1101 P1, P1102 P1, P1106 P1, P1107 P1, P1108 P1, P1109 P1, P1201 P1, P1202 P1, P1204, P1207, P1208, P2101, P2103, P2200, P2201, P2102, P2202, P2203, P3003, P4001, P4002, P4003, DFCEP3648 TPP REV. A
Documents:	<ul style="list-style-type: none">- Design & Access Statement by Bell Phillips ref.- Air Quality Assessment by Air Quality Consultants ref. 2495/6/F2 (20.06.2006)- Arboricultural Impact Assessment by BF Clarke Bionomique Ltd ref. DFCEP 3648 (16.05.2016),- Ecological Assessment by Genesis Centre ref. 5451.008 (June 2016)- Energy Statement by XC02 Energy (13.05.2016),- Noise Impact Assessment by KP Acoustics ref. 13071.NIA.06 (31.05.2016)-Phase 1 Desk Study Report by Ground Engineering ref. C13460 (February 2016)- SuDS Assessment by MT Morgan Tucker ref. MT/LDN/EK/2179/SUDS/Locksley (03.12.2015)
Applicant:	London Borough of Tower Hamlets
Ownership:	London Borough of Tower Hamlets
Historic Building:	No listed buildings on site.
Conservation Area:	Adjacent to Regent's Canal CA

2.0 EXECUTIVE SUMMARY

- 2.1 The report considers an application for a residential development comprising 20 one, two, three and four bedroom flats. The height of the building would range from six storeys to nine storeys.
- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the adjacent Regent's Canal conservation area. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.4 The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application.
- 2.5 The residential quality of the scheme would be high. Seven of the units would be of a size suitable for families (35%). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Part M Building Control regulations and 10% (2 units) would be provided as wheelchair accessible.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site would minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.
- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into a s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.

3.0 RECOMMENDATION

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

That the Corporate Director, Development & Renewal is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Tree Protection Measures
5. Removal of trees/vegetation undertaken between September and February
6. Wheelchair adaptable and wheelchair accessible dwellings
7. Provision of approved cycle storage
8. Compliance with Energy Statement

9. Hours of construction
10. Communal amenity/child play space to be completed prior to occupation
11. Delivery and Service Management Plan
12. Scheme of Highway Improvement Works
13. Details of all Secure by Design measures
14. Details of hard and soft landscaping, including boundary treatment and lighting
15. Details of play equipment
16. Details of noise and vibration mitigation measures

Pre-Commencement Conditions

17. Scheme for the provision of financial contributions (see financial contributions section below)
18. Strategy for using local employment and local procurement (see non-financial contributions section below)
19. Details of biodiversity mitigation measures
20. Details of green roof
21. Contamination
22. Construction Management Plan
23. Details of piling, all below ground works and mitigation of ground borne noise
24. Scheme for the Provision of Affordable Housing
25. Samples and details of all facing materials
26. Details of boundary treatments
27. Arboricultural Report
28. Surface Water Drainage Scheme
29. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
30. Method statement for the protection of the boundary wall beside the tow path

Condition 17

Securing contributions as follows:

Financial contributions:

- a) A contribution of **£8,052** towards employment, skills, training for construction job opportunities
- b) A contribution of **£10,080** towards Carbon Off-Setting.
- c) **£1,500** towards monitoring fee (£500 per s106 HoT's)

Total £19,132

Condition 18/ Condition 24

3.5 Non-financial contributions:

- a) Affordable housing 100% by habitable room (20 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
- c) Any other contributions considered necessary by the Corporate Director Development & Renewal

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.

3.8 Informatives:

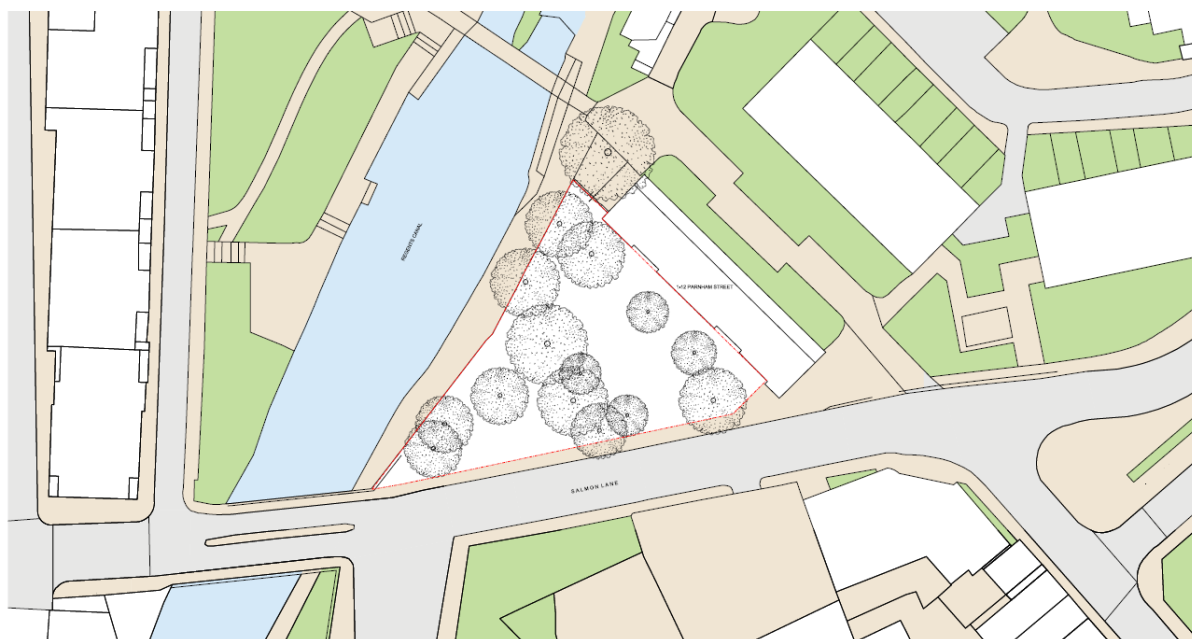
1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
2. Building Control
3. S.278
4. Fire & Emergency
5. Footway and Carriageway
6. CIL
7. Designing out Crime

3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1. The application site is bounded by an existing residential block to the north and east, Salmon Lane to the south and Regent's Canal to the west. There is a level difference of around four metres between the site and the adjacent canal towpath. As shown in the following plan.

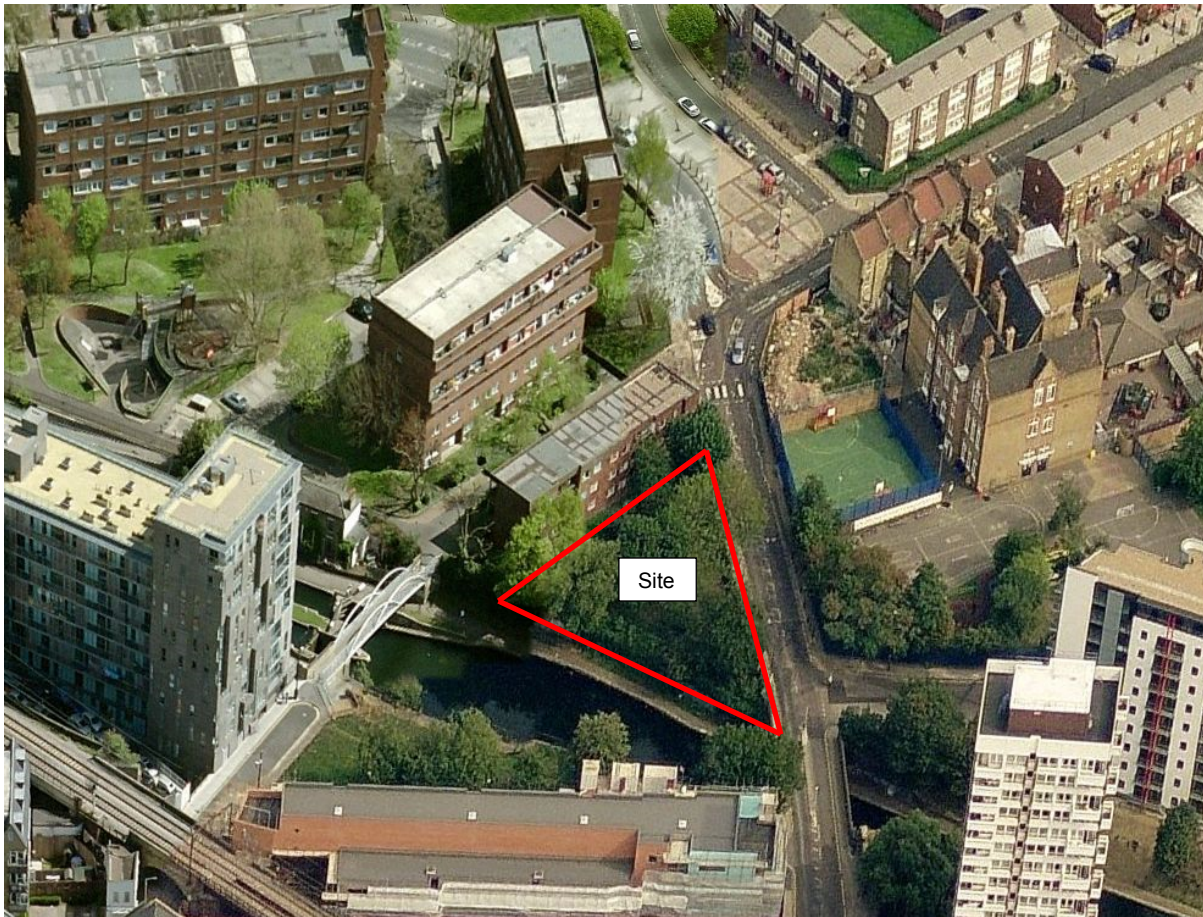


Existing Site Plan N↑

4.2. As existing, the site is currently covered in vegetation with the presence of a number of trees along the site boundary.

4.3. The surrounding area is characterised by a range of buildings developed over several decades, with the predominant land use is being residential. Buildings along Rhodeswell Road to the east of the site are typically six storey residential blocks of flats built in the 1970s and the closest building to the site is 1-12 Parnham Street

which is three storeys in height. There are also some examples of relatively tall buildings in the surrounding area, creating a varied townscape and urban grain. To the west of the site, on the other side of the canal is a small park called Stonebridge Wharf. To the south, on the opposite side of Salmon Lane is Sir William Burrough Primary School. The following image shows an aerial view of the site looking east. Many of the trees have been lawfully felled before application was submitted.



Birds-eye view of the site looking East - N← (many of the trees have been removed)

- 4.4. Regent's Canal, adjacent to the site, is designated as a Conservation Area, forms part of the Blue Ribbon Network and is identified as a Site of Importance to Nature Conservation (SINC).
- 4.5. The site lies within Flood Zone 1 therefore is categorised as low risk of flooding.
- 4.6. The site has excellent transport links reflected in the high Public Transport Accessibility Level (PTAL) of 5, with 6b being the highest. Limehouse rail and DLR station is located 350 metres walk away to the south west of the site. The closest bus stops are located on Commercial Road 200 metres walk away.

Planning History and Project Background

- 4.7. None.

Proposal

- 4.8. Full planning permission is sought for the erection of a residential building of between 6 and 9 storeys in height to provide 20 residential units (6 x 1 bed, 7 x 2 bed, 6 x 3

bed and 1 x 4 bed) including landscaped communal amenity and child play space, cycle parking, gas meter room and associated works.

- 4.9. All of the proposed dwellings would be within the affordable rented tenure.
- 4.10. The ground floor layout would be a triangular shape with each of the corners cut off. The south west corner opening onto Salmon Lane and bounding the Regent's canal would contain a single entrance lobby glazed entrance lobby. The south and south eastern section of the ground floor would contain the gas meter room, refuse store and cycle store. The northern section of the ground floor would contain a 3 bed 5 person wheelchair accessible flat and at the centre of floor would be a plant room.
- 4.11. The external area between the north and east of the building and 1-12 Parnham Street would be a 435sqm area of communal space (175sqm) and dedicated child play space (260sqm). The communal and child play space would be shared with 1-12 Parnham Road.
- 4.12. The upper floors (1-8) would consist of a further 19 high quality flats. The northern half of the building would be 6 storeys closest to 1-12 Parnham Street and 9 storeys at its southern half by Salmon Lane. The scheme will be based on a simple, robust palette of high quality materials comprising a dark red brick, steel and glass balconies and pre-cast fluted concrete cladding accentuating the base and crown of the building.
- 4.13. The proposed development would be car-free bar blue badge holders and those residents that benefit from the Council's permit transfer scheme. The computer generated image (CGI) below shows the development viewed from Stonebridge Wharf across Regent's Canal.



5.0 POLICY FRAMEWORK

5.1 The Council in determining this application has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjacent Regents Canal Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012

5.4 London Plan MALP 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage

- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.5 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning Obligations

5.6 **Managing Development Document 2013**

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM8 - Community infrastructure
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM13 - Sustainable drainage
- DM14 - Managing Waste
- DM15 - Local Job Creation and Investment
- DM20 - Supporting a sustainable transport network
- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place sensitive design

- DM25 - Amenity
- DM26 - Building Heights
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.7 **Supplementary Planning Guidance/Documents and Other Documents**

Regent's Canal Conservation Area Appraisal

Mayor of London

- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Accessible London: Achieving an Inclusive Environment (2004)
- All London Green Grid (2012)
- Housing (2016)
- Affordable Housing and Viability Supplementary Planning Guidance (Draft 2016)

Other

- Planning Obligations SPD (2016)

5.8 **Tower Hamlets Community Plan objectives**

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

6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

Internal Consultees

Air Quality

6.3 The Air Quality Assessment shows that the development will not have any significant negative impacts on air quality. The construction mitigation measures recommended in the assessment should be included in the Construction Environmental Management Plan and all Non Road Mobile Machinery (NRMM) used in the construction must comply with the GLA's NRMM emission limits.

Canal & River Trust

6.4 No comments received.

Contaminated Land

- 6.5 No objections. A condition is recommended for a land contamination scheme to be submitted in order to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

Highways

- 6.6 No objections. In accordance with DM22.2 of the Managing Development Document (MDD) this development will be conditioned to prohibit all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.
- 6.7 The Blue Badge parking bays, while welcome, would appear to exceed the recommended maximum distance between front door and parking space of 50m.
- 6.8 Highway recommend a condition is placed on any permission requiring agreement of a Construction Management Plan prior to commencing construction.

Occupational Therapist

- 6.9 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.

Surface Water Run-Off

- 6.10 A detailed surface water management plan which should complement the pro forma already provided to the applicant is required.
- 6.11 The SuDs assessment document submitted is accepted in principle. A condition is recommended for the detailed surface water management plan, this would need to be submitted in addition to the completed pro forma.

External Consultees

Crime Prevention Officer

- 6.12 No objections. A range of detailed measures are recommended to provide greater security to the development relating to access control, boundary treatments, permeability through the development, physical security (doors & windows) unauthorised use of turn round areas for service vehicles.
- 6.13 A general condition and informative are recommended relating to the Secure by Design award scheme.

London Fire & Emergency Planning Authority

- 6.14 Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation, however they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.

Thames Water Utilities Ltd.

- 6.15 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

- 6.16 Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed. A condition relating to surface water drainage is also recommended.
- 6.17 Informatives relating to a Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site are recommended.

Twentieth Century Society

- 6.18 No comments received.

7.0 LOCAL REPRESENTATION

Statutory Consultees

- 7.1 A total of 345 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.
- 7.2 The number of representations received in response to notification and publicity of the application is as follows:
- 7.3 No of individual responses: Objecting: 15 Supporting: 0
- No of petitions received: 1 (with 9 signatories)
- 7.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:
- 7.5 Land Use/Density
- Area already too dense
 - Overdevelopment of land
- 7.6 Housing
- Ghettoise the area
 - Affordable housing is too expensive for people working in everyday jobs
- 7.7 Amenity Related
- Increase anti-social behaviour
 - Loss of light
 - Loss of view
 - Overshadow the canal
 - Trees reduce the pollution and noise on this busy stretch of road
 - Loss of privacy
 - Would overlook primary school compromising the children's safety.
- 7.8 Infrastructure Related
- Local resources overstretched
- 7.9 Design
- Too tall and dominant

- Already too many high rise buildings in the area

7.10 Biodiversity

- Site should remain a green space/community garden
- Land should be designated as an Asset of Community Value
- Mature trees (possibly 9) on site have already been cut down on site without permission and proposal disingenuously says that mature trees will be retained.
- Native hedge has already been removed without permission
- Remove shared amenity space would harm community ties
- Forms part of the green corridor from TH Cemetery Park to Limehouse Basin
- The space is rich in wildlife
- The estate has already lost a football pitch

8.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design
- Amenity
- Transport, Access and Servicing
- Sustainability and Environmental Considerations
- Planning Contributions

Land Use

8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles:

- an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure;
- a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and
- an environmental role – protecting and enhancing the natural, built and historic environment.

8.3 These economic, social and environmental goals should be sought jointly and simultaneously.

8.4 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and

demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.

Loss of Surrounding Estate Land

- 8.6 The existing site is land surrounding the Locksley estate with no specific policy designation or protection. The site was largely cleared of vegetation earlier this year. It should be noted that clearing a site such as this does not require planning permission.
- 8.7 The site does not come under the definition of 'open space' as defined in Policy DM10 of the Managing Development Document as the land has never been publically accessible and the Council's Parks and Open Spaces team do not list it as open space.
- 8.8 Some representations suggested that the site should be secured as an Asset of Community Value (ACV) as a green space. The Council's Asset Management and Legal teams were consulted on this who confirmed that the site has not been listed and no application has been received.

Principle of residential use

- 8.9 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (MALP 2016) seeks to alleviate the current and projected housing shortage within London through provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.10 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough.
- 8.11 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing use is strongly supported in policy terms.

Design

- 8.12 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.13 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.14 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.8 seeks to protect heritage assets and their settings.

- 8.15 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.16 Policy SP10 of the Core Strategy (2014) and DM27 support the NPPF in seeking to conserve and enhance heritage assets. Policy DM27 states that alterations and extensions within a heritage asset will only be approved where:
- a. it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting;
 - b. it is appropriate in terms of design, scale, form, detailing and materials in its local context;
 - c. it enhances or better reveals the significance of the asset or its setting;
- 8.17 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Form, height and massing

- 8.18 The footprint and height of the proposed building together with the transition in building heights was established with planning officers during pre-application discussions (PF/16/00096). Whilst the design of the building footprint has remained the same, there has been a reduction in the height of the 7 storey northern half of the block to 6 storeys. No objections are raised to this aspect of the proposal and it is noted that the block would reference flats of a similar height to the north on Salmon Lane and to the south on Lowell Street. Due to periods of intermittent development consisting of terraced housing and Council flats, contrasting building heights are also a characteristic feature of the area and so the proximity of the proposed building to three storey flats would be in keeping with the varied townscape.

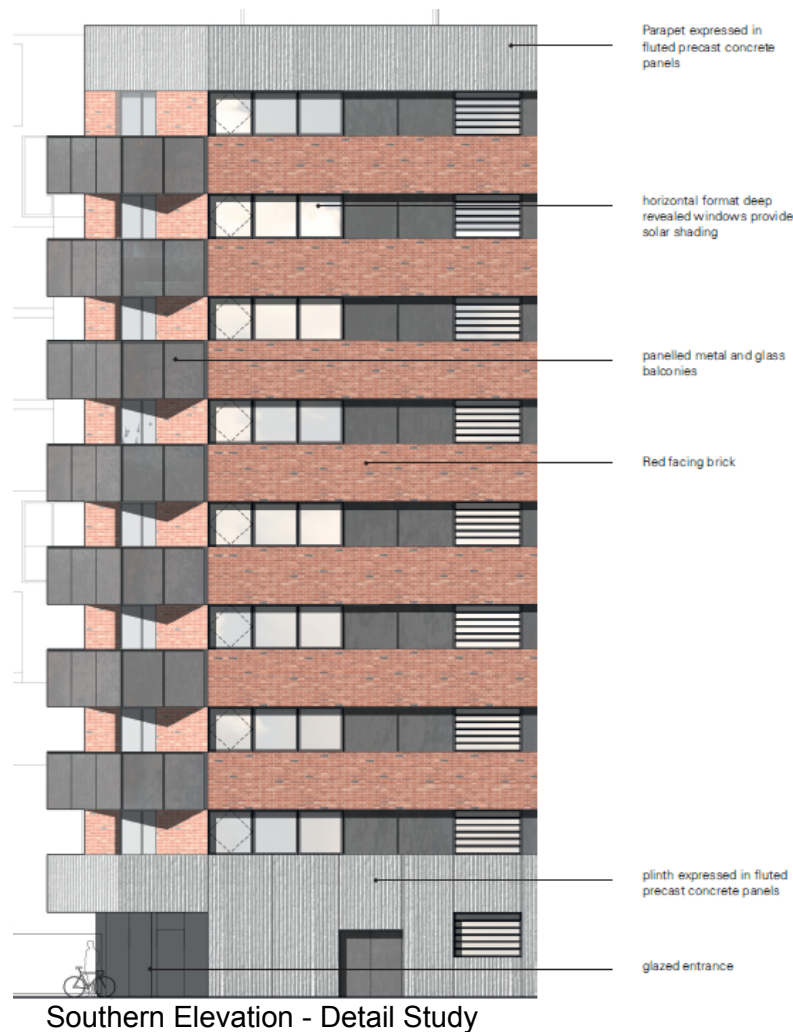


Elevational treatment/materials

- 8.19 The building would meet the ground with pre-cast fluted concrete that would clad the ground floor at varying heights. This would be mirrored with a band of the same material at the parapet of the building.
- 8.20 The design of the southern elevation would diverge from the rest of the building. The southern elevation would consist of bands of ribbed, aluminium insulated panelling and facing brickwork with square windows. The rest of the building would have floor to ceiling height windows with 200mm reveals with facing brickwork only and soldier coursing. The soldier coursing would provide a subtle horizontal emphasis to the northern, eastern and western elevations while interest would be created on the southern elevation through the aluminium panelling being set back 285mm from the face of the brickwork banding giving this elevation depth and relief and helping to emphasise the horizontal bands of facing brick.
- 8.21 The proposed buildings would front Salmon Lane and would be located directly opposite the Sir Williams Burrough School and Regents Canal Bridge. Because of this there are a number of high boundary walls adjacent to the site and Salmon Lane appears relatively enclosed. As the rear service access is located to the south of the building, the southern elevation at ground floor level consists of a number of steel doors and narrow windows with a high solid-to-void ratio. It was a concern that this would add to the enclosed nature of the site. In response to this the applicant was able to amend the scheme to break up this elevation by swapping the refuse and cycle storage rooms; providing more activity directly on Salmon Lane.
- 8.22 The aluminium panelling on the southern elevation would match that used for the metal parts of the balconies which would provide a level of coherence to the southern

elevation despite the variation in design for this elevation compared to the rest of the building.

- 8.23 In response to advice from the Council's Place Shaping officers, the applicant has amended the plans, introducing two additional windows to levels 1-6 and one additional window on levels 7 and 8 on the southern elevation and one additional window on levels 7 and 8 on the northern elevation. These help ensure a suitable level of outlook and glazing is provided within the development.



- 8.24 In terms of materials the proposed building would be predominantly constructed of a dark red brick, with concrete fluted cladding together with anodised steel doors, steel cladding to balconies and a ribbed, aluminium, insulated facade panel to the southern elevation. The windows would consist of timber/aluminium composite double glazed units. To ensure the highest quality finish all materials would be reserved by condition.

- 8.25 The balconies would consist of PPC Steel panelling and the northern and southern balconies would have glass to their western sides. Whilst no objections are raised in principle to enclosing much of the balconies, due to the prominence of these

features, it is important that these are of a high quality for overall the success of the proposed development.

- 8.26 In addition to this the proposed boundary treatment along Salmon Lane and around the communal path will be confirmed by condition.
- 8.27 The red brick wall which abuts the application site and Regents Canal tow path forms part of the conservation area and should be preserved. A Method statement should be submitted indicating how the red brick wall is protected during construction works. This will be conditioned.

Setting of the Regents Canal Conservation Area

- 8.28 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). The proposal would, therefore, sit comfortably in this context and for this reason and the design considerations above would preserve the setting of the adjacent Regents Canal Conservation Area.
- 8.29 The proposed building is located in a prominent position adjacent to the Regents Canal, as such the local planning authority is required to give special consideration to the impact of the development on the character and appearance of the Conservation Area and its setting. The development should preserve or enhance the character and appearance of this conservation area.
- 8.30 This part of Regents Canal is characterised by buildings of six storeys (east and west sides) and seven storeys (west side). Officers consider that the proposal would, therefore, sit comfortably in this context and for this reason and the design considerations above would preserve the setting of the adjacent Regents Canal Conservation Area.
- 8.31 In arriving at a decision regarding this application, Members are reminded of the obligations established by the National Planning Policy Framework 2012 (NPPF) to consider the irreplaceable nature of the historic environment, and to require clear and convincing justification for any harm caused to its significance (NPPF paragraph 132).
- 8.32 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134). The conclusion reached by a 2014 Court of Appeal case, Barnwell Manor, noted that 'considerable weight and importance' should be given to any harm to listed buildings and their settings, and correspondingly to any harm to the character and appearance of conservation areas through Sections 66(1) and 72(1) of the 1990 Act. Accordingly, careful consideration should first be given to assessing whether the proposal causes harm to conservation areas and their settings and the desirability of avoiding that harm before undertaking the balancing exercise that is required by paragraph 132 to 135 of the NPPF. Considerable weight and importance should be given to the desirability of preserving (causing no harm to) the listed buildings and conservation areas and their settings when carrying out that balancing exercise.
- 8.33 The NPPF describes harm to heritage assets as being either substantial or less than substantial. Substantial harm should only result in situations where the significance of the whole heritage asset is diminished.

- 8.34 8.34 As mentioned in paragraph 8.31 officers consider that this development preserves (causes no harm) to the setting of the character and appearance of the conservation area, but if Members were to take a different view then any harm therefore that could result from the proposed development would be classified as 'less than substantial'. In which case, in applying the 'public benefits' test as set out above, Officers consider the main public benefits to be the delivery of 20 new affordable homes pursuant of the Council's housing delivery targets and the development of a site, with a form and design that would enhance the character and appearance of the conservation area and would be sensitive to local context

Landscaping

- 8.35 The proposal would provide 500sqm of landscaped space to the north and east of the building. This space would be split evenly between communal amenity space and dedicated child play space.
- 8.36 The playspace would be surfaced with wood fiber mulch and would include a climbing structure, play equipment and sand pits with benches around the perimeter.
- 8.37 The communal amenity space would be surfaced with semi-permeable hoggin and would provide a pleasant open space next to the canal with benches around the perimeter.
- 8.38 The proposed landscaping is considered to be well thought out and would be of a high quality.

Housing

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

Residential density

- 8.41 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.42 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 5. The site and surrounding area has a mixed character that probably falls within the definition of an "Urban area" given in the London Plan. The surrounding area is characterised by some very dense development and some relatively less dense, with some mix of uses and although not within 800m of a District town centre is near to a number of neighbourhood centres.

- 8.43 Table 3.2 of the London Plan sets out an indicative density range for sites with these characteristics of 200 to 700 habitable rooms per hectare (hrph) and with an average of 3.1 habitable rooms per unit 70 to 260 units/hectare (u/h).
- 8.44 The proposed density would be 620hrph and 200u/h which would be within the density range in this table which indicates that the proposal is coming forward with an appropriate density for the site conforming with the abovementioned policy.

Affordable housing

- 8.45 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.46 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.47 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate.
- 8.48 Policy DM3 of the Managing Development Document states that there should no over-concentration of one type of housing in any one place. Although the development would be completely affordable rented tenure it is considered that this would not result in an over-concentration of this tenure due to a number of new developments around the site containing sufficient numbers of private and intermediate tenure dwellings to ensure a mixed and balanced community is maintained in the area.
- 8.49 Furthermore, all of the 20 proposed units would be affordable rented units. Whilst both London Plan and local policies seek a mix of housing tenures, all 20 units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets and form part of the Council's programme to deliver 1,000 new affordable homes for local people between 2014 and 2018. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.

Dwelling mix

- 8.50 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.51 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus), including 45% of new affordable homes to be for families.

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

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

Unit size	Total units	affordable housing						market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	0	0	0	0%	0	0	0%	0	0	0%
1 bed	6	6	30	30%	0	0	25%	0	0	50.00%
2 bed	7	7	35	25%	0	0	50%	0	0	30.00%
3 bed	6	6	30	30%	0	0	25%	0	0	20%
4 bed	1	1	5	15%	0	0		0	0	
5 bed	0	0	0	0%	0	0		0	0	
6 bed	0	0	0		0	0		0	0	
Total	20	20	100%	100%	0	100%	100%	0	100%	100%

Table 1 – Unit Mix

8.54 The scheme provides 30% of one bed units against our policy of 30%, 35% of two bed units against our policy of 25%, 30% of three bed units against our policy of 30%, 5% of four bed units against our policy of 15%. This scheme falls slightly short of our required 45% family rented units by habitable rooms. However on balance given that this scheme is providing 100% affordable rented, the tenure mix is deemed acceptable.

Standard of residential accommodation

8.55 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”

8.56 All of the proposed units would meet or exceed the internal floorspace standards. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. Furthermore, all of units would be dual aspect.

Daylight/Sunlight

8.57 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’. The primary method of assessment is through calculating the average daylight factor

(ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 8.58 In terms of daylight to the proposed development the ADF was tested for 62 rooms that were eligible for testing. Of these 48 (77%) would satisfy the BRE guidelines completely. Of those rooms 14 rooms that wouldn't meet the guidelines, the Daylight/Sunlight Assessment notes that 12 will experience light levels at 87-98% of the target levels (2% for kitchens, 1.5% for living rooms and 1% for bedrooms). The infringements are considered to be very marginal and the overall daylight received is considered to be acceptable within the urban context.
- 8.59 In terms of sunlight for the proposed development the assessment shows that all 44 windows assessed would meet the targets for Annual Probable Sunlight Hours (APSH).
- 8.60 The proposed development therefore is considered to achieve appropriate levels of daylight and sunlight.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.61 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.62 Two wheelchair accessible homes are proposed which amounts to 10% of the total units.
- 8.63 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible parking space would be provided to the north of the site.

Private and communal amenity space

- 8.64 For major residential developments Policy DM4 stipulates 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a total of 72sqm of communal amenity space is required for the development (20 units) and 1-12 Parnham Street (12 units). If considered separately as two different developments (not as a single phased development) the developments would require 112sqm of communal in total (60sqm for this development and 52sq for 1-12 Parnham. The scheme provides 250sqm of communal amenity space, comfortably exceeding the policy requirement.
- 8.65 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.66 All of the proposed units would have a private balcony or terrace that is at least 1500mm wide and would meet the minimum standards set out in the MDD.
- 8.67 The communal space and child play space (covered in the following section) provided by the scheme would be shared with 1-12 Parnham Street. The calculations of the area required by policy for these will arrived at as if the scheme included 1-12 Parnham Street. This is to ensure the proposed development is not providing amenity spaces at the expense of spaces currently available to other sites.

8.68 Overall, the proposed provision of private and communal amenity space would meet the policy requirements and make a significant contribution to the creation of a sustainable, family friendly environment.



Child play space

8.69 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Applying the GLA child yield and the guidance set out in the Mayor of London’s SPG ‘Shaping Neighbourhoods: Play and Informal Recreation’ which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.

8.70 The proposed scheme is anticipated to accommodate 26 children using the GLA yield. Accordingly, the scheme should provide a minimum of 230sqm of play space. This requirement is broken down as shown in Table 3.

	GLA Child Yield	Required within the scheme.	Proposed within scheme
0-4	12	120sqm	260sqm
5-10 year olds	8	80sqm	
11-15 year olds	5	50sqm	
Total	26	260sqm	
Shortfall in play space			0sqm

Table 2 – Child Play Space

8.71 The proposed development would provide 260sqm of dedicated child amenity space at ground floor level on the east of the site in accordance with policy. As such it is

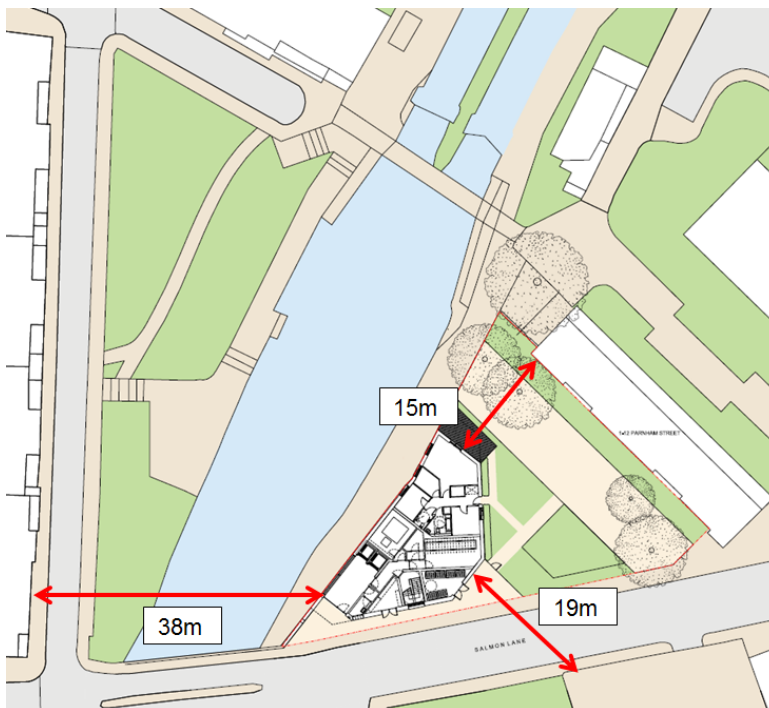
considered that the proposal would provide an acceptable play environment for children.

Amenity

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

Overlooking and privacy

- 8.73 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.



Ground floor plan showing separation distances.

- 8.74 There is an ample separation distance to surrounding buildings on the north western elevation, adjacent to Regent's canal and to the south east, the direction which the balconies of the units in the southern part of the building would face.

- 8.75 The playgrounds of Sir William Burrough's Primary School to the south east of the site would be over 18 metres away. In addition to this separation distance the western tarmacked playground would be screened from the development to some extent by a strip of trees and the eastern Astroturf playground would be partially screened by a wall perimeter fence.
- 8.76 The balcony/terrace door on the north eastern elevation that forms the north end of the building would be 15 metres to the north end of 1-12 Parnham Street. A level of screening would be provided from two retained trees between the buildings at this location. The relationship would also become more angled from the 3rd to 5th floors of this northern part of the proposed building.
- 8.77 The northernmost windows of the elevation that faces due east would have some oblique views that would have a 16.5 metres separation distance to the northern part of 1-12 Parnham Street. The other windows to the south of this elevation would exceed the 18 metre target in relation to this neighbouring block.
- 8.78 From the above it can be seen that there would only be a closer-than-target relationship between the northern part of the proposed building and the northern part of 1-12 Parnham Road. The closest separation distance here of 15 metres, although not optimal, is not unusual within urban environments and it is a very localised relationship within the overall scheme. It is therefore considered acceptable. A degree of screening would be provided by two retained trees which would help to mitigate any minor loss of privacy.

Outlook and sense of enclosure

- 8.79 The distance between the development proposal and habitable rooms of adjoining properties would follow the separation distances mentioned in the above section and the proposed massing generally would not result in an overbearing appearance or sense of enclosure.

Daylight, Sunlight and Overshadowing

- 8.80 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.
- 8.81 The accompanying Daylight and Sunlight Assessment demonstrates that the development achieves daylight and sunlight levels of a high level of compliance with the BRE guidelines. The report assessed the impacts of the scheme on 1-12 Parnham Road, 100 Salmon Lane, 25-35 Rayners Terrace, 332-378 Rhodeswell Road.
- 8.82 In terms of VSC there would be some infringements to 1-12 Parnham Street (10 of 48 windows tested). Although the loss of daylight to these windows would be noticeable the losses would be relatively minor; retaining 70-79% their former value. The No Skyline Test was also applied which measures the daylight effect on rooms rather than a point on exterior surface as in the VSC. 29 of 36 windows passed this test with the rooms that would fall below the 80% target also only doing so marginally, still retaining 73-79% of their former value.

- 8.83 The report also states that the areas where remaining daylight levels will be marginally below the BRE targets are mostly at parts of the building where windows are recessed by approximately 1.2m behind the main façade of 1-12 Parnham Street. It is therefore the self-design of the building in these few cases which tips the daylight impact just below the guidelines and is considered a mitigating factor.
- 8.84 All other surrounding properties would comply with the guidelines on daylight. In terms of sunlight, all surrounding properties satisfy the guidelines. For the reasons set out above it is considered that the development would have an acceptable daylight/sunlight impact on surrounding properties within this relatively dense urban location.

Noise and Vibration

- 8.85 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.86 The proposed development will experience noise from local road traffic along Salmon Lane.
- 8.87 A Noise and Vibration Assessment by KP Acoustics accompanied the application. The contents of the report takes into account the glazing specification required to achieve good noise insulation. Noise and vibration surveys have been undertaken at the site and daytime and night-time noise levels have been determined.
- 8.88 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233. These measures would be secured by condition.
- 8.89 It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.

Transport, Access and Servicing

- 8.90 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.91 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.

- 8.92 Policy DM20 of the Council's Managing Development Document reinforces the need to demonstrate that developments should be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.93 The site benefits from very good access to public transport, being located approximately 350 metres walk from Limehouse Rail and DLR station to the south west. The closest bus stops are located on Commercial Road 200 metres walk away. As such the proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 being the highest.
- 8.94 Overall, the proposal's likely highways and transport impact are considered to be minor and acceptable to the Council's Transportation & Highways section. The relevant issues are discussed below.

Cycle Parking

- 8.95 The proposal meets the cycle parking standards as set out in the London Plan (2016 MALP). These standards require 34 cycle parking spaces to be provided. The development provides 34 covered secure cycle parking spaces with a cycle parking store accessed from the south east elevation of the building. This arrangement is considered acceptable.

Car Parking

- 8.96 Policy DM22 sets out the Council's parking standards in new developments.
- 8.97 Owing to the excellent transport links the development would be subject to a 'car free' planning condition restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.98 Two on-street accessible car parking spaces would be provided in a car park within Locksley Estate to the north. Three car parking spaces would be converted here to provide the spaces. This would satisfy the policy target, representing 1 for each accessible unit within the development. However they would be around 75 metres away which would be in excess of the 50m policy target. It can be seen that there are limited options available for accessible parking bays and the applicant has stated that the location chosen is the closest possible. It is considered acceptable in this instance.

Servicing and Refuse Storage

- 8.99 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage has been calculated in accordance with current waste policy.
- 8.100 The development would provide a bin and recycling store of 6 bins at the ground floor. The collection point on Salmon Lane would be 4.7 metres from the bin store, inside the maximum 10 metre policy requirement.

8.101 The Council's Highway's team have not raised any objections and the proposal would be subject to a Servicing and Refuse Management Plan that would be reserved by condition.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

8.102 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

8.103 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

8.104 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.

8.105 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. However, following the adoption of the Building Regulations 2013 (April 2014) the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.

8.106 The submitted proposals have followed the energy hierarchy and seek to minimise CO2 emissions through the implementation of energy efficiency measures and utilise PV's on the available roof area (33m2 / 6.3kWp). The CO2 emission reduction measures proposed are supported and would result in a circa 23% reduction against the Building Regulations 2013.

8.107 The proposals fall significantly short of the target in policy DM29, however the energy strategy has demonstrated that energy efficiency measures and thermal performance have been maximised to deliver circa 12.9% reduction in CO2 emissions and renewable energy technologies have also been maximised on-site.

8.108 Based on the current proposals there is a shortfall to policy DM29 requirements by approximately 22% to achieve a 45% reduction in CO2 emissions.

8.109 The CO2 emissions are:

- Baseline – 25.6 Tonnes/CO2/yr
- Proposed design – 19.7 Tonnes/CO2/yr
- LBTH policy requirement – 14.1 Tonnes/CO2/yr
- Annual Shortfall – 5.6 Tonnes/CO2/yr

8.110 The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects.

- 8.111 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £10,080 would be appropriate for carbon offset projects. The calculation for this figure is as follows:
- 8.112 Shortfall to meet DM29 requirements = 5.6 tonnes/CO2 x £1,800 = £10,080 offset payment to meet current policy requirements.
- 8.113 In relation to Sustainability, the submitted information contains details of the sustainability standards that are to be adhered to and delivered on site. This includes measures to minimise water use, waste production and use of sustainably sourced materials. The proposals set out are supported and considered in accordance with policy DM29 in relation to CO2 emission reductions and sustainable design. It is recommended that the proposals are secured through condition to deliver the energy efficiency and sustainability measures as detailed and the carbon offsetting contribution as identified.

Land Contamination

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

Health Considerations

- 8.115 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.116 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.117 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

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

8.119 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

8.120 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

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

8.122 The Council's Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides further guidance on the planning obligations policy SP13.

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

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.124 The following financial and non-financial contributions will be secured by condition to mitigate the impacts of the development:

Financial Obligations:

- a) A contribution of **£10,080** towards Carbon Off-Setting
- b) A contribution of **£8,052** towards training skills for construction job opportunities
- c) **£1,000** towards monitoring fee (£500 per S.106 Head of Term)

Total £19,132

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

- a) Affordable Rented Housing 100% (20 units)
- b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction

c) Scheme of Highway Improvement Works

8.126 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. However, it is important to note, as mentioned earlier in this report the obligations are to be secured by condition, as the site is being developed by the Council.

Local Finance Considerations

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

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

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

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

8.128 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.

8.129 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas.

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

8.131 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 £35,500 in the first year and a total payment £213,500 over 6 years.

8.132 Tower Hamlets CIL liability would be approximately £130,845 and the London CIL liability would be approximately £70,455 although there would be no payment due because all of the units would be affordable rented and therefore qualify for CIL relief.

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

Human Rights Considerations

8.133 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

8.134 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

8.135 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

8.136 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.137 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

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

Equalities Act Considerations

8.139 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

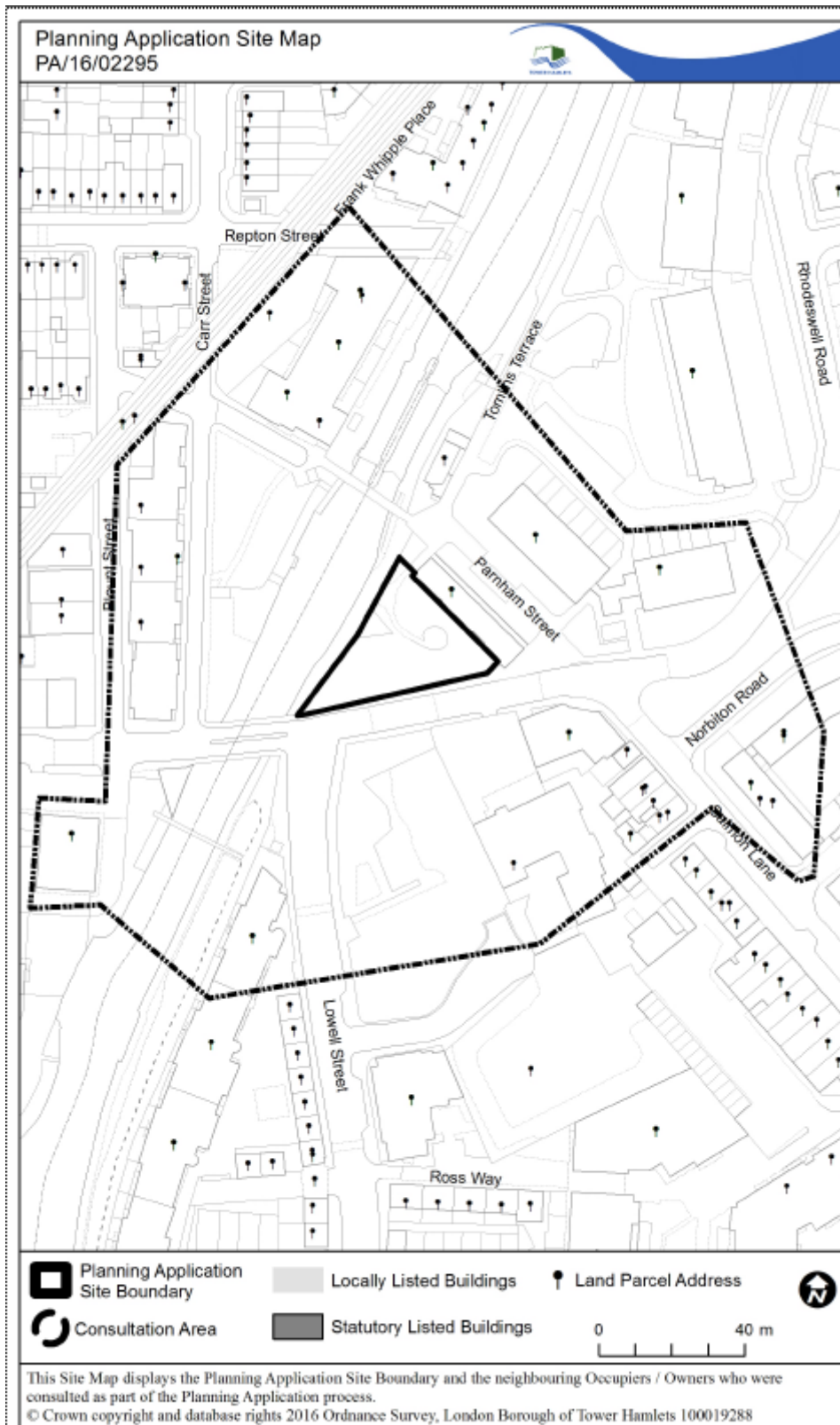
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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

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

9.0 CONCLUSION

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

10.0 SITE MAP



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